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The Limitations of Locke's Theory of Property

For to be free is not merely to cast off one's chains, but to live in a way that respects and enhances the freedom of others.

-Nelson Mandela

When John Locke declared that “every man has a property in his own person” (5:27) in his *Second Treatise of Civil Government*, he was adding an abstract layer of reasoning to an otherwise, tangible term. It was not only disposable material goods and possessions that would account for “property” thenceforth, but also inalienable properties that “no body has any rights to but himself” (Locke 5:27). For Locke, it was the mixture of *labour* that helped to secure one's right of property, thus transforming it into a “private right” (5:28) that would require government protection. In addition to necessitating federal and state law, this redefined meaning of “property” would also require a level of *self*-governance that had never been expected of citizens before, subsequently becoming one of the defining features of Western liberalism. By extending the meaning of property to include labour and then grounding this type of property in natural law, Locke puts forth a persuasive argument for why government is necessary to protect this newly established right. However, the soundness of Locke's theory is called into question when we examine more closely the state of nature he provides as the basis for his theory and the premises by which his argument rests on. This essay seeks to show how Lock's fallacy that reason is present in the state of nature disrupts the validity of his theory on property and why government cannot protect any intangible civil liberties within this framework.

In the state of nature “men [live] together according to reason” (3:19) according to Locke, which is in direct contrast with Hobbes' depiction of nature just forty years earlier which seemed to be devoid of reason almost entirely. Unlike the “nasty” and “brutish” beginning that Hobbes illustrates in the *Leviathan*, Locke's state of nature is an almost perfect state of equality

that is given “to men in common” (5:26) by “God” which is the same “God” that supposedly bestows men with reason as well so that they may use it to the best of their advantage (Locke 5:26). However, if this is the case, not only would it mean that the legitimacy of this premise is dependent on religious doctrine that can never be proven (the existence of God) but that reason is, in fact, *not* present in the state of nature unless it is “given”. Consequently, the right to life is no longer protected since reason is precisely the quality which Locke claims gives men right to their self-preservation within the natural law he establishes. In chapter II, Locke considers the state “all men are naturally in” (2:4) describing it as “a state of perfect freedom” where all men are free to pursue their own interests and make their own choices (2:4).

A state of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another; there being nothing more evident, than that of the same species and rank, promiscuously born to all the same advantages of nature, and the use of the same faculties, should also be equal one amongst another without subordination or subjection, unless the lord and master of them all should, by any manifest declaration of his will, set one above another, and confer on him, by an evident and clear appointment, an undoubted right to dominion and sovereignty. (Locke 2:4)

According to this account, in the state of nature all humans have the capacity to govern and be governed, sharing a “reciprocal” power relationship with one another, that is, unless the “lord” and “master” demands otherwise. Does this mean that it becomes the state’s responsibility to protect its citizens from “God’s” subordination after they have given government their consent? Or is it “God” who ultimately controls the actions of government? Moreover, without the ability to reason, the power to choose is also directly affected by this oversight which exposes yet another flaw within Locke’s theory. If the freedom of choice is not necessarily a liberty that humans possessed in the state nature, how will government offer protection for something that civil society may or may not have in the first place?

In Locke’s state of nature, he is also careful to remind his readers that “liberty” should not be confused with “licence” so that citizens do not confuse their right to freedom with the right to harm others (2:6). However, the premise that he uses to support this argument is in

conflict with the inalienable rights “in his own person” (5:27) which he claims nobody has rights to but himself when he states “For men being all the workmanship of one omnipotent, and infinitely wise maker; all the servants of one sovereign master, sent into the world by his order, and about his business; they are his property [“his” referring to “God”], whose workmanship they are, made to last during his, not one another’s pleasure” (2:6). Based on this depiction, there *is* someone who has rights to their body, that someone being “God”. Locke refers to this god as the “maker” in this quote, explaining that he has put a lot of his own workmanship, therefore, his *labour* into “making” mankind, which then becomes his property as well according to this theory, though it remains unclear as to what conditions and/or obligations must be met in exchange for the gifts “God” has given to these men “in common”. Furthermore, Locke refers to this higher power as the sovereign “master” which leaves men with no other alternative than to assume the role of slave within this association. However, this relationship with “God” seems to directly contradict his chapter on slavery which states “This freedom from absolute, arbitrary power, is so necessary to, and closely joined with a man’s preservation, that he cannot part with it, but by what forfeits his preservation and life together: for a man, not having power of his own life, cannot by compact, or his own consent, enslave himself to anyone...” (4:23). This quote implies that those who do not have power over their own life cannot give consent to enslave themselves because no such contract can be legitimate. Is Locke suggesting that the master/slave relationship is permissible then for those who do not submit to “God’s” authority because those individuals have power over themselves and their own lives, therefore, can legitimately sign their freedom away?

