

# The Liberal Foundation for the Proposition of Equal Claims to Purely Natural Resources\*

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*Abstract: There is a long tradition among liberal thinkers of endorsing the proposition that people have equal claims to natural resources. In this paper, I provide a brief survey of liberal writings that demonstrates the wide support for this idea among social contract thinkers, classical liberals, libertarians, and egalitarian liberals. I argue, however, that the supporters of this idea have failed to sufficiently justify their position. After providing a careful definition of natural resources and introducing the concept of purely natural resources, I present two arguments for the proposition that people have equal claims to purely natural resources. The first is aimed at libertarians and focuses on the independence of purely natural resource value from labor. The second is aimed at egalitarian liberals and focuses on the coherence and desirability of treating natural resources separately from other resources to which people have equal claims. In making these arguments, I focus special attention on liberal thinkers such as the right-wing libertarians and John Rawls who do not already endorse the proposition of equal claims to natural resources. The paper concludes with a brief discussion of the relationship between non-liberal thinkers and the idea of equal natural resource claims.*

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## *Introduction*

In this paper, my goal is to demonstrate that the central theoretical commitments shared by liberals (including classical liberals, libertarians, and egalitarian liberals) necessarily lead to an endorsement of the proposition that people have equal claims to purely natural resources. I begin with a brief survey of liberal writings on the topic of natural resources and then turn to carefully defining what I mean by natural resources and purely natural resources. I then present two arguments, one aimed at classical liberals and libertarians and the other aimed at egalitarian liberals, showing how the premises to which they are committed lead to the **Equal Claims to Purely Natural Resources Proposition** (ECPNRP.) In making these arguments, I focus particular attention on the prominent liberals that do not already endorse this proposition.

There is a long tradition of liberal thought on the topic of natural resources going back as far as the liberalism itself. In examining this tradition, including the writings of Hobbes, Locke, Rousseau, Smith, Mill, Nozick, and Rawls, several important problems become apparent. First, there is no clear definition of natural resources. Second, although most central liberal thinkers support the general proposition that people have equal claims to natural resources, prominent liberals including Jan Narveson and John Rawls do not. Finally, there are no convincing arguments in the literature for why Narveson, Rawls, and other liberals not already predisposed to endorse the ECPNRP should do so. This paper attempts to address these shortcomings in the liberal treatment of natural resources.

The first problem underscored by the survey of liberal thought is that there is no clear definition of natural resources. I define natural resources as useful objects that have not been created or significantly altered by human beings. I then examine the right-libertarian objection that these natural objects lack value. I argue that while it is true that a significant portion of natural resource value is due to particular human actors, there remains a portion of value that is not due to any person by virtue of her labor and can be seen as the value of the natural object itself. I refer to this portion of value as the *purely natural resource value*. I refer to the (notional) natural resources corresponding to this purely natural value as *purely natural resources*.

I then present two arguments for the ECPNRP. The first argument, meant to appeal to classical liberals and libertarians, focuses on the unique relationship between purely natural resources and labor. It begins by leveraging the central liberal commitments to equal concern, liberal neutrality, and negative liberty to support the proposition that only labor can serve as the source for differential claims to resources. I then review and further refine the claim no one is entitled to purely natural resources by virtue of labor. Finally, I argue (in contrast to right-wing libertarians) that people do have some initial claim to purely natural resources. I conclude from these premises that people do have equal claims to purely natural resources.

Next, I turn to the egalitarian liberal position. Egalitarian liberals generally see natural resources as just one of the forms of wealth to which people have an equal claim. So the argument I present to these thinkers focuses on the coherence and desirability of treating natural resources separately from other resources that ought to be equalized. I argue that equalizing claims to natural resources does not encounter the same obstacles involving epistemic difficulties, inefficiency, and possible violations of basic liberties that equalizing claims to other resources encounters. I conclude the section on egalitarian liberalism by examining Rawls's position on natural resources, and argue that Rawlsian liberals too should endorse the proposition of equal claims to purely natural resources.

I recognize, of course, that the ECPNRP is very general. Many important and controversial questions arise once we begin considering the different and more specific question of how exactly people's equal claims to purely natural resources ought to be respected. However, I set these controversies aside in this paper. There are plenty of important disagreements at the more general level that need to be resolved first.

### *Liberal Thought and the Idea of Equal Claims to Natural Resources*

I begin with a brief survey of liberal thought on the subject of natural resources. My main purpose here is not to explore the history of liberal political thought on this topic. Rather, I hope to focus on the connection between liberal thought and the **Equal Claims to Natural Resources Proposition** (ECNRP).<sup>1</sup> For those thinkers who support

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<sup>1</sup> The liberal thinkers do not have a discussion of natural resources that includes the concept of purely natural resources. What they support in their writings is the proposition that people have equal claims to

this proposition, I examine on what grounds they do so and how they think people's equal claims to natural resources ought to be respected. I also show that despite the wide-ranging liberal consensus around the ECNRP, it does not have the support of several prominent liberals including right-wing libertarians and John Rawls. I briefly explore the reasons why these liberals do not support the ECNRP. In the following sections, I will attempt to provide rigorous arguments aimed at convincing these liberals.

#### THE SOCIAL CONTRACT THINKERS

The central social contract theorists, most famously Locke, but also Hobbes and Rousseau, support the ECNRP. Although these writers cannot be straightforwardly classified as liberals, they do nonetheless share many of the central theoretical commitments that characterize modern day liberalism in one form or another.<sup>2</sup> In addition, their ideas (especially those of Locke) clearly serve as a basis for the natural resource theories of some contemporary liberals and so are certainly worth exploring.

The idea of equal claims to natural resources is present in Thomas Hobbes's *Leviathan*, but receives scant attention. For Hobbes, people initially have rights to everything. However, they lay down these rights when they enter into a covenant with each other to set up a Sovereign who is entrusted with their protection. Hobbes writes:

The only way to erect ... a Common Power, as may be able to defend them from the invasion of Forraigners, and the injuries of one another, and thereby to secure them in such sort, as that by their owne industrie, *and by the fruites of the Earth*, they may nourish themselves and live contentedly; is, to conferre all their power and strengthth upon one [Sovereign] that may reduce all their Wills, by plurality of voices, unto one Will.<sup>3</sup>

Although it is true that people can no longer be said to have *rights* either to the fruits of their labor or to the fruits of the earth after entering this covenant, they still have claims of a different kind. Hobbes writes that the Sovereign has a moral duty to uphold “the end, for which he was entrusted with Sovereign power” which includes not only the citizens’ “bare Preservation, but also all other Contentments of life.” The italicized part

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natural resources more generally. In this paper, I argue that this proposition is not defensible and that liberal arguments can only support equal claims to purely natural resources.

<sup>2</sup> Equal concern of some kind is built into the idea of a social contract. In addition, all three thinkers are concerned with safeguarding, at least in some sense, the natural freedom of human beings.

<sup>3</sup> Thomas Hobbes, "Leviathan," in *Cambridge Texts in the History of Political Thought*, ed. Richard Tuck (Cambridge ; New York, NY, USA: Cambridge University Press, 1996), 120. Emphasis added.

of Hobbes's quote above suggests that these "contentments" include not only people's claim to the fruits of their labor, but also to the fruits of the earth.

Hobbes also has, I claim, a prescription for how the claims to these fruits of the earth ought to be distributed. In developing the requirements of equity, which the Sovereign is also duty-bound to uphold,<sup>4</sup> Hobbes suggests in the 12<sup>th</sup> through 14<sup>th</sup> laws of nature that natural resources ought to be distributed equally in various ways. He writes:

The observance of this law, from the equall distribution to each man, of that which in reason belongeth to him, is called Equity, and (as I have said before) distributive Justice: the violation, *Acception of persons* ...

And from this followeth another law, *That such things as cannot be divided, be enjoyed in common, if it can be; and if the quantity of the thing permit, without Stint; otherwise Proportionably to the number of them that have Right.* For otherwise the distribution is Unequall, and contrary to Equitie.

But some things there be, that can neither be divided, nor enjoyed in common. Then, The Law of Nature, which prescribeth Equity, requireth, *That the Entire Right; or else, (making the use alternate,) the First Possession, be determined by Lot.* For equall distribution, is the Law of Nature; and other means of equall distribution cannot be imagined.<sup>5</sup>

Hobbes goes on to describe first seizure and primogeniture as types of lots.

It is worth highlighting several sophisticated aspects of Hobbes's thinking. First, Hobbes has a broad goal for how claims to natural resources ought to be distributed, namely equal distribution of the physical resources themselves. Hobbes recognizes, however, that various types of natural resources be amenable to different methods of achieving this equal distribution. Lastly, he has a hierarchy of what are better and worse ways to achieve equal distribution with equal division being the best and distribution by lottery being the worst, acceptable only because other means of equal distribution cannot be imagined.

Two caveats about Hobbes's thought on natural resources are also important to mention. First, Hobbes does not explicitly refer to natural resources in the 12<sup>th</sup> through 14<sup>th</sup> laws of nature.<sup>6</sup> But since elsewhere Hobbes generally insists that the Sovereign ought to respect people's claims to the products of their industry, it is highly unlikely that he would think that Equity requires that fruits of labor be subject to equal division,

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<sup>4</sup> Ibid., 237.

<sup>5</sup> Ibid., 108.

<sup>6</sup> Although it is unclear why Hobbes would be vague here, it is likely that the Royalist readers of Hobbes's work would not have been sympathetic to idea of an equal distribution of natural resources such as land, even if it were seen simply as a moral duty of the Sovereign.

sharing in common, or being subject to first seizure. Instead, given the rest of Hobbes's writings, natural resources seem to be the obvious subject of the 12<sup>th</sup> to 14<sup>th</sup> laws of nature.

Second, it is worth emphasizing that the Sovereign's obligation to ensure equity in the distribution of natural resources not a requirement of justice (the Sovereign's will determines what is just). It is rather a duty that the Sovereign owes to God and God alone.<sup>7</sup> Still, the scant protection that Hobbes provides against violations of citizens' equal claims to natural resources does not negate the point that he does in fact support, at least in some sense, the ECNRP.

In contrast to Hobbes, Locke could hardly be clearer about people's equal initial claims to natural resources.<sup>8</sup> He opens the famous fifth chapter of the *Second Treatise of Government* by stating that both natural reason (which suggests people have equal claims to the fruits of the earth needed for preservation) and revelation (a quote from Psalms) support the idea that the earth was given to mankind in common.<sup>9</sup>

Locke then conceptually separates the fruits of the earth, which are "produced by the spontaneous hand of nature," from the products of human labor. A person's labor, which he owns by virtue of a kind of self-ownership, when mixed with natural resources, can produce differential claims of ownership to developed natural resources. But this is only true if this mixing is done in a way that respects people's initial equal claims to natural resources. That is, if it leaves "enough, and as good" of the natural resources for others.<sup>10</sup> Locke thus clearly endorses the ECNRP.

Rousseau, too explicitly endorses the idea of equal claims to natural resources. In order to find Rousseau's view on the subject, one has to go back far enough in time to the point at which Rousseau first saw people's equal claims to natural resources being

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<sup>7</sup> Hobbes, "Leviathan," 231.

<sup>8</sup> Locke's boldness in admitting equal claims to natural resources is far less impressive since his method for respecting people's equal claims to natural resources is far less radical and egalitarian in its consequences when compared with Hobbes's theory.

<sup>9</sup> John Locke, "Second Treatise of Government," ed. C. B. Macpherson. (Indianapolis, Ind.: Hackett Pub. Co., 1980), 18.

<sup>10</sup> *Ibid.*, 19.

violated.<sup>11</sup> Rousseau opens the second part of his famous *Discourse on the Origin and Foundation of Inequality Among Men* with the following dramatic statement:

The first man who, having enclosed a piece of ground, to whom it occurred to say *this is mine*, and found people sufficiently simple to believe him, was the true founder of civil society. How many crimes, wars, murders, how many miseries and horrors Mankind would have been spared by him, pulling out the sakes or filling in the ditch, had cried out to his kind: Beware of listening to this imposter; You are lost if you forget that the fruits are everyone's and the Earth no one's.<sup>12</sup>

Understanding Rousseau's idea of equal claim to natural resources requires exploring Rousseau's view of the relationship between land, the fruits of the earth, and labor. Labor applied to the fruits of the earth does seem to generate at least some kind rights of property for Rousseau. The huts that humans initially build out of branches and mud are for Rousseau "a sort of property."<sup>13</sup> For Rousseau, the "fruits [of the earth] are everyone's" in the sense that everyone can make use of them through their labor.

But the nature of people's claims to land (i.e. the Earth itself) is more complicated. Labor, according to Rousseau, "gives the Cultivator the right to the produce of the land he has tilled [and] consequently also gives him a right to the land, at least until the harvest..." So *possession* of the land by the person actively farming it does not seem to be problematic. The problem occurs when this process continues "... from one year to the next, which, as it makes for continuous possession, is easily transformed into property." Rousseau's next paragraph suggest that this transformation of mere possession of the land until the harvest into a right to property is what Rousseau sees as "different from that which follows from natural Law." The reason, according to Rousseau, is that people's claims to the earth are such that "the express and unanimous consent of Humankind [is required] to appropriate for [oneself] anything [above one's own subsistence needs]."<sup>14</sup> So, the earth itself belongs to no one precisely because every person has an equal claim to it that is so strong as to represent an effective veto over

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<sup>11</sup> Rousseau's treatment of property rights in the modern state does not place the same emphasis on labor and individual liberty as do the rest of the thinkers in this section. This is unsurprising because Rousseau's view of the corruption of modern man (in part caused by the violation of equal claims to natural resources), implies that simply securing negative liberty cannot solve the most fundamental social and political problems in modern times.

<sup>12</sup> Jean-Jacques Rousseau, "Discourse on the Origin and the Foundations of Inequality among Men" in *The Discourses and Other Early Political Writings* ed. Victor Gourevitch, *Cambridge Texts in the History of Political Thought* (Cambridge ; New York: Cambridge University Press, 1997), 161.

<sup>13</sup> *Ibid.*, 164.

<sup>14</sup> *Ibid.*, 172.

anyone else's appropriation of it. While Rousseau's interpretation of equal claims to natural resources is thus very different from that of Locke and Hobbes, Rousseau does endorse the ECNRP (at least at this initial stage of human development.)

#### CLASSICAL LIBERAL THINKERS

Support for the ECNRP thrives among the classical liberals in the 18<sup>th</sup> and 19<sup>th</sup> centuries. Among the most well known of these thinkers are Adam Smith, Thomas Paine, and John Stuart Mill. While these thinkers are well known for their ideas on liberty, their support for people's equal claims to natural resources is often overlooked.

Adam Smith recognizes that the value of natural resources is often not created by anyone's labor. He writes, "The rent of land ... is not at all proportioned to what the landlord may have laid out upon the improvement of the land..."<sup>15</sup> Rather, much of the value of the land is due to nature and also, especially in the case of urban land, "to the good government of the sovereign."<sup>16</sup> Therefore, Smith argues that the rents from rural and urban land constitute perhaps "the species of revenue which can best bear to have a peculiar tax imposed upon them."<sup>17</sup> The tax revenue from natural resources, on Smith's account, are to be used (like other taxes) for common purposes such as defense, upholding justice, and funding public goods.<sup>18</sup>

Smith is admittedly vague about the normative importance of the fact that much of the value of land is not due to the landlord's effort. Smith could be doing nothing more here than giving a reason here why a land tax would be efficient. Efficiency is clearly an important reason for Smith, who states that in implementing a land tax, "No discouragement will thereby be given to any sort of industry."<sup>19</sup>

But it is also plausible that Smith sees the fact that some of the land's value is independent of labor as normatively important for other reasons. First, this serves as a reason for Smith for why land rent is "naturally a monopoly price,"<sup>20</sup> and Smith generally saw monopoly prices as arising from some improper form of government protection and

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<sup>15</sup> Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, ed. Edwin Cannan (Dunwoody: Norman S. Berg, 1976), 162.

<sup>16</sup> *Ibid.*, 371.

<sup>17</sup> *Ibid.*, 370.

<sup>18</sup> *Ibid.* Book V Chapter I

<sup>19</sup> *Ibid.*, 162.

<sup>20</sup> *Ibid.*

as inimical to the public good.<sup>21</sup> Second, and more importantly, since the landlord did not labor to create much of the land's value, a land tax would not deprive any person of the product of his labor, which Smith saw as "sacred and inviolable."<sup>22</sup> While Smith never states explicitly that people have equal claims to land, it is clear that he does not support the existing landlords' exclusive claim to it. His advocacy of a "peculiar tax" on land rents to be used for public purposes might plausibly be interpreted as an endorsement of the ECNRP.

Thomas Paine is far more explicit than Smith is about his support for the ECNRP. He writes in *Agrarian Justice*, "It is a position not to be controverted that the earth, in its natural, uncultivated state was, and ever would have continued to be, *the common property of the human race*."<sup>23</sup> He adds, "There could be no such thing as landed property originally. Man did not make the earth, and, though he had a natural right to *occupy* it, he had no right to *locate as his property* in perpetuity any part of it."<sup>24</sup>

While Paine recognizes the rights of the cultivator of land to the value he adds, he is insistent that "it is the value of the improvement, only, and not the earth, that is individual property. Every proprietor, therefore, of cultivated lands, owes the community a *ground-rent* ... for the land which he holds."<sup>25</sup> This ground-rent is intended to compensate individuals for their lost claims to the earth. Thus, Paine in *Agrarian Justice* clearly endorses the ECNRP.

John Stuart Mill, probably the most well-known of the classical liberals, also endorses the importance people's equal claims to natural resources. In his *Principles of Political Economy*, Mill writes:

The essential principle of property being to assure to all persons what they have produced by their labour and accumulated by their abstinence, this principle cannot apply to what is not the produce of labour, the raw material of the earth.<sup>26</sup>

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<sup>21</sup> Smith does not pursue the implications for the public good of the idea that land rents are monopoly prices.

<sup>22</sup> Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 136. Smith repeats this idea that people have rights to the fruits of their labor several times throughout the *Wealth of Nations*.

