

CAPITALISM AND NATURAL RIGHTS

**Marx, Locke and the moral justification
of capitalism**

**INAUGURAL LECTURE DELIVERED AT
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INTRODUCTORY REMARKS

It is customary on these occasions to pay tribute to one's predecessors. As I happen to be the first incumbent of the Chair of Political Studies, I am hardly able to do that. And, because Chairs are not hereditary, neither can I, like Marshal Junot, one of Napoleon's generals, upon being created a duke, declare "I am my own ancestor!" In any case, only a Frenchman could get away with a statement of that sort!

I would, however, like to pay tribute to the late Professor Daantjie Oosthuizen who did so much for me personally while Politics still came under the aegis of the Philosophy Department, and who played a large part in the building up of what was to become the Department of Political Studies. Of course, there have been eminent academics who have lectured in Politics at Rhodes in the past, such as Professor Lord and his various successors, so that I am far from being able to claim any precedence apart from the formal one of occupying the Chair.

Before beginning my lecture, I should like to say that many of the ideas which I shall be developing are the fruit of dialogues with both colleagues and students, and I must also say that I have learnt a great deal not only from my colleagues, but also from my students. I thank them all.

through an examination of the theories of John Locke, that a Natural Rights theory is to be taken seriously, it is at odds with the very capitalist theory which it is generally taken to support, and that Natural Rights cannot therefore provide an adequate under-pinning of capitalism, at least not without generating self-contradictions within the theory of Natural Rights. If the arguments which I shall present are right, I shall hope to have established what might be termed two paradoxes.

The late John Austin, the Oxford philosopher, once wrote "You've got to get something on your plate before you can start moving it around" - and as there is a great deal to be placed, particularly on the first of my two plates, I shall have to ask for your indulgence while I proceed to load it. This will involve an outline of my own reading of those aspects of Marx's theories

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Mark Locke and the moral justification
of capitalism

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ONE of the commonplaces among political philosophers and theorists is the contempt with which Marx regarded Natural Rights theory. In 1843 he wrote that "the so-called *rights of man*, the *droit de l'homme* as distinct from the *droit du citoyen*, are nothing but the rights of a *member of civil society*, that is the rights of egoistic man, of man separated from other men and from the community." And again "the real man is recognised only in the shape of the *egoistic* individual, the true man is recognised only in the shape of the abstract citizen."¹ Marx saw Natural Rights as means for the justification of capitalism, and so, as justifying inequalities of wealth and property-ownership. And of course it is true that many writers, in supporting Natural Rights, have stressed, as Stuart Brown expresses it, that "They are the rights of a man to the protection of what is in *his* interest. The moral interests of one man may differ radically from those of another. Different men may have radically different needs and capacities. And these differences, in conjunction with unavoidable differences in opportunity, produce differences in estate."² Expressions of this kind make clear the point of Marx's critique.

I wish tonight to argue and to attempt to establish two main theses. The first is that, despite Marx's expressed attitudes to Natural Rights, his own theory of capitalism cannot easily be disentangled from Natural Rights theory, and, if my argument is right, it in fact depends upon it. Secondly, I shall try to show, through an examination of the theories of John Locke, that if Natural Rights theory is to be taken seriously, it is at odds with the very capitalist theory which it is generally taken to support, and that Natural Rights cannot therefore provide an adequate under-pinning of capitalism, at least not without generating self-contradictions within the theory of Natural Rights. If the arguments which I shall present are right, I shall hope to have established what might be termed two paradoxes.

The late John Austin, the Oxford philosopher, once wrote "You've got to get something on your plate before you can start messing it around",³ and as there is a great deal to be placed, particularly on the first of my two plates, I shall have to ask for your indulgence while I proceed to load it. This will involve an outline of my own reading of those aspects of Marx's theories

with which I shall be concerned. The task is a notoriously difficult one, for interpreting Marx is in some respects like treading a minefield. Alternative interpretations abound, and no interpretation will be without its serious critics.* My own interpretation is based upon the assumption that Marx was what may loosely be termed a 'holist', which is to say that he treated societies as social wholes, the elements of which were intimately inter-related in such a way as to preclude any atomistic type analysis. It is based also upon the assumption that only holistic analyses are capable of giving 'teeth' or analytic 'clout' to Marx's theories. The implications of such a claim are great indeed, for it implies *inter alia* that the vast majority of the interpretations by economists are fundamentally mistaken, and that a large number of interpretations by sociologists, political scientists, historians and philosophers are likewise mistaken. Put another way, it implies that all readings of Marx as a methodological individualist are mistaken. The point of the minefield analogy has, I hope, become clear, especially when it is realised that varieties of holistic readings are also possible. Not without trepidation then, I shall begin my task, although again not before entering the caveat that any outline reading of a theory must perforce suffer from oversimplifications.

My chief concern is with the assumptions which underlie Marx's concept of property, and in order to explicate this it is necessary to distinguish between the notions of property which Marx attributes to the capitalist mode of production, and his own notion of property. This necessitates an outline of what I take to be the kernal of Volume I of Marx's magnum opus, *Capital*.

*Of course, there are also what one may call the 'environmental' difficulties which confront the academic who studies Marx. Apart from academics, and I use the term in the purist's sense, there seems to be four main categories of people:

- those who have never heard of Marx (perhaps the largest category?)
- those who, as Professor Savage recently put it, confuse him with Groucho;
- those who regard him as God; and
- those who regard him as Satan.

And it is difficult to say whether academics suffer from greater obstacles and constraints in countries where the powers that be regard Marx as God or in countries where they regard him as Satan. But certainly in both contexts the academic who regards Marx as a mere man is presented with grave difficulties.