Lastly, Locke’s theory on labour also undermines his purpose because his definition of the term “property” allows room for misinterpretation. He states that “The labour of his body, and the work of his hands, we may say, are properly his. Whatsoever then he removes out of the state of nature hath provided, and left it in, he hath mixed his labour with and joined to it something that is his own, and thereby makes it his property” (Locke 5:27). In this case, it is the vagueness that weakens his theory since even humans themselves could be regarded as property based on this definition. In fact, under these terms, any person holding an authoritative position

over another person (ex. parent over a child, educator over a student etc.) who has *also* put their labour into that individual which “added something to them more than nature” (Locke 5:28) may then consider that person their “property”. And since parents and educators are often the ones who spend their time, money and energy on cultivating reason that was not there before, wouldn’t they be the ones most likely to mistake their pupils for property? Does this mean that by law parents will own their children? That educators will have private rights to their students? Surely not. However, it does mean that Locke’s definition of property cannot provide adequate protection for individuals affected by these misinterpretations which severely lessens the validity of his theory on property in my opinion.

Although Locke’s theory of property can potentially provide a source of protection for property in the form of material goods and possessions, any rights which cannot be perceived by the senses such as *labour* are vulnerable to manipulation within this framework. The main flaw within Locke’s theory is that it presents a definition of “property” that is only understandable to those who have achieved reason or who have developed the ability to think about concepts abstractly. And since *humans are not born with reason* or abstract reasoning skills it means that any nonmaterial rights cannot even be recognized (therefore, respected) until one has developed this capacity. So, who is going to ensure that these irrational citizens come to know their individual rights? Who *exactly* is responsible for supporting this transformation if reason cannot be achieved by the citizen alone? Locke attempts to answer these questions in his chapter on paternal power which we find, directly contradicts his chapter on the state of nature. He declares that it is the duty of parents “to inform the mind, and govern the actions of their yet ignorant nonage* till reason shall take its place, and ease them of that trouble, is what the children want, and parents are bound to...” (6:58). Here Locke is suggesting that it is the parents’ *duty* to manage their children and to help them to know the law because it is also the key to their *freedom*, which leads to the conclusion that “natural freedom and subjection to parents may consist together and are founded on the same principle” (6:61). Essentially, the idea that we all have individual rights that cannot be taken from us rests on the assumption that our parents are

*Nonage means a state of immaturity, or under the age required for something

going to help us understand a concept that we cannot naturally see (ex. inalienable human rights, the life within our body, the intrinsic worth of our labour, spiritual rights etc.) “during [our] imperfect state of childhood” (Locke 6:58). Government is established for the purpose of protecting these forms of “private property”, which cannot be understood until we have developed our capacity to reason, yet government needs the consent of the governed for this association to be just. But how can we justly give our consent to this political power before we can understand the abstract notion that our intrinsic worth gives value to our *labour* thus making things we have mixed it with our “property”? And more importantly, is this understanding guaranteed?

Unfortunately, Locke’s conclusion that labour first begins the title of property is not adequately supported by its premises because they are *linked* which means they cannot stand independently on their own and rely on each other for strength. When we analyze this linked sub-argument closely (see fig. 1) not only do we find that individually, neither premise guarantees that reason will be achieved but that reason is the very thing that we need to understand the intrinsic value of our labour which is what distinguishes our private property.

