

Biblical Commandment, Natural Property and Authority: a Quasi-Marxist Environmental Perspective

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Biblical commandment includes the injunction for humanity to have dominion over the earth. And prima facie, it is far from clear whether the terms of this commandment are actually consistent with a more 'Green'¹ view of natural dominion (e.g. such as that of stewardship). This paper seeks to understand this apparent tension (and ultimately defend a stewardship view) in the light of (Marxist cited) claims by the Reformation-era German cleric Thomas Müntzer, concerning the free appropriation of nature's products on the one hand, and the just distribution of property on the other. It then outlines how the philosopher John Locke proved to be pivotal in how this understanding of property came to be distorted in contemporary capitalist society. Finally, the paper links this

¹In this paper, I use the term 'Green' in the relatively loose sense which links a number of otherwise specific concepts denoted by the terms 'green technology', 'green economy', 'green politics', etc. Notwithstanding their differences, what all these concepts share is an environmental awareness (and rootedness) which recognises the need to help ensure that human impacts on the environment are *managed* in a way which is sustainable over the longer term. The need for such management is, in turn, based on an understanding that environmental resources can be irrevocably depleted or otherwise damaged by human activities. Accordingly, the need to manage such human impacts tends to be understood *vis-à-vis* resource use, and in particular the use of limited resources. Once this is recognised, concerns over the equitable or just use of those resources also tend to arise. By definition, this understanding and its related concerns extend beyond that of our more contemporary sense of 'dominion' (which is synonymous in modern English with 'sovereignty' or 'control' *simpliciter*), and, as I hope to show, tend more to those of stewardship. In particular, this latter concept extends beyond a simple right of control, to also be concerned with whether one is acting in the legitimate interests of the person or persons for whom one is performing the role of steward. Of course, whether such a stewardship view of humanity's relationship with nature has any *actual* effect on the way humans treat nature is more an empirical question which is beyond the immediate scope of this paper (I'm indebted to the anonymous reviewer of this article for highlighting this for me). Not least, stewards may, for example, simply be mistaken in their understanding of what the legitimate interests of those they purportedly serve actually are. For example, the history of paternalistic colonialism and 'welfare' seems littered with ostensibly well-intentioned acts which nevertheless served to inflict atrocious damage on the supposed beneficiaries of those acts. Also, agents may hold certain views, and perhaps even believe that those views should form the basis of their actions, but nevertheless fail to act in accordance with them (e.g. because other competing priorities and logics, or even just habituated behaviours, prevail). Instead, the purpose of this paper is simply to help show (via historical example and understanding the conceptual shifts and distortions that have occurred) that biblical understandings of dominion qua property and authority, when understood in the sense of stewardship, are far more consonant with contemporary 'Green' or even Marxist conceptions of acting in the world, than they might first appear. Indeed, as I hope to suggest, this far older sense of stewardship shares certain salient features with its more contemporary counterparts, which allow at least some comparison and which may yet help usefully broaden our conceptions of each.

distortion with a tendency to treat the concept of authority in a similarly limited way, and ends with a recommendation that we need to (re)broaden what we understand by property and authority accordingly.

In biblical myth, humanity is given dominion over the entire planet. From the very beginning, humanity is divinely commanded to:

Be fruitful and multiply, and fill the earth and subdue it; and have dominion over the fish of the sea and over the birds of the air and over every living thing that moves over the earth. (*Genesis 1:28*).²

Of course, more liberal biblical exegesis might interpret this passage as referring to humanity's custodianship over the planet. This depends on a particular political understanding of what 'dominion' practically means (e.g. as also entailing custodianship or protectorship) which seems absent from the passage itself, especially when acknowledging the additional command to 'subdue' the earth. Such an understanding becomes more sustainable when one acknowledges, as medieval theology at least sometimes did, that as God's creation the world and its creatures (including, perhaps most especially, us) remained essentially divine property, and that consequently humanity had at best only stewardship rights *vis-à-vis* our 'dominion' over the planet. However, this view was certainly not incontestable, as a remaining and perhaps even more readily accessible interpretation is to view our divinely commanded 'dominion' over the earth as essentially 'freely gifted' (i.e. with 'no strings attached' as it were). It is also possible to understand this divine command to have lapsed when humanity was expelled from the Garden of Eden, thereby forfeiting our former lofty place at God's side. Even this interpretation of humanity's Fall from grace leaves intact the claim that God originally made us to be dominators of the earth. Historically, this is certainly the understanding which best aligned with European imperial ambitions.³

For Karl Marx and the Marxian-inspired theorists who followed him, characteristic of our modern capitalist development, and thereby also its associated imperial ambitions and worldly domination, has been the elevation of money and exchange as the reified practical deities of both Europe and America. This seems obvious quite early for Marx, in what he says (albeit relying on some uncomfortably anti-Semitic identifications) to practical 'Judaism' in his essay 'On the Jewish Question'⁴. But the

²W.A. Meeks (ed.) et al., *The HarperCollins Study Bible: New Revised Standard Version with the Apocryphal/Deuterocanonical Books*, HarperCollins, London, 1993, p.7. Citations to this work will standardly include reference to the particular book, chapter and verse being cited (e.g. as above, *Genesis 1:28*).

³This is not to say that even when stewardship views ostensibly prevailed, that they necessarily diminished any such ambitions. As already noted above, the history of paternalistic colonialism and 'welfare' seems littered with ostensibly well-intentioned acts which nevertheless served to inflict atrocious damage on the supposed beneficiaries of those acts. But this just means that those intentions, if they were actually well-intended, were misaligned to the acts and consequences which ensued from them. And there are certainly other instances when stewardship views actually did seem to be genuinely enacted, such as in opposition to slavery. This seems especially evident when such views thereby also recognised that, as sons of Adam, native populations also had a right to determine their own forms of governance, etc.

⁴K. Marx, 'On the Jewish Question', in *Early Writings*, R. Livingstone and G. Benton (trs.), Penguin, London, 1975 (reprinted 1992), pp.211–241. See especially pp.238–239. The title is a rendering of the original German *Zur Judenfrage*. However, a perhaps more informative rendering is 'On *The Jewish Question*', since Marx's essay is framed initially (in Part I) as a response to and criticism of some of the claims made in Bruno Bauer's *The Jewish Question*, and thence (in Part II) in response to related claims in another of Bauer's works. An online version of Marx's essay, which refers to the title in this way, is

ideation of domination, which Marx saw as part-and-parcel of capitalism, already had its ready counterpart in Judeo-Christian biblical text, and in particular in the *Genesis* commandment noted above. Marx seems to recognise something like this when he claims that:

The view of nature which has grown up under the regime of private property and of money is an actual contempt for and practical degradation of nature which does exist in the Jewish religion but only in imaginary form.⁵

Marx then immediately claims that it is in *this* sense that the Reformation-era German cleric Thomas Müntzer (also 'Münzer' or 'Muentzer', among other variants) declares it 'intolerable' that 'all creatures have been made into property, the fish in the water, the birds in the air, the plants on the earth – all living things must also become free.'⁶

Now Müntzer has for some time been favoured in Marxist circles as an early communist revolutionary leader, on the basis of his participation in the Peasants' War in sixteenth century Germany.⁷ On the basis of Marx's text, he has also been depicted as an early environmental campaigner.⁸ However, this way of understanding what Müntzer actually preached here seems fundamentally mistaken. Rather than siloing Müntzer into this or that contemporary category, it is important to understand how his faith was integrally related to his awareness of both social justice⁹ and the natural world. Understanding this, and the significance that this has (particularly the foundational role that the concept of stewardship has, and what this actually means), is the first subject of the next section. The paper will then show how this view came to be substantially distorted in the ideological development of contemporary capitalist society, and finally how this distortion still persists in tending to limit our understanding of both property and authority.

