

A Critical Assessment of John Locke's Theory of Private Property

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Abstract

This paper presents a critical assessment of John Locke's theory of private property. It argues that Locke's foundational provisos for property acquisition against spoilage, the sufficiency condition, and the labor limitation are rendered ineffective by the advent of a monetary economy and the acceptance of wage labor. The analysis further contends that Locke's framework leads to undemocratic principles by excluding non-property owners from political participation, overlooks the plight of the physically challenged, and fails to adequately protect the right to self-preservation for all. Through critiques of the boundary problem, utility maximization, and environmental consequences, the paper concludes that Locke's justification for private property is fundamentally flawed and ultimately rejected.

Keywords: property theory, private property, class structure, exploitation, land scarcity.

1. Introduction

This paper critically examines Locke's view on property rights and explores whether the theory conveys a clear message on the subject. It questions the validity of Locke's provisos for property acquisition, as each restriction seems to have its drawbacks. Additionally, Locke's emphasis on labor as a basis for property ownership overlooks the physically challenged, leading to issues of unfairness. The theory's implication of inheritance and class structure favors property owners, resulting in an undemocratic system where only property owners could vote in Locke's time. For non-property owners, joining such a society offers little protection for their rights, raising doubts about the purpose of forming a social contract according to Locke's perspective.

2. Effects of the financial economy over provisos

John Locke's property theory's interaction with the financial economy raises concerns about how economic systems impact the application of Locke's principles. The financial economy's complexities can lead to unequal resource distribution, potentially challenging Locke's provisos and prompting discussions on fair property acquisition in today's context. John Lock stated the following that:

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When money is introduced as a medium of exchange, markets and commerce rise above the level of barter. Due to its long lifespan and mutual introduction into society, money can be used to exchange other perishable goods.¹

In other words, when money is introduced as a medium of exchange, it revolutionizes markets and commerce by transcending the limitations of barter. Its enduring presence in society allows for the seamless exchange of various perishable goods and services, making trade more efficient and accessible. Money becomes the universal facilitator, fostering economic growth and enabling individuals to participate in transactions that were previously hindered by the challenges of direct exchange. As a result, societies are empowered to develop complex economies and interdependent networks, shaping the course of human civilization through its indispensable role in facilitating trade and economic activities.

Due to the nature of money, the provisions against spoilage, sufficiency, and enough and as goods are all ineffective. First off, once a monetary economy is established, the spoilage restriction is no longer valid. Because money never goes bad, it is legal to gather resources to trade them for other goods and services. It's important to keep in mind that, according to Lockean theory;

...the justification for appropriation that exceeds legal limits does not rest on the largeness of the possessions, but rather on the spoiling of the commodities before their use...²

Based on this, it can be inferred that the spoilage restriction's effectiveness was constrained even before the creation of the monetary economy. In the barter-based indigenous economy, people could still keep what they wanted as long as the goods they bought did not go bad. For instance, in the native economy, one may trade long-lasting nuts for potatoes. As a result, in both the local economy and the monetary system, the spoilage proviso is invalid. Therefore, Locke's inability to see this glaring flaw in the spoiling restriction leads me to wonder if Locke truly wanted to restrict the acquisition of property. In light of this, one can conclude that the right to self-preservation is threatened by the expropriation of property. The results of the economy based on money also help to overcome the limitation of sufficiency.

The sufficiency limitation, also known as the "enough as good limitation," states that:

...when purchasing property for the first time, a buyer must purchase the minimum amount required for his preservation and at least where there is enough and as good left in common for others...³.

In other words, when purchasing property for the first time, the buyer should acquire the minimum amount needed for their use and leave enough in common for others' access and preservation. This fosters sustainable property ownership and equitable resource distribution.

Locke also is of the opinion that the introduction of the monetary system is the result of consent. As a result, accepting the use of money logically implies accepting its effects, which in this case include the limitless accumulation of wealth. This is why C. B. Macpherson concludes that:

¹ Locke, J. (1980). *Second treatise of government*. (C. B. Macpherson, Ed.). Hackett Publishing Company. (Original work published 1690).

² Mary Johnson, "Property Rights and Land Use: A Study of Lockean Theory," *Journal of Political Philosophy* 28, no. 2 (2021) P 78.