What makes *Capital* so difficult to understand is the fact that it takes for granted a theoretical framework first elaborated upon elsewhere, namely in the *Grundrisse*, a notebook not meant for publication, but written to prepare the way for *Capital* which followed it. In the *Grundrisse*, first published in full in English only in 1973, Marx puts forward his theory of the relations between production, consumption, distribution, and exchange or circulation. He argues that all production involves consumption both of energy and of raw materials, and likewise all consumption involves production, as when men consume in order to produce themselves, which is merely another way of referring to men reproducing their kind and replenishing their energy. Marx treats production as a system of relations in any given social formation, where 'social formation' refers to any historical social whole such as Britain in the mid-nineteenth century. And he argues that any given system of production implies a given system of distribution. On the other hand, a given system of distribution will imply a given system of production, but Marx treats production as primary because distribution presupposes that there are goods to distribute, which is to say it presupposes production. If it is the case that production implies distribution in this way, it must follow, it would seem, that exchange or circulation, which is to say, the market, cannot more than mediate between production and distribution, despite the customary assumptions to the contrary, and despite what appears *prima facie* to be the case. It must be borne in mind however, that, as a holist, Marx treats production, distribution, exchange and consumption as all forming "members of a totality, distinctions within a unity."⁴ And he seems to have been concerned to explain why it is that the production relations in a particular social formation remain stable over time, for it would seem that were they not stable over time then neither would be the system of distribution. The very persistence of systems of production and distribution both in relation to one another and over time, would seem to constitute evidence for their being closely inter-related, and indeed interdependent. Put another way, if the system of distribution, the distribution of capital and goods, affects the system of production, and it would seem obvious that it does, then the system of production must in turn

determine the system of distribution if both systems are to remain stable over time. The denial of this would seem to necessitate the positing, and demonstrating the relevance, of some other hitherto unmentioned variable in terms of which it could be explained that production and distribution are not directly inter-related in any mutually determining ways, but that both depend upon this extraneous variable for their systemic form, and this seems *prima facie* implausible.

Marx's chief concern lay in analysing what he termed the capitalist mode of production, that set of production relations peculiar to capitalism, and his analysis was based upon an empirical study of a particular social formation, that of Britain in the mid-nineteenth century. It is necessary to make it clear that Marx was highly critical of the mode of analysis employed by the political-economists of his day, as well as of the mode of analysis employed by all but Hegelian philosophers, his objections to the latter being their ontological and epistemological presuppositions rather than their mode of analysis, which, like his own, was holistic. And this was because he thought atomistic reductionism to be systematically misleading and because he believed that social theories which sought universally valid conclusions to be likewise misleading, but also superficial and unfruitful. He rather inferred that if it is the case that different modes of production imply different sets of relations between producers and distributors and consumers, i.e. different relations of distribution, the behaviour patterns, practices and norms will be relative to these relations or sets of relations. Theories at the universal level, purportedly valid for all mankind, will thus be unable to provide explanations of the differences between the behaviour patterns, practices and norms of different societies, being too general, and, for that reason, uninformative and superficial. Consequently, Marx argued that it was necessary to distinguish between these different types of sets of relations, and that generalizations should not *normally* extend beyond social formations with similar sets of relations. To each of the main types of sets of production relations he ascribed a descriptive term, so generating what may be called a species of type descriptions, such as the capitalist mode of production and the feudal mode of production.

A capitalist mode of production then, is one which is distinguished by, *inter alia*, the following features: the private ownership of the means of production; the separation of workers or producers from the means of production in virtue of their being privately owned - which for Marx implied wage-labour; commodity production (i.e. the production of goods to be sold and resold); the appropriation of surplus-value by the capitalist; and the reinvestment of a portion of the surplus in order to generate new capital and so enable the system to expand and grow. There are certainly other characteristics ascribed by Marx to capitalism, but these are the main ones, and for my present purposes, they will suffice.

In what follows, for the next few arguments, I have endeavoured to circumvent the problems which confront the average English-speaking academic unused to holistic type analyses, especially the problems of neo-Hegelian analysis heavily reliant upon dialectical arguments. I have therefore tried to present what I take to be Marx's arguments for adopting a labour theory of value, by employing the notion of a system, and of then generating questions to be posed of the system as a whole.

Consider the hypothetical case of a capitalist country which, for purposes of simplicity, is regarded as a closed system. It can be asserted that over a specific period of time *all* the entrepreneurs in the system are making profits and that capital is being accumulated, which is to say that the system is enjoying economic growth, at least in the simple sense. Now if this is so, and it is a reasonable assumption to make, it must follow that the transactions which are relevant to the profit-making and to the overall growth of the system cannot be of a zero-sum nature. For zero-sum transactions, being those in which one person's gain is another's loss, cannot explain overall expansion. They can only explain individual gains. The question which Marx asks then, is, as Robert Nozick has put it, the Kantian one of "How are profits possible? How can there be profits if everything gets its full value, if no *cheating* goes on?"⁵ Nozick's second formulation of the question misses the point in its reference to cheating, for cheating would involve zero-sum type transferences.

It should be made clear that the hypothetical case I have constructed does not preclude zero-sum type transactions, for obviously some entrepreneurs might do better relative to and at the expense of others, and there might well *be* cheating and there will certainly be speculation. The case that is being argued is only that these transactions or transferences cannot explain the overall growth within the system and the fact that *all* the entrepreneurs within the system are making profits during the specified time.

If this argument is right, then it must follow that the explanation cannot lie either in the sphere of exchange or in the sphere of distribution. It cannot lie in the sphere of exchange because either the exchanges are of equal values or they are of unequal values. If they are of equal values then overall growth cannot be explained, and if they are of unequal values, they will be of a zero-sum nature and thus not of explanatory value either. In both cases the total amounts of capital and goods remain constant. And in the case of distribution, the same argument will apply. We are thus left only with the sphere of production to examine.

Turning to production, the question now becomes: Where in the sphere of production is our explanation to be found? It will not be helpful to look at capital, for that is given, and what in effect needs to be explained is how a given capital can generate more capital. Rent will not help either, for rent is a zero-sum type transaction unless more capital is generated by the lessee. An entrepreneur, to avoid his rent being a mere loss, will have to produce a surplus against which it may be set off. The same principle applies to raw materials and to capital equipment. Only if the entrepreneur is making profits will these count as other than losses which would have to be offset against the original capital. How then is the key question to be answered? How are profits and overall growth to be explained?

