

## A CRITIQUE OF JOHN LOCKE'S CONCEPTION OF PROPERTY

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### Abstract:

*Domestic, national and international property laws, largely inspired by the political works of post-Renaissance liberal thinkers like John Locke, have been instrumental in contributing to conflict among contending actors. Analysis of the inspiration behind prevalent conceptions of property, specifically Locke's Second Treatise on Civil Government, provides a framework for understanding how current conflict, namely social inequality, is rooted in theoretical discrepancies present in the aforementioned work.*

### **I. Preface**

Disputes over property—whether domestic, national or international—have played a historically crucial role in fomenting political conflict among different actors. From the theoretical definition of the word itself to its practical application in land, material and intellectual distribution, property relations have proven to be fundamental in understanding the way societies are organized and how disagreements arise. The French, Mexican and Russian Revolutions are among the most popularly cited responses to disputes over the concept, to name just a few examples. Thus, the importance of revisiting classical notions of property and their subsequent interpretations under various structures of law remains. Analysis of these notions also provides a framework for understanding conflict rooted in the theoretical discrepancies of leading political philosophers. Property laws in the United States are largely founded on the works of

post-Renaissance political thinkers like John Locke, and it may be said current incongruities in wealth distribution may be rooted in the inconsistencies found in his conception. By understanding present inequality conflicts through both a theoretical and historical examination of the past, one is able to better comprehend the topic in its totality.

### **II. Introduction**

John Locke, the English philosopher who has been regarded by many in academia as the patron of classical liberalism, attempted to establish conditions and requisites for the ideal society throughout many of his works. In what is perhaps one of his most famous pieces, *Two Treatises of Government*, he points out which forms of government, social constructs and personal rights facilitate the manufacturing of an ideal society and specific variations of the aforementioned attributes that work against human progress. The *Two Treatises of Government* was originally published in

1690 and composed of the *First Treatise*, which responds to claims made in political theorist Sir Robert Filmer's *Patriarcha* that promoted the divine right of kings, and the *Second Treatise*, which offers an analysis of the state of nature and the law of nature to develop arguments proposing a specific form of government. Locke's *Second Treatise* established notoriety for the concept of incumbent governments remaining in power with the consent of the governed masses and social contract theory.

Before further delving into Locke's *Second Treatise on Civil Government* and examining the arguments made in his piece, it is important to recognize the specific time period the English theorist lived in and how that affected interpretations of his writing. As an Enlightenment-era thinker, he dealt with criticisms from status quo academics whose philosophical prejudices were guided by the zeitgeist of the Middle Ages –monarchical absolute power, patriarchalism and anti-democratic sentiments were rampant in the minds of many at the time of his work's publication. It is also imperative to mention that many who lived during the closing of the Middle Ages and expressed ideas that might have undermined the moral authority of monarchical absolute power were oftentimes persecuted, a factor which could have affected Locke's written work.

### ***III. Summary of the Second Treatise on Civil Government***

The *Second Treatise on Civil*

*Government*, which builds on some of the groundwork established in Locke's *First Treatise*, provides an examination of the state of nature and the law of nature to formulate arguments supporting a specific form of government that best fits the needs of a progressive and liberal society. Throughout the piece, he positions the role of sovereignty into the hands of the societal masses, positing that all humans possess rights natural to them in the state of nature, which is not administered by particular institutions or individuals, but rather by the law of nature. Within the law of nature, individuals may initiate retribution against those who have violated their natural rights, without fearing the consequences experienced in institutionalized civilizations that brandish coercive forces to prevent such behavior. However, Locke eventually recognizes that there are several issues involved with remaining stagnant in a state of nature and promotes the relinquishing of some natural rights in order to enter into a more organized civilization to live harmoniously with others – individuals cannot retain all of their natural rights within an established society because the perceived natural rights of some individuals may threaten another person's well-being. Thus, the need for a governmental arbiter is established under the banner of executive powers in social contract theory and the enforcement of newly developed laws aimed at preserving the rights of all living in that particular region arises. Locke, however,

emphasizes three crucial points in establishing a social contract agreement between governors of specific areas and those being governed: citizens consent to abiding by the laws of a nation by residing in its territories, citizens cannot be obligated by bad governmental policies and that consent remains the dependent variable in determining political obligation. Therefore, legitimacy resides in government utility and public good.