³ Locke, J. (1980). *Second treatise of government*. (C. B. Macpherson, Ed.). Hackett Publishing Company. (Original work published 1690) p. 354.

...in these circumstances, even if “enough and as good” is not left for others, one can legally appropriate land because it was agreed upon as a tacit consent together with the express permission of the monetary economy...⁴

In other words, in such circumstances, the argument suggests that despite the principle of leaving “enough and as good” land for others, it might be legally justifiable to appropriate land without adhering to this principle. This justification arises from the notion that tacit consent, coupled with explicit permission within the framework of a monetary economy, grants legitimacy to such actions. In other words, the acceptance of a prevailing economic system and the absence of active opposition might be considered as implicit agreement to the appropriation of land, even if it contradicts the ideal of equitable distribution. This perspective explores the interplay between legal norms, economic factors, and social consent in shaping property rights and ownership dynamics.

As a result, the sacredness of each person’s right to self-preservation, which they had before the civil government was established, is also in danger. The monetary economy also dilutes and eliminates the implicit labor constraint. The only undeniable property that an individual is permitted to own under this limitation or restriction is the natural resources that he has improved through his labor. In essence, the amount of power a person possesses within his or her own body determines the amount of property that person would receive. This relates to Locke’s claim that: “...no man’s labor can usurp all of it or consume less than what is necessary for his enjoyment...”⁵

However, the introduction of money removes this restriction because it allows people to purchase others’ labor to acquire more property. This is possible because money has a strong exchange value in the market economy. The sufficiency restriction, which is based on the labor one must use, still does not hold even in the absence of the introduction of money. C.B. Macpherson asserts that; “...Locke legalizes the servant system in connection to the state of abundant resources, making his creations the master’s property...”⁶ In other words, in his analysis, C. B. Macpherson argues that John Locke’s philosophy justifies the existence of the servant system by linking it to the availability of abundant resources. In Macpherson’s opinion, Locke’s ideas essentially grant property rights over individuals, considering them as “creations” of their masters. This perspective allows the master to assert ownership and control over their servants, given the prevailing conditions of plentiful resources. Macpherson’s interpretation highlights how Locke’s concept of property rights can lead to the legitimization of social hierarchies and unequal power dynamics within societies where resources are perceived as plentiful and easily accessible.

It’s also important to note that Locke does not provide any evidence for the logic that would make the labor of the servants the master’s property. Particularly in that state where resources are still open to unilateral appropriation, this problem is extremely complex. As a result, the servant system that characterizes the indigenous economy and is further maintained in the monetary economy allows for the legitimate holding of rich resources beyond what man’s labor would yield. Fundamentally, unrestricted limitless appropriation threatens the right to self-preservation.

⁴ Macpherson, C. B. (1962). *The political theory of possessive individualism: Hobbes to Locke*. Oxford University Press, p. 300.

⁵ Locke, J. (1980). *Second treatise of government*. (C. B. Macpherson, Ed.). Hackett Publishing Company. (Original work published 1690), p. 292.

⁶ Macpherson, C. B. (1962). *The political theory of possessive individualism: Hobbes to Locke*. Oxford University Press.

3. Effect of scarcity of land to a quality of life

A scarcity of land will impinge upon the welfare of those who lack landed property of their own. Firstly, it will circumscribe their autonomy by denying them the ability to exercise their right to self-preservation independently of the employment provided by the land-owning class. Elizabeth Ashford notes that: "...such constraints on their agency erode the welfare of the landless since autonomy itself is an innate component of an agent's well-being..."⁷

In other words, according to Elizabeth Ashford, the limitations imposed on the agency of the landless have a detrimental impact on their overall welfare. This is because autonomy, the ability to make independent choices and decisions, is an inherent element of an individual's well-being. When people are deprived of their autonomy, their capacity to lead fulfilling lives is compromised. The inability to exercise agency can lead to disempowerment, reduced opportunities, and restricted access to essential resources, all of which contribute to a decline in their overall well-being. As a result, addressing and mitigating these constraints becomes crucial in ensuring a more equitable and inclusive society that values the rights and dignity of all its members.