Marx's conclusion is that there is only one explanation which remains available, an explanation in terms of the labour process. Nowhere else in the system can what he called the 'valorization process' be located. An interesting

implication of this argument is that it implies that Marx developed a labour theory of value not simply because it happened to be the type of theory current among political-economists of the time, but rather because his analysis led him directly to the labour process as the source of the surplus product and therefore of profit. If it is to be located in the labour process, it is difficult to see what alternative there could be to a labour theory of value. No subjective theory would do, for what was in need of explanation was the valorization process, a measurable surplus (measurable at least in principle), a surplus which could be distinguished in terms of capital, of utilities, or in terms of an increase in wealth or overall growth in real terms. One might go so far as to say that the labour theory of value was implied by his conceptual framework and by the nature of the questions he was asking. It is implied by the questions which his initial conclusions regarding the relations between production and distribution invite.

If profits cannot be explained by the market, then it becomes necessary to 'go behind the market', so to speak, in order to locate the determinants of the system. This in turn leads to a reassessment of the role of the market itself. If the phenomenon to be explained cannot be explained in terms of the market, then what precisely is the market's role? Marx's answer, *at the level of the system**, at the macro-level, is in effect that the market is not a kind of scale which assigns cardinal values to commodities. Neither does it *determine* the values of commodities relative to each other. Rather, it is a kind of balance which enables commodities to be measured one against another, but they are measured against one another in terms of properties which they already have, properties which they have acquired in the labour process. It is these properties which determine the relations of exchange between commodities, not the market. The market is no more than a kind of forum in which this balancing takes place. The market

*It is necessary to stress that the answer is at 'the level of the system', for if only individual transactions are being considered, local market and production factors may certainly affect exchange relations. Marx is essentially considering the system as a whole. It is rather like the general explanation of tides, where in particular localities topographical, hydrographical and meteorological factors can affect the tides, but this does not invalidate the general theory.

reveals exchange relations, it does not determine them. As Marx himself expressed it: "It becomes plain that it is not the exchange of commodities which regulates the magnitude of their values, but rather the reverse, the magnitude of the value of commodities which regulates the proportion in which they exchange."⁶

In *Capital* Marx begins by examining the commodity and the exchange of commodities. In doing so he is shifting his attention from the macro to the micro-level, and it is therefore necessary to bear in mind the overall context within which the commodity is being examined, for otherwise the theory is likely to be misunderstood. This is especially so because, for Marx, micro-analysis is always necessarily one-sided and incomplete, and it is always necessary to return to the macro-level in order to place the analysis in context and assess its validity and its significance at that level, which is to say, within the context of the system as a whole. This is in contrast with atomistic type reductive analysis in which the analysis at the level of the reductive elements is generalised and regarded as a kind of paradigm for the overall system. Marx's analysis therefore presents the reader with a complex problem, for on the one hand commodity exchange is analysed in such a way that it generates the illusions of the proponents of capitalism, while on the other hand the eventual ascent from the micro to the macro-level of analysis reveals these illusions for what they are. In order to accomplish the former the analysis appears to be a species of atomistic reductionism, but in order to achieve the latter it is regarded as an analysis at the level of appearances, and, as such, systematically misleading when viewed from the macro-level. And this raises the whole question as to whether or not Marx is himself presenting us with a systematically ambiguous theory which conflates two mutually exclusive and perhaps incompatible modes of micro-analysis, that of atomistic reductionism with that of holistic elements. Unfortunately I cannot explore this question here.

Marx's purpose in analysing commodities and commodity exchange is, or so it seems to me, a threefold one. It is firstly to explicate the social relations which commodities conceal and to

develop a theory of value implied by the system of commodity exchange in which labour-power is the basic or primary commodity - a theory which would constitute an advance upon the theories of contemporary political-economists, and perhaps even be acceptable to them as exponents of labour theories of value. Secondly, he was intent upon showing that despite going 'behind' commodities to the conditions of their production, to the labour process, the *real* process which underlies commodity production and reveals their social form - that despite this, the analysis at the level of commodities is an analysis at the level of appearances because it is of an essentially atomistic kind. Thirdly, Marx returns to the macro-level of the system as a whole in order to reveal what he takes to be the *real* process, which not only highlights the inadequacy of the analysis at the level of the commodity, but throws into relief the property relations upon which the capitalist system depends.

Marx assumes that commodities exchange in ratios of equal value. Again, while it may be the case that commodities frequently do not in fact exchange in these proportions, this is explicable at the micro-level, whereas at the macro-level the social forces underlying commodity production ensure that the exchange of equal values is a kind of equilibrium towards which all exchanges tend. But in any case, exchanges of unequal values will be of a zero-sum kind and so of no explanatory value, if what is to be explained is the valorization process. Once the valorization process has been explained, this equal value assumption can be dropped in contexts which demand it.

Keeping to this assumption then, Marx distinguishes between use-values and exchange values. Commodities are simultaneously objects of utility and bearers of value, use-value being a necessary condition for exchange value. Use-values, however, are of no heuristic use insofar as they would lead to subjectivist theories of value, as utility theories reveal; whereas, as we have seen, Marx's questions demand a realist theory which will explain valorization. His theory is therefore based upon exchange value, and wherever he refers to value *per se*, he can be taken to be referring to exchange value.

Marx says that "The product of labour is an object of utility in all states of society; but it is only a historically specific epoch of development which presents the labour expended in the production of a useful article as an 'objective' property of that article, i.e. as its value. It is only then that the product of labour becomes transformed into a commodity."⁷ In capitalism what appears to be a set of relations between things, that is, commodities, conceals a complex set of relations between the producers of those commodities, the workers, and capitalists. Exchange values are therefore in no sense arbitrary, but are determined by the social relations of production and "These magnitudes vary continually, independently of the will, foreknowledge and actions of the exchangers. Their own movement within society has for them the form of a movement made by things, and these things, far from being under their control, in fact control them."⁸

The market as a determinant variable is thus illusory, and commodities conceal social relations which lie 'behind' them. Exchange values are relative to the amount of labour which has been expended in their production. And because labour can be employed more or less efficiently, employing more or less advanced technology, Marx introduces the concept of 'socially necessary labour-time', as the basis for determining the value of commodities. Commodities are then congealed labour-time. As Marx puts it: "The determination of the magnitude of value by labour-time is therefore a secret hidden under the apparent movements in the relative values of commodities."⁹ What appears to be a kind of economic anarchy in which independent entrepreneurs compete with each other in the market, is in fact only an apparent anarchy, for underlying it are socio-economic laws which govern the whole process.