#### ***IV. Summary of Chapter on Property***

Locke divides his *Second Treatise on Civil Government* into several chapters that touch on various subjects within governance theory including paternal power, civil society, forms of a commonwealth, legislative powers, executive powers, prerogatives and tyranny. Chapter 5 focuses on the concept of property and its relations within a particular society. He begins the chapter by mentioning that all men have equal rights to the fruit of the earth and that it should be considered the property of all. However, Locke also mentions that a form of exchange is necessary for the preservation of individual properties that provide sustenance by demonstrating “how men might come to have a property in several parts of that which God gave to mankind in common, and that without any express compact of all the commoners.”<sup>1</sup> With the notion of property of the individual person serving as the platform on which he builds other definitions of property, Locke asserts that the appropriation of personal labor

into a particular object allows that item to become part of their possession due to their input value. Similarly, individuals must respect the labor invested into an object by another person because they have, according to his established guidelines, transformed that item into their own property. In addition, certain margins must be established in order to prevent the misappropriation of the fruits of the earth, thus beginning his arguments in favor of gaining as much of something as can be utilized for individual benefit while preserving the integrity of sustainability for all. Shortly after, he utilizes labor as the litmus for deciding the value of properties and puts forth the circulation of mutually agreed upon currency as an arbiter of that value. Locke’s views of property expressed in Chapter 5 proved especially important in the internationalization and normalization of liberal conceptions of land ownership in centuries subsequent to his existence.

#### ***V. Theses Overview***

A close examination of Chapter 5 of Locke’s *Second Treatise on Civil Government* demonstrates the praiseworthiness of his arguments in favor of the preservation all men having equal rights to the fruits of the earth and the consideration of the earth as property of all. His chapter expounds on principles that were considered utopian, unorthodox and revolutionary during the Middle Ages and the beginning of the Enlightenment era, where efforts were made at dusting off centuries of monarchical absolute power, feudalism

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<sup>1</sup> Section 25.

and patriarchalism. Locke's model for the appropriation of the earth's properties based on the needs of individual while placing margins on the acquisition of the fruits of the earth seemed to reconcile solutions for minimal access to property rights of man and unregulated powers of usurpation. However, when studying Locke's analysis of property relations and man, it becomes apparent that there are several issues involved with his arguments.

First, there seem to be several examples of contradictions in Locke's central argument. While he posits that all individuals should have equal access to things natural on earth, he remains vague in his limits on unregulated usurpation and seems to almost defend the practice of unlimited accumulation toward the end of his chapter. In pointing out this inconsistency, it becomes recognized that growth of social inequality has a strong possibility of becoming inevitable and perpetual, producing a mechanism counterproductive to all men having equal rights to the fruits of the earth.

***VI. Argument in Favor of Equal Rights (Section 26)***

Section 26 within Chapter 5 of Locke's *Second Treatise on Civil Government* seems to argue in favor of social equality and the equal distribution of the earth's possessions. Throughout the section, he mentions the importance of not having one particular individual prevent the rest of mankind from having access to the gifts provided by divine powers that are available. Locke writes

in Section 26:

*And tho' all the fruits it naturally produces, and beasts it feeds, belong to mankind in common, as they are produced by the spontaneous hand of nature; and nobody has originally a private dominion, exclusive of the rest of mankind, in any of them, as they are thus in their natural state: yet being given for the use of men, there must of necessity be a means to appropriate them some way or other, before they can be of any use, or at all beneficial to any particular man.*

He prefaced his statement by mentioning that "the earth was given to man with the intentions of providing sustenance and comfort for all."

An analysis of this particular section of the chapter indicates that the equal allocation of resources and the properties of the earth is essential to the well-being of humanity and that the labor one puts into utilizing those materials for personal use should become a form of individual property that no one can usurp or deny them of. It also points out in Section 26 the crucial responsibility of making those fruits, which are producing in a spontaneous nature, usable for those who will consume them for their own benefit when he mentions that "the wild Indian, who knows no enclosure, and is still a tenant in common, must be his, and so his, i.e. a part of him, that another can no

longer have any right to it, before it can do him any good for the support of his life”.<sup>2</sup> That particular sector of the chapter seems to promote the values of ensuring equal rights to the fruit of the earth while giving brief insight on the need for currency in regulating that distribution of wealth.

