

**Write a 1500 word textual analysis and commentary on Locke's Second Treatise of Government, Chapter V, §39.**

And thus, without supposing any private Dominion, and property in *Adam*, over all the World, exclusive of all other Men, which can no way be proved, nor any ones Property be made out from it; but supposing the *World* given as it was to the Children of Men *in common*, we see how *labour* could make Men distinct titles to several parcels of it, for their private uses; wherein there could be no doubt of Right, no room for quarrel.

This short passage concludes John Locke's two-fold theory of property, found in Chapter V of his *Second Treatise of Government*. Firstly, he rejects the paternalistic justification of sovereignty and property, as presented by Sir Robert Filmer. The *First Treatise* is wholly devoted to the critical disassembly and annihilation of Filmer's work "Patriarcha: or the Natural Power of Kings". In the second part of the above text, he mentions his own justification of personal property, as laid out throughout the chapter. In this analysis I will examine the historical context, Filmer's theory of patriarchy, and Locke's countering justification for personal property. I will also look at the problems within and resulting from Locke's theory of property, and how different scholars have treated them. To recount in detail all scholastic debate on Locke's theory of property is outside the scope and length of this essay, but I will look at Macpherson's neo-Marxist critique of Locke, and Ashcraft's defence.

Ironically Sir Robert Filmer's arguments survive today largely because of Locke's refutation of them. Laslett postulates whether "some of Locke's arguments would never have been developed at all if it had not been for Filmer. We have seen that he showed no signs of an interest in the theory of property before he sat down to this polemic, and found himself faced with an argument in favour of primitive communism"<sup>1</sup>. Since Lockean theory has become so dominant in today's culture, absolutism is seen as illegitimate and Filmer's arguments regarded as somewhat absurd. Nevertheless Filmer was an important figure in the historical context that Locke was writing in. The monarch at the time of Locke's writing (as Laslett sought to show<sup>2</sup>,

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1 Laslett, P., "Locke Two Treatises of Government" (ed), Cambridge University Press, 1988, pp. 68

2 Ibid., pp. 47

although some believe Locke wrote after the Glorious Revolution) was King Charles II, an unpopular Catholic absolutist, and grandson of the executed Charles I. The writings of Filmer, though dead, were taken by the monarch's supporters to justify the King's 'Divine Right' to absolute power. Filmer was not the only man to write in favour of absolutism (Hobbes is a contractual absolutist, but based on quite different reasoning), but by attacking Filmer, Locke's writing was politically flammable and potentially treasonous. James II's brother Charles II put men to death, such as Algernon Sidney, for criticising Filmer and the absolutist principle: Locke may have been risking his safety had he published the *Two Treatises* openly.

Filmer relies on certain passages from the Old Testament to support his defence of absolutism, though Locke argues the meaning in each passage of Scripture has been misunderstood or deliberately skewed. His argument, in brief, is that God granted lordship of the world to Adam, and all his own descendants. This paternal power over the world passed to his eldest male descendants on Adam's death, and the monarchs of Filmer's time derive their authority over their subjects from this God-given sovereignty passed down from Adam. I need not go into detail of the flaws in Filmer's argument. It will suffice to refer an interested reader to Locke's *First Treatise*.

To understand Locke's theory of property, it is very important to understand what he was arguing against. Filmer posed this problem to contractualists, that the only alternative to royal property was communism or anarchy. Locke set out to refute these claims, by showing how private property can come about without the use of Patriarchy or express consent of all men. Filmer does not distinguish between political power and personal property, but it is central to Locke's argument to show that property exists before and apart from society<sup>3</sup>. Locke means to show that society is created to protect the property and liberty of its citizens, not that the citizens' property and freedom are forfeit to society.

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3 Ashcraft, R. "The Politics of Locke's *Two Treatises*" In: Harpham, E. (ed), "John Locke's *Two Treatises of Government*", University Press of Kansas, 1992, pp. 99

Locke, too, starts with the Book of Genesis, but his interpretation, as laid out in the passage under discussion, is that God gave the world to 'the Children of Men *in common*'. Locke argues that men, as God's creatures, have a duty to preserve themselves, and as they have been given the World, may take from the World whatever they need for subsistence. At the moment that an individual appropriates resources for his own survival, they become 'his', without prejudicing others' right to survival (assuming he does not take more than he can use, and that there is enough for all). Locke argues that the application of an individual's labour removes the food from the common stock to private ownership. An example he uses that can be easily understood today, is that the fish of the sea belong to no-one, until they are caught<sup>4</sup>. In the same way, if a man improves common land for agriculture, the land becomes his property. Consent is not required for this removal of land from the common, because, Locke argues, there was no shortage of land ("He that had as good left for his Improvement... needed not complain"<sup>5</sup>).

Macpherson says that Locke's argument thus far is based on the assumption that improvement of land can only be done by individuals; he disregards the possibility of communal ownership and labour<sup>6</sup>. However, it seems unreasonable of Macpherson to expect of Locke that, in explaining how private property came to exist without political society or paternalism, he should have first considered hypothetical alternatives to the very model he originally set out to justify.