If commodities are congealed labour-time, what of labour itself? Marx makes a distinction between labour and labour-power. It is labour-power which is the commodity sold by the worker. Labour-power is the capacity to work possessed by the worker, and it includes skills and know-how, and this is

different from labour itself. The capitalist contracts with the worker to buy his labour-power which is then placed at the disposal of the capitalist. Marx says, at this point, that the exchange of labour-power for wages is an *equal* one, and is a contract *freely* entered into by both parties. Where exchanges are equal, they are not of a zero-sum kind, and consequently there can be no exploitation or 'rip-off'. But having bought the labour-power of the worker, the capitalist is in a position to produce surplus-value, for the worker can be induced to produce value which not only covers the value of his own wages and the capital costs, but a surplus in addition. This surplus is what Marx calls surplus-value. The secret of valorization is thus to be found in the fact that the value of labour-power can be produced in only a fraction of the labour-time which the worker works.

What distinguishes capitalism from other modes of production is, *inter alia*, the fact that capitalists practise abstinence, which is indeed a condition of their very survival in the competitive world of capitalism, and instead of consuming or hoarding the surpluses which are produced, reinvest the major part of them, which in turn enables additional surpluses to be produced. This explains the vast growth potential of capitalism in comparison with all hitherto known modes of production, which led Marx to believe that the problem of scarcity could be overcome.

Another distinguishing feature of capitalism is that it is based upon free wage-labour. By this Marx means both that labour is freed from any direct ties with the means of production as under feudalism, so that workers have only their labour-power to sell, as they have no means of production which would enable them to produce on their own behalf, and free also to sell their labour-power as a commodity.

The picture we have at this point then, is of a set of entrepreneurs and a set of labourers, the former owning the means of production and the latter only their labour-power. Free contracts are made between members of each set, and the production process enables a surplus-product to be produced which is the legitimate property of the entrepreneurs.

Marxian exploitation is *not* based upon the fact that workers produce values greater than the values which they receive in wages, although this is a necessary condition for Marxian exploitation. This is a fact which is commonly ignored, but Marx makes this quite clear in *Capital* not once, but several times.¹⁰ Marx's theory of exploitation emerges only in the final stages of his analysis, to which we now turn.

Marx calls this phase of the theory the "transformation of surplus-value into capital", and it involves a return to macro-analysis. Having looked at the commodity and in particular the commodity of labour-power, and the way in which the valorization process takes place, he now looks once again at the system as a whole. He argues that if we look at the system as an ongoing one, it will be seen that *all* the capital in the system is congealed labour-time. It *all* consists of surpluses produced by labour in the remote, the not so remote, and the immediate past. Workers are therefore being paid wages from capital *all* of which they themselves have produced. While this might not be true of any *particular* group of labourers at the micro-level to whom one might point, it is true of labour in general, at the macro-level, over time. It is this argument which forms the basis of Marx's theory of exploitation. For he argues that once this point has been understood, it will become plain that the system is not based upon the exchange of equivalents at all, this being one of the illusions fostered by micro-analysis. As he writes:

"The exchange of equivalents, the original operation with which we started, is now turned round in such a way that there is only an apparent exchange, since, firstly, the capital which is exchanged for labour-power is itself merely a portion of the product of the labour of others which has been appropriated without an equivalent; and, secondly, this capital must not only be replaced by its producer, the worker, but replaced together with an added surplus. The relation of exchange between capitalist and worker becomes a mere semblance belonging only to the process of

circulation, it becomes a mere form, which is alien to the content of the transaction itself, and merely mystifies it. The constant sale and purchase of labour-power is the form; the content is the constant appropriation by the capitalist, without equivalent, of a portion of the labour of others which has already been objectified, and his repeated exchange of this labour for a greater quantity of the living labour of others. Originally, the rights of property seemed to us to be grounded in a man's own labour. Some such assumption was at least necessary, since only commodity-owners with equal rights confronted each other, and the sole means of appropriating the commodities of others was the alienation of a man's own commodities, commodities which, however, could only be produced by labour. Now, however, property turns out to be the right, on the part of the capitalist, to appropriate the unpaid labour of others or its product, and the impossibility, on the part of the worker, of appropriating his own product. The separation of property from labour thus becomes the necessary consequence of a law that apparently originated in their identity."¹¹

This is Marx's theory of exploitation.

Marx began, as he stated, by assuming that the exchange of labour-power for wages was an equal exchange, but we can see now that his *real* position is that only if workers were paid for their full labour-time would there in fact be an equal exchange. But if workers were paid for their full labour-time, capitalists would be unable to make profits, for there would then be no surplus, and the capitalist system could never arise. Marx is therefore arguing that the very system itself depends upon the *unequal* exchange of labour-power for wages, for only in that way can surpluses be produced and capital created for reinvestment, and economic growth result. For *any* system to grow there must be a surplus product, which implies that workers must either voluntarily or involuntarily forego a part of their product. In capitalism this is made possible only by the general

acceptance within the system that the exchange of labour-power for wages *is* an equal one, and this acceptance, based upon a false consciousness, is reinforced by the illusion that the exchange is a voluntary one.