***VII. Argument that Contradicts Equal Rights (Section 49)***

Section 49 within Chapter 5 of Locke’s *Second Treatise on Civil Government*, however, seems to propound an argument that glosses over the dangers of unlimited accumulation, which could subsequently lead to social inequality. The section, one of the shortest within the chapter, equates the earth’s beginning with America upon its discovery and alludes to the notion that the concept of monetary systems was unknown in its most primitive state. It also seems to encourage the monetization of natural resources and the fruits of the earth for the expansion of individual property—a point that does not incorporate the disparate effects of unregulated amassing of wealth, and its subsequent production of inequality. As Locke writes, “Thus in the beginning all the world was America, and more so than that is now; for no such thing as money was anywhere known. Find out something that hath the use and value of money amongst his neighbours, you shall see the same man will begin presently to enlarge his possessions.”<sup>3</sup>

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<sup>2</sup> Section 26.

<sup>3</sup> Section 49

Although some may interpret his statement as the presentation of an equal opportunity for everyone to amass the resources of the earth for the development of their own personal property, which eventually defines their individuality because of the amount of labor they have invested into utilizing it for a personal good, it also seems like an open invitation for unregulated accumulation of wealth and its subsequent monetization. This unlimited accrual of wealth creates conditions where a small number of those with more labor power will invest more into those resources, thus leading to their amassing of capital and property, which places some with more treasures above those who do not have as much. The section contradicts Locke’s advocacy for all individuals having equal access to the earth, since some will have more access than others.

***VIII. Argument in Favor of Equal Rights (Section 27)***

Although most of the contradictions within Locke’s chapter seem to revolve around the same issue of all men having equal rights to the fruits of the earth versus his perceived promotion of unlimited accumulation of wealth, the process of singling out varying statements made in defense of egalitarianism remain crucial in seeing how mixed his messages appear to be. In Section 27, for example, he begins to explain the process of labor input and how it allows products of nature to become items of property for those who invest in it. He continues the section by

discussing the fact that property of the individual who invests in it belongs to no one but he, given that there is enough of it for everyone to utilize. "It being by him removed from the common state nature hath placed it in, it hath by this labour something annexed to it, that excludes the common right of other men: for this labour being the unquestionable property of the labourer, no man but he can have a right to what that is once joined to, at least where there is enough, and as good, left in common for others," Locke asserts in Section 27. The final section of Locke's words within that excerpt wields the most importance, as it seems to outwardly denounce the individual monopolization of properties that are not available to the commons. Although he carefully mentions that property with invested labor by an individual belongs solely to that particular individual, he seems to euphemize limits that should be more heavily emphasized. While he only briefly touches on those limits, in his words lie evidence that he supports some form of egalitarianism and equality. This remains true throughout the beginning of his chapter, where he seems to advocate for the equal opportunity of all to have access to property they have invested time and labor. His advocacy for social equality in the beginning of his chapter is inconsistent with the rest of it, where he glosses over the consequences of unlimited accumulation.

***IX. Argument that Contradicts Equal Rights (Section 50)***

A careful interpretation of the

latter parts of his chapter, as mentioned before, reveals the nature of Locke's seemingly open defense of social inequality produced by unregulated amassing of wealth. In Section 50 of his *Second Treatise on Civil Government*, he discusses tacit consent, an implicit agreement made by individuals, to social inequality and the uneven distribution of wealth following the proprietorship of the earth's fruits. As Locke argues in Section 50:

*But since gold and silver, being little useful to the life of man in proportion to food, raiment, and carriage, has its value only from the consent of men, whereof labour yet makes, in great part, the measure, it is plain, that men have agreed to a disproportionate and unequal possession of the earth, they having, by a tacit and voluntary consent, found out, a way how a man may fairly possess more land than he himself can use the product of, by receiving in exchange for the overplus gold and silver, which may be hoarded up without injury to any one; these metals not spoiling or decaying in the hands of the possessor.*

