

# John locke's theory of property



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John Locke was born at the time when England was rising against monarchism and the rights of the ordinary people were being revised to envisage the possibilities of sharing power with the ruler. His father was a republican and his views were indifferently influenced by his father to be concerned about the rights of the working people. This was very much reflected in his political theory which cannot be snapped of all ties with this economic and in particular his views regarding property ownership. With his liberal thinking John Locke viewed the ordinary views of rights to property, especially in relation to land as the primary entitlement beyond the prevalent system. His influence in the growth of property laws and later land laws is immense. Property rights and other philosophies in that area have been widely grown and developed much from John Locke's theory in relation to property. This right to property is not to be confused with personal rights as the rights to a property by an individual is to be celebrated at rem or against all third parties which John Locke divided into:

- Common

- Private Properties

John Locke's theory in relation to property can be outlined into:

- Divinely ordained nature of property and the labourer;
- Self-ownership emanating from such rights to property by application of labour;
- Limits on the property and related statutes;
- Need to protect property and the ultimate necessity of governance.

The above theory is based on his major political essay, the Second Treatise of Government.

This essay will endeavour to critically examine the practicality of his views and whether the theory ultimately delivers any clear message to the development of the property rights. This critical analysis will reflect on the theorists and scholars who wish to remain supportive of Locke's views and also to set a contrast by discussing the views of those scholars who oppose him. Chapter V of his Treatise would be receiving especial attention in this essay as that is where Locke discussed individual's rights<sup>[1]</sup> to property. Section 25, 26, 27, 28 and 31<sup>[2]</sup> will be the pivotal discussions to reflect on the central views of his theory.

The essay has based on the criticisms of all theories from the points of modern day scholars, lawyers and judicial decisions by the courts in England and Wales primarily. An endeavour will be made at the end to circumnavigate the relevance of his theory in modern times.

## **Examination of The Theory**

John Locke's writing were in refutation of Robert Filmer. Robert Filmer was a defender of the divine right of Kings and he also said it was wrong to kill yourself because the king owned your life. But Locke argued that God had given the world to man in common.

John Locke did not give any emphasis on the natural value of the property rather emphasized on the labour of people to add value to the property. He wrote in his Second Treatise on the issue of property and the value of labour with an economical and philosophical acumen.

The main features of Locke's theory on property are as follows:

- Properties do not have much value as of a divine ordainment rather he is of the view that labour adds the deserving value to the property which is regarded as the principle of first appropriation;
- The ownership to a property is created by the related labour
- That Government proceeds property as Government also protects individual ownerships or rights to the property;
- The Government cannot act arbitrarily to remove individuals from estates and this confirms rights of people to the property and it also establishes that the Government must value individual rights and labours;
- Properties can be private and common properties;

- Property has narrow and wider definitions. In the broad sense it includes rights and interests to the property whereas the narrow sense includes the material goods only;
- Property and rights thereof are natural by application of labour as with labour goods and benefits thereof are created giving entitlement to the producer;[3]
- Human beings have to take from nature to eat and drink and to produce to live as a natural right to preserve themselves and with this they have an obligation to God. Human beings produce and have rights to his produce as a means to preserve themselves as he opines in section 25;
- God has given this world in common along with the abilities to use this resources therein to live as explained in section 26;
  - there are things which people own in nature including their person and labour;
- Labour is the means which confirms which is privately owned and commonly owned as discussed in section 28;
- When a person works his labour enters object and that object becomes property and a right is created in that property in the process.
- Man should be taking only what he can use or utilise before it spoils as discussed in section 31 creating a limitation to the property rights; Locke says, " As much as any one can make use of to any advantage of life before it spoils." [4] The right to a property is only clear and exclusive as long as it doesn't jeopardize anyone else's ability to create equivalent types of

property for himself and the purpose and justification for this limit is that “ Nothing was made by God for Man to spoil or destroy.”[5]

- Someone is entitled to take up to the point where there is some left and he is also of the opinion that there should be enough land for everyone as mentioned in section 33;

- Where there is not enough land left then non-owners should labour on owned lands to sustain or preserve themselves as discussed in section 34;

- What property ownership brings happiness and in his capitalist view where everything is owned then that brings greater joy which he discusses in section 37 and he goes to compare unhappiness of unowned lands and people therein in America to happier people in Britain where everything is owned;

- Labour enhances the quality of a land and makes it more productive than it was ever before as a natural waste land;

- That private property attainable by money as he mentions in section 46 and as an exception to his spoilage principle above he explains that money helps people produce more than he can use before getting spoilt as he can sell that property as well and money is not perishable;

- That money is the means to barter and exchange possession of the properties as mentioned in section 50;

- That money allows more industrious and rational[6]to accumulate wealth and the increased accumulation would jeopardise the possibilities of all to

own without the spoilage limitation which also concern personal safety for which civic society is needed to have enforcement authority and men would find it advantageous to form the civic government.[7]

- Government ensures safety to life, liberty and estate.[8]Therefore, ownership of private properties is one of the main reasons for the existence of a state. But for tension amongst people, Locke is of the view that not only scarcity of property by ownerships but also by dint of increasing population.

### **Critical Thinking**

From the chronological discussion of the main issues of Locke's theory on property it appears that his provisos to his own theory as for example, the spoilage theory or natural rights theory to leave for all to have are defeated with the money clause as a means to barter. The theory seems to fail in the claim for God's nature to be preserved for all. He is of the view that in order to preserve such rights to property humans forms civic societies and governments are established to secure rights to such properties in a guaranteeing manner with authority to enforce the rights to the property. His theory seems to be based on selfishness which also seems to be unfair. Locke's theory seems to be puzzling, contradictory and without any precise solution.

