

LOCKE'S THEORY OF PROPERTY

- I. The world initially belongs to everyone in common (§25). This is justified by appeal to natural law, which Locke believes knowable by reason, and to scripture.

- II. There must be some way to appropriate portions of the fruits of the Earth for private use without the consent of all (§26). [Locke, here, attempts an existence proof; that is, he argues that there is such a method without saying what it is.]
 - A. Argument:
 1. So long as something is held in common (is common property), it cannot be used by any person without the consent of all (§193).
 2. It is impossible to get the consent of all to the use of the fruits of the Earth (§28).

Therefore, 3. So long as the fruits of the Earth are held in common, they cannot be used by any person.

 4. The fruits of the Earth are given to us for the use of people (§26).

Therefore, 5. There must be some way to appropriate the fruits of the Earth for private use (i.e., to make some of them your own without the consent of others).

- III. Every person has a right to appropriate some of the fruits of the Earth from their natural state--that is, from the state in which those things naturally exist.
 - A. Argument:
 1. Every person has a right to preserve his/her own life (§25).
 2. In order to preserve one's life, one must appropriate for one's private use some of the fruits of the Earth (§28).

Therefore, 3. Every person has a right to appropriate for his/her private use some of the fruits of the Earth.

- IV. One justly appropriates the fruits of the Earth by laboring on those things—"mixing one's labor with them" (§27). [This is Locke's famous *Labor Theory of Acquisition*.]
 - A. Argument:
 1. Each person has property in his/her own body and the labor of his/her body (§27).
 2. A person acquires property in those things which were formerly unowned and with which s/he mixes something which s/he owns (§27, implied).

Therefore, 3. A person acquires property in those things which were formerly unowned and with which s/he has mixed his/her labor.

 - B. The private property of one's labor overcomes the common property of the fruits of the Earth upon which one labors because almost all of the value of the finished product is the result of the labor required to produce it (§40, but see also §43). [Locke is here justifying the Labor Theory of Acquisition by claiming that the *Labor Theory of Value* is approximately true.]

V. The right to acquire the fruits of the Earth is limited.

- A. The *Implicit* Labor Limitation (§27). One may only acquire as much as one mixes one's own labor with.
- B. The Spoilage Limitation (§31 & §37). One may acquire only as much as one can use without spoilage.
- C. The Sufficiency Limitation--also called The Lockean Proviso (§27 & §33). One's acquisition must leave *enough and as good* in common for others.

VI. These limitations are overcome with the introduction of money.

- A. The implicit labor limitation is overcome because the introduction of money allows the practical possibility of wage labor. If you employ wage labor, then the work of your employees is *your* labor (§85 see also the example at the end of §28).
- B. The spoilage limitation is overcome because the introduction of money allows the practical possibility of any commodity being converted into a nonperishable commodity; such commodities can be hoarded at will (§50).
- C. By allowing the practical possibility of wage labor, the introduction of money allows us to get around the sufficiency requirement. The justification for the sufficiency requirement is that each must be able to sustain his/her life through his/her productive efforts. With the introduction of wage labor, the existence of common resources is not necessary for this. Hence, we satisfy the underlying rationale for the sufficiency limitation.

VII. In agreeing to the introduction of money, all have agreed to radically unequal wealth (§50 but alluded to earlier in §36).

A. Argument:

- 1. Gold and silver (and especially paper currency) have value far in excess of their "use-value".
- 2. A thing can have value in excess of its "use-value" only if there is universal consent to treat it as valuable.

Therefore, 3. There is universal consent to treat gold and silver (and paper currency) as valuable.

- 4. A consequence of treating gold and silver (and paper currency) as valuable is that there will be disproportionate and radically unequal wealth (§48).
- 5. If someone consents to something, then s/he consents to the consequences of that thing.

Therefore, 6. There is universal consent to disproportionate and radically unequal wealth.

VIII. Criticisms of Locke's Theory of Property

A. Criticisms of Locke's Theory of Natural Rights

1. General Criticism of Natural Rights
2. Specific Criticism of Rights Recognized by Locke

B. Locke's Dilemma: The plausibility of the *Labor Theory of Acquisition* depends on the *Lockean Proviso* being "in force". But, Locke "lifts" the *Lockean Proviso* in order to allow for acquisition even when there is not "enough and as good in common for others". Thus, Lock seems to be confronted with a dilemma:

1. Retain the *Lockean Proviso*: In this case, most of the appropriations that have taken place in recent times are unjustified because there has not been enough and as good left in common for others; or,
2. Jettison the *Lockean Proviso*: In this case, it would appear that all Locke can justify is a "*Value Added*" *Theory of Acquisition*. Such a theory may well justify some private ownership of natural resources, but it will probably not justify perpetual ownership of such resources (at least without labor being perpetually invested in it).

C. Proudhon's Challenge:

1. Rights related to external property:
 - a. Use Rights: These are rights to use, occupy, or possess a thing.
 - b. Exclusion Rights: These are rights to determine how, when and by whom a thing may be used, occupied or possessed.
 - c. Usufructuary Rights: These are a combination of use rights and exclusion rights.
 - i. Example: Parsonage
 - d. Full Proprietary Rights: These are all of the above rights plus a number of other rights including the right to destroy, the right to income (to rent the thing out), the right to transfer (sell or give), and absence of term (perpetual ownership). Proudhon calls these rights "perpetual and absolute rights over a thing".
2. The Challenge: Find one sound argument for full proprietary rights (especially with respect to natural resources) rather than usufructuary rights. Proudhon claims that Locke has not done this.
 - a. The argument from the natural right to sustain one's life justify, at most, use rights.
 - b. The argument concerning the "tragedy of the commons" and the efficiency of private use of resources justifies, at most, exclusion rights.
3. Analysis: In effect, Proudhon is charging Locke with committing a fallacy called "false dichotomy". That is, according to Proudhon, Lock presents us with two systems, fully common property and full proprietary ownership, as if they are the only two alternatives when, in fact, there are others.