<sup>23</sup> Thomas Paine, "Agrarian Justice," in *The Origins of Left-Libertarianism : An Anthology of Historical Writings*

ed. Peter Vallentyne and Hillel Steiner (Houndmills ; New York: St. Martin's Press, 2000), 84.

<sup>24</sup> *Ibid.*, 85.

<sup>25</sup> *Ibid.*, 84.

<sup>26</sup> John Stuart Mill, "On Property and the General Principles of Taxation," in *The Origins of Left-Libertarianism : An Anthology of Historical Writings*

ed. Peter Vallentyne and Hillel Steiner (Houndmills ; New York: St. Martin's Press, 2000), 161.

Mill adds that if it were possible to clearly separate the value added by labor from the value of the earth itself, “it would be the height of injustice to let the gift of nature be engrossed by individuals.”<sup>27</sup>

However, Mill recognizes that it is difficult in practice to separate the value of the earth from the value added by industry. This, and the fact that industry adds a great deal of value to land, makes it necessary according to Mill to give the improver of the land property in it. But, Mill emphasizes, this “privilege, or monopoly, is only defensible as a necessary evil; it becomes an injustice when carried to any point to which the compensating good [to those who are deprived of their common inheritance] does not follow it.”<sup>28</sup> Thus, Mill joins Paine in supporting the ECNRP.

#### CONTEMPORARY LIBERAL SUPPORTERS OF EQUAL CLAIMS TO NATURAL RESOURCES: LIBERTARIANS, EGALITARIAN LIBERALS, AND BASIC INCOME LIBERALS

Although the proposition that people have equal claims to natural resources has been to a large extent marginalized in the contemporary political philosophy debate, it continues to enjoy significant support from a variety of liberal thinkers. The most easily classified group consists of left-wing libertarians. These thinkers combine some principle of self-ownership with some sort of idea of equal claim to natural resources. The second group consists of egalitarian liberals, such as Ronald Dworkin, who support equal claims to natural resources as part of a broader commitment to equality of certain types of resources. A variety of other liberals (whose views of distributive justice often fall between those of egalitarian liberals and libertarians) also support people’s equal claims to natural resources. Many of the prominent thinkers in this group utilize the idea of equal claims to natural resources to support the provision of a basic income.

The view of equal claims to natural resources is most prominently and explicitly supported by a group who call themselves left-libertarians. As Peter Vallentyne writes in the introduction to *Left-Libertarianism and Its Critics*, “Left-libertarian theories of justice hold that agents are full self-owners and that natural resources are owned in some

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<sup>27</sup> Ibid.

<sup>28</sup> Ibid., 165.

egalitarian manner.”<sup>29</sup> It is worth noting that the idea of equal ownership is stronger than (but falls under) the more general idea of equal claims to natural resources. It is also interesting that equal ownership of natural resources is, for many left-libertarians, “a matter of definition.” That is, it is a basic axiom for which they do not provide any further justification.<sup>30</sup>

Left-libertarians are far from united on what it means for people to be equal owners of natural resources. Some view equal ownership as requiring some kind of collective decision-making over the use of natural resources. Others view equal ownership as a kind of common ownership where people can make equal use of natural resource but no one may have exclusive rights. Still others, known as Georgist libertarians (named after the late 19<sup>th</sup> century thinker Henry George), such as Hillel Steiner, believe that equal ownership creates an obligation for appropriators of natural resources to pay the competitive value of the resource to others. Although these left-libertarians often disagree about the interpretation of *equal ownership* of natural resources, they clearly support the more general proposition that people have equal claims to natural resources.

Robert Nozick also supports the idea of equal claims to (but not the stronger idea of equal ownership of) natural resources. On the subject of equal claims to natural resources, Nozick writes, “A [natural] object’s coming under one person’s ownership changes the situation of all others. Whereas previously they were at liberty (in Hohfeld’s sense) to use the object, they now no longer are.”<sup>31</sup> Nozick then goes on to describe a “Lockean proviso” that, if satisfied, allows people to appropriate natural resources while respecting other people’s initial natural resource claims. For Nozick, this proviso is satisfied as long as people are better off in a world with natural resource appropriation than they are in one where no one can appropriate natural resources. Although this makes Nozick’s theory less egalitarian than those of the left-libertarians, he is nonetheless, like them, a supporter of the idea of equal claims to natural resources.<sup>32</sup>

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<sup>29</sup> Peter Vallentyne and Hillel Steiner, eds., *Left-Libertarianism and Its Critics : The Contemporary Debate* (New York: Palgrave, 2000), 1.

<sup>30</sup> *Ibid.*, 5.

<sup>31</sup> Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), 175.

<sup>32</sup> Nozick might thus be called a center-libertarian if right versus left-wing classification is based on the treatment of natural resources.

Egalitarian liberals of various sorts also endorse the idea of equal claims to natural resources, but for reasons that are quite different than those of libertarians and classical liberals. Ronald Dworkin, in his famous essay on “Equality of Resources”, assumes that shipwreck survivors washing up on an island would agree to equally divide the natural resources of the island among themselves as part of a larger commitment to giving each person an equal share of resources with which to lead her life. For Dworkin, this equal division is achieved by auctioning off the resources while giving each person equal bidding income. Dworkin then goes on to describe how the principles for dividing natural resources equally can apply to equalizing other wealth inequalities such as resulting from handicaps or from differences in raw talent.<sup>33</sup>

A variety of other contemporary liberals that cannot be neatly categorized as libertarians or egalitarian liberals support the idea of equal claims to natural resources. For example, Bruce Ackerman provides an argument for equal division of natural resources by using a Neutrality principle to eliminate certain alternatives, such as giving more resources to certain people simply because they are intrinsically better than others.<sup>34</sup> Ackerman is part of a larger group of liberal theorists who combine general liberal, libertarian, and egalitarian liberal commitments in various ways to support the proposition that people should receive a basic income, one component of which is natural resource wealth.<sup>35</sup> Some cosmopolitan liberals, such as Thomas Pogge, have been particularly interested in showing how people’s equal claims to natural resources can justify a kind of global basic income.<sup>36</sup> These *basic income liberals* as I call them join egalitarian liberals such as Dworkin in endorsing the idea of equal claims to natural resources.

#### CONTEMPORARY LIBERALS WHO DO NOT SUPPORT THE PROPOSITION OF EQUAL CLAIMS TO NATURAL RESOURCES: RIGHT-WING LIBERTARIANS AND JOHN RAWLS

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<sup>33</sup> R. M. Dworkin, *Sovereign Virtue : The Theory and Practice of Equality* (Cambridge, Mass.: Harvard University Press, 2000), 65-119.

<sup>34</sup> Bruce A. Ackerman, *Social Justice in the Liberal State* (New Haven: Yale University Press, 1980), 43-59.

<sup>35</sup> Some left-libertarians also support a kind of basic income, but for them this basic income consists solely of natural resource wealth.

<sup>36</sup> Thomas Pogge, *World Poverty and Human Rights : Cosmopolitan Responsibilities and Reforms* (Cambridge, England: Polity Press, 2002), chapter 8.

Given the broad liberal support for this idea, it is somewhat puzzling that there are prominent liberals do not support the ECNRP. These thinkers occupy the two extremes of the liberal spectrum. On the one extreme are right-wing libertarians such as Jan Narveson, Murray Rothbard, and Israel Kirzner. These thinkers reject the idea that people have equal claims to natural resources for two reasons. First, they argue that natural resources as commonly defined have no value. All the value is created by particular human actors and so these actors are entitled to the natural resources whose value they have created. Second, these thinkers argue against the idea that people have some initial claims to natural resources. They argue that no such initial claims exist.

On the other side of the liberal spectrum, John Rawls also does not support the ECNRP. Rawls does not so much explicitly reject the idea of equal claims to natural resources as he ignores it.<sup>37</sup> However, I contend that Rawls's silence should not be taken as an implicit endorsement of the ECNRP.<sup>38</sup> There two reasons why Rawls's theory can lead to a rejection of the proposition of equal claims to natural resources. First, as several theorists have pointed out, Rawls's idea of justice as rational co-operation seems to have nothing to say about the distribution of natural resources. As Brian Barry writes:

If Crusoe [controls access to] banana trees and Friday [controls access to] coconut trees, justice as rational cooperation can talk about a fair exchange between Crusoe's bananas and Friday's coconuts... But justice as rational cooperation is silent when we ask whether it is just that the initial possessions should be what they are.<sup>39</sup>

If this is true, then it is not clear whether the difference principle, which is concerned with fairly dividing the benefits of social cooperation, has anything to say about natural resource distribution.

Second, even if we think that natural resources do fall under the auspices of the difference principle, it is not clear that natural resources require a separate treatment from other wealth that should be equalized. It is plausible to think that making such a distinction between natural resources and other forms of socially created wealth is

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<sup>37</sup> Natural resources are barely mentioned and do not even merit an index entry Rawls's *A Theory of Justice*.

<sup>38</sup> It is telling that Rawls explicitly rejects Beitz's argument that natural resources ought to be equalized globally. See John Rawls, *The Law of Peoples ; with, the Idea of Public Reason Revisited* (Cambridge, Mass.: Harvard University Press, 1999), 116-17. Exploring this point is beyond the scope of this paper.

<sup>39</sup> Brian M. Barry, "Circumstances of Justice and Future Generations," in *Obligations to Future Generations* ed. R.I. Sikora and Brian Barry (Philadelphia: Temple University Press, 1978), 242.

unnecessary and might lead to potential distortions. Although Rawls himself does not present these arguments, other prominent theorists have made these arguments from within his theoretical framework.<sup>40</sup> Thus, Rawls and the right-wing libertarians fall outside of the liberal consensus supporting equal claims to natural resources.

#### LESSONS FROM SURVEY OF LIBERAL SUPPORT FOR THE EQUAL CLAIMS TO NATURAL RESOURCES PROPOSITION

There are several important lessons to draw from the brief survey of liberal thought on natural resources given above. First, with the exception of Rawls and the right-wing libertarians, the vast majority of liberal and liberal minded-thinkers in the past 400 years have supported the ECNRP. While I have attempted to canvass the views of the most prominent theorists, there are many other supporters of equal claims to natural resources whose views I have not discussed including Hugo Grotius, Samuel Pufendorf, Thomas Jefferson, Patrick Dove, Henry George, Herbert Spencer, and Leon Walras.<sup>41</sup>

The second lesson is that there are sharp disagreements among thinkers about what respecting people's equal claim to natural resources entails. Rousseau's interpretation is very different from Paine's which is very different from Nozick's despite the fact that they all agree that people have equal initial claims to natural resources (many thinkers elide the crucial distinction between the general proposition of equal claims to natural resources and its particular interpretations, and it is important to emphasize this distinction here.) In addition, the thinkers generally give little to no argument for why their particular interpretation of respecting people's equal claims to natural resources is the right one. If any argument is given at all, it is often confined to suggesting one (particularly implausible) alternative interpretation, showing how it leads to an unacceptable outcome, and then settling on the interpretation of the ECNRP preferred by the particular theorist.

Although this is a deep and extremely important problem, it is beyond the scope of this paper. My goal here is to explore the liberal foundations for the proposition of

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<sup>40</sup> Beitz actually makes both points. I discuss his criticism and extension of Rawls below.

<sup>41</sup> For the views of these thinkers on natural resources, see Peter Vallentyne and Hillel Steiner, eds., *The Origins of Left-Libertarianism : An Anthology of Historical Writings* (Houndmills ; New York: St. Martin's Press, 2000).

equal claims to natural resources, rather than to determine the right interpretation of that proposition.

Clear and convincing justification is not only lacking with regards to the best interpretation of the ECNRP, however. The third lesson from the survey above is that it is also lacking for the more general idea of equal claims to natural resources itself. Here it is useful to separate the social contract thinkers, classical liberals, and libertarians from the egalitarian liberals since their reasons for why people have equal claims to natural resources are quite different. Neither of these groups, I contend, presents an argument that would convince a liberal not already disposed to endorse the ECNRP.

When looking at the justification for the ECNRP one finds a great deal of confusion. As in the case of Thomas Paine and left-libertarians, the idea of equal claims to natural resources is sometimes simply presented as a bald assertion. Other times it is given a theological basis or taken as some kind of asserted natural right. Clearly these justifications for the idea of equal claims will not convince liberals not already predisposed to agree with the ECNRP.

Those classical liberal thinkers who do attempt to provide more developed justification for the ECNRP focus on two ideas: First, labor generates differential claims to property. Second, natural resources are not created by anyone. Although these ideas may have promise as part of a larger argument, it is very unclear how by themselves they can convince a classical liberal or libertarian not already disposed to endorse the idea of equal claims to natural resources.

The egalitarian liberal position raises a different set of problems. Dworkin and other egalitarian liberals support equal claims to natural resources on the basis of a larger commitment to certain kind of equality of resources based on the idea that the final distribution of wealth should not depend on factors that are morally arbitrary. This leads egalitarian liberals to support the proposition that people have equal claims to a class of resources that is much larger than natural resources (but includes them.)

The general idea of equality of resources is a central egalitarian liberal theoretical commitment, and Dworkin does provide arguments in favor of it. But Dworkin provides no explicit discussion of why natural resources ought to be treated separately. It seems that this separate treatment is more than simply an expositional tool for Dworkin since

the method of equalizing natural resource wealth (the equal income auction) is different than the method for equalizing the consequences of raw talents (the imaginary insurance scheme.) Yet without an explicit justification for this separation, we are left to wonder whether there is anything problematic with other liberal egalitarians' failure to give natural resources a separate treatment. On both the egalitarian liberal and libertarian fronts, there are no clear arguments for the ECNRP.

The final lesson is that there is also no clear definition of "natural resources." Yet such a careful definition is sorely needed. Both the right-wing libertarian objection that natural resources have no value and Barry's point that natural resources fall outside the scope of social cooperation seem to call for a careful discussion of the concept of natural resources. I therefore turn to this discussion next.

### *Natural Resources and Purely Natural Resources*

Although many liberal authors apparently find the concept of natural resources so clear as to not require a careful discussion, I contend that several distinctions are important to make. First, it is necessary to distinguish developed natural resources from natural resources in their pristine condition. This idea is straightforward enough. But it is also important to distinguish the different sources of value of pristine natural resources, something which is by no means straightforward. Much of the value of even pristine natural resources seems to be due to the actions of various human actors including, discoverers, inventors, and local governments. I argue, however, that on any plausible theory of value allocation, some of the value is also due to the presence of the natural objects itself. This portion of the value is what I call the purely natural value, and it is this portion of value to which I argue people have equal claims.

#### NATURAL RESOURCES

I begin with a definition of the terms "natural" and "resource." I call a resource "natural" if it has not been created or significantly altered by human beings. Land, water, and oil in pristine condition are all examples of natural resources. Wild animals (e.g.

fish in the sea) are also natural resources, but human bodies and any parts thereof are not.<sup>42</sup>

Human beings routinely cultivate, harvest, mine, and otherwise transform natural resources in ways that increase their value. The resulting goods, such as irrigated land and captured fish, I see not as natural resources, but rather as composite goods that require natural resources as inputs along with labor. I refer to composite goods for which natural resources constitute a significant input as *developed natural resources*. Of course, not all human activity increases the value of natural resources. For example, pollution can cause a reduction in the value of otherwise pristine land, water, and air. I call resources whose value has been reduced by human activity *degraded natural resources*.

The second term that requires definition is “resource.” A resource is anything that is useful for the attainment of human goals. Resources include both physical objects as well as ideas (i.e. intellectual resources.)

Given the large-scale cultivation and exploitation of natural resources and the wide-ranging effects of human activity, relatively few objects remain which are natural resources in the sense defined here. Although this seems to undermine the importance of developing a theory of property rights in natural resources, I argue that developing such a theory is nonetheless important for three main reasons. First, while relatively rare, there still are a variety of natural resources (e.g. oil in the arctic) whose ownership is deeply contested. Second, it may be possible to isolate in some way the natural component of developed and degraded natural resources. If so, we might be able to think of property rights in this natural component in a way that is analogous to property rights to undeveloped natural resources. Finally, a central question in thinking about property rights in developed and degraded natural resources is who (if anyone) was justly entitled to develop and degrade them in the first place. The answer to this question may have important consequences for how we view current property rights in developed natural resources. So, although resources that have not been significantly altered by human

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<sup>42</sup> There are grey areas such whether primates or even certain highly intelligent marine mammals like whales and dolphins ought to be considered natural resources. Such questions are beyond the scope of this paper.

beings are relatively rare, this does little to diminish the importance of thinking about how property in natural resources should be determined.

#### THE RIGHT-LIBERTARIAN OBJECTIONS: NATURAL OBJECTS LACK VALUE

Jan Narveson writes, “[There is] a fundamental, widely unappreciated but obvious point: the view of natural resources according to which they are, *just like that*, “goods,” is fundamentally wrong-headed.”<sup>43</sup> Narveson is correctly pointing out that the seemingly uncontroversial definition of natural resources that I have given smuggles in an important and contestable claim about value-creation. Narveson’s argument is that this definition is incoherent because without human action of some sort, natural objects are clearly useless and so cannot be seen as resources. I argue that this libertarian claim, which several other thinkers join Narveson in making, in its strongest form relies on a theory of value that is intuitively implausible and leads to logical inconsistency.

But even if this right-libertarian conclusion is overstated, it may still be true that *some* of the value of natural resources is due to labor. In fact, I argue that it is plausible to believe that this is the case. I contend, however, that it is not the case that the *entire* value of natural resources is due to the actions of particular people and that therefore some portion of natural resource value is “purely natural.” If so, then it is possible for classical liberals and libertarians to endorse people’s equal claims to this “purely natural” portion of natural resource value (i.e. the portion not due to any particular actor.)

#### THE LIBERTARIAN MARGINAL PRODUCT THEORY OF VALUE AND THE CLAIM THAT NATURAL RESOURCES ARE VALUELESS

The central right-libertarian argument for natural objects’ lack of value is that without human labor, natural resources would be of no use to anyone. Therefore not only are natural objects are valueless, but particular human agents should be thought of as creating the entire value of natural resources. These agents are then seen as being due the entire value that they imbue in the previously useless natural objects. Their argument can be stated more carefully as follows:

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<sup>43</sup> J. Narveson, "Libertarianism Vs. Marxism: Reflections on G.A. Cohen's Self-Ownership, Freedom and Equality, the Journal of Ethics, 2," (1998): 14-15.