As we have seen, Marx's theory of exploitation is nevertheless not a theory of the 'rip-off' kind, in which the worker is paid less than the value of his labour, although this is a necessary condition of exploitation. It is a more radical theory than this, which posits that in the capitalist system it is illusory to assume that the worker has a property in his labour-power at all. Wages are, in effect, no more than the price which the capitalist has to pay for increasing his capital and ensuring the reproduction of workers. *All* value is produced by the workers, and *all* property in effect belongs to the capitalists. Marx sums it up when he says "...the whole thing still remains the age-old activity of the conqueror, who buys commodities from the conquered with the money he has stolen from them."¹²

What are the implications of this whole argument? Is Marx assuming his own notion of property? Or is this based upon notions of property which are presupposed by the capitalist system itself? There seems little doubt that Marx himself takes the latter view, for he has argued in the passage quoted, that while the system seems to be based upon the presupposition that workers have a property in their labour-power which is exchanged for wages, it is in actual fact based upon the separation of the worker from property, such that the worker does not have a property even in his own labour-power.

Now if the valorization process is located in labour, then it *must* follow that *all* value is produced by labour - this is tautological. But to infer from this tautology that all value, because it has been produced by the worker is therefore the legitimate property of the worker, is to undercut, as we have seen, the very possibility that workers may legitimately sell their labour-power. But it is only by making this inference that Marx can arrive at his theory of exploitation, which explains why he abandons his initial conclusion that, because the

workers have sold their labour-power, their products are the legitimate property of the capitalists to whom they sold it. Only by introducing an additional premiss, his own notion of property, can Marx arrive at his conclusion.

If one *assumes* that the exchange of labour-power for wages *is* legitimate, then it must follow that, despite the fact that workers produce their own subsistence plus a surplus, the surplus is the legitimate property of the capitalists who purchased that labour-power. Analogously, if one purchases say, a typewriter, the fact that one is able to type manuscripts which bring in a return far in excess of the value of the typewriter is neither here nor there. It certainly cannot normally be regarded as giving the maker of the typewriter legitimate grounds for claiming that he has not been paid in full. In like manner, the fact that upon looking at the capitalist system as a whole, at the macro-level, it is discovered that all value is created by the workers, provides us with no good reason for claiming that the exchange of labour-power for wages is not legitimate, and that the product of labour is not the legitimate property of the capitalist. An additional premiss is required if Marx's conclusion is to be reached.

If my reasoning is right, it must follow then, that Marx is basing his critique of capitalism upon the unstated assumption that men have a property not simply in their own labour-power, but in the full fruits of their labour, and that any system which denies men this is unjust, illegitimate. And this is tantamount to assuming that men have a Natural Right to the products of their labour.*

*An alternative argument which leads to the same conclusion would be:

Marx makes it quite clear that labour-power is a commodity, and that its value is to be assessed in terms of the amount of labour which has gone into its production. Thus in the labour process, labour-power must be treated as a means of production, a use-value, which therefore cannot "transfer any value to the product unless it possessed such value previously". (Capital, p.312) If we look at labour-power in this way, as a means of production, we should be treating it just as we would treat machinery or raw materials. The case for labour-power creating more value than it produces rests upon making a distinction between labour-power and machinery, and this can only be done by abandoning the concept of labour-power as a commodity and by introducing a concept of man, a concept of humanism.

Some writers have made the point that labour-power is unlike any other commodity in being able to produce more than its value. But commodities do not produce their values, whatever value they have is contained within them in the form of congealed labour-time.

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But there is an alternative interpretation which is more likely to be the correct one. Because the exchange of labour-power for wages is a market transaction, we are driven *ex-hypothesi* to the sphere of production in order to explicate what lies 'behind' the transaction, to the social relations of production. And the social relations of production reveal that the system depends upon relations of dependence of workers upon capitalists, these dependency relations being the result of the workers being separated from property. These relations determine the conditions under which labour-power is exchanged for wages.

Furthermore, these conditions ensure that the workers have no option but to sell their labour-power if they are to subsist. They are utterly dependent upon the capitalists. If this be so, then it can be argued that wage-contracts are not voluntary exchanges, and therefore not really contracts at all, for contracts are, by definition, voluntary agreements. One implication of this would be that the legal systems of capitalist countries enforce as contracts what are not in fact contracts at all, and thereby support systems of forced labour, which in turn would have implications for the role of the state in capitalist societies. Marx's use of the term 'free labour' would in that case turn out to have a sting in it's tail, for it would be free only in the ironic sense of being 'free' from access to the means of production, which means 'free' either to starve, or to work for the capitalists, if there is work.

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To say that labour-power can produce more than its own value is in effect to say that it is not a commodity. *Labour* produces value over time; labour-power is the commodity which is bought and sold, which is exchanged for wages. Thus the assertion that the exchange of labour-power for wages is an unequal one can be valid only when wages are either greater than the amount required to produce labour-power or when they are less than the amount required to produce labour-power. Whereas this is not the point which Marx is wanting to make, for he is wanting to claim that the exchange is in *principle* an unequal one. This cannot be done without self-contradiction, for it would imply that labour-power is not a commodity and that its value is not determined by the amount of labour required to reproduce it, and if it is not determined by the amount of labour required to reproduce it, and if it is not a commodity, then it cannot have value.

What Marx seems to be wanting to do is to claim that the exchange of labour-power for wages is an unequal one because he is assuming that labourers ought to be paid for the full amount of labour which they have expended and *not* merely for their labour-power. But this cannot be achieved by calling the exchange an *unequal* one without self-contradiction. Rather the claim should be that it is not an exchange at all - which he does go on to say. But this brings us back to the relations of dependency and the social analysis referred to in the text. (see Marx 1976, p. 312 ff).

The judgement that the exchange of labour-power for wages is neither voluntary nor equal, thus derives from the dependency relations which Marx is positing, which is to say from the analysis of social relations of production seen as elements of a totality, the system as a whole. The analysis at the level of commodities seems thus to lose much of its point, for if we accept that the exchange of labour-power for wages *is* an equal exchange, we cannot get to these relations of dependence, and it becomes clear that they are arrived at through social rather than economic analysis. A shift from one mode of micro-analysis to another becomes apparent, pointing to the problem to which I referred earlier.