Locke's theory leaves generations of owners which seem to be unfair as only people who can work are allowed to own property. This defeats the democratic norm. During Locke's time only property owners could vote then the question arises about the justifications of those without owning property willing to be part of the society where they have nothing to protect as

personal property. Locke does refer to divinely ordained natural rights to property but his theory goes against the very basic ethos of Christianity. He himself mentioned commonly owned property rights to have come before capitalism, and the selfish ownership of property by a group at the cost of poverty of the other group seems to be against the very basics of Christian beliefs. It does not seem to shake hands with God's love for all. Locke gives priority to common good over common ownership but common good seems to be elusive in practical world with ownership of properties being controlled by a certain group of the mass. In Locke's theory, a certain number of people are born to be owners and certain others are born not to have at inception which creates a class structural problem which unjustifiably plunges a group of people in endless toiling whereas the other group does not work or hardly works. This seems to be unnatural at the core when nature did not create such inequalities.

## **Scholastic Appraisal**

Leading scholars have viewed Locke's theory variably. Some are supportive and many are critical of his theory. Those that are critical have mentioned inconsistencies and contradictions. I will attempt to highlight some of these points

Hume confronts Locke and acts opposite about property being natural rights. According to Hume private property is constructed by man, not of nature but of convention. Therefore there is no inherent relationship between a thing and a being.



Our property is nothing but those goods, whose constant possession is establish'd by the laws of society; that is, by the laws of justice.[9]

This means that if there is nothing natural then property rights are always open to disruption.

Ramon comments on the second limit placed by John Locke of accumulating property in relation to money. Locke's assertion that one can accumulate any amount of money is suggested to be incompatible with the first limit as to how much property one can own. The fact natural products differs from money by that natural products will rot and money will not. They are both useful and therefore essentially the same.

Ramon also considers three objections to Locke's theory i) it does not explicitly account for the development of an employer-employee relationship ii) his theory fails to provide a means of determining what share of the product which is produced rightly belongs to the employer and what share rightly belongs to employees. iii) theory fails to provide a means of determining what share of the product produced as a result of a division of labour rightly belongs to each person involved in its production.

Leo Strauss was of the opinion that Locke in fact believed there is no genuine natural law rather only conventional law.[10]

Richard Cox in his 'Locke on War and Peace' argues that Locke's Two Treatises are of two levels with opposing views. The first one uses classical orthodox view of God and men and divine relationship and feeling for fellow

men whereas the second one views men as Hobbesian creature ruled by passions. But his view seems to be an exaggeration.

Mac Person believes that Locke rather had a hidden assumption of 'possessive individualism' and according to Locke society and individual interactions were nothing more than relationship of exchange of properties. [11] This seems to make Locke's theory to be harsh and selfish.

MacPherson explains that though Locke is of the opinion that through private ownership entire wealth of the community to increase, yet, there was no guarantee that the wealth would be equally distributed. He is also of the opinion that Locke contradicts himself when he assumes that overall life of all will be bettered regardless of who owns the property, [12] yet, he expects people who don't own property to work for those who own for the sake of subsistence which in fact helps the owners accumulate wealth through unfair advantage.

But the above scholars have also been subjected to serious criticisms as well in their assessment of Locke's theory. For example, Peter Laslett brands MacPherson's criticism as thoroughly unrealistic and occasionally unhistoric. [13]

One of the supporters of Locke's theory, Martin Seliger in his 'The Liberal Politics of John Locke' believes that most of the apparent confusions raised about Locke's theory of property emanate from misinterpreting Locke's approach about equality. He is of the view that though Locke posited political equality in nature, yet he never opined that there would be equality of possessions. [14]

Karl Marx in his Communist Manifesto[15] believed the abolition of private property as he was of the opinion that the bourgeoisie has always oppressed the working class with private ownership by means of labour where the working class would work and the owners would not work and exploit that working class. He was also of the opinion that the state formulated laws to rule for oppression in support of the ruling or owner class. This seems to be radically different from the views of John Locke.

But Marxism has been criticised as intolerant and unable to survive. Marxism wishes to abolish something when no one is in charge to abolish it or enforce the abolition. This seems to be an absurdity.

## **Influence**

John Locke influenced many epoch making future philosophers with his liberalism. It has been widely argued that though the definition of freedom as per Locke and Marx are very different, yet, even Marx was influenced by Locke's liberalism. Hence, it seems that with his theory Locke had been able to bring the relationship between men and property to an intellectual level of research.

## **Conclusion**

John Locke's theory seems to be still influencing the capitalist societies around the world in seeking justifications by the name of freedom to trade and own. His theory also supported in celebrating rights to property and protection of those rights being recognized as part of human rights. But this view has also turned societies selfish to a certain extent by formulating means and trading systems whereby consumerism has grown by manifold.

Karl Marx's view seems to be more scientific in endeavouring to eradicate social class structural problems. But Marx's theory also seem to go against individual's rights to celebrate creativity by celebrating its produces. John Locke's theory has its practical appeal as it is the concept behind which the people work the hardest through competitions. Locke predicted such situations where a group of people with poverty would come to exist but he failed in offering a solution for the problem as well.

Nevertheless, there is no doubt that with its faults Locke's theory on property and ownerships thereof is still influencing justifications in conjunction with many other fundamental rights. The global leading capitalist nations seem to be practical proponents of this theory in practice. This concept is also connected with our democratic values which have become inalienable.

The scholars are divided in their opinions about Locke's theory but it is also true that beyond the contradictions within the theory, the theory exposes the truth by which the modern world is functioning as whole where we work every day to own property either tangible or intangible.