Topic 1: LOCKE

John Locke (1632–1704) defended the claim that men are by nature free and equal against claims that God had made all people naturally subject to a monarch. He argued that people have rights, such as the right to life, liberty, and property, that have a foundation independent of the laws of any particular society. Locke used the claim that men are naturally free and equal as part of the justification for understanding legitimate political government as the result of a social contract where people in the state of nature conditionally transfer some of their rights to the government in order to better ensure the stable, comfortable enjoyment of their lives, liberty, and property. Since governments exist by the consent of the people in order to protect the rights of the people and promote the public good, governments that fail to do so can be resisted and replaced with new governments. Locke is thus also important for his defence of the right of revolution.

Developed his theory from that of Filmer and argued against him:

- Filmer started with genesis 1:28 (principal legislative text)
- All government is monarchy
- No man is born free
- On changing common property rights to private rights: “He does thereby not only make the law of nature changeable, which he saith God cannot do, but he also makes the law of nature contrary to itself”

Other theorists before Locke

- State of nature as a mere thought experiment rather than reality (Kant; Rawls)
- Absolute sovereignty and occupation as the basis for ownership of land
- In the state of nature every man has a right to everything and even to another’s body, a war of every man against every man; that the concept of individual property rights would lead to the dissolution of the commonwealth as the sovereign needed all property for the good of society; the sovereign could not be changed / criticized / claimed against for injuries (Hobbes)

Two Species of Property Rights

- **Jus ad rem** (claim right)
  - right to something that you don’t actually possess at that moment / have a right to live it up to you e.g. theatre ticket gives you right to a seat
  - **anticipated / future** ownership
  - what God gives us – right to take something from the world
  - no one can be excluded from appropriation / prevented from having access to resources

- **Jus in re** - right founded in **actual** possession
  - when you actually exercise **labour** in something
  - **transform** claim right into right of actual possession

LOCKE’S CONCEPTION OF PROPERTY
People no longer autonomous agents in markets who hold onto fixed property but nodes embedded in networks

Transactions e.g. buying a house are no longer one-off transactions due to mortgages and fluctuations of value of property

- Modern phenomenon of mass production (Marx)
  - Workers (proletariat) sell their labour to industrialist (bourgeois) in exchange for a wage to product products that are sold off to consumers
  - Alienation of workers’ services and fruits of labour (products)
  - Not able to retain / afford the products they mixed their labour with - detachment
  - is this really an extension of self?
  - Labour is coerced and forced in this sense and brings misery to the proletariat

- Leisure as work (Smythe)
  - Blind-spot in Western Marxism
  - Work for the advertisement companies by watching TV and their adverts
  - Is labour commodified and sold as a wage by TV companies to advertising companies?
  - But what is appropriated here? What is labour mixed with and owned?

- Body Ownership
  - Modern legal systems do not recognize ownership of our own bodies

Critiques of Locke’s theory on property

- Whether natural rights granted to humans by God is even an acceptable or desirable approach to rights - it is an ideal which appeals to certain American sentiments but no longer holds much weight in philosophy or political theory (Thomson 1976)
- Theory of natural rights in general (Lockes, Rousseaus, Hegel)
- The state of nature not a description of a particular geographical territory but a relational concept describing a particular set of moral relations that exist between particular people (Simmons)
  - Those who have not consented / cannot consent to the adjudication of their disputes by the same legitimate government remain in such a state even though they live in states with legitimate governments e.g. visiting aliens, children below the age of majority, those with a ‘defect of reason’
  - One can be in the state of nature with respect to another but not with a third person, for instance

- Assumption of selfishness of people is wrong – people have multiple personalities (Hegel)
- Makes relationship with self a legal arrangement – that our life and body belong to us as property and not having intrinsic value in and of itself
- Even if we agree that labor constitutes the moral foundation of original private property, exactly what kind of labor is needed? E.g. raising sheep - need a certain amount of land to feed those sheep - claim as my private property all land that I deem necessary for pasturage? What are the precise boundaries?
2009 Q1
If Locke were to be resurrected today, what changes might he make to his justification of property?