An analysis of the excerpt seems to give the impression that Locke believes that individuals enter an unspoken contract where they are aware of the possibilities of social inequality

following the investment of labor into the earth's materials but are temperately affected because of the monetization of those properties into gold and silver currencies that cannot spoil over time. Simply put, he seems to justify the unlimited amassing of the earth's fruits because monetization of those properties prevents their decay and lack of usefulness, which does no harm, in his opinion, to the wellbeing of those who need specific resources. The unregulated accumulation of gold coins employed for purchasing fruit, for example, would not be as harmful to the wellbeing of mankind as the unlimited accrual of actual fruits that can spoil under one person's control after a period of time.

***X. Argument in Favor of Equal Rights (Section 31)***

Although there are several sections in the beginning of Locke's chapter that seem to advocate for equal rights to the fruits of the earth, there is one in particular that stands out when discussing his later contradictions against that very same argument. Section 31 of Chapter 5 of his *Second Treatise on Civil Government* examines the gifts that God has provided mankind with, their subsequent proprietorship and the general rule that what is considered more than one's share should belong to others. "God has given us all things richly, 1 Tim. vi. 12. is the voice of reason confirmed by inspiration. But how far has he given it us? To enjoy. As much as anyone can make use of to any advantage of life before it spoils, so

much he may by his Tabour fix a property in: whatever is beyond this, is more than his share, and belongs to others," Locke writes in the excerpt. Understanding this particular section is crucial in understanding his interpretation of social equality, which he seems to stand by solely in the beginning of the chapter. His mention of God giving us "all things richly" implies that the fruits of the earth should be equally available within the state of nature but then the responsibility of transforming those fruits into properties lie upon us, dependent on our investment of labor into that particular product. It asserts that we should all have an equal opportunity to make something out of what has been provided to us by a divine power and convert them into properties that cannot be confiscated under a fair and positive constitution protecting those investments of labor. Overall, this section provides a framework for the understanding that we all have, or rather should have, equal access to the utilization of products that will fulfill our requisites for wellbeing. The egalitarian nature of the distribution of the earth's fruits, however, seems to end at the inception of the investment of labor and its subsequent proprietorship, where some invest more than others.

***XI. Argument that Contradicts Equal Rights (Section 36)***

There is also one particular section of Chapter 5 of Locke's *Second Treatise on Civil Government* that seems to contradict the earlier parts of the

chapter by facilitating the manifestation of social inequality with the absence of clear bounds on unchecked usurpation. In Section 36, Locke mentions that “the extent of ground is of so little value, without labour, that I have heard it affirmed, that in Spain itself a man may be permitted to plough, sow and reap, without being disturbed, upon land he has no other title to, but only his making use of it.” This excerpt from his section seems to come to the understanding that the unlimited accumulation of wealth, more specifically in the form of land, is justified by its utilization and investment of labor. It also seems to praise the limited possibilities of being “disturbed” by coercive forces that might regulate the appropriation of that land. He continues the section by mentioning that “every man should have as much as he could make use of” and that “since there is land enough in the world to suffice double the inhabitants, had not the invention of money, and the tacit agreement of men to put a value on it,” one should not be limited to the investment of labor into the fruits of the earth and its proprietorship. Locke’s expression in limiting the regulation of making use of the gifts of nature seems to offer a different side of liberalism. Here, instead of liberty residing in the concept of social equality and all men having equal access to the gifts of God, it resides in the liberty of those investing labor into nature to transform its terrain into monetized properties. The contradiction lies in the inability to establish distinct parameters designed to

prevent unlimited accumulation while praising the benefits of social egalitarianism in the beginning of his chapter.