(A) But for human action X applied to natural resources, the resources would be of no use to anyone

(B) Therefore the person who does X is justly entitled to the entire value of the natural resource.

This “but for” argument is better known by economists as a marginal product theory of value. On this theory, the value that a particular input creates is what it adds if it is not already present or what value would be lost if it is taken away (assuming it is already present.) Economists have long realized that such a theory is, in most cases, untenable.<sup>44</sup> G. A. Cohen also criticizes this theory as it applies to natural resources in some detail and I build on his arguments here to show that the marginal product theory of value is intuitively implausible, overly simplistic, and leads to logical inconsistency.

Different authors focus on the marginal product of different activities including development labor,<sup>45</sup> discovery,<sup>46</sup> invention of uses for resources,<sup>47</sup> and efficient allocation.<sup>48</sup> Theorists like Murray Rothbard that focus on development labor are committed to the view that natural resources as I have defined them (as untouched natural objects) are valueless. This is a particularly implausible view and is the one I argue against in this section. Other right wing libertarians that focus on discovery and invention can explain why pristine natural resources have value, but they nonetheless claim that this entire value is due to particular human actors. I address their arguments in the next section.

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<sup>44</sup> H.P. Young, "Individual Contribution and Just Compensation," in *The Shapley Value: Essays in Honor of Lloyd S. Shapley*, ed. Alvin E. Roth (New York: Cambridge University Press, 1988), 267-68.

<sup>45</sup> Murray Rothbard, "Entrepreneurship, Entitlement, and Economic Justice," in *Left-Libertarianism and Its Critics: The Contemporary Debate* ed. Peter Vallentyne and Hillel Steiner (New York: Palgrave, 2000), 214-27.

<sup>46</sup> Nozick effectively takes this view when he assigns the discoverer full rights to a natural resource that no one else would have discovered. See Nozick, *Anarchy, State, and Utopia*, 181.

<sup>47</sup> Narveson argues that “Technology in the broad sense is, in short, a necessary condition of any natural items’ having any value at all.” See J. Narveson, "Libertarianism Vs. Marxism: Reflections on G.A. Cohen's Self-Ownership, Freedom and Equality," *The Journal of Ethics* 2, no. 1 (1998): 15. Narveson’s position is interesting because he includes labor (or the cognitive output of the owners of labor) as a part of “technology” and yet he does not discuss the rights of those who are responsible for the existence of other kinds of technology such as inventors.

<sup>48</sup> For a discussion of thinkers who hold this view such as Spencer Heath and Frederic Bastiat, see Fred Foldvary, "Heath: Estranged Georgist," in *Critics of Henry George: An Appraisal of Their Strictures on Progress and Poverty* ed. Robert Andelson, *Studies in Economic Reform and Social Justice* (Malden, MA: Blackwell Pub., 2003), 574-75.

Murray Rothbard relies on this marginal product theory to give sole claim to natural resources to those who first labor to develop them. Rothbard writes, “The pioneer, the homesteader, the first user and transformer of [land], is the man who first brings this simple *valueless* thing into production and social use.”<sup>49</sup> Although Rothbard does not present an explicit argument for why the undeveloped land is valueless, it seems as though he relies on the idea that but for the labor of the homesteader, the land would be useless. That is, the marginal product of the homesteader is the entire value of the developed natural resource.

There are several reasons why Rothbard’s contention that the homesteader creates the entire value of the land is counterintuitive. First, it seems that people are not indifferent over the allocation of undeveloped natural resources. These natural resources often have a positive market price and people have even gone to war over possession of them. If undeveloped natural resources are valueless as Rothbard claims, it is difficult to understand these phenomena on any straightforward account of the concept of value.

Second, the marginal product theory of value that Rothbard relies on seems to take no account of the scarcity of natural resources. Imagine that there is only one piece of arable land in a world with many farmers. It is still true that this plot of land is useless unless some labor is applied to it. Yet contrary to Rothbard’s conclusion, far from being valueless, intuitively this piece of land would seem to be invaluable.

Third, Rothbard’s account of value can lead to the counterintuitive conclusion that simple activities can create a great deal of value practically *ex nihilo*. Imagine that after several hours of drilling, a pioneer hits a pocket of oil worth several million dollars. It seems implausible that the entire value of the oil is *created* by these few hours of drilling.<sup>50</sup>

Rothbard’s implicit argument here is not only intuitively implausible. As G. A. Cohen argues, it leads to logical inconsistency. Cohen argues that while it is true that but for the development labor, the natural resource would be useless, *it is also true that but for the natural resource, the development labor would be useless*. So, we can apply

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<sup>49</sup> Rothbard, "Entrepreneurship, Entitlement, and Economic Justice," 225. Emphasis added.

<sup>50</sup> This example comes from an adaptation of one provided by G.A. Cohen. See G. A. Cohen, *Self-Ownership, Freedom, and Equality, Studies in Marxism and Social Theory* (New York: Cambridge University Press, 1995), 185.

this marginal product theory of value to get the conclusion that the natural resource is responsible for the entire value of the developed natural resource and the development labor is responsible for none of it. But of course, this conclusion is logically incompatible with Rothbard's conclusion.<sup>51</sup>

It is interesting to note that Locke seems to use a very similar argument to argue that natural resources have very little value. Locke's argument appears to be that but for cultivation, land would only produce a tiny fraction of the amount it produces with cultivation.<sup>52</sup> He concludes that generally human labor is responsible for the vast majority of the land's value. But if Locke really does rely on a marginal product theory of value (as Cohen believes he does) then his argument is susceptible to the same problems plaguing Rothbard's account of value.<sup>53</sup> The intuitive implausibility of Rothbard and Locke's account of value creation as well as the logical problems with the marginal product theory of value, strongly suggest that natural resources do have a value and it is not at all clear that this value is as insignificant as Locke would have us believe.

#### THE ARGUMENT FOR THE LABOR-BASED VALUE OF PRISTINE NATURAL RESOURCES

Some libertarians acknowledge that undeveloped natural resources are valuable, but still claim that this value is due to particular agents, namely to those who discover the natural resources or discover uses for them. This idea, which is put forward by Israel Kirzner, is significantly more plausible than Rothbard's because it can at least provide an explanation for the apparent value of pristine natural resources.

Kirzner argues that it is plausible to "adopt the view that, until a resource has been discovered, *it has not*, in the sense relevant to the rights of access and common use, *existed at all*. On this view, it seems plausible to consider the discoverer (of the hitherto 'non-existent' resource) as, in the relevant sense, the *creator* of what he has found."<sup>54</sup> Kirzner then extends his argument to invention of uses for resources. He contends that the realization or invention of a previously unknown *use* for a resource "constitutes

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<sup>51</sup> Ibid., 184.

<sup>52</sup> Locke, "Second Treatise of Government," 25-27.

<sup>53</sup> Cohen, *Self-Ownership, Freedom, and Equality*, 178-84.

<sup>54</sup> Israel Kirzner, "Entrepreneurship, Entitlement, and Economic Justice," in *Left-Libertarianism and Its Critics: The Contemporary Debate* ed. Peter Vallentyne and Hillel Steiner (New York: Palgrave, 2000), 201.

discovery of a hitherto unknown, ‘non-existent’, and hence un-owned dimension of the thing.”<sup>55</sup> These discoverers and inventors, according to Kirzner, have created the value they find and thus own this value.

Kirzner’s argument clearly has some plausibility. Those who discover natural resources and discover uses for them seem to clearly have contributed to the value of natural resources, and it seems that they might be entitled to a portion of the value they helped to create. This point is often ignored in discussions of property rights in natural resources, and Kirzner argument’s is useful in focusing attention on this important issue. If discoverers and inventors are due some of the value of natural resources, as I believe they are, then the proposition that all people have equal claims to natural resources cannot be right.

The central question, however, in determining whether some part of the idea of equal claims to natural resources can still be salvaged is whether discoverers and inventors are due the *entire value* of the natural resource. Kirzner himself seems to equivocate on this point. He admits that in cases “in which discovery was *wholly* accidental, or ... came on the heels of exhausting search by another” perhaps the discoverer is not justly entitled to be the sole owner of what she “created.”<sup>56</sup> The examples that Kirzner uses in his writings, though, suggest that he does believe that in the vast majority of cases the entire value added by a discovery or invented use ought to go to its creator.<sup>57</sup>

This conclusion, like Rothbard’s, appears at first glance to rely on the implausible marginal product theory of value. Although it is true that without discoverers and inventors, natural resources would be of no use, Cohen, responding to Kirzner’s argument correctly points out that these activities would yield nothing if the natural resource did not exist.<sup>58</sup> Hence, it is far from obvious that discoverers and inventors are due the entire value of natural resources.

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<sup>55</sup> Ibid., 202.

<sup>56</sup> Ibid., 201.

<sup>57</sup> Even Kirzner’s caveats suggest this view. When can we truly know that a discovery was “*wholly*” accidental? The example of the discovery coming “at the heels” of another’s exhausting search suggests that what is relevant here is that the failed efforts materially contributed to the later discovery and thus merit a portion of the proceeds.

<sup>58</sup> Cohen, *Self-Ownership, Freedom, and Equality*, 185.

But Cohen's response to Kirzner is off the mark because Kirzner does not appeal to the marginal product theory of value to justify giving discoverers and inventors exclusive claim to natural resources. Indeed, this is not surprising because even the flawed marginal product theory of value would, in the vast majority of the cases, fail to assign *particular* inventors or discoverers the entire value of natural resources. The reason is the familiar thought that over time *someone else* would likely eventually have discovered the particular resource or invented a particular use for it even in the absence of a particular discoverer or inventor. Recognizing this problem, Kirzner, instead of appealing to a marginal product theory of value, introduces a "finders creators, finders keepers" ethic that he contends justifies giving exclusive ownership of resources to discoverers and inventors.

Although Kirzner does little more than suggest this ethic as a possibility, his "finders-creators, finders keepers" idea seems highly implausible. Imagine several people washed ashore on a desert island where all the eye can see is sand. Just as everyone recovers from the harrowing experience of being washed ashore, one of the castaways runs ahead and after clearing a small dune discovers an oasis. The other castaways, in time, survey the rest of the island and find no other fresh water source. Triumphantly, the intrepid castaway appeals to Kirzner's "finders creators, finders keepers" ethic and describes the goods and services she is willing to accept in exchange for "her" water. To avoid the situation being one of life and death, assume that the other castaways have found a machine that with a great deal of labor can turn seawater into unpalatable but potable water.

Even with this machine, it seems highly implausible that as a matter of justice the running castaway should have exclusive rights to the oasis. But this is exactly the outcome that Kirzner defends in a very similar situation.<sup>59</sup> He points out that the other people "did not bother" to race to find the water. "May it not be," he asks "that they were less alert [than the energetic explorer], entrepreneurially, to the possibility that someone else might indeed appropriate all the water?"<sup>60</sup> But this criticism of the other castaways is question-begging. Unless the castaways already agree with Kirzner that the first

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<sup>59</sup> In fact, he defends the oasis discoverer's exclusive rights to it even when the castaways (or travelers in Kirzner's example) know for sure about its existence.

<sup>60</sup> Kirzner, "Entrepreneurship, Entitlement, and Economic Justice," 208.

person to reach the oasis should be its just appropriator, there is nothing blameworthy about their failure to be alert to the possibility of the energetic explorer's exclusive appropriation of all the water. Particularly in this case, where the cost of exploration is very low and the likelihood of others making the same discovery over time is quite high, it seems as though Kirzner's conferring of exclusive ownership to the discoverer- and therefore his criticism of the other castaways- is least plausible.

#### THE CONCEPT OF PURELY NATURAL RESOURCES

Although I think this example shows that discoverers and inventors are not generally due the entire value of natural resources, it seems clear that their efforts do contribute to natural resource value and so they may well be due some of this value. In fact, Kirzner's argument regarding discoverers and inventors points to a more general problem: There appears to be a significant number of agents who contribute to the value of natural resources, even before any human hand actually touches them. The government (and through it the taxpayer) augments the value of the resource through the provision of public goods such as transportation and security.<sup>61</sup> The community members surrounding the natural resource may also contribute in various ways to natural resource value. If I maintain my land nicely, it might well increase the value of the surrounding land. The consumers, by choosing to consume products that require a particular natural resource as an input, also might be seen as contributing to the value of that particular natural resource.<sup>62</sup>

A full discussion of the proper entitlements due to all of these agents is beyond the scope of this work. I will assume that a proper scheme of property rights in natural resources assigns each of these agents their just share of the value of the natural resource. I contend, however, that some portion of natural resource value is not due to any particular agents' action. We can think of this portion of value as what would be due to the notional owner of the natural object itself. I call this portion the *purely natural*

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<sup>61</sup> Smith emphasizes the contribution of the government to the value of land. See Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 370.

<sup>62</sup> This would require stretching the idea of labor to again include any conscious action. However, at least one prominent thinker, Patrick Dove, argued that consumers are due the lion's share of the value of natural resources. Interestingly, Dove too used a "but for" argument to make his case. See Patrick Edward Dove, "On Property," in *The Origins of Left-Libertarianism : An Anthology of Historical Writings* ed. Peter Vallentyne and Hillel Steiner (Houndmills ; New York: St. Martin's Press, 2000).

*resource value*. Two things are important to emphasize: First, I am not committed to saying that all of the agents listed above are in fact entitled to compensation (this will depend on a particular theory of just entitlements to agents which is beyond the scope of this work.) Here I simply allow for the possibility of such compensation. Second, the contention that some purely natural resource value exists is controversial. A full justification of this contention requires a well-developed theory of value which is beyond the scope of this work. For now, I assume that it is true, although I do provide some considerations in defense of it below.

Accepting for now this idea that there is some purely natural resource value, several problems arise. The first is that we now have to think of people having claim to some portion of value instead of to physical natural resources. Although it is certainly possible to think of the issue in this way, doing so requires a dramatic break with the classical liberal tradition and would require a more detailed discussion of the idea of value than can be provided here. In order to put aside, we might imagine that the compensation to agents such as discoverers and inventors is carried out by giving them each some physical portion X of the natural resource that corresponds to the value they are due. If it is true that particular agents are not justly entitled to the entire value of natural resources, we would still have some *physical* natural resources remaining after this compensation is carried out. I call these remaining natural resources *purely natural resources*. The value of these purely natural resources is significantly smaller than the value of pristine natural resources more broadly and corresponds to what I have been calling purely natural resource value.

It is useful to emphasize and summarize the reason for introducing the concept of purely natural resource value and purely natural resources. Upon reflection, it seems clear that human actors contribute in various ways to the value of natural resources understood as pristine natural objects. So it is difficult to defend the proposition that people have equal claims to natural resources generally from a liberal perspective. However, if there is a portion of the natural resource value that is not due to any particular actor but is instead due to the presence of the natural object itself, then we can think of people having equal claims to this purely natural resource value. It is thus possible, at least theoretically, to continue thinking of people having equal claims to

some portion of natural resources despite the contributions of particular agents' labor to the value of these resources.

*The Absence-of-Labor Argument for Equal Claims to Purely Natural Resources*

Having clarified the definition of natural resources and purely natural resources, I turn next to making the argument for equal claims to purely natural resources intended for classical liberals and libertarians. This argument takes as premises liberal support for equal concern, liberal neutrality, and negative liberty. These premises, I contend, yield an important proposition about the normative centrality of labor that, combined with two other propositions, yields the conclusion that people have equal claims to natural resources. Although there are various ways to structure the argument, here I focus on the role of labor because this is most consistent with the ideas already found in classical liberal thought. In addition, this structure allows for the clearest replies to the right-wing libertarians, who while endorsing equal concern, liberal neutrality, and negative liberty nonetheless reject the conclusion of equal claims to natural resources.

PRESENTING THE ARGUMENT AND CLARIFYING THE TERMS

The Absence-of-Labor Argument for equal claims to natural resources can be stated as follows:

- (1) Labor, and only labor, carried out under legitimate background condition, is the ultimate source of justification for why some individuals have greater prima facie claims than others to particular external resources.
- (2a) No one is entitled to differential prima facie claims to purely natural resources by virtue of her labor.
- (2b) It is not the case that various agents are entitled to the entire value of natural resources by virtue of their labor (i.e. the class of purely natural resources is not empty.)
- (3) Individuals have some prima facie claim to purely natural resources.
- (4) Therefore, all individuals have equal prima facie claims to purely natural resources.

Several terms used in this argument require clarification beginning with “prima facie claims.” All but the staunchest anarcho-libertarian recognizes that for certain purposes (such as national defense) the government is entitled to tax the wealth of its citizens. Thus, compelling political arguments of various types can be sufficiently strong to outweigh people’s claims both to the products of their labor and to natural resources. So such claims are best seen not as absolute, but rather as prima facie. Prima facie claims must be weighed carefully in any argument regarding the use of the resources in question, and so they have considerable importance. The details about the strength of these prima facie claims and how exactly they are to be balanced with other political considerations will vary considerably among different theorists and resolving this debate is beyond the scope of this work. Rather than writing “prima facie” every time I mention equal claims to natural resources, I generally implicitly assume this modifier.

I do not provide a detailed account of “labor” and “legitimate background conditions.” Different theories will diverge on what exactly counts as labor. In order to appeal to libertarians, for example, “labor” might be defined as any value-adding conscious action. Although the precise definition of labor will have consequences for the overall distribution of wealth, it does not affect the final conclusion that people have equal claims to natural resources. Similarly, despite significant disagreements among different theorists, I do not provide a more specific account of what constitutes “legitimate background conditions.” I do assume, though, that legitimate background conditions do not in themselves entail unequal claims to natural resources.