Changing concepts of property: from Thomas Müntzer to John Locke et al.

It is hard to credit that Müntzer, as a cleric by 'trade' (including one who agitated for theological reform), would not have been aware of central biblical texts like that of the *Genesis* commandment to have dominion over all the earth; and that Müntzer, given that he was both a true believer and defender of what he perceived the Christian faith to be,

available from the *Marxists Internet Archive* website (along with many other Marxist works) at:

<http://www.marxists.org/>.

⁵Marx, 'On the Jewish Question', p.239.

⁶ibid.

⁷The classic examples of this are F. Engels, *The Peasant War in Germany*, George Allen & Unwin, 1927 (English tr. of the 2nd ed. published in 1874) and K. Kautsky, *Communism in Central Europe in the Time of the Reformation*, T. Fisher Unwin, 1897 (English tr.).

⁸E.g. John Foster claims that Müntzer 'saw the transformation of species into so many forms of property as an attack on both humanity and nature. (J.B. Foster, *Marx's Ecology: Materialism and Nature*, Monthly Review Press, New York, 2000, p.74). And Howard Parsons briefly characterises Müntzer's objection (i.e. as cited by Marx above) as an 'ecological protest... against the private ownership of fishes, birds, and plants' (H.L. Parsons (ed.), *Marx and Engels on Ecology*, Greenwood Press, Westport/London, 1977, p.18).

⁹For example, see H.-J. Goertz, *Thomas Müntzer: Apocalyptic Mystic and Revolutionary*, T&T Clark, Edinburgh, 1993. Goertz notes that Müntzer's concerns for reform inaugurated 'for the first time on German soil – a theology of revolution' (ibid. p.xiv). In this respect, it should become obvious that comparisons could also drawn between what Müntzer preached and the social reformist claims of more contemporary movements like liberation theology. What is particularly interesting though, is that these kinds of claims are able to be derived (and obviously were by Müntzer et al.) on the basis of an understanding of Scripture alone, sans any explicit Marxist influences.

would have ever rejected outright any biblical commandment.¹⁰ Rather, even acknowledging the seemingly 'less-than-Green'¹¹ credentials of the *Genesis* commandment, and of the dominant role which it accords humanity, it is important to note (especially in the context of what Müntzer was actually preaching at the time) that this role is accorded to humanity in general. It is not given to any one person to 'lord' it over all of creation; and in particular, it is not commanded for all of creation to be treated as if it is any one person's particular property.

In other words, even given what Marx appears to quote from Müntzer (see above), it is entirely plausible that the latter was simply objecting to the fact that such worldly abundance was no longer able to be freely *appropriated* by God's chosen (i.e. Christians and Müntzer's followers in particular). And indeed, this is precisely what a closer examination of Müntzer's actual claims here appears to show. In particular, it is important to note that Marx's citation in 'On the Jewish Question' is itself somewhat problematic, at least as an exact translation of Müntzer's original text. The above 'quote' is referenced to Müntzer's 1524 pamphlet against the more renowned German reformer, Martin Luther, which begins '*Hoch verursachte Schutzrede und Antwort*'¹² (and which, on this basis, has been variously translated as 'Highly Provoked Defense', 'Vindication and Refutation' and even 'Apology').¹³ As will be noted below, the actual text has Müntzer denouncing Germany's temporal powers for their avaricious presumption that all creatures must be theirs.¹⁴ Müntzer definitely does not claim that 'all living things must also become free' (i.e. from appropriation *per se*, as might be thought from a literal reading of what Marx claims). However, whilst the actual text strictly differs in this way

¹⁰This is not to say, of course, that such commandments could not be subject to interpretation or even 'backgrounding'. For example, the *Genesis* commandment 'to be fruitful and multiply' had itself been downplayed by the early Christian church, in its extolling virginity as a virtue, even at the cost of having no offspring at all (e.g. see R. Doran, *Birth of a Worldview: Early Christianity in Its Jewish and Pagan Context*, Westview, Boulder/San Francisco/Oxford, 1995, pp.80–83).

¹¹I use the term 'Green' here in the relatively loose sense which I have already described in footnote 1 above. In this respect, it may seem somewhat anachronistic to refer to such a contemporary notion in relation to *Genesis*. However, for modern readers it is perhaps inevitable that such comparisons will nevertheless be drawn, especially where the biblical text may appear to conflict with contemporary experience and values. In particular, for Christians who believe that biblical commandment and instruction continue to have relevance to contemporary life, they must be able to reconcile any apparent conflicts or else reject competing contemporary values in favour of the biblical tenets which are apparent to them. In either case, readers inevitably conceptually navigate between the two (i.e. biblical text and contemporary experience), regardless of any anachronism which may thereby ensue. In more Gadamerian terms, contemporary experience is the only conceptual horizon from which most readers are initially able to approach biblical claims, and for Christians in particular, a fusion of these horizons is an absolute necessity.

¹²The Penguin edition of Marx's *Early Writings* notes that the purported quote is from a 'pamphlet issued by Müntzer in 1524 and entitled *Hoch verursachte Schutzrede und Antwort wider das geistlose, sanftlebende Fleisch zu Witterberg*' (Marx, 'On the Jewish Question', p.239 note 38). This pamphlet, which is erroneously identified as '*Witterberg*' instead of '*Wittenberg*', is identified in the English collection of Müntzer's *Collected Works* as 'Vindication and Refutation': i.e. from the translated title which begins: 'A highly provoked Vindication and a Refutation of the unspiritual soft-living Flesh in Wittenberg' (T. Müntzer, 'Vindication and Refutation', in P. Matheson (tr. and ed.), *The Collected Works of Thomas Müntzer*, T & T Clark, Edinburgh, 1988, pp.327–350). For a somewhat different translation, see also T. Müntzer, 'Highly Provoked Defense', in M.G. Baylor (tr. and ed.), *Revelation and Revolution: Basic Writings of Thomas Müntzer*, Lehigh/Associated University Press, Bethlehem/London/Toronto, 1993, pp.139–154.

¹³Matheson notes that '*Schutzrede*' is a 'statement in one's own defence', or '*apologia*' (Matheson, p.327 note 1). Hence also the title of 'Apology' for this pamphlet, i.e. when understood in the particular sense of *apologia*.

¹⁴See *ibid.* p.335; Baylor, p.144.

from what Marx offers, it is important to note that the sense remains largely the same, provided it is put into the context of the private hoarding and even theft of property.

Müntzer himself was writing at a time when he was seeking or at least anticipating God's kingdom on earth, after having attempted to press his case before Duke John of Saxony, only to be further denounced by Luther.¹⁵ In this respect, Müntzer not only disagreed with Luther on various aspects of religious doctrine, but he also violently denounced the social institutions which Luther still effectively supported, which in Müntzer's view were inimical to any truly godly kingdom. Furthermore, because he saw the revolutionary change which would institute this new godly reign as divinely ordained, he also saw this change as inevitable (i.e. in precisely the same way, and for the same reason, that any true believer adheres to biblical prophesy as inevitable). Despite this, Müntzer failed to garner the necessary support from the ruling authorities for his evangelical aims, and was finally beheaded in 1525 following his ill-fated involvement in the Peasants' War. However, Müntzer's own relationship to the ruling elite was somewhat complicated, as the following claim (which refers to Müntzer's ill-fated attempt to press his case before Duke John and others) suggests:

[...Luther] says that I wished to raise a rebellion, as he had discovered from my missive to the miners. He accuses me of this, but conceals another most discreet matter; to wit that I proved to the ruling powers that a whole province had the sword within their grasp, as well as the key for the unlocking¹⁶, and showed from Daniel vii., Rev. vi., and Rom. xiii.[.] 1[Kings¹⁷]-8, that the rulers are not masters, but servants of the sword. They should not act as pleaseth them (Deut. xvii.), but do righteously. It is the greatest abomination on earth that no one will relieve the necessities of the poor...Look ye! Our sovereign and rulers are at the bottom of all usury, thievery, and robbery; they take all created things into possession. The fish in the water, the birds in the air,

¹⁵For example, see Matheson, pp.226–227 and p.324.