2008 Q1
Locke’s justification of property is really an argument for limited government. Discuss.

Further Reading

According to Locke, in the “natural state”—that original condition in which every person had an equal right to use natural resources provided by the “spontaneous hand of Nature”—no one had “a private Dominion, exclusive of the rest of Mankind,” over those resources. But such resources would have been useless for human survival and well-being unless they could be appropriated by individuals for their personal use. So how can a transition from unowned resources to private ownership be morally justified? How can one person legitimately claim an exclusive right to use a resource that, in its natural state, could be used by anyone? Locke’s treatment of this problem remains highly controversial among scholars. His theory has been used to justify everything from laissez-faire to a welfare state to full-blown socialism. Which of these conflicting interpretations should be covered in my survey of Locke’s political ideas is a judgment call. I frankly remain uncertain about my final decision. I fear that many of my readers will have little if any interest in the fine points of Lockean scholarship, and I fear even much of those points may interest specialists. Fortunately perhaps, I can delay my decision until a later time. Before we can appreciate the ambiguity in some of Locke’s statements about property, we must first understand his overall approach. Hence the purpose of this essay (and probably the next installment as well) is to provide a barebones account of how John Locke justified private property, while postponing a consideration of the more controversial features until a later time. There is another reason why an overview is desirable before I delve into more technical matters. Only a relative handful of my readers are likely to have actually read Locke’s Two Treatises of Government. The status of John Locke in the modern libertarian movement is rather like that of Adam Smith. Both figures are widely known to nonacademic libertarians, as are their leading ideas, but it is a safe guess that the major works of these philosophers remain largely unread. This is understandable. The workaday libertarian is more interested in ideas that he can use in the struggle to establish a free society than he is in arcane historical theories and controversies. And if this libertarian believes that he can find adequate justifications of private property in the writings of modern libertarian philosophers, such as Rothbard, Hayek, and Rand, then why should he spend his time reading earlier and quite possibly less satisfactory accounts?

As I have attempted to demonstrate throughout my many Libertarianism.org essays, the issues discussed by early classical liberals are essential to understanding the origin and evolution of modern libertarian ideas. In addition, many of the internecine controversies among early classical liberals may be found, alive and kicking, in the modern libertarian
harmed in their possessions.

**Appropriation in the State of Nature: Self-ownership and Labor**

In Chapter V, Locke’s premise, which he shared with most seventeenth century writers, was that God gave the earth and its fruits in common to men for their use. The problem he faced was to explain how commonly available resources can become legitimate private property which excludes the right of other men. Locke begins his argument by identifying the one form of property against which no other man could possibly have a claim in a world of political equals, the property each man has in his own person. The idea of one having a property in himself was not peculiar to Locke. It was fairly common in seventeenth century writing and had been used extensively before Locke by Hugo Grotius. It was a definition of personality—that which constituted the individual, and it included one’s body, actions, thoughts, and beliefs. Locke built on this concept of self-ownership when he used it to explain how one derives a right to possess objects outside of one’s self, his famous (or infamous) labor theory of property:

... every man has a property in his own Person. This no body has any right to but himself. The labour of his body, and the work of his hands, we may say, are properly his. Whatever then he removes out of the state that nature hath provided, and left it in, he hath mixed his labour with, and joyned 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. Although Locke uses the term labor to characterize the act by which men acquire property, it is clear from the examples which follow that labor is defined very broadly. Labor, for Locke, includes picking up acorns from the ground, gathering apples from wild trees, tracking deer in the forest, and catching fish in the ocean; labor ranges from simple acts of appropriation to production involving planning and effort. It is a creative and purposeful act that extends the limits of personal or physical objects previously in the common stock.