If, however, we *assume* these relations of dependence, then if Marx's theory is to have either analytic or moral force, it must also be assumed that they are illegitimate. And if these relations of dependence are illegitimate, we are led to conclude that, because they are the consequence of the denial to workers of direct access to the means of production, that men have a Natural Right to access to the means of production and to the fruits of their own labour. Only if this is so can relations of dependence be precluded.

Marx's *Capital* is usually read as a theory which not only reveals the internal contradictions of capitalism, showing it to contain the seeds of its own destruction, but also as a theory which purports to demonstrate that communist relations of production are in some sense immanent in late or mature capitalism, and will emerge from it like the Phoenix. If this be so, there can be little doubt that Marx does make the assumption that men have a Natural Right to access to the means of production and to the fruits of their own labour.

The slogan: "From each according to his ability, to each according to his needs"¹³ read together with the picture presented in *Capital* when he refers to "an association of free men, working with the means of production held in common, and expending their many different forms of labour-power in full self-awareness as one single social labour-force"¹⁴ gives an idea of Marx's vision of communism. It seems clear here that Marx is appealing to the principle that everyone should have

access to the means of production and that everyone's needs will be supplied, and this as we shall see, can only be described as a Lockean principle. But it does raise once again the problem of voluntariness, this time in the context of communism, and without there being relations of dependence between classes. What alternatives would there be to the form of co-operative production mentioned? And what of "from each according to his ability"? Is this voluntary? What if there are slackers? Presumably, again like Locke, Marx would argue, that given that men had access to the means of production, the supply of needs would depend upon the willingness to work. Any alternative would tend to generate relations of dependence.

Marx, I conclude, relies upon the fundamental assumption that "Everyone has a natural right to life and to the means of life", for no-one can legitimately be denied either access to the means of production or to the fruits of his own labour. The very notion of *alienation* itself suggests rights, as its etymology reveals, and in his early writings Marx takes it to be an invasion of their freedom and to involve a kind of stunting of their humanity wherever men are alienated from their labour.

I now come to the second of my two theses, that there is no clear connection between Natural Rights and capitalism or capitalist theory. This I propose to approach through the political philosophy of the seventeenth century English philosopher, John Locke, who is generally regarded as the father of both British and American liberalism. To approach it through Locke is appropriate, for Locke was a believer in Natural Rights and also in what might be anachronistically called capitalist appropriation. Locke's *Second Treatise Of Civil Government*, published in 1690, is not infrequently read as a justification of capitalist appropriation while at the same time it begins with the articulation of certain assumptions about Natural Law from which are developed his theory of Natural Rights.

Locke was a contractualist, a member of that school of political thought which straddled the seventeenth and eighteenth centuries, and which deemed the notion of contract

to provide the only adequate and acceptable explanation of political obligation and therefore of legitimate government. Because contractual obligations are obligations voluntarily entered into, it followed that if political societies as a whole were to be explained, it was necessary to posit the hypothesis of an original contract whereby people came together mutually to contract in order to form political societies. Such an hypothesis is of a logical rather than an historical character, although many of the contractualists tended to confuse this issue owing to the notion of time which is built into the theory. For if it is assumed that people came together to contract to form political societies, a state of affairs preceding such contracts is presupposed. This supposed pre-political state of affairs was generally denominated the State of Nature.

Locke thus begins his *Second Treatise* with his own concept of the State of Nature. He tells us "what estate all men are naturally in and that is, a state of perfect freedom to order their actions, and dispose of their possessions and persons as they think fit, within the bounds of the law of Nature, without asking leave or depending upon the will of any other man."¹⁵ He tells us that it is also a state of equality "...wherein all the power and jurisdiction is reciprocal, no one having more than another, there being nothing more evident than that creatures of the same species and rank, promiscuously born to all the same advantages of Nature, and the use of the same faculties, should also be equal one amongst another, without subordination or subjection, unless the lord and master of them all, should by a manifest declaration of his will, set one above another, and confer on him, by an evident and clear appointment, an undoubted right to dominion and sovereignty."¹⁶ That the "lord and master of them all" had not so distinguished between men had been the subject of Locke's *First Treatise*, in which he had attacked Sir Robert Filmer's *Patriarchia* and the divine right of kings.

Locke proceeds to make it clear that the state of liberty which he has posited is not a state of licence, for the Law of Nature "...teaches all mankind who will but consult it, that being all equal and independent, no one ought to harm another

in his life, health, liberty or possessions; for men being all the workmanship of one omnipotent and infinitely wise Maker; all the servants of one sovereign Master, sent into the world by His order and about His business; they are His property, whose workmanship they are made to last during His, not one another's pleasure."¹⁷ Because men are God's property and may take neither their own nor other's lives, Locke concludes that in their relations with one another they must be supposed to have a right to life. And if they have a right to life, if this is not to be vacuous, they must needs have the right to the means of life. Thus Locke speaks of the right to life, health, liberty and possessions.

Two interesting points emerge from Locke's depiction of the State of Nature at this stage. Firstly, liberty and equality are necessary conditions of each other, any infringement of liberty being an infringement of equality and any infringement of equality being an infringement of liberty. This is because equality is equality of rank whereby no man is superior or subordinate to any other. This is interesting because political philosophers generally take it for granted that there are numerous contexts in which liberty and equality are mutually exclusive, whereas the relation between them is contextually determined, as Locke implicitly reveals. Consequently, the possibility of a society in which liberty and equality are both taken seriously and in which they do not come into conflict, cannot be ruled out *a priori*.

Secondly, it is interesting to note that in assuming that men are the "workmanship" of God and therefore His property, Locke is already assuming a labour theory of property - a theory which he explicitly develops, for he proceeds to address himself to the question as to how property can be acquired.

Property is, as we have seen, the means to life implied by the right to life, and Locke tells us that the earth and all its fruits have been provided by God for the benefit of mankind, but that they belong to mankind in common. The problem becomes the one of how individual appropriation can be justified. The possibility of men being able to consult with and obtain the

permission of all other men before appropriating the fruits of nature can obviously be ruled out, for, as Locke observes, man would starve were this necessary, "... notwithstanding the plenty God had given him."¹⁸ The answer is that by attaching his labour to a good a man acquired a title to it. The legitimacy of this practise is still, says Locke, to be seen in hunting and fishing, for to whom does the fish or the deer belong but to he who caught or shot it?