### *XII. Conditions Relevant to Locke’s Views on Property*

Locke’s interpretations of property may lead readers to the assumption that either he is in favor of equal rights to the fruit of the earth and promotes egalitarianism or that he defends unlimited accumulation of wealth by mentioning that man should be able to make use of as much of those fruits as he can monetize for proprietorship through the injection of labor. For the sake of asserting that he is emphasizing the latter, let us focus on arguments Locke makes that seem to defend social inequality and masquerade themselves in rugged individualism where all persons are seemingly capable of receiving the same amount of ownership over products they produced. It is also worth noting that Locke was a leading trader with the Royal Africa Company, a group heavily invested in the Trans-Atlantic slave trade, and openly supported the slavery of Africans, despite protesting slavery among Englishmen. This historical fact is important in understanding his views on property because of the differences in proprietorship that Africans and Englishmen had, even if they may have invested the same amount of labor into a particular product. During Locke’s epoch, the amount of labor an Englishman who didn’t utilize slaves for the husbandry of a particular piece of

land would be vastly different from the amount of labor an English slave owner invested in maintaining that same land. While the former invests more labor into the transformation of those fruits into properties because he did so independently, the latter invests less labor because he utilizes the manpower of slaves to do the punitive labor for him without having to pay them wages.

***XIII. Defense of Unlimited Accumulation (Section 37)***

In Section 37 of Chapter 5 of Locke's *Second Treatise on Civil Government*, he continues toward the path of giving the impression he supports the unregulated attainment of wealth through the investment of labor and champions the appropriation of land to man over its popular un-cultivation of the masses. He writes that "he who appropriates land to himself by his labour, does not lessen, but increase the common stock of mankind: for the provisions serving to the support of human life, produced by one acre of inclosed and cultivated land, are (to speak much within compass) ten times more than those which are yielded by an acre of land of an equal richness lying waste in common." It is assumed that Locke is simply saying it is better for one person to own a piece of the earth's natural gifts, invest labor into it and utilize it for the fulfillment of one's needs without being regulated instead of redistributing the land equally among all men, regardless of the amount of labor they have invested into it. The excerpt advocates for the insertion of labor and

manpower to develop gifts granted by God for their maximum utility and for the wellbeing of the person investing the labor into them.

Locke continues the section by mentioning that "he that incloses land, and has a greater plenty of the conveniences of life from ten acres, than he could have from an hundred left to nature, may truly be said to give ninety acres to mankind: for his labour now supplies him with provisions out of ten acres, which were but the product of an hundred lying in common." This supporting excerpt reinforces his arguments in favor of advocating for the unregulated accumulation by those who have the ability to invest labor into a particular fruit of nature over that natural gift's utilization for the wellbeing of the commons, who, according to Locke, may leave it to nature "without any improvement, tillage or husbandry." He favors no regulation over those who appropriate land by labor.

***XIV. Social Inequality Caused by Unlimited Accumulation (Section 37)***

Locke's arguments in Section 37 of Chapter 5 of his *Second Treatise on Civil Government*, which seem to defend the right of unlimited accumulation of the fruits of the earth by those who invest labor into those items, establish conditions that facilitate the growth of social inequality. In mentioning "he who appropriates land to himself by his labour, does not lessen, but increase[s] the common stock of mankind," Locke fails to make differentiations between both the types of labor being utilized and

the use values of the common stock being produced. In regards to examining the type of labor being utilized, Locke seems to brush away statements made in the chapter previous to “Of Property,” which justifies slavery, and his own personal involvement in slave labor. Locke does not make a distinction between labor invested by a free man and labor invested by an enslaved man. A free man’s labor will grant him sole proprietorship over the gifts of nature he has converted into monetized forms of property while the enslaved man’s labor will only grant his master proprietorship over the fruits of the earth transformed into capital. Consequentially, the free man who utilizes slave labor will earn more property gains than the free man who doesn’t because he is not investing his own personal labor into the husbandry of land, for example. Social inequality between both parties arises and those individuals who do not succumb to the conveniences of slave labor end up losing more money and property than those who do. In regards to the use values of the common stock, assuming that social inequality rises following the divisions in forms of labor invested into earthly properties, it is imperative to question the amount of access each particular member of mankind will have to the common stock with the development of currency. Those who resort to slave labor investment may be able to produce more monetized property and be able to afford more common stock over those who do not.