Several other terms require clarification. Labor being the “ultimate source” of differential claims means that any person’s differential claims to resources must be traceable either to that person’s labor or to a series of legitimate transaction that originated with someone who had prima facie labor-based claims to the particular external resource in question. By external resources, I mean resources outside of the human body. What constitutes a “legitimate transaction” is controversial, and as in the case of “legitimate background conditions” I will not give a specific definition of this term here. Finally, I assume that the “individuals” in this argument form a single,

reasonably compact society. Having clarified the terms of the argument as necessary, I turn to a discussion of the propositions.

#### DEFENDING THE FIRST PROPOSITION: THE LIBERAL PREMISES AND LABOR'S NECESSARY ROLE IN GENERATING DIFFERENTIAL CLAIMS TO RESOURCES

The proposition that labor, and only labor, can generate differential claims to external resources does the majority of the work in this argument and so will require significant discussion. It is far beyond the scope of this work to present a convincing argument of this proposition from first principles. Rather, my goal is to show how the classical liberal commitments to equal concern, liberal neutrality, and negative liberty lead to an endorsement of this proposition.

It is interesting to begin by noting the support for this powerful proposition among several of the prominent thinkers discussed above. Rousseau writes, "It is impossible to conceive of the idea of nascent property in any way other than in terms of manual labor."<sup>63</sup> Adam Smith writes, "The property which every man has in his own labor, as it is the foundation of all other property, so it is the most sacred and inviolable."<sup>64</sup> John Stuart Mill writes:

Nothing is implied in property but the right of each to his (or her) own faculties, to what he can produce by them, and to whatever he can get for them in a fair market: together with his right to give this to any other person if he chooses, and the right to that other to receive and enjoy it.<sup>65</sup>

Thus, for all three of these authors, labor is the ultimate source for generating differential property claims to resources, and is both necessary and sufficient for doing so.<sup>66</sup>

It is important to note, however, that the claim that labor is *sufficient* to generate differential claims to resources is significantly weaker than the claim that it is *necessary*. Even though (1) includes both of these claims it is useful to justify each separately and distinguish the work each does in the argument.

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<sup>63</sup>Rousseau, "Discourse on the Origin and the Foundations of Inequality among Men ", 169. On page 164, Rousseau admits that labor had allowed for the creation of "a sort of property" in the huts built by different people. Rousseau, "Discourse on the Origin and the Foundations of Inequality among Men ".

<sup>64</sup> Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 136.

<sup>65</sup> Mill, "On Property and the General Principles of Taxation," 159.

<sup>66</sup> It is also interesting to note that, at least for Mill, this proposition is intimately connected to the discussion of natural resources.

Labor's sufficiency follows straightforwardly from a commitment to negative liberty in the economic sphere. The taking of wealth created by a certain person's labor (assuming that labor was expended under legitimate background conditions) is a quintessential example of illegitimate interference with that person's freedom. The support for people's prima facie claims to wealth they labored to create is universal among classical liberals and libertarians, and I do not discuss it further here.

But labor's sufficiency in generating differential claims to resources does no substantial work in the Absence-of-Labor Argument.<sup>67</sup> Even if it is conceded that labor is sufficient to generate differential claims to resources and that natural resources are not created by labor, nothing much of interest follows from this. This is because there could still well be a variety of other reasons besides labor why people would have unequal claims to natural resources.

What is needed for the Absence-of-Labor Argument to work is the much stronger claim that *only* labor can generate differential claims to resources, which requires ruling out all non-labor based reasons for differential claims to resources. This can be done, I argue, using the liberal premises of equal concern, liberal neutrality, and the commitment to negative liberty as the central principle of distributive justice. While Rousseau, Smith, and Mill all support the idea that labor is necessary for generating differential claims to resources, none of them engages in the ruling out of non-labor based reasons for differential claims needed to justify this strong proposition.

The first non-labor based reason for differential claims to resources can come from theories that reject the political ideal of equal concern. As Dworkin suggests, political theories can reject the idea of equal concern in two ways. The first is by holding that, "The lives of some- those of one race or caste, perhaps, or those who belong to one religion, or who are more virtuous- are more important than the lives of others."<sup>68</sup> A theory that is committed to this view might well have good reason to assign greater claims to natural resources to the inherently superior individuals.

The second way of rejecting equal concern, according to Dworkin, is by adhering to principles of government not based on equal concern for citizens. For example, a

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<sup>67</sup> I have nonetheless included the sufficiency condition in (1) since it helps distinguish the classical liberal and libertarian argument for the ECNRP from the egalitarian liberal argument.

<sup>68</sup> Dworkin, *Sovereign Virtue : The Theory and Practice of Equality*, 129.

government might aim to improve the nation's influence and power for the sake of glory or work to protect art for the sake of beauty (i.e. for these goals themselves rather than the role glory and beauty in citizens' well being.)<sup>69</sup> A theory that accepted such goals, even if only in addition to the commitment to equal concern, might well assign claims to natural resources in ways that were unequal in order to meet these goals. The liberal insistence on equal concern rules out both of these possibilities.

The second set of non-labor based reasons for differential claims to resources derive from theories that reject liberal neutrality. The idea of liberal neutrality is that no one particular conception of the good life ought to be privileged by the government. The particular reasons liberals have for endorsing liberal neutrality, such as a deep skepticism about knowledge of the good or the need for political consensus in a pluralistic society, are not crucial here.

There are two kinds of theories that violate liberal neutrality. The first are perfectionistic theories which present one particular kind of life, such philosophical contemplation, political service, or free, creative production, as the ultimate good life for human beings. The second are communitarian theories which do not present a particular conception of the good as universally best, but instead believe that a particular society can come to a shared understanding of the good which can serve to answer political questions.

Such theories generate three kinds of reasons for rejecting equal claims to natural resources. First, once there is agreement on a particular idea of the good, this opens the possibility for claims to resources, including natural resources, to be distributed according to a notion of desert based on that shared conception of the good. Since virtue is generally unequally distributed, this will generally result in unequal claims to resources. Second, proponents of these theories can advocate that resources be distributed according to the shared understanding of the good. For example, natural resources might be distributed according to the religious precepts shared by the community. Finally, resources might be distributed in a way that enables the realization of the good. For example, natural resource wealth might be distributed to allow certain people to have the opportunity for philosophical contemplation. The endorsement of

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<sup>69</sup> Ibid., 129-30.

liberal neutrality by classical liberals and libertarians rules out these kinds of reasons for inequalities in natural resource claims.

Equal concern and liberal neutrality do not rule out all reasons for rejecting equal claims to natural resources.<sup>70</sup> For some theorists, the distribution of resources in society can simply be subordinate to other political goals. This is not because such political goals are ends in themselves, but rather because meeting these goals is the best way to care for the well-being of citizens. These theories effectively define distributive justice in terms of these other political goals. So for example, in order to achieve security for all citizens, land might be distributed to those who have the ability to defend the polity militarily.

Classical liberals and libertarians do not deny the importance of these other political goals. But they are committed to distributive justice as an independent political ideal that generates *prima facie* claims to resources. These *prima facie* claims to resources must be weighed against other political goals rather than being defined by them.

Other theories see distributive justice as an independent political ideal, but place importance on principles besides negative liberty, such as positive liberty or preference satisfaction. Having positive liberty requires that people be free to do certain things as opposed to being free from interference.<sup>71</sup> Since being free to take certain actions generally requires resources, and since people generally have different abilities and different tasks they want to accomplish, theories that insist that people be equally free in some positive sense can generate reasons why certain people (i.e. those with less positive freedom for whatever reason) should have greater claims to natural resources than others.

Theories that focus on preference satisfaction can also generate unequal claims to natural resources. Utilitarian theories which insist that goods be distributed to maximize overall preference satisfaction (in a process that counts each person equally) can easily generate outcomes where claims to natural resources are not distributed equally. If

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<sup>70</sup> It is interesting to note that the Neutrality principle Ackerman uses to generate the idea of equal claims to natural resource includes both what I call equal concern and liberal neutrality. See Ackerman, *Social Justice in the Liberal State*, 43-45. However, as I argue here, there are reasons perfectly consistent with these principles to nonetheless reject equal claims.

<sup>71</sup> For a discussion of this distinction, see Isaiah Berlin, *Four Essays on Liberty*, *Galaxy Book*, 191 (New York: Oxford University Press, 1969).

enough people have strong enough preferences that a certain group (say druids) should receive all natural resources, such a group could be given sole claims to natural resources under a utilitarian framework.<sup>72</sup>

Welfarist theories, which attempt to equalize people's preference satisfaction as much as possible, can also distribute claims to natural resources unequally. For example, such theories might grant greater claims to natural resources to those who for other reasons have a lower level of welfare. Classical liberals and libertarians endorse negative liberty as the central principle of distributive justice, thus rejecting the reasons supplied by theories that are concerned with positive liberty or preference satisfaction.

It is worth noting here that it is possible to hold some kind of hybrid position that people have equal claims to natural resources, but that the *best interpretation of what it means* to have equal claims to natural resources entails distributing them in a way that equalizes welfare or that maximizes people's positive liberty. Michael Otsuka presents such a hybrid theory.<sup>73</sup> It should be noted though that Otsuka's theory accepts negative liberty (deriving from self-ownership) as a central principle. A theory that solely focuses on welfare equalization would likely not profess to be providing people with equal claims to natural resources (though it would certainly contend that it is treating individuals with equal concern.)

It is also worth noting that I have not yet mentioned the objections that derive from the egalitarian liberal position. Egalitarian liberals, in addition to negative liberty, are committed to the idea that wealth disparities should not be determined by factors that are morally arbitrary. The relationship between this idea and the argument being presented here is complex and I address it fully below.

Putting both hybrid theories like Otsuka's and egalitarian liberalism aside, a central task that remains is showing that a concern for negative liberty itself gives no

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<sup>72</sup> It is worth noting that Mill considered himself to be a utilitarian who supposedly derived the concern for negative liberty from utility considerations. But unlike some contemporary "classical liberal economists" Mill, I believe, had a principled commitment to negative liberty. This commitment led him to adjust his utilitarianism in order to make it compatible with this commitment. For example, he made implausible assumptions such as a basically infinite disutility of violations of personal security. See John Stuart Mill, *Utilitarianism*, ed. George Sher, 2nd ed. (Indianapolis: Hackett Pub., 2001), 54.

<sup>73</sup> Michael Otsuka, "Self-Ownership and Equality," in *Left-Libertarianism and Its Critics: The Contemporary Debate* ed. Peter Vallentyne and Hillel Steiner (New York: Palgrave, 2000).

cause to endorse any reason (besides labor) for inequality of resource claims. For the purposes of this argument, I will assume that natural resources are the only external resources not created by labor.<sup>74</sup> In addition to this assumption, this argument also requires a more careful definition of negative liberty. Rather than committing to a particular definition (which might exclude certain classical liberals or libertarians), I will explore the consequences of both what I call self-ownership negative liberty and Hohfeldian negative liberty.

Self-ownership negative liberty ensures a person can exercise all of the rights one might exercise over a chattel slave over one's own body without interference from others.<sup>75</sup> Although such negative liberty grants a person physical security, freedom of contract, and rights to the fruits of one's labor, it does not seem to provide any guidance about how natural resources ought to be distributed. Just as ownership of a slave does not include any rights to send that slave over someone else's land, so does self-ownership not include the right to natural resources more generally. Therefore, the distribution of natural resource claims, whether equal or unequal, *does not violate anyone's* negative liberty in the self-ownership sense.<sup>76</sup>

So, negative liberty in this sense gives no reason for differential claims to natural resources. But the upshot of this need not be that people have equal claims to natural resources. We might also conclude that the distribution of natural resources is simply irrelevant from the perspective of justice. If so, convenience (i.e. the fact that claims to natural resources might currently be distributed unequally) could serve as a reason for endorsing unequal claims to natural resources. In order to make the Absence-of-Labor Argument work on this account of negative liberty, we need a *presumption of equality*.

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<sup>74</sup> That is, I assume that the definition of labor is such that it is true that all external resources have as their ultimate inputs nothing but labor and natural resources. I also ignore for now the distinction between natural resources and purely natural resources. I will therefore be focusing on showing that when no labor is involved (as is the case of natural resources) negative liberty gives no reason for creating unequal claims.

<sup>75</sup> Cohen, *Self-Ownership, Freedom, and Equality*, 68.

<sup>76</sup> G.A. Cohen picks up on exactly this point when he imagines a world where there is joint ownership of natural resources so that every person has a veto over their use. See *Ibid.*, 92-102. Cohen could have made his point even more obvious by simply giving ownership of all natural objects (including the air) to one person. Cohen correctly points out that even if the owner of the natural resources insists on a great deal of services from others (so great that others have no time to pursue other goals) in exchange for the use of natural resources, the formal self-ownership of the people who do not own the natural resources is still being fully respected. His goal is to get the libertarian to appeal to some kind of substantive self-ownership that includes positive freedom. But once libertarians go down this route (as some in fact do), they are open to a whole host of other criticisms.

That is, if no reason can be given for why people's claims to resources ought to be different, then the default is that they are equal. While this presumption of equality might seem ad hoc, it quite clearly follows from the liberal commitment to equal concern for individuals. If one is committed to treating individuals equally, and can give no reason in a particular case for any inequality, then it seems perfectly plausible to assume that equality should hold in that case. The presumption of equality completes the argument for (1) under a self-ownership account of negative liberty.

Some classical liberals and libertarians, however, might assume a different kind of negative liberty applies when it comes to the question of natural resources. They might believe that initially everyone is at liberty to use all natural resources (this is, as Nozick points out, liberty in Hohfeld's sense.)<sup>77</sup> If so, assigning a specific person differential claims to a specific natural resource *violates everyone else's negative liberty* equally since doing so interferes with everyone's freedom to use *that* particular resource. One could reasonably hold, as Nozick does, that this situation in itself generates a justification for equal claims to natural resources. But whether or not this is true, at the very least the Hohfeldian view of negative liberty provide no clear reason why some people should have greater claims to natural resources than others. Appealing to the presumption of equality again, we complete the defense of (1).

To sum up this defense: It begins by recognizing that a commitment to negative liberty implies that labor can generate differential claims to resources. It then appeals to the central liberal premises to eliminate all other reasons for differential claims besides labor. These include, among others, the inherent superiority of some people, desert-based claims founded on a particular conception of the good, and claims based on equalizing positive freedom or preference satisfaction. It then rules out any reason for why negative liberty would lead to endorsing unequal claims to resources not created by labor. Finally, it concluded with a presumption of equality that states that in the absence of reasons to the contrary, claims to resources ought to be equal. Thus, I hope to have convinced classical liberals and libertarians to endorse the idea that labor, and only labor, carried out under legitimate background condition, is the ultimate source of justification for why

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<sup>77</sup> Nozick, *Anarchy, State, and Utopia*, 175.

some individuals have greater prima facie claims than others to particular external resources.

#### DEFENDING THE CONCEPT OF PURELY NATURAL RESOURCES

The first part of the second proposition states that no one is entitled to differential prima facie claims to purely natural resources by virtue of labor. Note that this part of the proposition is true by definition. That is, if anyone is entitled to differential prima facie claims to some natural resource by virtue of some labor, then they simply receive some physical portion of that natural resource that is sufficient to satisfy these claims until all is left is a purely natural resource that is free from such claims.

Admittedly, this method of compensation might seem counter-intuitive. But it is only meant as a conceptual simplification. In reality, we can probably find much better ways of carrying out the appropriate compensation. Discoverers might be granted a finders' fee related to the market value of the resource they discover. Inventors might be granted intellectual property rights that require anyone utilizing a natural resource with the method they invented to pay royalties. The government might be allowed to tax natural resources in a way justly related to the value created by public goods. Local community members might be justly compensated for any actions that raise the value of natural resources by the local government, which might tax the natural resource for this purpose. Consumers might be compensated for their choices relating to natural resource products by being offered prices that grant them some just share of economic benefits. But at this initial stage of the argument, I need not make the case for these particular forms of compensation. Instead, I continue to assume that these agents can theoretically be compensated by simply being given a physical portion of the natural resource.

There is, however, an important objection to the idea of purely natural resources having to do with epistemic difficulties. Even if we have a theory that tells us what compensation each of these agents is due, and even if in theory such compensation can be carried out by giving these agents a physical portion of the natural resource, it might be impossible in practice to accurately measure the portion of natural resource value created by these agents. I assume for the purposes of this paper that we have the technology to carry out such accurate measurement.

Another objection is that it is possible that once this compensation is carried out, no natural resources will remain. That is, various agents are due the entire value of natural resources by virtue of their labor. This is the possibility that is explicitly ruled out by the second half of proposition two. Unfortunately giving a fully worked out defense for the existence of some purely natural resource value requires a presenting a full theory of value, which is beyond the scope of this paper. However, any theory of value that leads to the conclusion that there is no purely natural resource value will have to overcome the following difficulty (which I have already raised in response to the right-libertarians): It is true that but for various agents' actions (discovery, invention, security provision, etc.) the natural object would be useless. But it is also true that but for the natural object, all of these other activities would produce no value. That is, the natural object itself (which no one labored to create) has a marginal product equal to the entire value of the discovered, secure, accessible natural resource. We can think of purely natural resource value as the value contributed by the presence of the natural object itself. Since the presence of the natural object so clearly contributes to the value of the natural resource, it would be a strange theory of value indeed that would assign the entity with claims to this natural object no portion of the value of the discovered, secure, easily accessible natural resource.

A final objection is that purely natural resources are, all things considered, a relatively insignificant category (even if purely natural resource value can be shown to exist.) Although we might be interested in property in natural resources generally, how claims to purely natural resources are worked out might simply not be very important.

There are two responses to this line of thought. The first is that purely natural resource value might still be quite significant. Again, it is impossible to make an airtight case for this without a full theory of value, but it is possible to make some common sense conjectures. Imagine that an acre of land suddenly appears in the center of Manhattan. It plausible that the various public goods provided by New York's government and the surrounding amenities provided by the community contribute greatly to the value of this newly formed acre of land. Its purely natural value might correspondingly be quite low. However, now imagine some extra quantity of oil appears in an Alaskan oilfield and that this quantity of oil has the same market value as the acre of land in Manhattan. Even

after all the appropriate compensations to various agents are carried out, the oil might still plausibly have a high purely natural value. So while compensation to various agents might be considerable (especially in the case of urban land) there may well also be many resources whose purely value is still quite significant.