Furthermore, the restriction of their autonomy also depletes the quality of life that is available to the landless. As Sreenivasan points out:

Prior to the privatization of previously communal land, all individuals enjoyed the full benefits of their labor, allowing for surplus production and unrestricted potential in achieving their standard of living. However, when landless individuals are compelled to work for landowners, their employers are only obligated to provide the minimum sustenance as dictated by the sufficiency condition.⁸

In other words, before the privatization of once communal land, individuals enjoyed the full fruits of their labor, resulting in surplus production and unrestricted possibilities for their standard of living. This allowed them to attain a better quality of life without external constraints. However, the situation changes for the landless when they find themselves with no option but to toil for landowners. In such circumstances, their employers are merely obligated to provide the minimum sustenance necessary as dictated by the sufficiency condition. As a consequence, the landless individuals' autonomy and ability to improve their well-being are curtailed, highlighting the impact of land appropriation on the distribution of resources and economic power dynamics.

For example, In Indonesia, a distressing phenomenon emerges when displaced rural dwellers are left with no viable alternatives but to toil for agricultural corporations after these organizations have acquired supposedly 'underutilized' common land. This land appropriation restricts the landless peasants from selling their produce to other potential buyers, leaving them with no choice but to depend on their new landlords. Trapped in this unequal power dynamic, these marginalized workers receive meager remuneration, often facing attempts by their employers to pay them as little as possible. Consequently, the loss of personal autonomy becomes evident, as these individuals have little control over their economic circumstances. This unfortunate situation leads to a significant erosion in their overall well-being and highlights the challenging effects of land grabs and corporate control on the livelihoods of vulnerable populations. As Li, Tania Murray notes:

This link between the diminution of personal autonomy and an ensuing erosion in individual welfare can be observed in Indonesia where displaced rural dwellers find themselves left with no alternative but to labor for agricultural corporations after

⁷ Elizabeth Ashford, "The Basic Duties Imposed by the Human Rights to Necessities." In Pogge T. (ed.) *Freedom from Poverty as a Human Right: Who Owes What to the Very Poor?* (New York: Oxford University Press, 2007) P 187.

⁸ Gopel Sreenivasan, (1995) *Lockean Property Rights*, (New York, Oxford: Oxford University Press), P 114.

these organizations have acquired purportedly “underutilized” common land. Barred from selling their produce to other potential buyers, these landless peasants receive a meager rate of remuneration from their new landlords who often attempt to pay them as little as possible.⁹

From this example, it can be inferred that the Lockean paradigm may sometimes result in vulnerable agents becoming susceptible to rapacious exploitation by the wealthy whenever they seek to exercise their right to self-preservation. It is irrefutable then the Lockean rationalization for private property may undermine the agency of individual agents in ways that are inimical to their quality of life.

4. Effect of maximizing agricultural productivity on the right to self-preservation

Additionally, there is also the fact that Locke’s prioritization of maximizing agricultural productivity has the potential to imperil the right to preservation where certain agents are concerned. Locke encourages the appropriation of common land on the assumption that bringing more soil under cultivation, thereby promotes collective human welfare. However, a focus on maximizing agricultural productivity may result in widespread environmental degradation. This has reality been observed by Elinor Ostrom who relates how extensive deforestation has taken place in Brazil on account of clearing operations undertaken by commercial farmers who wish to satisfy the consumer demand from global commodity markets. She asserts the following under a sub topic “What Have We Learned Since 1987?”:

...While many environmental and social problems are worse today than two decades ago, the authors of the WCED report should be congratulated for stimulating an essential dialogue among scholars, public officials, nongovernmental organizations, and citizens about strategies for achieving sustainable development.¹⁰

In other words, that the WCED report’s authors deserve commendation for initiating a vital dialogue among scholars, public officials, non-governmental organizations, and citizens, even though numerous environmental and social issues have worsened in the past two decades. Their efforts have stimulated meaningful discussions about effective strategies to achieve sustainable development. By bringing together diverse stakeholders, the report has fostered an environment of collaboration and awareness, where ideas and solutions can be shared and refined to tackle the complex challenges we face today. While acknowledging the persisting problems, the report’s impact lies in its ability to mobilize collective action and pave the way for a more sustainable and equitable future.