¹⁶Matheson's translation is more informative here, as follows: 'for, as I expounded quite clearly to the princes, the power of the sword as well as the key to release sins is in the hands of the whole community' (ibid p.334; cf. Baylor, pp.143–144). In other words, the power to wield authority and dispense justice, like that of the power to remit sins, is in the hands of the whole community (i.e. of the faithful) rather than the hereditary few.

¹⁷Kautsky rather unfortunately omits this reference, so that it appears that Müntzer is only citing three (3) biblical passages, rather than the four (4) which he actually cites. Both Matheson and Baylor correctly include the reference to '1 Kings 8' (in Matheson, p.334 and Baylor, p.144), as the appropriate translation of Müntzer's citation of 'i.Regum.viii' (see image 16 of the digital scan of Müntzer's original 1524 pamphlet, which is available online from the *Münchener Digitalisierungszentrum* [Munich Digitisation Centre] at <http://www.digitale-sammlungen.de/>). However, it is important to note that the passage which is actually relevant here, and which Matheson identifies by way of footnote, is '1 Samuel 8' (Matheson, p.334 note 107). The reason for this is that the first translation of the Bible, i.e. into Greek in the *Septuagint*, originally linked the four books of Samuel and Kings together as 1–4 'Reigns' (or 'Kingdoms'), whilst the subsequent Latin *Vulgate* calls them 1–4 'Kings'. E.g. see J.D. Douglas and N. Hillyer (eds.) et al., *The Illustrated Bible Dictionary*, Parts 1–3, Inter-Varsity, Leicester, 1980 (reprinted 1988), p.1385. Hence Müntzer's reference to 'i.Regum.viii' is actually to what we would now call (i.e. following the Hebrew scriptural version) '1 Samuel 8'.

the products of the soil – all must be theirs¹⁸ (Isaiah v.)[...] (as attributed to Müntzer by Kautsky).¹⁹

It should be noted that this is still a highly condensed extract from, and translation of, Müntzer's 1524 pamphlet against Luther. Nevertheless, the broad intent of the text is substantively the same. And as already suggested above, it is in this context that Müntzer's claim for all of creation to become 'free' should be best understood; namely, that the *products* thereof should be 'free' to be freely *appropriated* (i.e. in Marxian terminology) by *all* men, rather than by only the few. This understanding is supported and, for Müntzer at least, justified by the fact that the biblical passages to which he refers pertain, respectively, to:

1. An apocalyptic dream in *The Book of Daniel* 7:1–28, in which kingdoms are accorded power for a time, until the coming of a kingdom which 'shall devour the whole earth' (*Daniel* 7:23),²⁰ and its subsequent judgement, destruction and replacement by an 'everlasting kingdom' which is given to 'the people of the holy ones of the Most High' (*Daniel* 7:27).²¹ In other words, what is promised is an end to domination by the unjust and ungodly, and its replacement by a dominion which serves and obeys those who serve God.

2. The apocalyptic visions of *The Revelation to John* (i.e. *The Book of the Apocalypse*) 6:1–17, which describes the coming of the four horsemen of the aforesaid apocalypse. Not insignificantly, from the midst of these four creatures a voice says: 'A quart of wheat for a day's pay, and three quarts of barley for a day's pay, but do not damage the olive oil and the wine!' (*Revelation* 6:5–6).²² As noted by Meeks et al., 'A quart of wheat for a day's pay represents an exorbitant price for wheat, fifteen times higher than normal', recognising that 'shortages were often caused by hoarding for the purpose of profiteering'; and in this context the admonishment to 'not damage the olive oil and the wine' is to 'not fraudulently withhold oil and wine to extort exorbitant prices.'²³

3. *The Letter of Paul to the Romans* (i.e. to the church in Rome) 13:1–14. On its face, the reference to this passage seems rather odd, since it recommends to 'Let every person be subject to the governing authorities' (*Romans* 13:1).²⁴ However, this is in the context of the immediately following qualification that 'there is no authority except from God' (*Romans* 13:1),²⁵ and subsequently that 'the authority does not bear the sword in vain! It is the servant of God to execute wrath on the wrongdoer.' (*Romans* 13:4).²⁶ Müntzer clearly interprets this as meaning that there can be no proper authority except insofar as that authority is given by God, i.e. to do God's work in punishing the unjust. On this basis, an 'authority' which fails to do this, and indeed is unjust itself, would be no properly constituted authority at all. Similarly, the recommendation to 'Pay to all what is

¹⁸It should be obvious that the conclusion of this passage coincides with that which Marx purports to cite in his 'On the Jewish Question'. As already noted above, whilst the actual text strictly differs from what Marx offers, the sense remains largely the same, provided of course that it is put into the context of the larger passage.

¹⁹Kautsky, p.136. Compare Matheson, pp.334–335; Baylor, pp.143–144.

²⁰Meeks et al., p.1319. It should be noted that whilst the use of a contemporary version of the Bible is somewhat anachronistic, it serves to highlight the fact that *even* with this contemporary version, we can still seem to understand why Müntzer selected these particular passages for providing authoritative support for his claims.

²¹*ibid.* p.1320.

²²*ibid.* p.2317.

²³*ibid.* p.2317 note 6.6.

²⁴*ibid.* p.2133.

²⁵*ibid.*

²⁶*ibid.*

due them' (*Romans* 13:7)²⁷ could be interpreted as acknowledging that there only exists an obligation (i.e. to pay taxes, revenue, respect and honour) to those to whom those things are properly due.²⁸

4. The *First Book of Samuel* 8:1–22 contains Samuel's prescient warning to the Israelite elders of the unbridled acquisitive nature of kingship. The passage begins 'When Samuel became old, he made his sons judges over Israel', but that 'his sons did not follow in his ways, but turned aside after gain; they took bribes and perverted justice' (1 *Samuel* 8:1 and 3).²⁹ As a consequence, the elders of Israel demand that Samuel appoint for them 'a king to govern us, like other nations' (1 *Samuel* 8:5).³⁰ After praying to God on the matter, Samuel (following God's instruction) warns the Israelites that a king will take their sons and daughters and employ them for his own purposes, including for both military and domestic service (1 *Samuel* 8:11–13),³¹ and perhaps most importantly, agricultural production (1 *Samuel* 8:12).³² This is important because Samuel also warns that a king will seize the best of their productive property (i.e. 'fields and vineyards and olive orchards'), one-tenth of their productive output *vis-à-vis* their grain and vineyards, their slaves, the best of their cattle and donkeys, and also one-tenth of their flocks (1 *Samuel* 8:14–17).³³ In other words, what Samuel warns them of (in a way which is strikingly resonant with Marxist critiques) is both the diminishment and loss of control over much of their production, and that as a result: 'you shall be his slaves. And in that day you will cry out because of your king, whom you have chosen for yourselves; but the LORD will not answer you' (1 *Samuel* 8:17–18).³⁴ Of course, the Israelites refuse to listen to this warning, and the LORD commands instead that Samuel listen to their wishes (1 *Samuel* 8:19–22).³⁵ As a result, Saul is then chosen to be king (1 *Samuel* 9:1 ff.).³⁶

²⁷ *ibid.* p.2133.

