

Locke and the Sober Spirit of Capitalism

Nasser Behnegar

Published online: 19 January 2012
© Springer Science+Business Media, LLC 2012

Leo Strauss discerned in Locke's doctrine of property "the classic doctrine of 'the spirit of capitalism.'"¹ C. B. Macpherson concurred, arguing that Locke "may well be said to have written the title-deeds of the liberal bourgeois state."² These are indeed high compliments to Locke given by two of his sharper critics. Yet, among the admirers of capitalism Locke remains a relatively unimportant philosopher. This is understandable. It is also unfortunate. It is understandable because Locke did not conceive of the main political problem in terms of the free-market versus government control of the economy. It is unfortunate because Locke laid the moral-economic foundations upon which the eighteenth century theories of the free-market were built, foundations that have been questioned in our times. It is also unfortunate because being among the first to point to the path of capitalism Locke was more attentive to the objections to the new order, objections which in new forms have resurfaced in our own times.

One source of the objection against capitalism is religion. It is hard today to appreciate this because of our political landscape, which was shaped by the cold war. Since the

avowedly atheistic communism was the great enemy of capitalism, those who were attached to economic liberty and religious faith tended and still tend to form an alliance. And while this alliance has produced much good, I think we cannot understand our situation without examining the tension between the Biblical faith and capitalism. In the sixth chapter of his first epistle to Timothy, a chapter to which Locke refers in §31 of the *Second Treatise*, Paul says, "the love of money is the root of all evil." Capitalism *cannot* emerge or persist among a people who believe in this assessment of the pursuit of money. This aspect of Christian faith has to be either rejected or pushed to the periphery of the Christian moral vision. Yet even if we disregard Paul's authority among Christians, his statement has weight and the sentiments it expresses resurface even among those who do not regard themselves as believers. Love of money is certainly one reason that men are less loving and charitable to their fellow men. It is one reason that they are unjust to each other, one reason that they lie to, steal from, enslave, and sometimes even kill each other.

The second source of objection against capitalism is the ancient philosophical tradition. Aristotle, attentive to the necessities of political life, was far more appreciative of the importance of political economy than his general teaching suggests (*Politics* 1258b91259a36). Nonetheless, it was that general teaching that informed the spirit of European humanism. According to Aristotle, the purpose of political society is the good life, by which he means the virtuous life. This view may require or justify the political regulation of economic activity and technology (the use and invention of arts) that interfere with the moral development of the citizenry. More generally, Aristotle draws the focus of men's attention to the use of wealth as opposed to its acquisition, and limits the amount of acquisition to the natural needs of man, preferring those modes of acquisition that directly

¹ Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953), 246.

² C. B. Macpherson, "Editor's Introduction" in *Second Treatise of Government* (Indianapolis: Hackett, 1980), xxi; C. B. Macpherson, *The Political Theory of Possessive Individualism* (Oxford: Oxford University Press, 1962), 194–262. For an alternative assessment of Locke's doctrine of property, one that agrees with traditional limitations on acquisition see James Tully, *An Approach to Political Philosophy: Locke in Contexts* (Cambridge: Cambridge University Press, 1993).

N. Behnegar (✉)
Department of Political Science, Boston College,
201 McGuinn Hall, 140 Commonwealth Avenue,
Chestnut Hill, MA 02467-3807, USA
e-mail: behnegar@bc.edu

addressed those needs to those modes that aim at making money: frowning upon manufacturing, commerce, and finance while nodding his approval toward the life of the landed gentry. While the philosophical tradition is not against the acquisition of wealth, it justified it as a necessary precondition to public-spirited acts of generosity.³ This tradition no longer has the authority that it once enjoyed, but contemporary fears about the misuse of technology and the emergence of criticisms of liberalism in the name of the community or political participation are tacit or explicit endorsements of this older understanding of politics by modern men. Certainly the classical critique of a life devoted to unlimited acquisition of wealth, a life that confuses what is necessarily an instrument or a means with the end of human life, still resonates: consider Keynes' observation in his *Economic Consequences of Peace* about the wealthy industrialists, who having amassed huge fortunes began to wonder about the use of these fortunes.