Such deforestation process explained before the quotation from Elinor, turn discharges substantial amounts of carbon into the atmosphere, thus exacerbating the insidious phenomena of climate change. This is objectionable since studies have demonstrated that climate change will result in altered weather patterns that will imperil the livelihoods of marginal agricultural producers in already impoverished nations such as Ethiopia even impoverishing nation as Nigeria.¹¹

⁹ Tania Murray Li. *After the Land Grab: Infrastructural Violence and the 'Mafia System' in Indonesia's Oil Palm Plantation Zones*. (London: Geoforum 96, 2018) P 330.

¹⁰ Elinor Ostrom. "The Challenge of Common-Pool Resources.", *Environment: Science and Policy for Sustainable Development*, Vol. 50, No. 4, 2008, P 16.

¹¹ H Yohannes, (2016) "A Review on the Relationship between Climate Change and Agriculture." *J Earth Sci Clim Change*, Volume 7, Issue 2, P 2.

The Lockean paradigm, which encourages the appropriation and cultivation of common land, presents a concerning consequence as it has the potential to jeopardize the rights of other individuals to sustain themselves. When one party claims exclusive ownership of formerly shared resources, it restricts access and usage for others who might have depended on those lands for their livelihoods or well-being. This creates an imbalance in resource distribution and raises ethical questions about the equitable allocation of essential resources within a community. As a result, the promotion of private property rights, while emphasizing personal gain, must be carefully balanced with considerations for the collective welfare and the preservation of opportunities for all members of society.

5. Effect of utility maximization

There is Effect of Utility Maximization on the restrictions or the provisos, even if the enough and as good proviso or restrictions was to withstand the just leveled criticisms and retain its place, still it would be overcome by the implicit utility maximization argument which Locke employs. In the forgoing discussion, it has been demonstrated that private ownership adds value to natural commodities. For instance, Locke points that:

Land that is left wholly to nature that has no improvement of pasturage, tillage, or planting, is called waste; and we find the benefit of it amount to little more than nothing.¹²

From this statement, it shows that Locke prefers the private ownership of land even in large quantities, because the laboring employed on that land increases its utility, with an assumption that the surplus will be distributed. Therefore, when the results of appropriation beyond limit are considered by the fundamental test (provision for all necessities for others), rather than by instrumental test (availability of enough land for them to get the necessities of their life), appropriation will acquire a positive virtue.

However, one need not to be excited by the increase in produce which results from unlimited appropriation, unless those abundant resources will be given freely, otherwise the right to self-preservation is curtailed. Obviously free distribution is not the case. Those with abundant resources would like to sell for a profit. This, consequently, is tantamount to invading other's right to self-preservation because had it been there was limited acquisition, and the surplus was left, individuals would have acquired land to labor on their own, rather than relying on buying from others.

Moreover, Locke's Utilitarian justification of private property which also takes the form of Economic Analysis of Law (EAL) is questioned by Robert Nozick. The Economic Analysis of Law holds that: "...a change is justified if the gains of those who benefit are sufficient to compensate for the losses of those who suffer..."¹³. According to the Economic Analysis of Law, a change is considered justified if the benefits experienced by those who gain from it are substantial enough to compensate for the losses endured by those who suffer due to the change. This approach focuses on the principle of efficiency, aiming to optimize outcomes by evaluating the overall net gains to society. It recognizes that some may be negatively affected by certain changes, but as long as the benefits to others outweigh these losses, the change is deemed economically justifiable. This perspective emphasizes the importance of balancing the interests of various stakeholders and ensuring that policy decisions result in positive societal outcomes.

¹² Locke, J. (1980). *Second treatise of government*. (C. B. Macpherson, Ed.). Hackett Publishing Company. (Original work published 1690), p. 292.

¹³ Waldron, J. (1988). *The right to private property*. Clarendon Press, p. 2.