The second reason for the importance of claims to purely natural resources is that these claims might determine who in practice ought to be given possession of the world's natural objects. This is certainly plausible because the natural objects are in some sense exactly what no person labored to create. As suggested above, in the final analysis we might carry out compensation to particular agents not by giving to them physical portions of the natural resources, but instead by placing certain requirements on the final possessor of the natural object (e.g. the requirement to pay a finder's fee, royalties, taxes, etc.) If so, then the possession of natural objects (like the newly formed acre of Manhattan land) will be determined by how people's claims to purely natural resources are to be respected. We might well be interested in who ought to possess this Manhattan land even if we concede that much of the value of this acre can justly be taxed away by the government of New York City.

To sum up, I have conceded earlier that various agents are quite plausibly entitled to differential claims to natural resources by virtue of their labor. However, I argue here that it is implausible that the entitlements justly due to these agents sum to the entire value of the natural resources. That is, the natural object itself has some value. If so there is some portion of natural resource value that we can view as purely natural. If compensation to agents is done via physical portions of the natural resource, we can think of people as having claims to the physical natural resources that remain (i.e. the purely natural resources.) Working out the consequences of people's equal claims to purely natural resources is important both because these resources might well have a significant value and also because how claims to purely natural resources ought to be respected may tell us a great deal about the just distribution of possession of natural objects. But long before these consequences can be worked out, proposition three must first be shown to be valid and so I now turn to this task.

## DEFENDING THE THIRD PROPOSITION: JUSTIFYING INITIAL CLAIMS TO NATURAL RESOURCES

Right-wing libertarians do not rest their entire case against equal claims to natural resources on value creation arguments. They also contend that the right way to think about natural objects is that no one owns them initially. I argue that their arguments actually rely on a much stronger proposition, which is that no one has any initial claims whatsoever to natural objects. When the proposition is put this way, I contend that it is highly implausible.

The right-libertarians discussed in this section, Narveson and Rothbard, do not admit that any of the agents discussed above (discovers, inventors, etc.) have claims to natural resources so they do not accept the category of purely natural resources. But even if Narveson and Rothbard were to admit that these agents are due some claims to natural resources, they would still most likely hold that no one has claims to *purely* natural resources. In any case, their arguments would still apply to this claim, and so in this section I assume the question relates to initial claims to purely natural resources even though I often do not include the “purely” modifier.

It is worth, before turning to Rothbard and Narveson’s arguments, to consider what reasons we might have to favor the idea that people have some claims to purely natural resources as opposed to no claims at all. The Hohfeldian idea of liberty seems itself to provide a justification for this idea. If we believe that everyone is initially at liberty to use natural resources, so that any person’s use of them violates other people’s negative liberty, this liberty to use natural resources represents a kind of a claim that people have.

Some right-libertarians, however, endorse the self-ownership idea of liberty and so would reject this idea. If one endorses self-ownership, then the liberal commitment to equal concern does give, I believe, a reason for endorsing the proposition that people have some initial claim to purely natural resources. If a government treats its citizens with no concern at all, this can hardly be thought of as satisfying the ideal of equal concern. This ideal implicitly includes the proposition that the government should treat

its citizens with some concern.<sup>78</sup> If so, then the presumption of equality does not simply entail the idea that no one's claim to natural resources be better than anyone else's (something that would permit the conclusion that no one has any claim.) Rather, the presumption of equality suggests that in the absence of reasons to the contrary, people should be seen as having *some claim to natural resources* and that these claims should be equal. The right-libertarians believe they have such reasons to the contrary, but the presumption of equality at least places the burden of proof on those arguing that no one has initial claims to purely natural resources.

Both Jan Narveson and Murray Rothbard begin their argument by contending that initially, no one owns natural resources. Narveson writes, "Since nobody, by hypothesis, is [initially] doing anything with *any* [natural resource material], *none of it* belongs to *anyone, individually or collectively.*"<sup>79</sup> Rothbard writes, "If no one has yet used [natural resources, they are] in the real sense owned and controlled by no one."<sup>80</sup>

Both these authors then proceed to bolster their contention that no one owns natural resources by discussing the problems with assuming that everyone initially owns natural resources. Narveson imagines that this universal ownership means that a person has to obtain everyone's permission to use natural resources. He then points out that this would violate people's substantive liberty because they could do nothing without anyone else's permission.<sup>81</sup> He also quotes Locke who argues that, "If such a [universal] consent as that were necessary, Man had starved notwithstanding the Plenty God had given him."<sup>82</sup> Rothbard imagines that universal ownership of resources would mean a world where everyone has some "quotal share" that entitled them to participate in some collective decision-making process about how to use the world's natural resources. He then points out that, "In practice, it is obviously impossible for every person in the world

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<sup>78</sup> Dworkin includes this idea as a separate part of what he calls the abstract egalitarian principle. See Dworkin, *Sovereign Virtue : The Theory and Practice of Equality*, 129-30. Whether one includes the idea that the government must show some concern as part of the ideal of equal concern or as part of a broader ideal is not crucial here as long as libertarians also accept this broader ideal.

<sup>79</sup> Narveson, "Libertarianism Vs. Marxism: Reflections on G.A. Cohen's Self-Ownership, Freedom and Equality," 10.

<sup>80</sup> Rothbard, "Entrepreneurship, Entitlement, and Economic Justice," 225.

<sup>81</sup> It is important to note that Cohen is well aware that joint ownership of natural resources violates substantive self-ownership. His whole point is to force libertarians like Rothbard to abandon the idea of formal self-ownership.

<sup>82</sup> Narveson, "Libertarianism Vs. Marxism: Reflections on G.A. Cohen's Self-Ownership, Freedom and Equality," 12n.

to exercise effective ownership of his four-billionth portion (if the world population is, say, four billion) of every piece of the world's land surface."<sup>83</sup>

This kind of common ownership is the only kind that Rothbard considers. Narveson at least also considers the possibility of equal division of natural resources. He raises the important problem that any sort of equal division of these resources will require a metric for determining equality and such a metric will be controversial. He then (bizarrely) concludes that any attempt at equal division will thus "inevitably become a proposal instead, to divide income equally" and goes on to dismiss this possibility.<sup>84</sup> Having supported their contention of no ownership by dismissing the idea of common ownership of natural resources, Narveson and Rothbard proceed to discuss the methods by which people can unilaterally appropriate "unowned" natural resources for their exclusive use.

Regardless of whether Rothbard and Narveson are right about the implausibility of the proposals for common ownership of natural resources, there is a fundamental problem with their argument. They seem to confuse of the general idea of *claims to natural resources* and the more specific idea of *ownership of natural resources*. At times this confusion is quite obvious. Narveson writes, "To hold that [everyone] has a claim [to natural resources] is, as Locke saw, to say that everyone must ask *everyone's* permission before he can do anything."<sup>85</sup> But saying that everyone has an initial claim to natural resources *is not the same thing* as saying that everyone has a veto power over any use of natural resources. That is simply one interpretation of what it means to have equal claims. What "Locke saw" is that *this particular interpretation* of equal claims to natural resources is very implausible. In contrast to Narveson, Locke still held that people had (a different type) of equal initial claims to natural resources.<sup>86</sup>

If people do not initially own natural resources but do nonetheless have some initial claims to them, then unilateral appropriation will have to be done in a way that respects or somehow takes these claims into account. This is the point of the Lockean

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<sup>83</sup> Rothbard, "Entrepreneurship, Entitlement, and Economic Justice," 224.

<sup>84</sup> He argues that dividing money will be a useless exercise since it would upset the meaning which money derives from market exchange. See Narveson, "Libertarianism Vs. Marxism: Reflections on G.A. Cohen's Self-Ownership, Freedom and Equality," 16.

<sup>85</sup> *Ibid.*: 12.

<sup>86</sup> Locke, "Second Treatise of Government," 18-19.

proviso in Locke and Nozick's theory. But Rothbard and Narveson do not have any such proviso.<sup>87</sup> Without such a proviso, unilateral appropriation is unproblematic only if it is true that no one has any initial claims to natural resources. This is a much stronger proposition than the proposition that no one initially owns natural resources. Since Narveson and Rothbard do not even convincingly dismiss all the plausible methods of common ownership, let alone all the plausible possibilities for ways to respect people's equal claims to natural resources, they fail to provide a sufficient argument against the idea that people have initial claims to natural resources.

This difficulty does not prevent Narveson and Rothbard from developing a theory of how individuals can nonetheless obtain an exclusive claim in supposedly claimless natural resources. They both give an account that is meant to justify a first-come, first-served policy. Rothbard presents the familiar Lockean argument (minus the Lockean proviso) that a person can gain an exclusive claim to a natural resource by being the first to mix his labor (which he owns by virtue of his self-ownership) with it. But this idea, as many theorists including Nozick have pointed out, is fraught with problems. First, it is highly unclear what ought to count as sufficient mixing of labor. Second, it is unclear that mixing one's labor with something to which one has no claim is not a way of simply losing the claim to the value of the expended labor. Third, even if one still retains the claim to the labor after the mixing, it is unclear why one should also gain a claim to the natural object.<sup>88</sup>

Rothbard seems not to have answers to these problems. But there is also a deeper difficulty with Rothbard's account. All these issues have to do with the person's claims to a developed natural resource *after* he has already mixed his labor with it. It is not implausible that at this point the person would have some claims, and Rothbard indeed focuses on the injustice of depriving the person of the fruits of his labor after this mixing has taken place.<sup>89</sup> But the main philosophical problem arises at an earlier stage, when we decide whether the person is entitled to mix his labor with a particular natural resource *in*

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<sup>87</sup> Both cite Locke while intentionally omitting any mention of the "enough and as good" proviso. See Narveson, "Libertarianism Vs. Marxism: Reflections on G.A. Cohen's Self-Ownership, Freedom and Equality." Also see Rothbard, "Entrepreneurship, Entitlement, and Economic Justice."

<sup>88</sup> Nozick, *Anarchy, State, and Utopia*, 174-75.

<sup>89</sup> Rothbard, "Entrepreneurship, Entitlement, and Economic Justice," 225.

*the first place*. It seems unclear why the person should be allowed to do so given that on Rothbard's account he has no claim whatsoever to the natural resource.

Rothbard seems to respond that unless we allow people to mix their labor with natural resources, no one would be able to produce *anything* with their labor. This would mean that the right people have to the fruits of their labor would be meaningless. The conclusion that Rothbard appears to draw is that we must allow people to mix their labor with objects to which they have no claim.<sup>90</sup> But a more straightforward conclusion is that the idea that no one has any initial claims to natural resources is, like the idea that everyone jointly owns natural resources, implausible because it leads to an untenable situation where no one may use natural resources.

Narveson has a different idea of how first-comers can gain exclusive claims to natural resources. For Narveson, this can be done by making the resource part of one's conscious plan and then beginning the process of executing the plan. According to Narveson, once a first-comer is in the process of executing his plan, second-comers would be "[improperly] interfering with the courses of action initiated and being continued by first comers."<sup>91</sup>

The idea of liberty Narveson uses here is very similar to the Hohfeldian idea discussed earlier. Under this Hohfeldian account, it is quite true that a second-comer, by taking resources, would be improperly interfering with the plans and thus the liberty of the first-comer. But it does not follow that the first-comer has not *also* improperly interfered with the conscious plans of the second-comer by using the resources. Such a mutual violation of liberties is exactly what might lead, on the Hohfeldian account of negative liberty, to the idea that people have equal claims to natural resources.

Narveson responds, in a way meant to appeal to classical liberals and libertarians, that holding that the second-comer's liberty is violated by the first comer would impermissibly rely on giving the second-comer positive rights.<sup>92</sup> But this contention is unconvincing. Assume, for example, that this conflict of liberties leads to the first and

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<sup>90</sup> Ibid., 224-25.

<sup>91</sup> Narveson, "Libertarianism Vs. Marxism: Reflections on G.A. Cohen's Self-Ownership, Freedom and Equality," 11.

<sup>92</sup> Ibid.: 11-12.

second comer to agree<sup>93</sup> that they have equal claims to natural resources and that these equal initial claims can best be respected by granting each person exclusive rights over some portion of the natural resource in question. Such a regime of natural resource property rights would not generate any positive duties for the first comer (since the natural resources already exist), but would only require him to refrain from interfering in the second-comer's rightful shares of natural resources. So we *can* endorse the idea that the second-comer's liberty is violated by the first comer and resolve the conflict without appealing to any notion of positive rights.

Narveson's account is fraught with other problems including being very intuitively implausible. Imagine again the castaways washing on the shore of a small deserted island, this time unconscious. Upon regaining consciousness, the first castaway (call her Planner) formulates a plan to collect all the resources of the island for her personal use (or to trade them to other castaways for services). She immediately sets off to carry out her plan by beginning to pick some fruit.<sup>94</sup> As the other castaways regain consciousness, they too begin looking for food. As they reach for the fruit, Planner, citing Narveson's argument, objects that they are interfering with her plan for the island's resources which she began and is in the process of carrying out. She is willing to let them have some fruit, but they will have to provide significant services for her in exchange.

Now, it seems highly implausible that in this scenario Planner should gain exclusive claim to the entire natural resources of the island. The other castaways might complain. Narveson responds by asking these second-comers what they "have *done* to get rights to [the natural resources?]" Narveson concludes (correctly) that they will have to admit they have done nothing to earn these rights.<sup>95</sup>

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<sup>93</sup> Narveson, as a contractarian libertarian, claims that his solution of giving the exclusive rights of appropriation to the first comer would be what people would agree to in order to avoid a conflict. The potential agreement presented here seems much more likely to garner the consent of the second-comer.

<sup>94</sup> I assume here that the island is small enough so that Planner can meet whatever qualifications Narveson has for "possession" before the other castaways wake up. What possession means exactly and why it is important is also unclear on Narveson's account, but I believe there are deeper flaws with his argument which make these problems less interesting.

<sup>95</sup> Narveson in this argument focuses special attention on the fact that many of the potential second-comers are "mostly unborn, many on the other side of the globe or down the way many miles" See Narveson, "Libertarianism Vs. Marxism: Reflections on G.A. Cohen's Self-Ownership, Freedom and Equality," 12.

But Narveson's response to the second-comer's complaint is question-begging. To see this, we might inquire what Planner has *done* to get exclusive rights to the natural resources of the island. Narveson's answer seems to be that she has included resources in a conscious plan and has begun executing that plan. But of course the other castaways also have a plan for the natural resources. The difference then seems that Planner has already begun executing *her* plan. But the other castaways would also like to execute their plans for the natural resources if only Planner's ownership claims of the natural resources were not preventing them from doing so. So Narveson's response that the other castaways have not done anything can hardly serve as a justification for a policy which is the very thing that prevents them from doing what is necessary to gain rights to the natural resources.

Narveson concludes his argument by criticizing the "socialist" idea that there is such a thing as a free lunch. But that is exactly what purely natural resources are: a free lunch. Free in the sense that they were produced with no one incurring any cost and a lunch in the sense that they are useful.

The right-libertarian argument that no one has claims to this free lunch fails in two ways. First, it improperly confuses the idea of common ownership of natural resources with the much more general idea of equal claims to natural resources. Even if the right-libertarians succeed in dismissing certain types of common ownership as implausible, this is wholly insufficient for dismissing the idea of equal initial claims to natural resources. Second, their use of liberty considerations to justify unilateral appropriation in a world with (supposedly) no prior claims is implausible. Rothbard's attempt to use self-ownership and a mixing of labor argument is unconvincing. Even if we were to agree that after mixing of labor and a natural resource, the laborer gained rights to the natural resource, it is unclear why a person can legitimately mix his labor with a natural resource to which he has no claim in the first place. Narveson's account cannot avoid the problem that any person's use of resources will interfere with others' conscious plans and thus violates their liberties. The moral weight of someone being a first-comer seems wholly insufficient to overcome the claims to liberty violations by the second-comers in a way that would give the first comer exclusive, permanent ownership of natural resources. Given the presumption of equality that follows from the ideal of

equal concern, and given the short-comings of these right-libertarian arguments, I conclude that individuals do indeed have some claims to purely natural resources.

#### SUMMARIZING THE ABSENCE-OF-LABOR ARGUMENT FOR EQUAL CLAIMS TO PURELY NATURAL RESOURCES

Having defended the premises of the Absence-of-Labor Argument I now review it and show how the premises lead to the conclusion. The argument begins by defending the normative centrality of labor as the ultimate source of differential claims to external resources. The classical liberal and libertarian commitments to equal concern, liberal neutrality, and negative liberty as the central principle of distributive justice help rule out a variety of non-labor based reasons for inequality of claims to external resources. Given the presumption of equality generated by equal concern, I conclude that in the absence of labor, no one's prima facie claim to external resources should be any greater than anyone else.

The argument next turns to the task of demonstrating that no actor's labor provides that actor with differential claims to natural resources. In the discussion of purely natural resources, I dismissed the Rothbardian idea that undeveloped natural resources are valueless. However, I do concede that even undeveloped natural resource might well have a value that is due to the actions of certain agents such as discoverers, inventors, consumers, community members, and local governments. I argue, however, that the claims these agents have by virtue of their labor do not exhaust the entire value of natural resources. If so, individuals still have equal claims to the remaining purely natural resource value, or alternatively, assuming a particular kind of physical compensation, to purely natural resources.

I then turn to the third proposition. I argue, against right-libertarians, that people do have some initial claims to these purely natural resources. I contend that the political ideal of equal concern makes this position the default. I then show that the right-libertarian arguments confuse common ownership with the idea of equal claim and have implausible accounts of unilateral appropriation.

Thus, if labor provides the only justification for differential claims to external resources (1), and no one has differential claims to purely natural resources due to their

labor (2a), then no one has any better claim to purely natural resources than anyone else. If it is also true that the concept of purely natural resources is not an empty one (2b) and that people have some claim to these purely natural resources (3), then we can conclude that all individuals have equal claims to purely natural resources (4). This completes the Absence-of-Labor argument meant to appeal to classical liberals and libertarians. I turn next to the argument that is meant to create consensus among egalitarian liberals for the idea of equal claims to purely natural resources.