²⁸ It is interesting to compare the use to which Müntzer puts *Romans* 13, and that to which John Locke does in his *Second Treatise of Government* (in J. Locke, *Two Treatises of Government*, J.M. Dent, London, 1993 [reprint 1994], pp.113–240). In chapter 2 of that treatise, when Locke provides his account of the 'state of nature' *pace* Hobbes, whilst still acknowledging the remaining need for independent judges etc., he notes 'that therefore God hath certainly appointed government to restrain the partiality and violence of men [*Romans* 13:4]' (*ibid.* p.121 [treatise II. chapter ii. paragraph 13; henceforth cited as II.ii.13]). Unlike Müntzer, this brief reference does very little for Locke at this point, other than to help functionally stipulate what government is for. However, once one considers it in the context of Locke's broader treatise, which ultimately allows for the opposition of the 'unjust and unlawful force' of tyrannical power (*ibid.* p.218 [II.xviii.204]), it is possible to read Locke's much earlier reference to *Romans* 13 in much the same way that Müntzer does, i.e. *pace* the far more benign (and perhaps now more common) interpretation which tends solely to foreground the commendation to 'Owe no one anything; except to love one another; for the one who loves another has fulfilled the law' (*Romans* 13:8; Meeks et al., p.2134). However, there is a certain tension here for Locke, in much the same way that there is some ambivalence in *Romans* 13 itself. Namely, whilst the logic of opposing a tyrannical power can be readily accepted, there are constraints for Locke as to what constitutes such tyranny. This includes what we have, perhaps only implicitly, consented to as lawful government. It is possible then for the argument to become viciously circular, in exactly the same way that the logic of *Romans* 13 can. Namely, the existing government, precisely because it *does* exist, may be regarded as already legitimate – i.e. in the case of *Romans* 13 because otherwise God would not have allowed it to have been constituted, and in the case of Locke because there is already implicit public consent as to its authority.

²⁹ *ibid.* pp.427–428.

³⁰ *ibid.* p.428.

³¹ *ibid.*

³² Specifically, Samuel's warning includes the claim that some of their sons whom the king takes are 'to plow his ground and to reap his harvest' (*ibid.*).

³³ *ibid.*

³⁴ *ibid.*

³⁵ *ibid.*

5. The *Book of Deuteronomy* 17:1–20. In addition to talking of stoning transgressors and the legal requirements for determining guilt (*Deuteronomy* 17:2–13),³⁷ it is safe to assume that Müntzer's main interest in referring to this passage is the verses referring to kingship (*Deuteronomy* 17:14–20).³⁸ In particular, whilst the passage permits the selection of 'One of your own community' to be 'set as king over you', this is subject to the requirement that 'he must not acquire many horses for himself, or return the people to Egypt in order to acquire more horses', nor either 'many wives for himself' or 'also silver and gold' in 'great quantity' (*Deuteronomy* 17:14–17).³⁹

6. The *Book of Isaiah* 5:1–30 is a poem which describes God's love for the people of Judah (initially through the allegory of a vineyard), the betrayal of that love through iniquities, and God's eventual retribution. Significantly, this retribution is exacted by a force external to Judah,⁴⁰ i.e. by 'a nation far away' (*Isaiah* 5:26 ff.).⁴¹ However, more important for Müntzer's purposes is the fact that the iniquities which the poet denounces include social injustice through accumulation, i.e. 'you who join house to house, who add field to field, until there is room for no one but you' (*Isaiah* 5:8).⁴² In contrast to 1 *Samuel* 8 and *Deuteronomy* 17 (above), this criticism is not particularly directed to any sovereign or rulers as such. Rather, for the poet in *Isaiah*, it is the people of Judah who in general are at fault (not least because God's eventual retribution is visited upon the whole nation).⁴³ However, the passage is sufficiently similar in tone that one can see how Müntzer is using it to license his own claims concerning the evils of accumulation. This includes, presumably, by the few to the detriment of the many.

However, it should be noted that free appropriation of the products of creation, which is to say under more equitable conditions, does not necessarily imply the abolition of private property – especially for the writer(s) of *Deuteronomy* etc. Rather, it only implies that it be subject to two complementary injunctions. On the one hand, there is the negative injunction that limits should be set on such ownership (and especially against what is essentially centralised ownership by the few), in the interests of equity and justice. On the other hand, there is a positive and circumspect injunction to share such property with those who are in need. For example: 'Since there will never cease to be some need on the earth, I therefore command you, "Open your hand to the poor and needy neighbor in your land."' (*Deuteronomy* 15:11)⁴⁴

³⁶ibid. ff.

³⁷ibid. pp.295–296.

³⁸ibid. p.296.

³⁹ibid.

⁴⁰This is significant because it emphasises what is effectively an internal/external systems distinction concerning Judaic societal structuration (i.e. with an emphasis on internal cohesion within Israel, specifically to God's law, at the risk of destruction from external forces). Consistent with what the Marxist philosopher István Mészáros briefly claims concerning that structuration (in I. Mészáros, *Marx's Theory of Alienation*, Merlin, London, 1970, p.29), the passages above provide for a model of society which is internally structured so as to reduce internal class conflicts (usually through justice maxims designed to facilitate fair and equitable treatment and sharing of resources). At the same time, other passages provide for and regulate external relations with 'strangers' or outsiders. Together, they provide for what is essentially a systems approach to the structuring of society: i.e. both minimising conflicts and strengthening relations internally, whilst separately providing for external relations, including by way of possible economic inputs and outputs (cf. *ibid.*).

⁴¹Meeks et al., p.1022

⁴²ibid. p.1020.

⁴³Indeed, on this very basis, this passage might be regarded as consonant with a more contemporary Marxist perspective, in which this (essentially non-social) accumulative drive seems to be embedded in that very epitome of late capitalist society, i.e. aspirational but essentially atomised individuals.

⁴⁴ibid. p.293.

Mészáros claims that this commandment serves to effect a ‘softening of *internal* class conflicts, in the interest of the cohesion of the national community in its confrontation with the outside world of the “strangers”⁴⁵. In Christianity, this commandment is potentially further radicalised to extend to all peoples, in the form of Christian charity.⁴⁶ However, in neither case does it entail the surrendering of all private ownership, or even appropriate accumulation. Rather, it is about just distribution of goods, which is necessarily relative to the circumstances of the situation at hand (i.e. the degree of need). This is most obvious in the fact that the very next verses in *Deuteronomy* then proceed to outline the ‘just’ treatment of ‘slaves’ or bondsmen and bondswomen (*Deuteronomy* 15:12–18⁴⁷). Another example of this balance between serving the interests of private ownership and that of communal need is provided in the limitations on foraging, as cited in full below:

If you go into your neighbor’s vineyard, you may eat your fill of grapes, as many as you wish, but you shall not put any in a container.
If you go into your neighbor’s standing grain, you may pluck the ears with your hand, but you shall not put a sickle to your neighbor’s standing grain. (*Deuteronomy* 23:24–25).⁴⁸

As Meeks et al. note, these ‘rulings cogently define the limits of traditional hospitality extended to hungry wayfarers as well as to fieldhands.’⁴⁹ However, it is important to ask why such traditional hospitality, which is common across many cultures, is extended to strangers at all. At least in the case of the above Deuteronomical ruling:

Apparently fields and vineyards were laid out in such a way that people often had to pass through those belonging to others. This was not considered trespass; to judge from Exodus 22:4–5,⁵⁰ only damaging the field is trespass. When passing another’s crops, if one is hungry he may pick enough grapes or ears of grain to satisfy his hunger, but he may not take more than he can eat on the spot. According to nineteenth century travellers, this right was still recognized as a charitable obligation in the Middle East in recent times. A similar regulation is proposed in Plato’s *Laws*, according to which a foreign visitor traveling along the road should be allowed, out of hospitality, to pick enough grapes and figs of

⁴⁵Mészáros, p.29. Mészáros’ claim here is to be understood in the context of the internal/external systems distinction already referenced above.