***XV. Defense of Unlimited***

***Accumulation (Section 44)***

In Section 44 of Chapter 5 of Locke’s *Second Treatise on Civil Government*, he continues his perceived argument in favor of unlimited wealth accumulation, which counters his earlier positions on the equal rights of man, by discussing the powers of an individual who invests labor into the fruits of the earth and the burdens that should not be placed on him in limiting his growth. Locke writes that “man, by being master of himself, and proprietor of his own person, and the actions or labour of it, had still in himself the great foundation of property; and that, which made up the great part of what he applied to the support or comfort of his being, when invention and arts had improved the conveniencies of life, was perfectly his own, and did not belong in common to others.” Throughout the section, he seems to praise the ability of a person to create value from something, which was originally provided to the commons, and establish conveniences, or advancements, that serve particular interests. Through his work in monetizing accumulated property, man becomes master of himself and improves the conditions of life for himself. Essentially, those who properly appropriate resources provided to them by divine forces are able to exceed past the law of subsistence, which promotes the idea of one not taking more than they need for use, with the formation of currency and the monetization of their gains. In this scenario, Locke allows for man to accumulate masses of natural wealth and

make property gains from them without putting any to waste because of the formation of currency and its role in allegedly representing the hard work invested into earning it. The establishment of currency and monetization of property thus creates a division between labor and capital, where in Locke's eyes, both are representative of each other and reflect the perceived equality of all men in being able to amass fortunes from the foundations of the earth without experiencing regulation.

***USG. Social Inequality Caused by Unlimited Accumulation (Section 44)***

Locke's arguments in Section 44 of Chapter 5 of his *Second Treatise on Civil Government*, which also seem to defend the right of unlimited accumulation of the fruits of the earth by those who invest labor into those items, create a scenario where social inequality rises because of the absence of regulation. When he mentions that man "had still in himself the great foundation of property," he assumes that all men are granted the same labor powers upon birth and achieve the same level of wealth from their foundations of property. The section, and overall argument, in defense of unlimited accumulation of wealth, does not account for those who are not born with the same racial or physical composition as those who were able to consider themselves sovereign from man's domestication while holding both parties on the same standard. By placing all men

in a *tabula rasa*-like standard for the development of wealth through the monetization of property after the injection of labor while ignoring the impediments that certain peoples faced in his epoch, Locke constructs an unfair standard for which all are expected to follow and establishes normative views on property rights. This is certainly a form of social inequality that is either not addressed by Locke or is purposefully veiled under notions of all men having equal access to the fruits of the earth.

In mentioning that "when invention and arts had improved the conveniences of life, was perfectly his [man] own, and did not belong in common to others," he displaces the advancements made by man from the monetization of property and investment of labor toward individualistic greed and away from the foundational source of that advancement, the fruits of the earth that are provided to all. Thus, Locke praises unlimited accumulation and privatization of those advancements because of the person's labor input, creating a form of social inequality that only rewards those who usurp more.

***ASG. Conclusion***

An analysis of Chapter 5 of Locke's *Second Treatise on Civil Government* produces two theses. The first is that there are contradictions in his views on property because of his conflicting points on the equal accessibility of every man to the fruits of the earth and the championing of unlimited accumulation of wealth

because of its utility in advancing the wellbeing of particular interests. For example, in Section 26 of the chapter he seems to argue in favor of egalitarianism and the equal distribution of the earth's possessions, mentioning the importance of not having one particular individual prevent the rest of mankind from having access to the gifts provided by divine powers that are available. But in Section 49, however, he appears to encourage the monetization of natural resources and the fruits of the earth for the expansion of individual property—a point that does not take into consideration the disparate effects of unregulated amassing of wealth and its subsequent production of inequality.

Second, if Locke is ultimately defending unlimited accumulation of property, it is counterproductive to the efforts made in the doctrines of liberalism that promote social equality, which seem to be advocated in the beginning of his chapter. His defense of unlimited accumulation of wealth does not consider peoples, like slaves, who are not born with the same racial or physical composition as those who were able to consider themselves sovereign from man's domestication, creating the conditions for inequality. Locke's attempt to surpass the law of subsistence with the formation of money creates a dangerous division between labor and capital, which may also facilitate social inequality. While Locke approached his theory of property from a well-intentioned perspective, there are contradictions in his arguments that

seemed to combat each other – one advocating for egalitarianism, the other for unlimited accumulation of wealth.

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