### *The Natural-Resource-Uniqueness Argument*

Egalitarian liberals do not give labor the central normative significance in questions of distributive justice that classical liberals and libertarians do. Egalitarian liberals point out that differences in the productive power of people's labor are often due to factors that are morally arbitrary.<sup>96</sup> These moral arbitrary factors include various kinds of raw talents and for some egalitarian liberals, even some kinds of effort. Egalitarian liberals believe that such morally arbitrary differences should not lead to differential claims to resources.

Interestingly, this egalitarian liberal commitment does not directly challenge the idea of equal claims to natural resources. Instead, the implication of this position is that the class of resources to which people have equal claims is much broader than purely natural resources (but includes them.) There thus seems to be an important (and largely overlooked) opportunity for liberal consensus on this question of distributive justice since it would seem that both egalitarian liberals and libertarians can agree that people have equal claims to purely natural resources.

However, it is not a foregone conclusion that egalitarian liberals will support the ECPNRP. They can reasonably hold that there are no significant differences between purely natural resources and other resources to which people have equal claims. If so, then attempting to explore the implications of people's equal claims to purely natural resources separately from other questions of distributive justice may be misguided at best and distortionary at worst.

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<sup>96</sup> See for example John Rawls, *A Theory of Justice*, Rev. ed. (Cambridge, Mass.: Belknap Press of Harvard University Press, 1999), 63-64.

In response to this position, I argue that giving natural resources separate treatment is both coherent and desirable. It is coherent as long as the effects of other inequalities are considered and as long as equal claims to natural resources are seen as provisional; adjustable as needed in order to achieve overall resource equality. It is desirable because equalizing natural resources wealth does not raise the epistemic difficulties, efficiency problems, concerns about interfering with morally relevant factors, and concerns about basic individual economic liberties to nearly the same extent as attempting to equalize the consequences of factors like raw talents.

Some egalitarian liberals, like Ronald Dworkin, already provide a separate treatment of equality of natural resources on the grounds of many of these arguments. Others, like Rawls, do not. I conclude the discussion of egalitarian liberalism by examining Rawls's treatment of natural resources. I attempt to leverage the general arguments provided to show that Rawlsian liberals too ought to give natural resources separate consideration and therefore can endorse the Equal Claims to Purely Natural Resources Proposition.

#### PURELY NATURAL RESOURCES AS PART OF THE BROADER CATEGORY OF RESOURCES TO WHICH PEOPLE HAVE EQUAL CLAIMS ON THE EGALITARIAN LIBERAL ACCOUNT

The first step of the Natural-Resource-Uniqueness Argument is to show that purely natural resources are indeed objects that most egalitarian liberals see as part of the class of resources to which people should have equal claims. I do not spend much time on this argument because it is generally uncontroversial.<sup>97</sup> In addition, the argument can be made in a way that parallels the classical liberal argument for the ECPNRP and so many of the same points can be used to support it.

The egalitarian liberal argument for why people have equal claims to purely natural resources (among other resources) can be stated as follows:

- (1) Actions for which people can be held morally responsible, and only actions for which people can be held morally responsible, carried out under legitimate

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<sup>97</sup> As will be discussed below, it is very possible that Rawls does not endorse the idea of equal claims to purely natural resources.

- background condition, are the ultimate source of justification for why some individuals have greater prima facie claims than others to particular resources.
- (2) No one is entitled to differential prima facie claims to purely natural resources by virtue of actions for which they can be held morally responsible.
  - (3) Individuals have some prima facie claim to purely natural resources.
  - (4) Therefore, all individuals have equal prima facie claims to purely natural resources.

There are only two changes in this argument compared to the classical liberal argument for the ECPNRP. The obvious change is that “labor” has been replaced with “actions for which people can be held morally responsible.” Egalitarian liberals generally exclude from moral responsibility actions that are the result of differences in raw talents and for some egalitarian liberals, even certain kinds of effort. The second change is that the word “external” has been removed because the egalitarian liberal position allows for equal claims to resources that classical liberals regard as internal to the person (such as individual raw talents.)

There is also a small but important point to make about the definition of purely natural resources used in this argument. On the classical liberal account, natural resource value can be divided into two categories: The value due to various agents’ labor and the value that is purely natural. In the egalitarian liberal account, natural resource value can be divided into three categories: The value due to actions for which various agents could be held morally responsible, the value due to actions that are the result of factors that are morally arbitrary, and the value that is purely natural. When I refer to purely natural resources in the egalitarian liberal argument, I refer to those natural resources that would be left after compensation is carried out for any value created under *the first two* egalitarian liberal categories.<sup>98</sup> That is, the value of purely natural resources in both the classical liberal and egalitarian liberal arguments can be described as the value due to the presence of the natural objects themselves.

This point is important for two reasons. First, defining purely natural resources in this way creates congruence between the definition of purely natural resources used in the

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<sup>98</sup> This is a somewhat confusing because the compensation due for the second category would not be due to any particular actor.

classical liberal and egalitarian liberal cases (since the value due to labor for classical liberals generally encompasses the first two egalitarian liberal categories.) In addition, this distinction is important because many of the arguments I make about the uniqueness of purely natural resources would not be accurate if the value of purely natural resources also included value due to human actions (even those human actions resulted from morally arbitrary factors.)

With these distinctions in mind, the conclusion of the classical liberal and egalitarian liberal arguments appears to be the same. But there is a crucial contrast: In addition to equal claims to natural resources, the egalitarian liberal argument justifies equal claims a much broader category of resources (i.e. to any resource that is the result of a morally arbitrary difference between people.) This raises two questions. First, can claims to natural resources be treated separately in a theoretically coherent way? Second, are there good reasons to treat natural resources separately? I turn next to answering these questions.

#### THE THEORETICAL COHERENCE OF TREATING CLAIMS TO NATURAL RESOURCES SEPARATELY

In order to convince egalitarian liberals to endorse the ECPNRP, the next step in the Natural-Resource-Uniqueness Argument is to show that it is theoretically coherent to think of equal claims to purely natural resources separately from equal claims to other resources. I argue that this separation is coherent as long as two caveats are respected. First, special care must be taken to ensure that other unjust inequalities do not somehow corrupt the equality of the natural resource property regime. Second, equal claims to natural resources cannot be seen as absolute, but rather needs to be seen as provisional on the egalitarian liberal view; that is, open to being adjusted in order to ensure that the overall egalitarian liberal ideal of equality of resources is achieved. As long as these two caveats are kept in mind, I contend that there it is perfectly coherent to treat the issue of equal claims to purely natural resources separately from claims to other resources.

The first concern with separating natural resources from other resources is that in actual matters of distributive justice, no such clear separation exists. There are many ways that unjustified inequalities of wealth in other areas could affect the regime of property rights in natural resources. The exact extent of these effects will depend on the

particulars of the regime in question, but it would be a strange natural resource property rights system that remains unaffected by differences in other forms of wealth.

This is a valid concern, but it does not represent an insurmountable theoretical problem. When developing an egalitarian liberal account of equal claims to natural resources, it is possible to assume a world in which no morally arbitrary differences exist among people. Alternatively, it is also possible to assume (as I will) that the distribution of non-natural resource wealth in the society is just. Either of these assumptions would remove the possibility of corrupting unjust wealth inequalities.

There might also be a second egalitarian liberal theoretical concern: By considering the claims to natural resources in isolation, one might lose the fungibility between different resources potentially necessary for achieving a desirable system of overall equality of resources. For example, it might be desirable in the final analysis to grant certain people more than an equal share of entitlements to the resources produced by raw talents in exchange for granting such people less than an equal share of natural resources.<sup>99</sup> If the regime of property rights in natural resources is too inflexible (which might happen if it is developed in isolation), this might preclude such desirable possibilities.

There are two responses to this concern. First, I fully concede the provisional nature of equal claims to natural resources once other inequalities are introduced. If egalitarian liberals can demonstrate difficulties in equalizing claims to other resources, this would certainly serve as a reason for granting people unequal shares of natural resources. But note that such an argument recognizes people's equal *prima facie* claims to natural resources since an unjustified inequality in another area is needed to justify compromising the equality of any particular individual's share of natural resources. Second, it is very difficult to accurately describe how such tradeoffs between different types of resources should be made without first developing a coherent account of what pure equality of natural resource claims entails.

It is worth ending the discussion of coherence by pointing out that Dworkin's account of equality of resources considers claims to natural resources separately from

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<sup>99</sup> This might be justified, for example, by difficulties in redistributing the products of raw talents in certain cases.

other resources, and there does not appear to be any deep incoherence with his theory. Dworkin begins by considering how equal claims to natural resources ought to be respected while assuming away any other inequality in morally arbitrary factors.<sup>100</sup> He then slowly adds inequalities in other morally arbitrary factors, recognizing that the effect of these other inequalities on the scheme that respects people's equal claims to natural resources needs to be considered.<sup>101</sup> Finally, although Dworkin does not explicitly consider this, his system of equality of resources could easily be adjusted to allow people to give up their shares of natural resources in cases where they receive greater shares of other resources, such as the products of raw talents.<sup>102</sup> There is seems to be nothing theoretically incoherent with the resulting egalitarian liberal scheme of equality of resources, despite its separate consideration of the question of equal claims to natural resources.

#### THE DESIRABILITY OF TREATING CLAIMS TO NATURAL RESOURCES SEPARATELY

This separation between natural resources and other resources is not just coherent. The final part of the Natural-Resource-Uniqueness Argument (which is the heart of the argument) involves showing that there are good reasons for why egalitarian liberals should treat purely natural resources separately from other resources. First, there are practical, epistemic reasons. It significantly easier (though by no means trivial) to determine what is the purely natural value of natural resources compared to determining the purely "raw" contribution of talents or, for some egalitarian liberals, the portion of effort that is morally arbitrary. Second, there are efficiency reasons. Redistributing the products of talents and especially of effort has distortionary effects on incentives that eclipse any distortions caused by the distribution of purely natural resource value. Third, there are reasons having to do with a desire not to interfere with morally relevant differences between people. Since natural resources are not a part of anyone in the same way talents are, they are generally much less tied to morally relevant differences such as

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<sup>100</sup> Dworkin, *Sovereign Virtue : The Theory and Practice of Equality*, 65-73.

<sup>101</sup> Dworkin does not actually explicitly consider these effects, but there is no obvious theoretical difficulty in doing so.

<sup>102</sup> That is, part of people's share of external resources could be used to pay the premium in the hypothetical insurance market meant to equalize talents. In fact, there are good efficiency reasons for believing that this is exactly what should happen.

identity and conception of the good.<sup>103</sup> Finally, respecting equality of natural resource claims does not require the same kinds of violations of basic economic liberties as does equalizing claims to other resources. Dworkin recognizes many of these reasons (sometimes implicitly) in developing a different, less egalitarian scheme for equalizing talents than for equalizing natural resources.

The first set of reasons for treating natural resources separately involves epistemic challenges. Isolating purely natural resource value is undoubtedly no easy task. But it is orders of magnitude easier than isolating the part of someone's wealth that is due to raw talent or to that portion of effort that some egalitarian liberals might consider morally arbitrary. A person's raw talents and personal background are private information. Yet the state would need to somehow find out this information to accurately and fully equalize claims to the products of raw talents or morally arbitrary differences in effort. In some cases, it might simply be impossible to measure these factors given current technology. In other cases, it may require an unacceptable invasion of privacy.<sup>104</sup> These factors prompt Dworkin, for example, to advocate that redistribution be based on individuals' actual earnings (i.e. what individuals actually earn given their choice of occupation) rather than potential earnings (i.e. what individuals could earn if they put their talents to their most economically productive use) even though it is the potential earnings which are directly related to differences in raw talent.<sup>105</sup>

These epistemic difficulties also have consequences for efficiency. With less than perfect information, various redistribution schemes could well lead people to hide (at least at the margin) their (morally arbitrary) differential capabilities. For example, a person might choose to hide her mathematical ability (by not developing it) in order to avoid having to pay some sort of compensation to those lacking it. In general, this could lead to what economists call dead weight losses in social welfare and to a significant impoverishment of society.

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<sup>103</sup> The exception to this is land (i.e. homelands) which may be deeply tied to people's identity. I take up this issue in a future section. It is worth noting here though that in most cases the land becomes tied to identity only after prolonged possession. Here we are asking who should be able to possess land in the first place and these issues of identity are much less likely to arise, and if they arise it is far from clear that they are due the same respect.

<sup>104</sup> See Kymlicka's discussion of Wolff's concept of 'shameful revelation' Will Kymlicka, *Contemporary Political Philosophy: An Introduction*, 2nd ed. (New York: Oxford University Press, 2001), 94-95.

<sup>105</sup> Dworkin, *Sovereign Virtue: The Theory and Practice of Equality*, 102.

Equalizing claims to purely natural resource value, on the other hand, is likely to generate very little to no inefficiency. Above, I discussed Smith's views on the lack of incentive distortion created by redistributing land rents. Contemporary economists generally join Smith in recognizing that taxes on the unimproved value of natural resources are the least distortionary, at least in theory, of all possible taxes.<sup>106</sup> It is true, however, that taxes even on pure natural resource value might, under some circumstances, generate some inefficiency. But since no one created natural resources, equalizing claims to purely natural resource value is very unlikely to generate anywhere near the same inefficiency as attempting to equalize resources created by native talents or effort; resources whose production is very sensitive to people's incentives.

Insofar as egalitarian liberals care about efficiency consequences, this is an additional reason to consider natural resources separately. Dworkin's concern about people hiding their talents leads him to introduce co-insurance into his scheme of hypothetical insurance.<sup>107</sup> This reduces the compensation due to the untalented in order to discourage more talented people from pretending to be untalented. Dworkin points out that such an addition to the insurance scheme would save the hypothetical insurance company money and would result in lower premiums generally. Dworkin's concern with these issues strongly suggests a concern for efficiency.<sup>108</sup>

However, even if efficiency is not a consideration for a particular egalitarian liberal theory, there is another, more important reason why natural resources should be treated differently than raw talents. Namely, there a complex web of interactions between factors which egalitarian liberals consider morally arbitrary like differences in raw talents, and aspects of the individual that they do not consider to be morally arbitrary such as identity, personality, some kinds of effort, and conceptions of the good life.

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<sup>106</sup> See for example Kenneth C. Wenzler, ed., *Land-Value Taxation : The Equitable and Efficient Source of Public Finance* (Armonk, N.Y.: M.E. Sharpe ; Shephard-Walwyn, 1999).

<sup>107</sup> The idea of co-insurance is that a person only receives some portion of the compensation for some insured loss. This gives the person an incentive to try to avoid the loss. For Dworkin's discussion of this idea in relation to his insurance scheme, see Dworkin, *Sovereign Virtue : The Theory and Practice of Equality*, 101.

<sup>108</sup> If efficiency were unimportant, we might well accept such cheating by some of the talented (and the resulting higher insurance premiums for everyone) as a necessary part of giving the untalented their proper share under equality of resources. It is hard to understand the strength of the arguments about moral hazard, savings of the insurance company, and the lower premiums unless efficiency considerations are given some implicit weight in Dworkin's scheme.

Regarding the suggestion of taxing away only the component of a person's wealth due to raw talent, Dworkin writes:

[W]e cannot hope to identify such a component, even given perfect information about people's personalities. For we will be thwarted by the reciprocal influence that talents and ambitions exercise on each other... [P]eople choose which talents to develop in response to their beliefs about what sort of person it is best to be.<sup>109</sup>

Dworkin goes on to point out that people's idea of a good life might also in turn be shaped by what talents they have. The problem here is not merely epistemic. Rather, it is that talents affect morally relevant differences, such as differences in ambitions and differences in conceptions of the good life in a way that are complex. So any proposal to equalize claims to people's talents must tread carefully in order to avoid interfering with these morally relevant factors.

As Charles Beitz points out, though, these problems are not present in the case of natural resources, at least not to the same extent. Beitz writes:

[Natural] resources do not stand in the same relation to personal identity as do talents. It would be inappropriate to take the sort of pride in the diamond deposits in one's back yard that one takes in the ability to play the *Appassionata*... The resources under one's feet, because they lack [talents'] natural connection with the self, seem more like contingent than necessary elements in the development of personality.<sup>110</sup>

Now, it is true that people can form very deep attachments to certain natural resources, especially land. These attachments might become so deep as to constitute part of a person's identity. But these attachments are generally formed only *after* the person (or the person's ancestor) has had possession of the land. So, in distributing initial possession of natural resources, egalitarian liberals generally have far less to fear in terms of respecting morally relevant factors as compared with equalizing claims to other resources, such as raw talents.

The final central reason for treating natural resources separately from other resources has to do with considerations of economic liberty. It is of course true that distributing claims to raw talents and the products of some forms of effort violates negative liberty in the traditional understanding of the concept since it involves taking away some of the product of a person's labor. Egalitarian liberals are well aware of this

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<sup>109</sup> Dworkin, *Sovereign Virtue : The Theory and Practice of Equality*, 91.

<sup>110</sup> Charles R. Beitz, *Political Theory and International Relations* (Princeton, N.J.: Princeton University Press, 1979), 139.

conflict, but generally give their principle regarding equalizing morally arbitrary differences precedence in the economic sphere over considerations of negative liberty in the classical liberal and libertarian senses. Nonetheless, egalitarian liberals remain committed to *certain basic* negative liberties in the economic sphere such as freedom of occupation.<sup>111</sup> Equalizing morally arbitrary inequalities in raw talents can conflict even with these most basic economic liberties.

In his discussion of the “slavery of the talented,” Dworkin demonstrates an awareness of this potential conflict. If the talented are forced to pay high compensation to the untalented, they might be economically compelled to take jobs they would not have otherwise taken in order to make this compensation payment. Calling this problem “enslavement” is a quite dramatic,<sup>112</sup> but it is nonetheless clear that the schemes for distributing the products of talents can undermine the freedom of occupation that the talented would otherwise enjoy.