⁴⁶This is illustrative of what Marx seems to partly mean when he suggests, towards the end of ‘On the Jewish Question’, that Christianity is more (too) ‘refined’ and ‘spiritual’ than Judaism (Marx, ‘On the Jewish Question’, p.240). One way of reading this is that (for Marx at least) Christianity is a radicalisation of Judaism, in the sense that the internal/external systems distinction which Mészáros briefly describes is simultaneously both theoretically annihilated (e.g. in the idealised universalisation of Christian charity etc.) and yet practically and maximally realised in individuals (i.e. in the emergence of Christian-state civil society). Of course, in practice, such ‘universal’ charity depended on the will of actual Christians to extend it in this way, i.e. to non-Christians. For example, as the fictional character Barabas objects in Marlowe’s *The Jew of Malta*, Christians could ‘themselves hold it a principle, Faith is not to be held with heretics’ (C. Marlowe, *The Jew of Malta*, A&C Black, London, 1994 [2nd ed.], p.53 [act II. scene iii. lines 12–13]).

⁴⁷Meeks et al., p.293.

⁴⁸ibid. p.305.

⁴⁹ibid. p.305 note 23.24–25.

⁵⁰Note that the passages which the author (Tigay) is referring to here are from the Jewish canon. They are arranged somewhat differently in the Christian canon as *Exodus* 22:5–6. E.g. cf. N.M. Sarna (*The JPS Torah Commentary: Exodus*, The Jewish Publication Society, Philadelphia/New York/Jerusalem, 1991), p.131 with Meeks et al., p.121.

the type that are eaten fresh to feed himself and one attendant, but not of the types that are dried, stored, or used for wine. They may also pick less valuable fruits, such as apples and pomegranates.⁵¹

On this basis, the Deuteronomical passage is particularly interesting, because whilst it allows for the free appropriation of the products of creation, it does so recognising two things. First, there remains a prohibition on unjust appropriation or accumulation (e.g. by using a container). Second, what makes the accumulation or manner of appropriation unjust is the fact that it is your neighbour's property. Implicit in this is the fact that, in more modern nomenclature, your neighbour has invested both time and resources in cultivating that land. Nevertheless, parcelling land for agricultural development presents impediments to what would have otherwise been free passage for people, including for the purposes of foraging (i.e. whether that be their primary purpose in moving to that area, or merely incidental to the fact that they get hungry whilst passing through). In other words, what the passage is acknowledging is a balance between foraging and cultivation rights, in circumstances which recognise both a general and *reciprocal* obligation to respect others and their needs (or as we tend now, perhaps more confusingly, to also call 'rights'). The requirement to extend such hospitality, in conjunction with its recognised limits, seems strikingly well-suited to, and perhaps even originates from, that turning-point in humanity's social development from a hunter-gather to agricultural society. And in this, one can see the nascent beginnings of, and especially tensions between, 'natural' rights (e.g. to self-subsistence) *vis-à-vis* property rights.

Most importantly, even acknowledging that there is a *prima facie* need to balance such rights, it becomes quite another question (including potentially on simply practical and circumspect grounds) as to where that balance should be drawn. Taking the application of the Deuteronomical ruling as an example, it is interesting to note:

That the biblical laws apply to any passerby is the view of Josephus and R. Isi b. Yehudah. The practice is reflected in a story in the Christian scriptures in which Jesus' disciples pluck ears of grain while passing through grainfields; they are rebuked by the Pharisees, but only for doing so on the Sabbath⁵². However, the halakhah⁵³ restricts the law to workers who are harvesting the field or vineyard for the owner because, according to Rav, granting all passerby the right to take some of the crop

⁵¹J.H. Tigay, *The JPS Torah Commentary: Deuteronomy*, The Jewish Publication Society, Philadelphia/Jerusalem 1996, p.219. A similar practice was apparently observed in medieval Britain with respect to the gathering of firewood. As noted by Crystal, the 'most likely origin' of the phrase '*by hook or by crook*' lies in a medieval countryside practice which gave people certain provision for this, from the forests which (all) belonged to the king: 'They were allowed to use branches that had fallen on the ground. And they were also allowed to cut any dead wood from a tree if it could be reached with a shepherd's crook or the hooked tool used by a reaper' (D. Crystal, *By Hook or By Crook: A Journey in Search of English*, HarperPress, London, 2007, p.11). However, the penalties for otherwise cutting down trees without permission were 'ferocious' (ibid.). I am grateful to my wife, Karen, for bringing this point to my attention.

⁵²Tigay cites (Tigay, p.388 note103) as the relevant Christian gospels, *Matthew* 12:1, *Mark* 2:23 and *Luke* 6:1 (e.g. see Meeks et al., pp.1878, 1921 and 1967 respectively).

⁵³The *Halakhah* are the 'legal enactments and precepts with the elaborate discussions whereby decisions were reached', which are contained in the *Talmud*. They are distinguished from the *Haggadah*, or 'non-legal interpretations'. The *Talmud* itself 'is composed of the *Mishnah*, the oral law which was in existence by the end of the 2nd century AD', and 'the *Gemara*, the comments of the Rabbis from AD 200 to 500 on the *Mishnah*' (Douglas and Hillyer et al., p.1515).

might well ruin the owner. It is not known whether changed economic conditions or some other factor lies behind the halakhic position.⁵⁴

Such considerations (and their related pronouncements) seem very different from apparently more rarefied Christian idealisations of communal ownership. As noted by Sabine and Thorson, by the Middle Ages it had not been uncommon (i.e. within the context of a now Christian-state feudal society) 'to suppose that common ownership is a more perfect and hence more "natural" state than private ownership, the latter being attributed to the effects of sin upon human nature after the fall of man.'⁵⁵ However, consistent with what has been noted above, there seems no such radicalisation (viz. idealisation) in the Jewish canon. Especially in *Deuteronomy* (i.e. as interpreted by subsequent law and commentary), one finds a balance between practical needs and desserts, albeit always couched in terms of one's duty to God.

As Sabine and Thorson also note, in Roman law there existed the ostensibly very different theory (i.e. compared with the 'ideal' medieval view above)⁵⁶ 'that private property begins with the appropriation of things which before had a common use though no communal ownership.'⁵⁷ Now, such Roman (or Romanesque) theories need not be inconsistent with either the Deuteronomic-qua-Judaic perspective, or even medieval communal ideals, provided of course that they remain as simply descriptive of the origins of private property⁵⁸. Even in this minimal sense though, such a theory would seem secondary, if not outright irrelevant, to a Deuteronomic or similar perspective, which seeks a just balance between what are essentially 'natural' rights (e.g. again including self-subsistence) and property rights. (NB: with the latter being recognised as having a certain pragmatic value, e.g. in the form of cultivation and, borrowing on the much later Christian example, reaping what one has sown.)

Sabine and Thorson go on to note their view that the English philosopher John Locke, in his *Two Treatises of Government*, departed from both the Roman and medieval theories at the same time as he was continuing in the broader medieval, and specifically Thomist, moral tradition. Contrary to Hobbes:

Locke held that the state of nature is one of "peace, good will, mutual assistance and preservation."⁵⁹ This is defended on the ground that the law of nature provides a complete equipment of human rights and duties. The defect of the state of nature lies merely in the fact that it has no organization, such as magistrates, written law, and fixed penalties, to give effect to the rules of right. Everything that is ever right or wrong is so eternally; positive law adds nothing to the ethical quality of different

⁵⁴Tigay, pp.219–220.