After having established an individual’s right to own property in the state of nature, Locke goes on to define the right to property broadly enough to include both “the fruits of the earth and the earth itself,” both the goods one creates and the land one cultivates. Furthermore, perhaps to justify this strange doctrine to his readers, that “the property of labour should be able to over-balance the community of land,” Locke goes on to claim that the right to private property worked to the advantage of the population as a whole. Locke argued that private property was not only moral, but useful, because “‘tis labour indeed that puts the difference of value on every thing; and let any one consider, what the difference is between an acre of land planted with tobacco, or sugar, sown with wheat or barley; and an acre of the same land lying in common, without husbandry upon it, and he will find, that the improvement of labour makes the far greater part of the value.” The implication is that unassisted nature really provides very little that is useful to mankind. This can be interpreted tautologically since labor includes every act of appropriation and acorns lying on the ground have no value to human life until they are picked up and eaten, but Locke means more than this.

“I think it will be but a very modest computation to say, that of the products of the earth useful to the life of man, 9/10 are the effects of labour: nay, if we will rightly estimate things as they come to our use, and cast up the several expenses about them, what in them is purely owing to nature, and what to labour, we shall find, that in most of them 99/100...
That Locke believed civil society to be preferable to the state of nature is unquestionable. However, it is equally unquestionable that he believed there were limits to the powers of government, which limits derived from men’s condition in the natural state. When government tramples on the rights of individuals, especially when it confiscates the property it was organized to protect, men might very well reason that they would be better off with another government. Locke argued that men would never again revert to a state of nature once they contracted into civil society, but they would replace one government with another. In an age accustomed to claims of absolute monarchs, this contractual theory of government was a revolutionary statement. Men do have rights and they do have power to control the government to insure that the government operates in their interest rather than in its own interest. This is the radical political message of the Second Treatise, and a message that is not primarily Hobbesian.

MacPherson’s Locke: Possessive Individualism and Property
The question of how much of Locke to take seriously in assessing his theory of property arises again in the work of C.B. MacPherson. In 1962, MacPherson published one of the most original and provocative studies of Locke’s political philosophy. MacPherson’s study of Locke was presented within the context of a treatise on The Political Theory of Possessive Individualism in which he argued that the distinctive feature of the individualism espoused by the classical liberal philosophers was its possessive nature: its focus on the importance of private property to individualist political philosophy. Hence, in MacPherson’s work, the theory of property took center stage in his overall evaluation of Locke. MacPherson argued persuasively not only that Locke’s political philosophy reflected the “spirit of capitalism” as had Strauss, but he claimed even more strongly that Locke consciously designed his theory of property to provide a rationale for the developing capitalist society of seventeenth century England. He saw Locke as one of the first apologists for capitalist appropriation and an advocate of the “dictatorship of the bourgeoisie.”
Because MacPherson’s interpretation of Locke is radical and undeniably Marxist both in the structure of his argument and in his moral attitudes, it has aroused a good deal of adverse criticisms. Nevertheless, the exposition is so tightly argued and the interpretation so coherent that it has significantly altered the course of Locke scholarship. No one can write about Locke after MacPherson without carefully considering his position. It is necessary for serious Locke scholars to contend with MacPherson, moreover, not because he is necessarily correct, but because he has managed to ask many significant questions that arise in Locke’s theory of property and civil government.

Locke’s Hidden Assumptions: “Possessive Individualism”
Despite the many inconsistencies which have been the bane of generations of Locke scholars, MacPherson claims that Locke’s political theory becomes completely intelligible and consistent once Locke’s hidden assumptions are made explicit. Locke’s alleged hidden assumptions are all elaborations of what MacPherson calls “possessive individualism,” the assumptions that people relate to each other primarily as owners, that individual freedom is a function of the possessions of individuals and that society is nothing but the sum of the “relations of exchange between proprietors.” The culprit responsible for such a philistine society according to MacPherson is the very concept of self-ownership wherein the