Although Dworkin is determined to exclude this outcome,<sup>113</sup> after developing his insurance scheme, he recognizes that there is still an “anomalous” possibility that some of the talented will lack this freedom of occupation. Although Dworkin does not spend much time developing this problem, he does suggest that it provides a second justification (in addition to the epistemic problems) for using actual earnings instead of potential earnings as the basis of the insurance premium redistribution scheme.<sup>114</sup>

Unlike equalizing the consequences of talent differentials, equalizing claims to natural resources does not violate negative economic liberties. The compatibility of

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<sup>111</sup> There are other economic liberties that egalitarian liberals seem committed to. For example, they do not endorse forcing someone to buy inferior products even though such policies might well help the untalented. Insert Dworkin reference. Note also that freedom of occupation only makes sense as a restriction in the egalitarian liberal scheme if it is taken in the sense of a negative liberty. This is because the tax revenue from forcing the talented to work at a more productive job could easily be used to give more career options to the less talented thus granting them positive freedom of occupation. This positive freedom of occupation generated for the untalented could, at least in some sense and in some plausible scenarios, easily outweigh the freedom of occupation lost by the talented.

<sup>112</sup> Only in the most extreme cases, where a person needs to work more than full-time with a incredibly limited choice of jobs that she dislikes, would this problem approach the idea of enslavement. Also, surely we would want to know the consequences of failing to make payments before resorting to such extreme terms.

<sup>113</sup> Dworkin rules this possibility out immediately, stating “We cannot permit this [slavery of the talented]” even before “pausing to ask what grounds we have for barring it.” See Dworkin, *Sovereign Virtue: The Theory and Practice of Equality*, 90.

<sup>114</sup> *Ibid.*, 99-102. There are deep and interesting problems the egalitarian liberal commitment to freedom of occupation; problems which, unfortunately, are beyond the scope of this paper.

equal claims to natural resources with negative economic liberty was one of the main conclusions of the Absence-of-Labor Argument (and I will not repeat that argument here.) If that argument is right, then a egalitarian liberal concern for certain basic negative economic liberties is another reason why egalitarian liberals should treat natural resources separately from other types of resources.

This completes the Natural-Resource-Uniqueness Argument. I began by arguing that natural resources are part of a broader category of resources to which egalitarian liberals believe people have an equal claim. This is because natural resources, like certain other resources, are a form of wealth that is not the result of actions for which people can be held morally responsible. Next, I argued that it is coherent to separate the question of equal claims to natural resources from the question of equality of resources more broadly as long as two caveats are respected. First, in developing the scheme that respects equal natural resource claims, special care needs to be taken to create insulation from the effects of unjust inequalities of other forms of wealth. Second, once the possibility of other unjust inequalities is introduced, it is important to recognize that equality of natural resources might have to be compromised in order to compensate for unjustified inequalities in other economic areas in order to achieve a desirable overall scheme of equality of resources.

After arguing for the coherence of treating natural resources separately, I turned to the argument that it is desirable to do so. I pointed out that there are a variety of difficulties that have to be taken into account when equalizing claims to other resources that are not present when equalizing claims to natural resources. First, there are a variety of serious epistemic problems relating to determining and accurately measuring the differences in morally arbitrary factors such as raw talents. Second, there are a variety of efficiency problems that result when the products of talent and effort are equalized given imperfect information. Third, there are deep and complex connections between differences in raw talents and morally relevant differences in personality, identity, and conceptions of the good. These connections need to be considered carefully when attempting to mitigate the effects of talent differentials. Finally, insofar as egalitarian liberals are committed to some basic negative economic liberties such as freedom of occupation, this commitment places important constraints on the way in which raw

talents and morally arbitrary differences in effort can be equalized. Of the resources that egalitarian liberals wish to equalize, purely natural resources are unique in not being subject to these problems to a significant extent, and so it would be a mistake to simply include them in whatever scheme is used to equalize the consequences of other morally arbitrary factors.

It is interesting to note that these reasons for the desirability of treating natural resources separately also suggest that the scheme for equalizing natural resources claims can achieve a much deeper kind of equality than the scheme for equalizing other kinds of resource claims. Simply put, in the absence of the difficulties discussed above, egalitarian liberal schemes for equalizing natural resource wealth face far fewer constraints. This is exactly the outcome in Dworkin's theory. The equal income auction scheme used to equalize natural resources achieves a more fundamental equality (i.e. a distribution where no one envies anyone else's share) than the hypothetical insurance scheme used to equalize differences in talents. However, Dworkin seems to minimize the role of epistemic problems, efficiency concerns, connection to morally relevant factors, and constraints of basic economic liberties in ultimately defending the differences between his different schemes.<sup>115</sup>

Although he does not sufficiently emphasize the reasons for doing so, Dworkin's theory does consider the question of how to best respect people's equal claims to natural resources separately from the question of how equal claims to talents are to be respected. However, not all egalitarian liberals make such a separation. Rawls, for example, does not. Interestingly, Dworkin does not criticize Rawls on this account. Given Rawls's influence, the final task in developing a liberal consensus around the idea of equal claims

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<sup>115</sup> In considering the complaint that his scheme does not produce enough equality, Dworkin responds (in a vague way) that any other system would "wreak wholesale and dramatic changes on the position of others" and that these changes would in fact violate the requirement that differences in wealth be ambition sensitive. *Ibid.*, 105. But Dworkin is unclear at this point on *why* this would be the case. The reasons presumably include epistemic difficulties and the connections between talents and ambitions, personality, identity, and conception of the good that he pointed out earlier. In addition, Dworkin does not mention the efficiency considerations and the constraints imposed by respecting the freedom of occupation of the talented that are implicitly appealed to in his argument. Thus, a far clearer, more powerful Dworkinian response would be that epistemic difficulties, efficiency considerations, concerns about the interaction of talents and identity, and concern about the basic economic liberties of the talented all preclude a more egalitarian scheme in the case of talents compared to the case of natural resources.

to natural resources is convincing Rawlsian liberals that they too should consider the question of equalizing claims to natural resources separately from other resources.

### *Rawls and Natural Resources*

Given the extent of the general liberal support (even among egalitarian liberals such as Dworkin) for the proposition of equal claims to natural resources, it is a testament to Rawls's influence that this idea has largely been marginalized in contemporary political philosophy. Rawls has generally maintained a virtual silence on the issue (the topic of natural resources does not even merit an index entry in Rawls's *A Theory of Justice*.)<sup>116</sup> Despite Rawls's neglect of this topic, contending with Rawls's theory is important for two reasons: First, given Rawls's influence on liberal thought, it is impossible to claim a liberal consensus on the ECPNRP without including Rawlsian liberals in that consensus. Second, many of the attempts to argue for equal claims to natural resources in the realm of international justice have attempted to use Rawls's theory as a foundation. So while Rawls largely ignores the issue of natural resources, it is important to look more closely at his ideas and the reasons behind this neglect.

As soon as one begins to examine the question of purely natural resources from within a Rawlsian framework, a deep problem arises. For Rawls, justice is concerned with the division of the benefits and burdens of social cooperation. But purely natural resource value does not seem to be a benefit of social cooperation. So purely natural resources seem to fall outside the scope of Rawlsian distributive justice. I argue, however, that it is simply implausible that justice has nothing to say about the distribution of purely natural resources.

If the distribution of claims to purely natural resources does raise questions of distributive justice, then the next question is what justice as fairness has to say about this distribution. I rule out the possibility that justice as fairness is simply indifferent to the distribution of purely natural resources. Instead I argue that the distribution of purely natural resources on a Rawlsian account would respect people's equal claims, and more specifically might be determined through the use of some sort of original position. I

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<sup>116</sup> Rawls does mention natural resources in *The Law of Peoples* (mostly in response to Beitz and Pogge). See Rawls, *The Law of Peoples ; with, the Idea of Public Reason Revisited*, 116-19. But Rawls dismisses the idea that peoples have equal claims to natural resources.

conclude by considering the question of whether purely natural resources should be given separate treatment within this Rawlsian framework. I appeal to the reasons given in the Natural-Resource-Uniqueness Argument to argue that they should indeed be considered separately.

#### PURELY NATURAL RESOURCE VALUE, SOCIAL COOPERATION, AND THE ROLE OF JUSTICE ON RAWLS'S ACCOUNT

Rawls states in the opening pages of his section on the role of justice:

A set of principles is required for choosing among various social arrangement which determine [the] division of [social] advantages and for underwriting an agreement on the proper distributive shares. These principles are the principles of social justice: they provide a way of assigning rights and duties in the basic institutions of society and they define the appropriate distribution of the benefits and burdens of social cooperation.<sup>117</sup>

For Rawls, then, the scope of the question of distributive justice seems to be the division of the benefits and burdens of social cooperation.

But if we take social cooperation to be comprised of the actions of particular agents: discoverers, inventors, consumers, community members, etc. it seems clear that purely natural resource value as it has been defined here cannot be classified as a benefit of social cooperation. Instead, it is the value that is due to the presence of the natural object itself.

Beitz points out something very similar in his discussion of Rawls's account of entitlements to natural resources. He writes:

We can appreciate the moral importance of conflicting resource claims by distinguishing two elements that contribute to the material advancement of societies. One is human cooperative activity itself, which can be thought of as the human component of material advancement. The other is what Sidgwick called "the utilities derived from any portion of the earth's surface," the natural component.

So on Beitz's account too there is some natural component that is separate from the benefits of social cooperation.

Nozick points out that Rawls seems to be lacking an account of how such resources, whose value cannot be attributed to social cooperation, ought to be distributed. Rawls, according to Nozick, simply appears to ignore these resources. Nozick responds to this problem (on behalf of someone with this Rawlsian perspective) that, "One might

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<sup>117</sup> Rawls, *A Theory of Justice*, 4.

claim... that due to the enormous benefits of social cooperation, the noncooperative [shares of resources] might be so small in comparison to any cooperative [shares of resources,] that they may be ignored in setting up the problem of social justice.”<sup>118</sup>

But note that this possible response implicitly appeals to the same kind of “but for” theory of value that was rejected in the earlier discussion of right-libertarianism. No doubt it is true that but for social cooperation (which includes the actions of discoverers, inventors, consumers, community members, local government, development laborers, etc.) natural resources would be useless, but it is also true that without the natural resources, social cooperation would produce no value. If the objections I raised against this “but for” theory of value above are valid, we cannot conclude that the various agents who compose particular schemes of social cooperation are due the entire value of particular natural resources. So we cannot simply ignore the question of how raw natural resource value is to be distributed on the grounds of its insignificance.

We might try to consider the distribution of this purely natural value under the Rawlsian framework. But, as Beitz recognizes, if one views social cooperation to be the root of all obligations of justice, then this purely natural resource value will simply be excluded from considerations of justice. Beitz, however, rejects the premise that social cooperation is the only thing that can raise questions of distributive justice. Beitz writes, “I believe this is wrong. It seems plausible in most discussions of distributive justice because their subject is the distribution of the benefits of social cooperation.”<sup>119</sup>

But if social cooperation is not what raises questions of justice then what does? I cannot provide a definitive answer here. I can, however, describe a situation in which it seems obvious that considerations of justice arise where nonetheless there is no social cooperation. Imagine two castaways Anne and Bill washed ashore on a pristine island and imagine that Anne gains consciousness first. Anne proceeds to set a line of small stones that divides the island into two parts. One part has many of the desirable natural resources of the island while the other (which includes the area that Bill is currently in) has enough resources to live on but not much more. As the Bill wakes up, Anne informs

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<sup>118</sup> Nozick responds to this objection that “this is certainly not how people entering into cooperation with one another would agree to conceive of the problem of dividing up cooperation’s benefits.” See Nozick, *Anarchy, State, and Utopia*, 184-85.

<sup>119</sup> Beitz, *Political Theory and International Relations*, 140.

him (from “her” part of the island) that she wants nothing to do with him. In addition, Anne informs him that if he crosses the line of stones she has set up, she will kill him (assume that Bill believes that Anne can make good on her threat.)

Now, there is no social cooperation in any meaningful sense taking place here; at least none that generate benefits in the straightforward way that Rawls imagines. Can we therefore say this situation is beyond the scope of distributive justice? This seems intuitively implausible, but unfortunately, without entering into a lengthy debate about the origins of justice, I can do little more than appeal to intuition in this case. I do want to suggest, though, a plausible possibility consistent with the liberal tradition, which is that the use of coercive force (or the threat of coercive force) by Anne is what raises questions of justice in this case.<sup>120</sup>

Beitz describes a similar example that focuses on self-sufficient states which have different shares of natural resources (he does not, however, mention the possible normative role of coercive force.)<sup>121</sup> He uses that example to suggest similarly that differential shares of natural resources do raise questions of distributive justice even in the absence of social cooperation.

Although Beitz and I agree that the distribution of natural resources raises questions of distributive justice, Beitz’s concern is with international justice, and he seems to dismiss the problems that purely natural resources raise in the purely domestic case. He writes regarding Rawlsian justice within a particular society:

[Problems regarding natural resources] do not arise in the domestic case because their distribution ... [is] implicitly covered by the difference principle... When the scope of social cooperation is coextensive with the territorial boundaries of a society, it is unnecessary to distinguish natural and social contributions to the society’s level of well-being.<sup>122</sup>

But it is not at all obvious that the natural contribution (i.e. the purely natural resource value) is implicitly covered by the difference principle since the difference principle is concerned, on Rawls’s account, *only* with how the benefits of social

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<sup>120</sup> Note that the use of the threat of coercive force by Anne is what distinguishes this case from the one raised by Nozick about 10 Robinson Crusoe’s on different islands who learn about each and can only transfer goods. The normative importance of coercive force would also explain Beitz’s intuition that the distribution of natural resources even in the case of self-sufficient, autarchic states falls within the purview of justice (since states generally use the threat of force to prevent members of other states from accessing their natural resources.)

<sup>121</sup> Beitz, *Political Theory and International Relations*, 140.

<sup>122</sup> *Ibid.*, 143.

cooperation are to be divided. In addition, even if it is true that purely natural resources should be included under some kind of difference principle, I want to argue in contrast to Beitz, that there are very good reasons to distinguish between the natural and social contributions to societal well-being, even in the domestic case (which is the case that I am considering in this paper.)

#### INCORPORATING THE DISTRIBUTION OF CLAIMS TO PURELY NATURAL RESOURCE VALUE INTO A RAWLSIAN FRAMEWORK

In order to respond to Beitz's contentions, I develop three claims in this section: First, if the distribution of purely natural resources does indeed raise questions of distributive justice (as I suggested in the preceding section it does), then Rawlsian liberals should endorse the idea of equal claims to purely natural resources. Second, it might be plausible in the domestic case to develop this idea of equal claims to purely natural resource by including them under the scope of the difference principle. Finally, even if they are included under the difference principle, the scheme for equalizing claims to purely natural resources should be developed separately from the schemes meant to equalize claims to other resources.

If natural resources have a value that is not due to the agents in any particular scheme of social cooperation, and the distribution of this purely natural resource value does raise questions of distributive justice, then Rawlsian liberals face a dilemma. This appears to present a question of distributive justice that their principle of granting people equal claims to the benefits of social cooperation cannot answer. But we have confronted a very similar dilemma earlier in the paper. Purely natural resource value also fell outside the scope of the central libertarian principle of distributive justice (i.e. formal self-ownership.) The central Rawlsian principle of distributive justice and the central libertarian principle of distributive justice, though providing very different distributive outcomes, seem to have a similar scope.<sup>123</sup> Most importantly for our purposes, purely natural resources seem to fall outside the scope of both of these principles.

This similarity suggests the solution of again appealing to the presumption of equality. Although I will not again go through all the possible arguments, there seems to

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<sup>123</sup> The scope may not be identical because of the question of raw talents (i.e. a person's genetic endowment), which also does not seem straightforwardly to be attributable to social cooperation.

be no reason consistent with Rawlsian theoretical commitments for why Anne should receive a greater share of natural resources than Bill in the example above. In the absence of such reasons, equal concern for Anne and Bill seems to dictate that they should have equal claims to the island's natural resources even if Anne continues to want nothing to do with Bill.

Unlike libertarians, Rawls has an additional argument that supports this conclusion. Rawls, like Dworkin, is committed to the idea that differences that are arbitrary from the moral point of view not should create differences in resource claims.<sup>124</sup> There seems to be no morally relevant factors that would grant Anne a right to a greater share of the island's purely natural resources. This is the argument that Beitz appeals in concluding that people should have equal claims to natural resources.<sup>125</sup>

If Rawlsian liberals can support the idea of equal claims to purely natural resources, this raises several interesting and important issues. First, we might wonder how exactly a Rawlsian liberal might respect people's equal claims to purely natural resources. It might be possible to glean an answer from Rawls's treatment of resources resulting from social cooperation. Rawls seems to endorse the idea that people have equal claims to the benefits of social cooperation. These equal claims are best respected, on Rawls's account, by granting people equal shares of these benefits unless inequality can be shown to benefit the least advantaged. So, Rawls provides a theory for how to respect people's equal claims to socially created resources and there is no reason to suppose that the same procedure would be inappropriate for respecting equal claims to purely natural resources. That is, the distribution of purely natural resources might also be determined using some sort of original position that results in some kind of difference principle. This is, in any case, the conclusion that Beitz seems to draw.

A second interesting issue arises regarding the possible interaction between claims purely natural resources and claims to socially created wealth. It is plausible to think that they should be treated completely separately. That is, a person has equal claims to purely natural resources and separately has equal claims to the benefits of social

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<sup>124</sup> Rawls, *A Theory of Justice*, 63-64.

<sup>125</sup> Beitz, *Political Theory and International Relations*, 138-40.

cooperation. If this is the right interpretation of Rawls, then it is very clear that purely natural resources require separate treatment.