⁵⁵G.H. Sabine and T.L. Thorson, *A History of Political Theory* (4th ed.), Dryden, Hinsdale, 1973, p.486.

⁵⁶Note, though, that it is important not to overly stress the significance that this 'ideal' may in fact have had. Not only is it a very *generalised* suggestion as to what medieval views may have actually been, but it thereby obscures the many subtleties and contestations which seem evident in all historically instantiated thought, including that of the medieval period. Nevertheless, it is fair to say that medieval thinkers tended to place far more emphasis on communal and divine obligation than does our own contemporary society.
⁵⁷*ibid.*

⁵⁸Of course, once such a theory of the *origins* of private property becomes linked to unfettered claims to *inalienable* and *inviolable* exclusive property rights, then such a theory clearly comes into conflict with both Deuteronomic ruling and medieval ideals.

⁵⁹No precise citation is given by the authors; but it seems clear that the reference is to the following gibe at the Hobbesian doctrine: 'And here we have the plain difference between the state of nature, and the state of war, which however some men have confounded, [yet] are as far distant, as a state of peace, good will, mutual assistance, and preservation, and a state of enmity, malice, violence, and mutual destruction are from one another.' (Locke, p.124 [II.iii.19]).

kinds of conduct but merely provides an apparatus for effective enforcement. In the state of nature every man must protect his own as best he can, but his right to his own and his duty to respect what is another's are as complete as ever they can become under government. It will be noted that this is exactly the ground that Thomas had taken centuries before Locke. Locke was merely repeating Hooker and through him the medieval tradition about the relation between law and morals.⁶⁰

And insofar as Locke also believed that in the state of nature 'property was common in the sense that everyone had a right to draw subsistence from whatever nature offers'⁶¹, he was similarly drawing upon the same medieval, and specifically Thomist, tradition. The presumption that common ownership is a more divinely ordained natural state reflects, of course, the medieval Edenic trope. But both the Thomist tradition which Locke drew upon, as well as the medieval praxis within which that tradition developed, also reflect (if not necessarily always explicitly) something fundamental about human society. Namely, as individuals we are always indebted to, and thereby have corresponding obligations to, others for our very existence⁶² (e.g. in this respect, the injunction at *Exodus* 20:12 to honour your father and mother takes on an entirely different light).

At the same time, the Lockean account does seem consistent with at least the broad thrust of ancient Roman legal concerns, to recognise the quite different foundational right of individual appropriation (i.e. where no common use previously exists). As Locke himself argues:

God, who hath given the world to men in common, hath also given them reason to make use of it to the best advantage of life, and convenience. The earth, and all that is therein, is given to men for the support and comfort of their being. And though all the fruits it naturally produces, and beasts it feeds, belong to mankind in common, as they are produced by the spontaneous hand of nature; and nobody has originally a private dominion, exclusive of the rest of mankind, in any of them, as they are thus in their natural state: yet being given for the use of men, there must of necessity be a means to appropriate them some way or other before they can be of any use, or at all beneficial to any particular man. The fruit, or venison, which nourishes the wild Indian, who knows no enclosure, and is still a tenant in common, must be his, and so his, i.e. a part of him, that another can no longer have any right to it, before it can do him any good for the support of his life.⁶³

What Locke does here (i.e. regardless of how innovative or derivative this claim may actually be) seems quite sophisticated.⁶⁴ He effectively locates the ultimate origin of

⁶⁰Sabine and Thorson, pp.485–486.

⁶¹*ibid.* p.486.

⁶²There is a very large body of literature which supports this or related claims: ranging from the Enlightenment fascination with feral children and the requisite role which socialisation plays in our development as fully human individuals; to existential demonstrations of the incoherence of monadic and ultimately solipsistic egos; and also to biological and ecological understandings of our inextricable dependencies on the natural world.

⁶³Locke, pp.127–128 [II.v.26].

⁶⁴One could disagree of course, essentially on the same grounds which Marx and Engels use to criticise M. Destutt de Tracy and Max Stirner in *The German Ideology*. The former they note claims that 'nature has

individual property rights in common use appropriation. To this extent, it seems consistent with both medieval communal tradition and Roman legally-recognised individual appropriation (noting this is definitely not to say, of course, that these two traditions were previously incompatible). And of course, the preserved entitlement to subsistence appropriation is entirely consistent (as already noted above) with the much earlier⁶⁵ Deuteronomic laws. However, Sabine and Thorson also claim that Locke departed from both the medieval and Roman theories 'by asserting that a man has a natural right to that with which he has "mixed" the labor of his body, as for example by enclosing and tilling land.'⁶⁶

It is important to note, though, how contentious this claim of supposed radicalism actually is. Far from departing from earlier medieval theories, Swanson claims that although some medieval thinkers 'might well have taken issue with Locke over some or other of the points he made', they would *not* have found anything that he had to say about property 'particularly innovative', 'not even the stuff about labor or money which is supposed to herald the advent of a new world'⁶⁷. In this respect, Swanson points to a number of Locke's predecessors, including the thirteenth-century theologian John of Paris, whom he cites as claiming that:

Lay property...is acquired by individual people through their own skill, labor, and diligence, and individuals, as individuals, have right and power and true lordship over it; each person may order his own and dispose, administer, hold or alienate it as he wishes so long as he causes no injury to anyone else....⁶⁸

endowed man with an inevitable and inalienable property, property in the form of his own individuality' (K. Marx and F. Engels, *The German Ideology: Part One – With Selections From Parts Two and Three and Supplementary Texts*, Lawrence & Wishart, London, 1970, p.100). It is interesting to note how close this is to Locke's characterisation of inherently individual property ownership, and in that context the criticism that both de Tracy and Stirner effectively just employ a play on words to establish this relationship. This includes the accusation that "'Stirner" refuted the communist abolition of private property by first transforming private property into "having" and then declaring the verb "to have" an indispensable word, an eternal truth, because even in communist society it could happen that Stirner will "have" a stomach-ache' (ibid. p.101). However, this criticism seems somewhat unfair if it is to be applied to Locke. What Locke claims above is no simple play on words, but rather the quite ordinary observation that if you appropriate (and especially consume) something from a common use (or as it now also characterised, 'common pool') resource, then *ipso facto* that something is no longer available for someone else to appropriate. This is fine as long as the resource is widely available, and demand does not exceed that availability. However, once demand does exceed in this way, steps must be taken to try to either increase availability or reduce demand, or in the absence of either, to restrict access (e.g. via protected property rights). This seems so obvious and so basic, that it might even be considered an economic truth.

⁶⁵On the dating of these laws *vis-à-vis* Roman law, even noting that the *Book of Deuteronomy* was 'revisited' and redacted in the 5th century BCE, Rome (and with it the eventual primacy of Roman law) didn't even become a power until the 2nd century BCE.

⁶⁶Sabine and Thorson, p.486.

⁶⁷See p.443 of S.G. Swanson, 'The Medieval Foundations of John Locke's Theory of Natural Rights: Rights of Subsistence and the Principle of Extreme Necessity', *History of Political Thought*, vol. 18 no. 3, 1997, pp.399–458.

⁶⁸ibid. p.417. Swanson identifies the Latin source of this translated quote as *De potestate regali et papali* (ibid. p.417 note 42). Swanson also notes that 'John of Paris borrowed large parts of his treatment of property in *De potestate regali et papali* almost verbatim from Godfrey of Fontaines' *quodlibets*', and that whilst they were antagonists on one particular controversy, 'they were of one heart and mind in disseminating Thomas Aquinas' theories of property and the constitutionalist implications they found in those theories' (ibid. p.416 note 41).