There is an apparent contradiction in Locke's argument, the same challenge of Filmer that he sought to overcome; he starts with the premise of communal ownership and concludes with private property. Or, as Macpherson puts it, "Locke justifies individual appropriation of the

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4 Locke, J. "Two Treatises of Government", Second Treatise, Chapter V, §30

5 Ibid., §34

6 Macpherson, C. B. "The Political Theory of Possessive Individualism", Oxford University Press, 1962, pp. 202

produce of the earth which was originally given to mankind in common”<sup>7</sup>. To what extent Locke resolves this tension has been a subject of debate.

One of the justifications Locke gives for the appropriation of land is that, in early ages, there was enough for everyone to subsist<sup>8</sup>. But money, established by universal consent, allows men to acquire more possessions which do not spoil. Macpherson argues that Locke initially justifies property limited to an individual's labour, but shifts position to legitimise individuals to accumulate unlimited wealth<sup>9</sup>. Property that does not spoil removes Locke's earlier limitation on property accumulation. Even Laslett agrees insofar as “He fails to make any specific provision against the obvious consequences of allowing unlimited accumulation of... money”<sup>10</sup>. Macpherson and Laslett's criticism is clearly that a system of private property will inevitably create unjust inequalities among society, and that Locke does not recognise or defend against this.

Notwithstanding Laslett's criticism, Locke does have a counter-argument, which follows immediately after this section. He says that the mixing of individuals' labour with the land creates value for the betterment of mankind. Cultivated land produces far more value than the same, even a greater, area of wasteland, not only for its owner but for the whole society. He points out that all members of a society based on propertied cultivated land ownership are better supplied than had the land been left in common: “A King of a large and fruitful Territory there [in America] feeds, lodges, and is clad worse than a day Labourer in England”<sup>11</sup>. That he even makes reference to a contemporary lower class worker shows to us that Locke acknowledges inequalities within a propertied society, but believes that the society as a whole benefits. He states this clearly: “To which let me add, that he who appropriates land to himself

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7 Ibid. pp. 201

8 Locke, J. “Two Treatises of Government”, Second Treatise, Chapter V, §36

9 Macpherson, C. B. “The Political Theory of Possessive Individualism”, Oxford University Press, 1962, pp. 203

10 Laslett, P., “Locke Two Treatises of Government” (ed), Cambridge University Press, 1988, pp. 106

11 Locke, J. “Two Treatises of Government”, Second Treatise, Chapter V, §41

by his labour, does not lessen but increase the common stock of mankind"<sup>12</sup>. It is trade (based on non spoiling money) that drives people to produce more than they themselves need, and so it is no contradiction that allowing men to appropriate and fully cultivate land for their own benefit is also for the common good<sup>13</sup>.

Macpherson's broad argument is that Locke is an apologist for emergent bourgeois capitalism, that by increments he expands property of one's own body until it is unlimited. He says Locke's "theory of property is a justification of the natural right not only to unequal property but to unlimited individual appropriation"<sup>14</sup>. That he justifies unequal wealth is clear<sup>15</sup> and only ceases to apply when there is not enough for others to subsist on. The definition of 'subsistence' is another problem, for there is ambiguity whether it includes only include basic food and water, or encompasses clothing, housing, healthcare, a certain standard of living, and so on. Presumably the society must decide that in the forming of its laws. Nevertheless, I must agree with Ashcraft that in Locke's own mind, the benefits of trade were beneficial to everyone, not that he was justifying unlimited appropriation<sup>16</sup>. To label Locke as a capitalist apologist is to overlook the historical context of Locke's writings<sup>17</sup>; the Industrial Revolution in the United Kingdom would not 'gain steam' until many years after Locke's death.

In this essay, I showed Filmer's importance in justifying the position of the political leaders of the time, and how Locke wished to show that property and political power were separate. I outlined Locke's theory of property as it appears in the passage, and the surrounding chapter in the Second Treatise. I examined the issue between Locke's contradictory premise and

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12 Ibid., §37

13 Macpherson, C. B. "The Political Theory of Possessive Individualism", Oxford University Press, 1962, pp. 212

14 Ibid., pp. 221

15 Locke, J. "Two Treatises of Government", Second Treatise, Chapter V, §50

16 Ashcraft, R. "The Politics of Locke's Two Treatises" In: Harpham, E. (ed), "John Locke's Two Treatises of Government", University Press of Kansas, 1992, pp. 38-39

17 Ibid., pp. 35

conclusion, and examined a neo-Marxist critique of Locke as a bourgeois apologist with balance from other scholars. Labelling Locke as a capitalist stooge is to overlook his libertarian tendencies, and his radical extension of the political sphere to include all the people of society. I would like to conclude with Laslett's balanced remark that "Locke was neither a 'socialist' nor a 'capitalist'<sup>18</sup>.

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18 Laslett, P., "Locke Two Treatises of Government" (ed), Cambridge University Press, 1988, pp. 106

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