But it is also plausible that Rawls would endorse the idea that purely natural resource wealth could be used to balance unjustified inequalities in other areas. After all, the difference principle cannot eliminate all the benefits the advantaged receive by virtue of their arbitrarily high native endowments. The incentives given to the talented under the difference principle to develop their talents give them additional benefits above this. If so, perhaps Rawls would endorse the idea that purely natural resources can be used to mitigate some of the shortcomings of the difference principle in distributing the benefits of social cooperation. He might therefore grant the least advantaged a greater share of natural resource wealth to compensate for these other unjustified inequalities. If so, then we might simply include purely natural resources along with all other resources in some grand domestic difference principle. This seems to be what Beitz thinks should be done if we are only looking at the domestic case.<sup>126</sup>

The third interesting issue involves the consequences of moving beyond the case of a single society. Note that in this case it is no longer plausible to simply combine purely natural resources with socially created resources into one difference principle because the agents who have claims to purely natural resources may be different than the agents who have claims to the particular socially created resources. It may well be the case that only members of particular cooperative schemes are entitled to the benefits of social cooperation resulting from those particular schemes. However, the value of purely natural resources is not due to the agents in any particular scheme of social cooperation. So there would seem to be a need for some separate, international original position with different agents to determine the distribution of purely natural resources. This is, again, the conclusion that Beitz seems to draw.<sup>127</sup>

The interesting issues of global justice raised here are beyond the scope of this paper. For now, I will focus again on the purely domestic case and on Beitz's claim that it is unnecessary to separate the natural component from the social component of societal wealth in this situation. I want to argue that even if claims to purely natural resources can

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<sup>126</sup> Ibid.

<sup>127</sup> Beitz includes all individuals in his version of the "international original position." Ibid., 143-44.

be properly merged with claims to other resources under one domestic difference principle, they would still merit separate treatment. The reasons for this are the ones described by the Natural-Resource-Uniqueness Argument.

Rawls is generally vague about how the difference principle is actually to be implemented. In *Justice as Fairness: a Restatement*, he does suggest a few policy instruments that might be used. One possibility is a proportional income tax with exemptions for certain levels of income. Another is an expenditure tax and with an exemption for some level of expenditure.<sup>128</sup>

If we are interested in applying the difference principle to the question of natural resources, two things are worth noting. First, as Rawls admits, these instruments are not very precise and so will not exactly respect people's equal claims to the benefits of social cooperation.<sup>129</sup> But as Dworkin's auction shows, it might be possible to design a policy that respects people's equal claims to natural resources in a much more accurate way. Second, it is unclear how these kinds of proposals can even apply to natural resources. So treating natural resources separately is necessary for the simple reason that there is no clear proposal for how the difference principle should apply to them in practice.

One possibility is to tax purely natural resource value and distribute the proceeds to the members of society or use these proceeds for common purposes. If this proposal could be implemented, it would seem in keeping with the general spirit of Rawls's ideas. In addition, it seems to be an accurate way of respecting people's equal claims to purely natural resource value.

Now, someone might point out that if this proposal works for natural resources, it can simply work for all resources so that there is no reason to treat natural resources separately. That is, we could simply place a tax on any wealth that is not the result of an action for which a person could be held morally responsible. For example, we could place a tax on the value of native endowments, with those that have a better endowment being forced to pay a higher tax.

Rawls in fact explicitly considers this proposal and rejects it. He recognizes that this policy could eliminate (or at least greatly reduce) unjustified differences in income

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<sup>128</sup> John Rawls, *Justice as Fairness : A Restatement*, ed. Erin Kelly (Cambridge, Mass.: Belknap Press of Harvard University Press, 2001), 161-62.

<sup>129</sup> Ibid. 162

and wealth. But he dismisses it for many of the same reasons that were mentioned earlier in the Natural-Resource-Uniqueness Argument. Rawls writes, “There may be no measure of native endowments ... sufficiently accurate for us to have confidence that we can justify such a coercive tax.” Rawls appeals to the epistemic difficulties of measuring talent and to the distortion of incentives created by encouraging people to conceal their talents. Most importantly, he objects to it on the grounds that it would violate the basic economic liberty the talented have of choosing an occupation.<sup>130</sup> As I have argued earlier, the problems that Rawls appeals to in rejecting the talent endowment tax are absent (or present to a much lower extent) in the case of natural resources. This strongly suggests that it is important to consider natural resources separately even if they fall under the scope of the domestic difference principle.

To sum up the argument I have presented for Rawlsian liberals: I have argued that purely natural resource value falls outside the scope of wealth that might be seen as a benefit of any particular scheme of social cooperation. I pointed out that without appealing to the flawed “but for” theory of value, we cannot assume that this wealth is insignificant. I then argued that although purely natural resources fall outside the scope of Rawls’s central principle, their distribution nonetheless raises questions of justice. I proceeded to appeal to the presumption of equality and Rawls’s intuitive argument about moral arbitrariness to support the idea that justice as fairness would endorse the idea of equal claims to purely natural resources. Finally, I argued that even if this means that purely natural resources should be seen as falling under the difference principle in the purely domestic case, there are reasons involving epistemic difficulties, efficiency considerations, and liberty constraints for treating natural resources separately. So Rawlsian liberals too, I argue, can endorse the idea of equal claims to purely natural resources.

### *Non-Liberals and the Proposition of Equal Claims to Natural Resource*

Before concluding this paper, it is important to say a few words about non-liberal thinkers and their relation to the idea of equal claims to natural resources. I do not expect such thinkers to endorse the ideas developed in this paper whole-heartedly. Nonetheless,

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<sup>130</sup> Ibid., 158.

there are certain non-liberal theories that might be sympathetic to aspects of the idea of equal claims to natural resources and it is worth mentioning these theories here.

Marxists, especially those interested in the conditions that lead to the exploitation of labor, might well be interested in the idea of equal claims to natural resources. As Cohen points out, in *Capital* and in *The Critique of the Gotha Program*, Marx sees the monopoly of land as the cause for the creation of the proletariat and as a basis for the continual monopoly of capital.<sup>131</sup> This is because the monopoly of land puts the worker at the mercy of the capitalist thus creating the conditions for exploitation. Natural resources are generally recognized as a means of production, and this leads Marxists and socialists to have an interest in ensuring that people have equal access (in some sense) to these resources.<sup>132</sup> However, the neo-Marxist and socialist agendas often extends far beyond equalizing claims to natural resources to equalizing access to the means of production more generally, as well as to other goals such as ensuring the provision for the needy.<sup>133</sup> Nonetheless, insofar as some kind of equal distribution of natural resources part of the Marxist and socialist agendas, some of the implications of the idea of equal claims to natural resources might be of interest.

Next, a variety of political thinkers who give efficiency central normative importance might be interested in the ideas of equal claims to natural resources developed here. ‘Classical liberal’ economists have generally advocated taxing natural resource wealth on efficiency grounds.<sup>134</sup> Also, thinkers in the law and economics tradition have often argued that property rights in natural resources ought to be determined by considerations of efficiency. Insofar as respecting people’s equal claims

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<sup>131</sup>Cohen, *Self-Ownership, Freedom, and Equality*, 168. Although Marx shares with classical liberals a focus on labor, for Marx, this focus derives (arguably) from a perfectionistic vision of human beings as free, productive agents. Insert Marx reference Manuscripts p. 76-77. Having access to the means of production such as natural resources allows all human beings to realize this potential.

<sup>132</sup> See for example, Cohen. *Ibid.*, 120.

<sup>133</sup> So they might endorse the proposition that natural resources should be distributed to avoid exploitation or to help the needy rather than the idea that people have equal claims to these resources as a matter of justice to natural resources.

<sup>134</sup> I put the term ‘classical liberal’ in quotes here because these economists, unlike liberals more generally lack a principled commitment to negative liberty. On their account, liberty is generally seen as instrumentally beneficial for efficiency, which is seen as instrumentally beneficial for achieving some kind of optimal (from a utilitarian point of view) distribution of wealth. Although classical liberals like Mill also had a commitment to utilitarianism, it is not at all clear that Mill’s commitment to negative liberty was purely derived from and secondary to his utilitarian commitment.

to natural resources can be done efficiently, these thinkers might well be interested in the implications of the idea of equal natural resource claims.

Finally, there are a variety of other non-liberal thinkers who have also supported giving people an equal share of natural resources due to political benefits besides encouraging efficiency and avoiding worker exploitation. Plato, for example, saw a relatively equal division of land in *The Laws* as important for maintaining political stability.<sup>135</sup> James Harrington in *The Commonwealth of Oceana* argues that egalitarian land distribution is needed for a good republican government.<sup>136</sup> Machiavelli in *The Discourses* argues that a more egalitarian division of land could encourage citizens to defend the polity.<sup>137</sup>

While land's diminished importance as a source of wealth might undermine some of these arguments, it remains true that an egalitarian distribution of natural resources can be instrumentally important in achieving a variety of political goals. These include (but are not limited to) political stability, efficiency, and mitigating opportunities for exploitation. Thinkers who see these goals as central might therefore also be interested in the development of the idea of equal claims to natural resources.

### *Conclusion*

While these non-liberal thinkers might be sympathetic with some of the implications of the idea of equal natural resource claims, my primary interest here has been to demonstrate that the central theoretical commitments of both libertarians and egalitarian liberals require them to endorse the idea of equal claims to purely natural resources. I opened the paper with a survey of liberal thought on the subject of natural resources. This survey briefly examined the positions of social contract thinkers, classical liberals, and contemporary liberals including libertarians, egalitarian liberals, and basic income liberals. It demonstrated that there is a great deal of support for the ECNRP among liberals, with the important exceptions of right-wing libertarians and John Rawls. However, it also showed that there are very few systematic arguments for this

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<sup>135</sup> Plato, *The Laws*, ed. Trevor J. Saunders, *Penguin Classics* (New York: Penguin, 2004).

<sup>136</sup> James Harrington, *The Commonwealth of Oceana* (New York: George Routledge and Sons, 1987).

<sup>137</sup> Niccolò Machiavelli, *Discourses on Livy*, ed. Harvey Mansfield and Nathan Tarcov (Chicago: University of Chicago Press, 1996).

popular idea. In addition, it also showed that there are neither clear definitions of natural resources nor a clear discussion of the sources of their value.

I next defined natural resources as unaltered, useful objects not created by human beings. I considered and rejected the right-wing libertarian contention that natural objects were valueless. Although some natural resource value is admittedly due to particular agents (e.g. discoverers, inventors, community members, etc.), I argued that there is a portion of natural resource value that is not due to any particular actor. This purely natural resource value can instead be seen as the value due to the presence of the natural object itself.

Having defined natural resources and purely natural resources, I then turned to the task of providing a rigorous foundation for the proposition that people have equal claims to purely natural resources. I began with what I call the Absence-of-Labor Argument, meant to appeal to classical liberals and libertarians. This argument opens by showing that the central liberal commitments to equal concern, liberal neutrality, and negative liberty can be used to support the idea that only labor can generate differential claims to resources. Next, I further examined the proposition that no one has differential claims to purely natural resources by virtue of her labor. I argue that even after compensating all particular agents, some purely natural resources remain. In opposition to right-libertarians, I argued that people have some claim to these purely natural resources and concluded that people's claims to purely natural resources should be equal.

The Natural-Resource-Uniqueness argument, meant to appeal to egalitarian liberals, was presented next. Egalitarian liberals generally agree that natural resources are one of the forms of wealth to which people have equal claims. I argued that treating natural resources separately from other resources is coherent. Furthermore, it is desirable to do so since equalizing claims to natural resources does not run into the same epistemic difficulties, efficiency problems, concerns about interfering with morally relevant factors, and economic liberty constraints as does equalizing claims to other resources.

Rawls's theory presents a particular challenge since he seems to neglect natural resources altogether. Upon examination, this is not surprising since purely natural resource value falls outside the scope of Rawlsian central concern with fairly dividing the benefits of social cooperation. Nonetheless, the distribution of purely natural resource

value raises questions of distributive justice. I argued that there are good reasons for Rawlsian liberals to endorse the idea of equal claims to purely natural resources and to set aside natural resources for separate consideration. After concluding the discussion of egalitarian liberalism with the section on Rawls, I briefly suggested that other non-liberal thinkers might also be interested in aspects of the idea of equal claims to natural resources and its implications.

In order to begin exploring the implications of the idea of equal claims to purely natural resources, we need to determine how these equal claims ought to be respected. As the survey of liberal thinkers showed, even theorists who endorse the more general ideal of equal claims to natural resources can have very different answers to this question. Yet these differences have enormous implications for the final regime of natural resource property rights. This is a crucial topic that I leave for a separate paper. My goal here has been to argue that liberals should endorse the proposition that people have equal claims to purely natural resources.

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## Bibliography

- Ackerman, Bruce A. *Social Justice in the Liberal State*. New Haven: Yale University Press, 1980.
- Barry, Brian M. "Circumstances of Justice and Future Generations." In *Obligations to Future Generations* edited by R.I. Sikora and Brian Barry, xi, 250. Philadelphia: Temple University Press, 1978.
- Beitz, Charles R. *Political Theory and International Relations*. Princeton, N.J.: Princeton University Press, 1979.
- Berlin, Isaiah. *Four Essays on Liberty, Galaxy Book, 191*. New York: Oxford University Press, 1969.
- Cohen, G. A. *Self-Ownership, Freedom, and Equality, Studies in Marxism and Social Theory*. New York: Cambridge University Press, 1995.
- Dove, Patrick Edward. "On Property." In *The Origins of Left-Libertarianism : An Anthology of Historical Writings* edited by Peter Vallentyne and Hillel Steiner, ix, 236 p. Houndmills ; New York: St. Martin's Press, 2000.
- Dworkin, R. M. *Sovereign Virtue : The Theory and Practice of Equality*. Cambridge, Mass.: Harvard University Press, 2000.
- Foldvary, Fred. "Heath: Estranged Georgist." In *Critics of Henry George : An Appraisal of Their Strictures on Progress and Poverty* edited by Robert Andelson. Malden, MA: Blackwell Pub., 2003.
- Harrington, James. *The Commonwealth of Oceana*. New York: George Routledge and Sons, 1987.
- Hobbes, Thomas. "Leviathan." In *Cambridge Texts in the History of Political Thought*, edited by Richard Tuck, xciii, 519 p. Cambridge ; New York, NY, USA: Cambridge University Press, 1996.
- Kirzner, Israel. "Entrepreneurship, Entitlement, and Economic Justice." In *Left-Libertarianism and Its Critics : The Contemporary Debate* edited by Peter Vallentyne and Hillel Steiner, 191-213. New York: Palgrave, 2000.
- Kymlicka, Will. *Contemporary Political Philosophy : An Introduction*. 2nd ed. New York: Oxford University Press, 2001.
- Locke, John. "Second Treatise of Government." edited by C. B. Macpherson., xxiv, 124 p. Indianapolis, Ind.: Hackett Pub. Co., 1980.
- Machiavelli, Niccolò. *Discourses on Livy*. Edited by Harvey Mansfield and Nathan Tarcov. Chicago: University of Chicago Press, 1996.
- Mill, John Stuart. "On Property and the General Principles of Taxation." In *The Origins of Left-Libertarianism : An Anthology of Historical Writings* edited by Peter Vallentyne and Hillel Steiner, ix, 236 p. Houndmills ; New York: St. Martin's Press, 2000.
- . *Utilitarianism*. Edited by George Sher. 2nd ed. Indianapolis: Hackett Pub., 2001.
- Narveson, J. "Libertarianism Vs. Marxism: Reflections on G.A. Cohen's Self-Ownership, Freedom and Equality." *The Journal of Ethics* 2, no. 1 (1998): 1-26.
- . "Libertarianism Vs. Marxism: Reflections on G.A. Cohen's Self-Ownership, Freedom and Equality, the Journal of Ethics, 2." (1998).

- Nozick, Robert. *Anarchy, State, and Utopia*. New York: Basic Books, 1974.
- Otsuka, Michael. "Self-Ownership and Equality." In *Left-Libertarianism and Its Critics : The Contemporary Debate* edited by Peter Vallentyne and Hillel Steiner, 149-73. New York: Palgrave, 2000.
- Paine, Thomas. "Agrarian Justice." In *The Origins of Left-Libertarianism : An Anthology of Historical Writings* edited by Peter Vallentyne and Hillel Steiner, ix, 236 p. Houndmills ; New York: St. Martin's Press, 2000.
- Plato. *The Laws*. Edited by Trevor J. Saunders, *Penguin Classics*. New York: Penguin, 2004.
- Pogge, Thomas. *World Poverty and Human Rights : Cosmopolitan Responsibilities and Reforms*. Cambridge, England: Polity Press, 2002.
- Rawls, John. *Justice as Fairness : A Restatement*. Edited by Erin Kelly. Cambridge, Mass.: Belknap Press of Harvard University Press, 2001.
- . *The Law of Peoples ; with, the Idea of Public Reason Revisited*. Cambridge, Mass.: Harvard University Press, 1999.
- . *A Theory of Justice*. Rev. ed. Cambridge, Mass.: Belknap Press of Harvard University Press, 1999.
- Rothbard, Murray. "Entrepreneurship, Entitlement, and Economic Justice." In *Left-Libertarianism and Its Critics : The Contemporary Debate* edited by Peter Vallentyne and Hillel Steiner, 214-27. New York: Palgrave, 2000.
- Rousseau, Jean-Jacques. "Discourse on the Origin and the Foundations of Inequality among Men " In *The Discourses and Other Early Political Writings* edited by Victor Gourevitch, liii, 437 p. Cambridge ; New York: Cambridge University Press, 1997.
- Smith, Adam. *An Inquiry into the Nature and Causes of the Wealth of Nations*. Edited by Edwin Cannan. Dunwoody: Norman S. Berg, 1976.
- Vallentyne, Peter, and Hillel Steiner, eds. *Left-Libertarianism and Its Critics : The Contemporary Debate*. New York: Palgrave, 2000.
- , eds. *The Origins of Left-Libertarianism : An Anthology of Historical Writings*. Houndmills ; New York: St. Martin's Press, 2000.
- Wenzer, Kenneth C., ed. *Land-Value Taxation : The Equitable and Efficient Source of Public Finance*. Armonk, N.Y.: M.E. Sharpe ; Shephard-Walwyn, 1999.
- Young, H.P. "Individual Contribution and Just Compensation." In *The Shapley Value : Essays in Honor of Lloyd S. Shapley*, edited by Alvin E. Roth, vii, 330. New York: Cambridge University Press, 1988.