As Swanson also notes, many of Locke's subsequent doctrines, including a labour theory of property, are to be found in such writings. The basic difference between Locke and John of Paris (and with him, his contemporary Godfrey of Fontaines) is that, whereas the latter argue that 'the people' must consent to government (essentially on the basis that the government is there to protect the people's interests, including property rights), Locke instead specifies that it is *individual* people who must consent to government. However, although their notion of consent was therefore more 'corporate' than Locke's:

Nonetheless, their constitutionalist thought foreshadowed Locke's in essential ways. Both taught that individual persons intrinsically possess rights of property – pretty much amounting to life, liberty, and estate – which do not derive from royal or ecclesiastical authority and against which kings and popes have no right to trespass. These rights, moreover, properly describe the limits and define part of the purpose of governmental authority.⁶⁹

Most importantly, whilst such individual rights might be characterised by what we would call 'inalienable' (i.e. insofar as they are held individually, and not by external fiat), they were nevertheless subject to both divine and natural justice limits, including for Locke himself. Whilst considered to possess such rights, individuals were not thereby divested of their obligations, both to each other and to God.

However, Coleman argues that whilst this medieval natural law tradition continues to feature prominently in Locke's moral-qua-political philosophy, a significant change nevertheless occurs when he conceives of individual appropriation in a way which 'turns a *use right* into a *private right*'⁷⁰. And that Locke adds something which she 'cannot find either in classical or medieval debates' when he writes: 'though the earth and all inferior creatures be common to all men, yet every man has a property in his own person. This no body has any right to but himself.'⁷¹ No precise citation is given here, but it seems clear that the reference is to the same passage in which Locke famously (or infamously, depending on your perspective) then immediately claims the following:

The labour of his body, and the work of his hands, we may say, are properly his. Whatsoever then he removes out of the state that nature hath provided, and left in it, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property. It being by him removed from the common state nature placed it in, it hath by this labour something annexed to it, that excludes the common right of other men. For this labour being the unquestionable property of the labourer, no man but he can have a right to what that is once joined to, at least where there is enough, and as good left in common for others.⁷²

For Coleman, it is significant that:

[...] sovereign direction of the self, the rule of, say, the soul over the body, was not in earlier periods the same thing as owning. Sovereign jurisdiction – the word in Latin was often *dominium* but it meant

⁶⁹ibid. p.418.

⁷⁰See p.132 of J. Coleman, 'Pre-Modern Property and Self-Ownership Before and After Locke: Or, When did Common Decency Become a Private rather than a Public Virtue?', *European Journal of Political Theory*, vol. 4 no. 2, pp.125–145.

⁷¹ibid. p.134.

⁷²Locke, p.128 [II.v.27].

jurisdictio – was a duty of care of a superior over an inferior. Then there was another use of the word *dominium* which *did* refer to private property ownership and to say that someone has a property *in* something, in some exterior material good, meant he had a material interest in it and this required that the something be alienable.⁷³

However, this way of characterising property ownership, as something which is ‘alienable’, seems very similar to the characterisation which (as has already been noted above) Swanson attributes to John of Paris in the thirteenth century, some 400 years before Locke would articulate his own claims. But if this is true, then what, it may be asked, is so distinctive about the Lockean account?

From the brief passages already noted above, a certain tension within Locke’s own claims can be detected. On the one hand, he characterises the state of nature, *pace* Hobbes, as one of ‘mutual assistance and preservation’. And yet when he comes to deriving the appropriation of private property, he starts emphatically with the individual *qua* individual. In the thirteenth century, the attribution of what are effectively individual property rights would necessarily have been understood in the context of the rights of individuals to enjoy the fruits of their own labour, provided (as has already been noted above) that they caused no injury to anyone else. But presumably, in that same context, this included the understood proviso that their social obligations of care towards others, which derive at least partly from the simple fact that no-one is ever a totally isolated individual, i.e. in the sense that we are always at least partly obligated to others for our very existence, were duly met.

Locke seems to want to preserve at least some of this same sense of indebtedness (especially to God) in his own account, including as it was manifest in the natural law tradition on which he was drawing. But post-Reformation England became subject to a very different set of ideals to that which tended to prevail during the thirteenth century. Most significantly, this included emphasising the individual, *par excellence*, as having a comparatively unmediated (and what would come to be treated as an essentially isolate) relation with God.⁷⁴ In addition to this new emphasis on the centrality of the individual, it is also interesting to note that whilst Locke’s account might preserve much in the way of attempting to balance private rights with common goods, it does this in a way which is now couched in the rhetoric of improvement and benefit. Nowhere is this clearer than in Locke’s discussion of the advantages of European forms of agricultural production, over and above those of native Americans.⁷⁵

In this respect, it is important to read Locke in the context of how his *Treatises* were actually accepted (or not) within his own historical milieu. As Swanson notes, Locke’s natural rights arguments ‘gave pause to fellow propertied Whigs.’⁷⁶ And yet, despite being wary of the broader political implications of this argument, at least one of Locke’s contemporaries (William Atwood) also ‘heartily commended Locke’s exposition of property, albeit at the time Locke’s authorship of the treatises was unknown to him.’⁷⁷

⁷³Coleman, pp.134–135.

⁷⁴Note that this emphasis is quite different from the otherwise unremarkable belief that individuals are ultimately responsible for their own actions. In religious eschatology, this was already commonplace in the belief that individuals are judged, whether at the end of their lives or at the end of days *per se*, on this basis (e.g. consistent with the depictions of Christian judgement in the medieval mystery and other religious plays such as *Everyman*, but also with other far more ancient, and indeed long-forgotten religious beliefs and traditions, such as those which are depicted in the Egyptian *Book of the Dead*). Note also that even for Protestant reformers like Müntzer, the relationship with God was with the *community* of the faithful, sans any privileged mediation through a clerical class.

⁷⁵See Locke, pp.135–137 [II.v.40–43].

⁷⁶Swanson, pp.451–452.

⁷⁷*ibid.* p.452 note 132.

What is significant here is that Locke's exposition of property could be 'heartily commended,' quite apart from any acceptance (or otherwise) of his broader natural rights claims. This is not necessarily the result of readers 'cherry-picking' only the parts of the *Treatises* that they like, for as already noted above there exists a certain tension in Locke's claims, especially in the *Second Treatise*. This occurs, specifically, between Locke's natural law characterisation of the state of nature as one of 'mutual assistance and preservation', and his derivation of the appropriation of private property with the individual *qua* individual. To this extent, these claims are therefore severable. Furthermore, by emphasising the second account, one can understand Locke's natural rights claims as not only inhering in individuals as essentially 'property' rights (which Locke clearly does do), but as only inhering in individuals in this way, i.e. effectively *sans* their broader social obligations.

When read in this way, it can be understood how significant a change this actually was. Notwithstanding Locke's continuation of the earlier natural law traditions, his account of property *vis-à-vis* inherently individual rights marked a significant, and indeed fateful, departure. By making this claim in the way that he did, Locke effectively helped blur the ancient Deuteronomic distinction between 'natural' and (pragmatic) property rights. From Locke onwards, private property rights are not only now instantiated as individual natural rights, but also vice versa. This occurs through Locke, and thence also to the American constitution, which enshrines rights like civil liberty as something which individuals have an inalienable right to own (e.g. compare again Marx's 'On the Jewish Question.')⁷⁸ The result is that everything, including rights, is now conceived in the form of a kind of property, in the context of whether (and under what conditions) it may be subject to trade, exchange or simply surrender, as when someone surrenders the right to liberty by committing certain criminal offences.