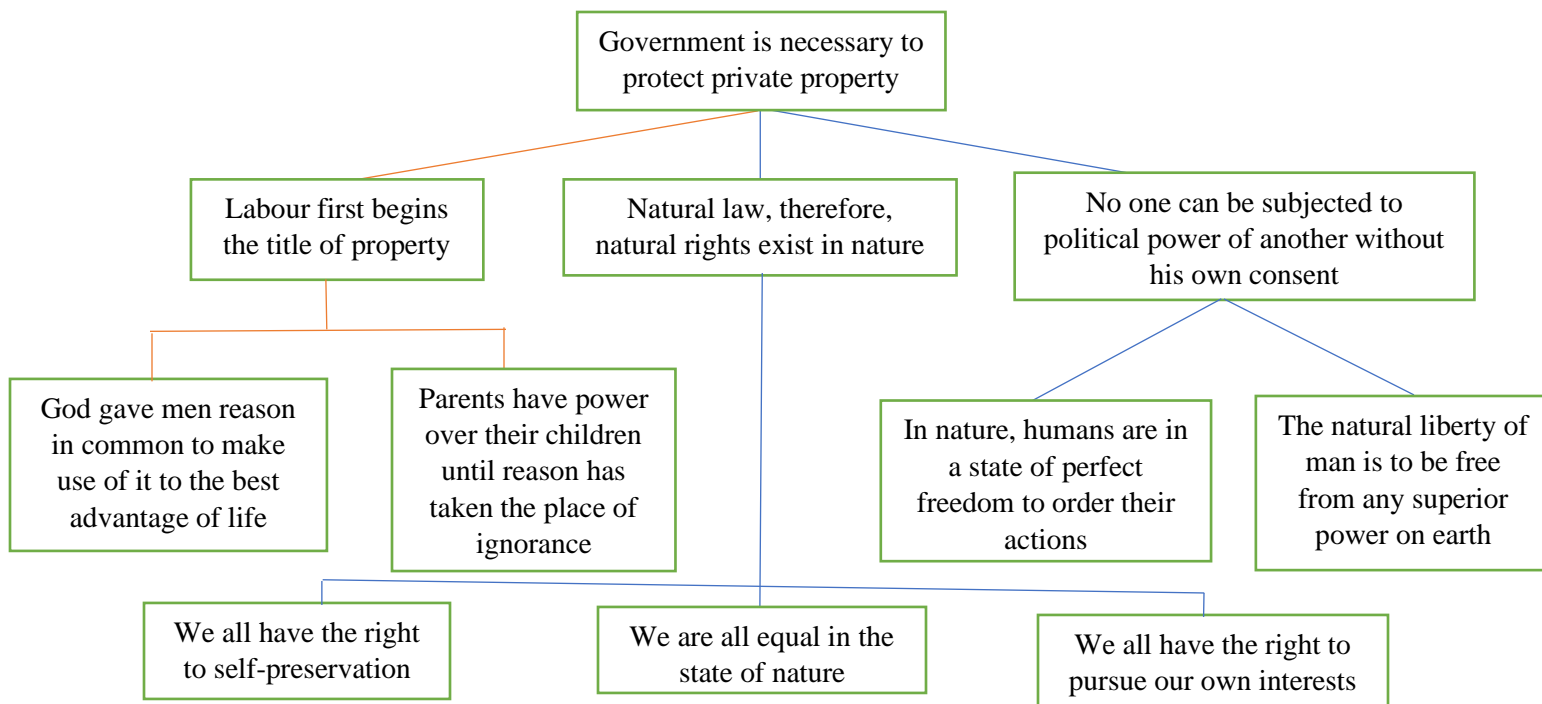


Fig. 1 Locke’s entire argument including linked sub argument

While Locke's argument on property may have been successful in establishing a higher standard of freedom for any nations inspired by this new brand of philosophy, unfortunately his sub-argument that "the labour of his body, and the work of his hands...are properly his" (5:27) falls short in its ability to support his more general conclusion that government exists to protect private property. Since his argument that reason is present in the state of nature relies on a *linked* argument for support, the whole argument collapses when we realize that this reason is not guaranteed in either nature or civil society. Nevertheless, our main concern now, is not to reject Locke's natural law theory necessarily, but rather, to analyze the effect his political philosophy has had on Western nations that were heavily influenced by this treatise, whose very foundations were built from this incomplete theory.

Works Cited

Locke, John. *The Second Treatise of Civil Government*, ed. Andrew Bailey. 2019. Peterborough, Ontario. Broadview Press.