

Does Locke adequately justify rights to private property?

Locke's ideas on private property are presented in his Second Treatise of Civil Government, chapter 5. His justification of private property rights, as opposed to common or collective property rights, are primarily focused on the initial acquisition of property rather than the transfer of ownership from one person to another. This essay presents Locke's main arguments in favour of the private ownership of goods which were once held in common, and some of the counter-arguments.

In Locke's view, in the initial state of the world, all of nature's bounty is available to allow man to survive. In this natural state, "nobody has originally a private dominion exclusive of the rest of mankind" (Locke, para. 26). However, to sustain life man must somehow appropriate nature's goods before they can be of any use to him. Man must gather berries or kill wild beasts to allow him to survive. In doing so, these goods become his private property; no one else can make use of them. Locke says it is not necessary to gain the consent of all others before appropriating such goods from their natural state.

Locke extends his justification of private property from that needed for mere survival to the appropriation of land and other resources. His labour-mixing argument attempts to justify the acquisition of private property by saying that (i) we own ourselves and therefore we own our own labour and (ii) by mixing our labour with something we also come to own that thing. However, there are two provisos. Firstly, we must appropriate no more than we can make use of (the non-wastage proviso) since to do so "offended against the common law of nature" (Locke, para.37) and, secondly, that there is "enough, and as good left in common for others" (Locke, para. 27).

The labour-mixing argument is appealing in that it goes beyond first occupancy theory and can be seen as a way of providing a moral justification of land appropriation: if we have laboured on the land we deserve to benefit from our labour. Locke also promotes the idea of labour-mixing as a way of increasing the value of land "for it is labour indeed that puts the difference of value on every thing" (Locke, para. 40). By labouring on the land, it becomes more productive than land which is left in its natural state, in common. Labour, then, can effectively add to the stock of land rather than diminish it.

Nozick (1974) challenges the labour-mixing argument: "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?". He gives his tomato juice example to support this argument although the analogy seems inappropriate since it focuses only on mixing; it is not clear how labour is involved. However, Nozick's challenge forces us to consider whether labour-mixing is really enough to justify Locke's extension of private ownership from oneself to other objects.

Locke's idea of labour adding value to the land as a way of justifying private property appears persuasive and he provides two arguments to support it. If I plough and sow the land then the resulting crops have added value to the land. It seems reasonable that I should keep the harvest as being the added value brought about by my labour. This provides an incentive to make use of the land. In addition, Locke's appeal to the idea of desert provides a moral dimension to the justification of private ownership. If someone is industrious and works hard to make good use of the land then they deserve to own it. It should not be the case that the lazy have rights to the fruits of another man's labour. However, although these are strong arguments in favour of ownership of the added value, it is not clear how they justify any permanent rights of private ownership of the land itself. At best, it might justify temporary ownership of the land as long as I continue to add value to it.

The arguments provided by Locke assume that we are in a state of abundance, in particular an abundance of land. His "enough and as good" proviso lies behind much of his argument and appears to be influenced by the availability of virgin lands in the new colony of America. Although the land is a finite resource, it is as yet unclaimed.

It is not clear how Locke's theory would work in a situation of scarcity. Nozick provides an example in which a person cannot appropriate land because to do so would not leave enough and as good in common for others. However, if this person cannot appropriate land then the last person before him could also not appropriate land because it would worsen the situation for everyone else, and so on.

The scarcity problem is also addressed by Herbert Spencer, who argues against private ownership of land on the basis that eventually the whole of the earth's surface would be privately owned by a portion of the population. Non-landowners would then be able to exist only on sufferance of the landowning population since they would otherwise be trespassers. This would infringe the liberty of those people who do not own land.

Locke himself acknowledges the problem of scarcity versus abundance by saying that, in a developed country, land can still be held in common according to the law and it cannot be appropriated as

private property, "whereas in the beginning and first peopling of the great common of the world, it was quite otherwise. The law man was under, was rather for appropriating." (Locke, para. 35).

In conclusion, Locke provides a partial justification of the private ownership of property through his ideas of self-ownership and labour-mixing. The idea of being able to enjoy the fruits of our own labour seems to be justified and has a strong moral dimension. However, Locke's argument in favour of the private and, in particular, permanent ownership of land is much weaker. It provides strong support for ownership of the added value produced by labour-mixing but not of the land itself.

Locke's theory also focuses on the acquisition of property in a state of abundance. It is not clear how his theory might work in a state of scarcity.

References

Locke, John (1690), *Second Treatise of Civil Government*, Chapter 5.

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Nozick, Robert (1974), *Anarchy, State and Utopia*. Cited in Rosen M. and Wolff, J. (1999), *Political Thought*, selection 81. Oxford University Press