

Locke on Property

Second Treatise of Government, Ch. 5

Helpful reading: G. A. Cohen (GAC), *Lectures on the History of Moral and Political Philosophy*, Ch. 3.

1. God gave the earth to “mankind in common” (§ 25).
2. A person has a right to himself, “property in his own person.” (§§ 27, 44, 123, 32, 190)
 - This seems to ground a natural right of non-aggression: “If I own myself and you own yourself, then my right to use my fist as I please stops at the tip of your nose, because of your ownership of your nose.” (GAC) Contrast with Hobbes.
 - Doesn’t God “own” us? How is self-ownership compatible with our proper relation to God?
3. Two problems
 - Property: how can a person have a right to something that is NOT is person? (extension of self-ownership)
 - How can an individual have a right to property “without any express compact with all commoners”? (§25)
 - Even if we recognize that private property is justifiable, in general, for the good of all, how do we determine the best way to distribute property rights to individuals?
 - State: How can some of the rights to his own person be given over to the government, e.g., self-defense, punishment. (diminishment of self-ownership)
4. Arguments for property:
 - Survival: we need to eat, etc. I can take food for my own use. You don’t need to think of chewing as “labor” in order to have a right to the food. (GAC)
 - Labor: Joining what is owned with what is unowned §27.
 - No harm to others (fair share argument): §27, §33. As long as we abide by the provisos, we aren’t hurting anyone by appropriating things for ourselves.
 - In key cases, might not some rightfully complain if you appropriate certain things for yourself?
 - Addition of value: §28. – not the same as the labor argument?
 - God’s intentions: God intended that we – the industrious and rational – use what is provided for our purposes §34.

Hobbesian thread? “That was his property which could not be taken from him wherever he had fixed it. And hence subduing or cultivating the earth and having dominion, we see, are joined together. The one gave title to the other.” (§35)

“Right and convenience went together” (§51)

5. Provisos

- Fair share proviso §27 – is this a proviso on the labor argument or inconsistent with it?
- No waste proviso §31, 37-38

6. Money

How do we gain rights to more than our fair share? How do we gain rights to waste goods? Money!

- §36, 45-47
- consent to inequality? §50

7. Given that we have a right to ourselves and our property before the social contract, how is Locke’s state of nature different from Hobbes’? And how is the rationale for their social contracts different?

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