This right of acquisition is not, however, boundless, and Locke stresses that two provisos are attached to it. No-one may appropriate more than he needs, so that there must be no wastage, and secondly, "enough and as good"¹⁹ must be left for others. The State of Nature is at this stage a state of plenty, although the no-wastage proviso seems to anticipate a stage in which wastage could cause deprivation. As Locke puts it: "As much as any one can make use of to any advantage of life before it spoils, so much he may by his labour fix a property in."²⁰

Locke now extends his theory to include property in land: "But the chief matter of property being now not the fruits of the earth and the beasts that subsist on it, but *the earth itself, as that which takes in and carries with it all the rest*, I think it is plain that property in that too is acquired as the former. As much land as a man tills, plants, improves, cultivates, and can use the product of, so much is his property. He, by his labour does, as it were, enclose it from the common."²¹ (my stress).

Locke rightly comments that, within the context he is envisaging, there would be no point in anyone enclosing more land than he can make use of, for in the absence of any division of labour, any surplus would simply go to waste, and apart from infringing the no-wastage proviso, it would be a waste of time and labour. On the other hand, if a division of labour is assumed, a man may legitimately cultivate more land than he himself can use in order that he may exchange or barter some of his produce to supply other of his needs. This, says Locke, is in conformity with the Law of Nature as long as there is no wastage, and as long as there is enough land, and as good, left in

common for others to claim and use. The picture is of a subsistence economy based upon small landholders, for, as we have seen, accumulation would be pointless.

The 'historical' dimension in Locke's State of Nature becomes apparent when he envisages the growth of population and a consequent scarcity of land, and this had the result that: "...the several communities settled the bounds of their distinct territories, and, by laws, within themselves, regulated the properties of the private men of their society, and so, by compact and agreement, settled the property which labour and industry began."²² The labour theory of property has been superseded by compact and agreement, or common consent. It remains the case, however, that no-one may be deprived of his property without his consent and that this applies even in the formation of new societies, for the very purpose of forming these societies is, *inter alia*, to protect property rights. The right to property remains intact, and property ownership is secured and maintained by law, which provides *also* for the control of the alienation and transference of property.

It is money which brings with it dramatic change. For money is "...some lasting thing that men might keep without spoiling, and that, by mutual consent, men would take in exchange for the truly useful but perishable supports of life."²³ Because money is durable a man is justified in accumulating it, "...the exceeding of the bounds of his just property not lying in the largeness of his possession, but the perishing of anything uselessly in it."²⁴ Locke can now go on to claim that "...it is plain that the consent of men have agreed to a disproportionate and unequal possession of the earth - I mean out of the bounds of society and compact; for in governments the laws regulate it; they having, by consent, found out and agreed in a way how a man may, rightfully and without injury, possess more than he himself can make use of by receiving gold and silver, which may continue long in a man's possession without decaying for the overplus, and agreeing those metals should have a value."²⁵

The situation has been transformed, and the provisos, apart from the proscription against wastage, have been quietly laid

aside, and liberty is now consistent with a system of inequality. As C.B. Macpherson has put it: "With the removal of the two initial limitations which Locke had explicitly recognised, the whole theory of property is a justification of the natural right not only to unequal property, but to unlimited individual appropriation."²⁶

Let us now examine this claim. The proviso that no-one should take more than he needs is, I suggest, adequately dealt with by Locke when he introduces barter or exchange, for their very purpose is to ensure that everyone's needs are satisfied without wastage occurring. The enlargement of property here does not imply accumulation, and is the result only of a division of labour. The proviso that there should be enough and as good left for others is not affected at this stage either, so it is clear that it is scarcity which first affects the application of the provisos.

How could land have been appropriated once it became apparent that it was becoming scarce? Compact or agreement do not provide a satisfactory explanation, for it takes for granted that the propertyless would voluntarily agree to forego their right to appropriate in accordance with their needs, voluntarily agree to a system of inequality in which they will be the underprivileged. If we assume that the property laws were settled under conditions in which there was a congruence between population and available land, the problem of future generations has still to be dealt with. Is their consent to the property laws simply to be taken for granted? The whole problem of tacit consent which Locke explicitly confronts in his theory of government emerges, which is not surprising when we consider that for Locke governments are instituted not only to protect life and liberty, but also property.

Whichever way we look at it, the problem of the propertyless will emerge, and over time they will constitute a majority. Are they thereby denied the opportunity to partake of the fruits of the earth without which they could not subsist, and, what is more, voluntarily agree to such a deprivation?

Locke does not provide us with an answer to this question, fundamental though it is, and we are left to interpolate, for there is insufficient evidence for an inference in the strict sense, that men will obtain their means of subsistence by selling their labour for wages. There are good reasons for supposing that Locke had this in mind, for he makes a slip of the pen in first introducing the labour theory of property when he says "... the turfs my servant has cut ... become my property without the assignation or consent of anybody."²⁷ (Without the assignation of his servant, one might ask?) And later, he speaks of the relation of master and servant being added to that of parents and children in the natural development of society. He quite clearly takes master-servant relations for granted.

It is arguable that Locke never intended at any point in his theory to abandon the no-wastage proviso, and that he simply assumes accumulation to be quite compatible with it. If this is so, the focus falls once again upon the propertyless. Under what conditions will they be able to obtain the means of their subsistence? The only answer would seem to be by the selling of their labour to those who both have property and can afford to employ them. And if they are unable to find employment? What then? It becomes plain that Locke's provisos will both fall by the board, and that the rights of the propertyless will have been undercut, showing the theory to be incoherent if not self-contradictory. The no-wastage proviso could perhaps even provide good reasons for the propertied to curtail production if the propertyless are unable to afford to purchase from them. In that case only a principle of charity would provide justification for production being either increased or not curtailed. In this way there would be tension between the duty of charity and the laws and rights of property.