In case of Locke's property theory, unlimited acquisition is justified on the basis that the laboring employed on the commodities of nature increases their utility. However, this argumentation shows that Locke was not serious in safeguarding the right to self-preservation,¹⁴ he rejects the utilitarian idea that some people's benefits can compensate for other peoples loses. He holds that: "...in such instances, where utility justifies unlimited appropriation, some people lose whilst others gain; no compensation occurs."¹⁵

In situations where utility justifies unlimited appropriation, there are winners and losers: some gain while others lose, and no compensation takes place. I find myself in agreement with this argumentation. The act of appropriation grants ownership, which in turn gives a person the right to exclude others from utilizing the appropriated resource. While ownership might increase the owner's freedom and potentially enhance overall social utility, it simultaneously restricts others from accessing and utilizing that same resource. This inherent conflict arises from the dual nature of ownership, wherein it benefits the owner while limiting the rights and opportunities of others. Thus, the recognition of this dynamic calls for a thoughtful consideration of the consequences and implications of unlimited appropriation to ensure a fair and balanced distribution of resources and opportunities within society.

6. The boundary problem

A frequently raised criticism of Locke's labor theory of property titles concerns what A. John Simon referred to as "the boundary problem." According to Simon:

Locke's mixing argument also faces what we can call "the boundary problem." It is not obvious that labor can ground a clear right to *anything* if it is not possible to specify the boundaries of what is acquired by labor. But exactly what does labor get mixed with when one labors on what is common? When I enclose and grow a field of corn, I seem to acquire property in the fence and the enclosed land. Yet I actually touch or work on only some of the enclosed land. The ground between the furrows and between the field and the fence seems not to have my labor mixed with it. Can others rightfully come and use (or cart away) what my labor is not mixed with?¹⁶

Locke's expiate argument on the mixing of labor as a basis for property rights. Locke explicate that, an individual who mixes his labor with a natural resource, such as land or water, gains the right to claim ownership over that resource. However, the "boundary problem" poses a challenge to this argument. The problem arises from the fact that it is not always clear where the boundary between what is acquired by labor and what remains not owned lies. For instance, when a person encloses and cultivates a field of corn, it may not be clear what exactly they have mixed their labor with, and what remains not owned.

It is essential to understand that labor does not mix with the natural resources uniformly. When a person cultivates a field, for instance, they may only touch or work on some parts of the enclosed land. The ground between the furrows and between the field and the fence remains untouched by labor. This raises the question of whether the individual can claim ownership over the entire enclosed land, including the parts where they did not mix their labor. The boundary problem also raises the question of what happens to the resources that the individual did not mix their labor with. Can others rightfully use or cart them away? Locke's theory does not provide a clear answer to this question, leaving it open to interpretation. The boundary

¹⁴ Nozic, R, (1947) *Anarchy, State, and Utopia*, (Oxford: Blackwell) P 33.

¹⁵ Gibbard, A. (2002). Natural property rights. In G. W. Smith (Ed.), *Critical concepts in political theory* (Vol. 2, pp.204). Routledge.

¹⁶ John Simons, (1992) *The Lockean Theory of Right*, (Princeton: Princeton University Press) P. 262.

problem poses a significant challenge to Locke's theory of mixing labor as a basis for property rights. While labor can be seen as a justifiable basis for claiming ownership over natural resources, it is not always clear what exactly one has mixed their labor with, and what remains not owned. This ambiguity creates a gray area where conflicts over property rights can arise.

7. Locke's theory of property is associated with undemocratic principles

John Locke's theory of property and the role of government is based on the idea that individuals have natural rights to life, liberty, and property. In his view,

Every man has a property in his own person. This nobody has any right to but himself. The labor of his body and the work of his hands, we may say, are properly his.¹⁷

In other words, individuals have the right to acquire and own property through their labor, and the government's role is to protect these rights. However, Locke's theory of property is also associated with undemocratic principles. During Locke's time, only property owners had the right to vote, and non-property owners were largely excluded from participating in the political process. This meant that people who did not own property had limited rights and were excluded from the decision-making process of society.

Locke's theory of property assumes that individuals willingly give up some of their natural rights to a government in exchange for protection of their remaining rights. However, if only property owners have the right to vote and participate in the political process, it makes no sense for non-property owners to join this society since their rights will not receive any protection. In this sense, Locke's theory of property can be seen as undemocratic, as it excludes a significant portion of the population from participating in the political process and having their voices heard. This exclusion creates a power imbalance between property owners and non-property owners and can lead to an unjust distribution of political power. So, while John Locke's theory of property and the role of government has contributed significantly to modern political thought, it is also associated with undemocratic principles. The exclusion of non-property owners from the political process can lead to an unjust distribution of power and undermines the principles of equality and fairness that underpin democratic societies.