Moving from the political to the strictly economic, Marx can be read as continuing his criticism of this conception of property (especially insofar as it grounded the political economy of his day) in the following lampoon from *Capital*:

Commodities cannot themselves go to the market and perform exchanges in their own right. We must, therefore, have recourse to their guardians, who are the possessors of commodities. Commodities are things, and therefore lack the power to resist man. If they are unwilling, he can use force; in other words, he can take possession of them. In order that these objects may enter into relation with each other as commodities, their guardians must place themselves in relation to one another as persons whose will resides in those objects, and must behave in such a way that each does not appropriate the commodity of the other, and alienate his own, except through an act to which both parties consent. The guardians must therefore recognize each other as owners of private property.⁷⁹

Here the object of Marx's lampooning is not just the capitalist conception of property, but rather the naturalistic fallacy that political economy relied upon to justify it. Marx speaks of the 'guardians' of commodities in a way which seems resonant with the medieval (and earlier) conceptions of stewardship. And he speaks of using force against

⁷⁸See especially Marx's discussion of the various declarations of and constitutional 'rights of man' (Marx, 'On the Jewish Question', p.227 ff.), and his claim that they are all quite simply 'of egoistic man, of man separated from other men and from the community' (ibid. p.229).

⁷⁹K. Marx, *Capital: A Critique of Political Economy* (vol. 1), Penguin, 1976 (reprinted 1990), p.178. I am grateful to the Australian National University *Capital* reading group for the opportunity to consider and debate this passage.

such commodities,⁸⁰ if necessary, in order to take possession of them, which resonates with the Lockean (and earlier) expenditure of labour in relation to the appropriation of nature's gifts, and to productive activity in general. But these gifts were never, in the first instance at least, 'commodities' as such, whose use included being taken to market for the purpose of exchange. And the 'guardians' of these gifts were never isolated individuals, who came ready-formed into the world as property owners. What gifts we have, we owe to the efforts of others: to both those who may help us now, as well as those whom have gone before. We owe not only our parents and other ancestors for our very existence, but also our teachers for providing us with whatever skills and knowledge we have, as well as those innumerable 'others' without whom we would not even know what it is to be this inherently social being that we call 'human'.

Concluding Remarks

In summary, it is not personal property and private wealth *per se* which the writer(s) of *Deuteronomy* etc. rightly denounce, but rather its accumulation beyond what is appropriate for the public good. The reaping of just rewards for personal investment is still respected, but it is balanced by the preservation of basic rights of self-subsistence. Furthermore, the value of labour as such remains linked to the divine, and in this respect to the broader created world. To live virtuously is to live a life dedicated to God.⁸¹ And it is in this sense that labour is both valued and, subject to these caveats, personally rewarded.

However, as we have also seen, Locke (and others) blurred these distinctions, leading to their eventual collapse into the single founding attribute of what each individual person has a supposedly 'natural' right to own, and thereby to do with as they please. This includes the right to sell what they own to others. Literally everything then becomes a potential product for market sale, subject to market evaluations. The market itself then becomes both the mechanism and yardstick for potentially all valuation, and the value of labour-qua-work, such that people still esteem 'hard work' as a value, then also collapses (per Max Weber et al.) into the one-dimensional character of 'productive work' – i.e. labour which is only undertaken for producing some product which is typically for sale.

It is in this extreme sense that the concept of 'universal saleability'⁸² is fundamentally flawed, in that it can lead to an eventual distorting, and indeed discounting, of what are properly human (including social) values. This includes the recognition that we are not mere individual property owners, but rather that whatever gifts we have we always owe, in at least some part, to the efforts of others. Even if, for

⁸⁰This point is important, because whilst not specifically excluding using violence against others in order to possess (i.e. their) commodities, the actual subject of Marx's claim here is the use of 'force' against the commodities themselves. This resonates less with social actions such as theft (sanctioned or otherwise), and more with the understanding of freely appropriating things through the use of one's own labour, i.e. which before had no exclusive ownership.

⁸¹A secularised form of this dedication is still preserved in the notion of community or military *service*. This includes the associated notion of doing one's 'duty'. But it also exceeds this in the sense that one can serve *with distinction* by going *beyond* 'the call of duty'. This, in turn, resonates with the religious idea of earning 'merit' through 'good works'. Whilst recognising that such works are only the outward *expression* of an 'inner' dedication (e.g. per Luther and other Protestant reformers, who saw religious salvation as possible, not through works, but only through God's grace alone), it would still seem the case that *if* one is dedicated to one's service, then this should have some outward *sign*. This is essentially why the notion of doing good works persisted even with the Protestant Reformation.

⁸²I have taken the term 'universal saleability', which I understand to be the reduction of everything to a commodity for potential sale or trade and private accumulation, from Mészáros. Specifically, see Mészáros, pp.33–36.

the sake of argument, we were to assume that what we currently possess has been due solely to our own labour (which is exceedingly unlikely in communal societies, and especially mass societies like ours, with social relationships of co-dependence and generational transmission of skills, etc.), we owe a debt to others – as well as to the planet itself – for our very existence. By emphasising private property ownership in such an exclusive and privileged way, we not only tend to forget this, but that emphasis inevitably tends to distort our ability to even *think* it.

Not insignificantly, this distortion also resonates with a tendency to regard authority in a purely one-dimensional way – namely, as simply an exercise of power. It tends to forget the authority of a steward, who not only exercises that authority in the name of another, but also, and more importantly, genuinely in their interests. A prime example of this is that of the biblical story of Noah. *Genesis* recounts how Noah, his family and the animals on the Ark are spared from the divine judgement of the Flood. Contemporary interpretations can, with some justification, regard this as a story of sanctioned individual authority, including that of humans over animals.⁸³ But what such interpretations can thereby forget is that this is not just hierarchic authority *simpliciter* (e.g. in which one supposedly higher kind has the natural authority to do whatever it wishes with a lower kind), but rather one of duty. It is not that Noah is simply or even primarily given dominion over the animals in his care; rather, he is given a duty to care for them and, in particular, ‘to keep them alive’ (*Genesis* 6:20).⁸⁴

Furthermore, far from being distinct in kind, what Noah and all those in his care share is a certain grace. First, they all share in having ‘the breath of life’ (*Genesis* 7:15),⁸⁵ which in biblical myth equates to something of the divine. And second, this life – and indeed being *per se* – is gratuitously given. There is no reason for it.⁸⁶ Even in the *Genesis* account, in which God is the purported cause of creation, there is no imperative for that creation (i.e. other than simple divine fiat). And nor is there any reason for our continued existence. After Noah’s deliverance from the Flood, God (admittedly somewhat belatedly) acknowledges that ‘the inclination of the human heart is evil from youth’, and thus that evil is not capable of being eliminated from the earth whilst this remains the case; and yet *despite* this, God nevertheless promises to ‘never again curse the ground because of humankind’ (*Genesis* 8:21).⁸⁷ Mythically, this recognises that what life there is, is entirely gifted. But if being is a gift of such a gratuitous nature, then it also includes the recognition that all of creation is similarly gifted, and that we have no rights, innate or otherwise, to individually squander those gifts to the detriment of others.

And if we can learn to foreground *this* recognition, then perhaps we can also (re)learn what just property rights, as well as legitimate authority, might actually look like.

⁸³I am grateful for this fact to a seminar which Prof. Brenda Walker presented to the Australian National University School of Cultural Inquiry Seminar Series on 19 September 2011, entitled *A Survivor Makes Notes on the Ark*.

⁸⁴Meeks et al., p.13.

⁸⁵*ibid.* p.14.

⁸⁶I am grateful for this way of putting things to my fellow *Capital* reader, Mathew Abbott, whose very fine thesis on Agamben is partly framed by the claim that ‘If there is no reason for being, then being is gratuitous; the word ‘gratuitous’ shares its etymological root with ‘grace’.’ (M. Abbott, ‘The Figure of this World’, PhD thesis, University of Sydney, 2011, p.6).

⁸⁷Meeks et al., p.15.