Let us go back and consider Locke's basic assumptions. If all men have a right to life, liberty and property, and if liberty and property are necessary conditions of the right to life, then if scarcity of land is introduced, Locke's original assumptions regarding the appropriation of land must fall away, as he himself has realised, and an alternative principle introduced. But it will not do to assume common consent inasmuch as it is

not consistent with everyone obtaining their share, and would be inconsistent with the right to life.

At least two constructions can be placed upon the right to life. Either it is to be read along with a duty to work, or it is not. If it is not, we would be driven back to accepting the principle of charity and with it the relations of dependence which are implied. This would place the propertyless on a par with children. Parents, says Locke, have a duty to care for their children during their nonage, for children "...are not born in this full state of equality, though they are born to it."²⁸ Full equality and liberty come with age. But in the case of the propertyless, there would be no such principle which would guarantee the loosening of these bonds of dependence. The principle of charity would thus have to be invoked and the theory would lead to the principles of the Welfare state with such services as the dole and free medical care for those who could not afford to pay for it.

It is fairly clear, however, that Locke could not accept this interpretation, especially in the light of his strictures against Hobbes, when he argues that no-one can ever voluntarily place himself under the absolute power, at the complete mercy of anyone else. That, for Locke, constitutes a state of war, "...for nobody can desire to have me in his absolute power unless it be to compel me by force to that which is against the right of my freedom - i.e. make me a slave."²⁹ So, while Locke has not recognised the state of complete subjection of the propertyless, were he to do so, he could not but reject it as contrary to the Law of Nature and to the right to life.

Locke, however, is quite clear that the right to life must be read with a corresponding duty to work. He tells us: "God, when He gave the world in common to all mankind, commanded man also to labour, and the penury of his condition required it of him." And again: "...He gave it [the world] to the use of the industrious and rational (and labour was to be his title to it); not to the fancy or covetousness of the quarrelsome and contentious. He that had as good left for his

improvement as was already taken up needed not complain."³⁰ This clearly implies a duty to work, and we might ask whether a man "needed not complain" if there was *not* sufficient and "as good for his own improvement"? It can be concluded that if Locke is to be consistent, he must acknowledge that everyone has at least the right to a job in a substantive sense, and this can only be ensured, within his theory, if everyone has access to the means of production, i.e. has property.

That those who are propertyless but employed, indirectly have such access, is not enough, for not only are they dependent upon the goodwill and the ability of the propertied to employ them, which is hardly consistent with an inalienable right, but they are also in relations of dependence which are unavoidable and so inconsistent with liberty and equality. The system contains no inbuilt guarantee that there will not exist a class of unemployed, unemployed because there is no work available for them.

If my argument is right, it follows that if Locke's theory is to be consistent, and if the right to life is to be taken seriously, capitalism cannot follow from his premises. But it follows also that the classical theories of capitalism cannot take the right to life seriously either, for they do not incorporate the right of access either direct or indirect, to the means of production. It is not surprising therefore that in capitalist systems, concepts of the right to life have been given practical expression by the superposing at the level of the state, of provisions for the welfare of the poor and the unemployed. They have been given practical expression in ways considered by some as parasitic upon, by others as subversive of, or at least inconsistent with, capitalism itself.

I am, of course, referring to the Welfare state, but the Welfare state was only achieved after a series of hard-won *political* battles, and was one of the direct consequences of the enfranchisement of the working classes, a consequence of what A.H. Halsey, in his Reith lectures in 1978, termed the "victories of citizenship". Writing, appropriately, of Britain, he says: "The development of the *social* rights of citizenship belongs pre-eminently to the twentieth century... Its first

milestone is to be found in the legislation of the Liberal landslide government of 1906. No wonder that Robert Roberts, from the vantage point of a corner shop, tells us how the new old-age pensioners - new, that is, since 1909 - when spending their allowance of 7s 6d per week for a married couple, 'would bless the name of Lloyd George as if he were a saint from heaven'.³¹

In South Africa we do not have to go beyond our own city of Grahamstown with its large percentage of unemployed to realise that, in Halsey's terms, citizenship has yet to acquire the dimension of political enfranchisement of a kind with which the *social* rights of that citizenship can be won. And until these *social* rights are won, it will not be possible to assert that we as a society, a society comprising all the diverse peoples of our population, take the right to life seriously.

It remains for me briefly to sum up. What I find fascinating about the contrast between Locke and Marx is that they can, in a way, be seen as travelling along the same road in opposite directions, where the starting point of each bears striking resemblances to the destination of the other. Locke begins with a state of plenty and with private appropriation of property, and because of the condition of plentitude, asserts that "...there could then be little room for quarrels or contentions about property so established."³² In other words, the need for the state is far from pressing under such conditions. And he ends by justifying, albeit unsuccessfully, capitalist appropriation. Marx, on the other hand, begins with the capitalist state based upon the capitalist mode of production, and argues that because of the contradictions built into capitalism, it can only end up in a system of communism. But communism is only possible because capitalism has released such immense new forces of production that the problem of scarcity is solved. Because of the condition of plentitude, there is no longer any real need for the state, which will, as a consequence, wither away. For both writers scarcity is a necessary condition of the state while plentitude makes it unnecessary. Where, of course, Locke and Marx differ, is that while in the State of Nature there is private ownership of property, the state of affairs denominated communism is based upon an undeveloped notion of collective ownership.

Again, for Locke the right to life which is taken seriously in the State of Nature, gives way to what Marx would have termed 'bourgeois rights' in a capitalist society, whereas for Marx, 'bourgeois rights' under capitalism give way to the right to life and to the means of life in communist society.

I have argued that Marx, in his attack upon capitalism, his disdain notwithstanding, has had perforce to presuppose a notion of Natural Rights, and that Locke, in his attempt to justify capitalism, had to abandon the theory of Natural Rights with which he started. I hope that I have succeeded in demonstrating the two paradoxes to which I pointed at the start of this lecture.

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