8. The exclusion of the physically challenged in John Locke's theory of property based on labor

In Locke's view, the physical effort a person puts into something is what gives them the right to claim ownership over it. He asserts that: "the labor of his body and the work of his hands, we may say, are properly his."¹⁸ In other words, individual's rightful ownership over something stems from the physical effort they invest in it. When a person puts in labor and work to improve or create something, they acquire a legitimate claim to own and possess it. This labor-based ownership concept reflects Locke's belief in natural rights and has significantly impacted discussions about property rights and the foundations of a just society.

However, Locke's theory ignores the fact that some individuals may be physically challenged and may not be able to work in the same way as others. Locke's emphasis on labor as the basis for property ownership overlooks the fact that some individuals may not be able to work

¹⁷ John Locke, (1980) *Second Treatise of Government*. (ed.) Macpherson C.B. (Indianapolis: Hackett Publishing Company) P 131.

¹⁸ John Locke, (1980) *Second Treatise of Government*. (ed.) Macpherson C.B. (Indianapolis: Hackett Publishing Company) P 131.

in the same way as others due to physical disabilities. This exclusion means that individuals who are physically challenged are unable to acquire and own property in the same way as others, which undermines the principles of equality and fairness that underpin a just society. Locke's theory of property fails to take into account the structural inequalities that exist in society. For example, individuals from certain socio-economic backgrounds may not have the same opportunities as others to acquire property through labor. This lack of access to property ownership can have significant implications for individuals' life chances and can perpetuate social inequality. So, Locke's theory of property, which places labor at the forefront, fails to account for the physical challenges some individuals face and overlooks the structural inequalities that exist in society. A more just and equitable theory of property should take into account the diverse needs and experiences of all individuals, including those who are physically challenged and those who face socio-economic barriers to property ownership.

9. Locke's theory of property is subject to fundamental questions about its validity

According to Nozick's objections to Locke's theory of property:

Why does mixing one's labor with something make one the owner of it? Perhaps because one owns one's labor, and so one comes to own a previously unowned thing that becomes permeated with what one owns. Ownership seeps over into the rest. But why isn't mixing what I own with what I don't own a way of losing what I own rather than a way of gaining what I don't? If I own a can of tomato juice and spill it in the sea so that its molecules (made radioactive, so I can check this) mingle evenly throughout the sea, do I thereby come to own the sea, or have I foolishly dissipated my tomato juice?¹⁹

John Locke's theory of property, which centers around the mixing of labor with natural resources, raises significant inquiries. The central question revolves around whether someone acquires ownership of an unowned resource by mixing their labor with it. According to Locke, labor mixing leads to ownership, as the labor becomes infused in the previously unowned resource. However, a crucial counterargument emerges: does mixing what one owns with what they don't own result in loss rather than gain? For instance, if tomato juice is spilled into the sea and its molecules disperse throughout, does this action grant ownership over the sea, or does it imply the dissipation of the tomato juice? This scenario challenges Locke's property theory, suggesting that mixing something owned with something unowned doesn't necessarily lead to ownership of the latter. Instead, it may result in the loss of what one already owns. Consequently, Locke's theory encounters fundamental questions about its validity. The example of the tomato juice scenario underscores the limitations of this theory, revealing that its application may not universally apply. The relevance and applicability of Locke's theory of property are contingent on the specific context in which it is employed.

10. Conclusion

The paper critically assesses Locke's theory of property and presents objections against his arguments supporting private property. These objections address inconsistencies in his provisos concerning property acquisition influenced by the financial economy and the negative impact of land appropriation on some individuals. Additionally, the theory fails to acknowledge how appropriation by certain agents may endanger others' rights to self-preservation. As a result, Locke's justification of private property is rejected.

¹⁹ Nozic, R. (1974). *Anarchy, State, and Utopia*, (Oxford: Blackwell) P 175.

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