Now, it seems to me that a combination of the humanistic celebration of virtue and Bible's insistence on the subordination of man to God informed the judgment of the most famous student of "the spirit of capitalism." According to Weber, devotion to a cause is the mark of human nobility, and such devotion was originally responsible for the emergence of capitalism, for he traced the ideal of work to the Calvinist belief that an industrious life is a sign of salvation. Yet, he argued that capitalism itself undermines such devotion and thus cultivates men whom he described as "specialists without spirit, voluptuaries without heart." Whatever one may think of Weber's assessment of capitalism or his account of its origin, *The Protestant Ethic and the Spirit of Capitalism* has the virtue of recognizing the extraordinary character of this way of organizing human life. Capitalism is not natural in the sense of being the ordinary way of organizing society. It is a late development of a particular civilization (though, as we have come to see, clearly transferrable to other civilizations) and its emergence required a fundamental transformation of the moral attitude of the members of that civilization. Capitalism is also not natural in the sense of being in conformity with the natural inclinations of man: the ideal of work for the sake of the accumulation of property beyond one's natural needs, is not a spontaneous development of human nature. In short, there is something misleading about Adam Smith's characterization of his ideal economic order as the "system of natural liberty."⁴

³ Cicero, *De Officiis*, I.92. Locke too acknowledges the virtue of charity but he presents it in terms of the right of the poor, a right that is strictly limited: "Charity gives every Man a Title to so much out of another's Plenty, as will keep him from extrem want, where he has no means to subsist otherwise" (*Treatise I*, 42).

⁴ Adam Smith, *The Wealth of Nations* (Indianapolis: LibertyClassics, 1981), vol. 2, 687.

For a more adequate understanding of the relation of man to nature that underlies capitalism, for a more original response to the objections raised against the spirit of capitalism, it seems to me one has to turn to John Locke.

Locke and the Golden Age

Labor is the origin of property. This is Locke's answer to the question that opens his discussion of property, how can individual men have a property in anything given that God has given the world in common to men? It is the point of not just the beginning (§§27-30) but of the whole chapter on property (§§ 32, 33, 35, 39, 44, 51). It is also the manifest innovation of this chapter, an innovation that became one of the premises of Smith's system.⁵ Locke places this innovation in the framework of another relatively new idea, the idea of the state of nature. The state of nature refers to the natural moral relation among human beings, a state characterized by the natural freedom and equality of men (§4). It also refers to the state of things as they are "produced by the spontaneous hand of Nature" (§6). The natural state of things bears on the natural state of men, for if the former is one of plenty the latter is apt to be one of peace. Hence, Robert Filmer could criticize Hobbes's state of nature in these words: "But God was no such niggard in the creation, and there being plenty of sustenance and room for all men, there is no cause or use of war till men be hindered in the preservation of life, so that there is no absolute necessity of war in the state of pure nature."⁶ Now, Locke sometimes asserts that the natural state of things is that of plenty and that the natural state of men is one of peace, statements which reflect the Biblical account of the Garden as well as the humanistic idea of the golden age. In short, Locke mixes up his altogether new doctrine of the origin of property and the relatively new doctrine of the state of nature with the highly traditional elements. Before turning to his discussion of the origin of property, I will first address these more traditional elements, for it seems to me that the proper understanding of this mixture of the new and the old is the key to understanding Locke's genuine position.

Locke does not explicitly mention the notion of the golden age in his chapter on Property. But he does say that in the beginning men did not desire more than they needed, and later he identifies the absence of *amor sceleratus habendi* as one of the marks of the golden age (§§37, 111). He identifies "the desire of having more than Men needed" as a cause of men agreeing to the use of money. So

⁵ *The Wealth of Nations*, vol. 1, 138.

⁶ Robert Filmer, "Observations Concerning Original of Governments" in *Patriarcha and Other Writings*, ed. Johann P. Sommerville (Cambridge: Cambridge University Press, 1991), 188.

it seems that the golden age corresponds to a period before the invention of money. He argues that the earliest period of human history when men lived by hunting and gathering fruits and nuts was a peaceful one, for the teaching about the origin of property in labor combined with the natural situation of things produces a relation among men where right and reason were in harmony: “And thus considering the plenty of natural Provisions there was a long time in the World, and the few spenders, and to how small a part of that provision the industry of one Man could extend it self, and ingross it to the prejudice of others; especially keeping within the *bounds*, set by reason of what might serve for his *use*; there could be then little room for Quarrels or Contentions about Property so establish’d” (§31). He says much the same regarding the early appropriation of land, “for he that leaves as much as another can make use of, does as good as take nothing at all” (§33). And he alerts us that the invention of money stimulates acquisition of land leading to its scarcity, and he thus leads us to expect that he will show how the invention of money introduced conflict and injustice into the world. Strangely, Locke does not satisfy this last expectation. He does show that money brought about economic inequality, but he does not criticize this inequality and argues that by agreeing to put value on gold men consented to economic inequality (§50). He justifies the actions of a hoarder because “the *exceeding the bounds of his just Property* not lying in the largeness of his Possession, but the perishing of any thing uselessly in it,” and as we know gold does not perish (§46). Indeed, it seems to me that the purpose of the final section of the essay (§51) is to remind the reader that he did not satisfy the expectation of criticism for the invention of money. He begins that section with a “thus,” suggesting that he is about to draw consequence from the preceding discussion of money (§45–50), but instead he gives his most extreme characterization of the beginning of mankind as an age of peace, where “Right and conveniency went together” and where there was “no room for Controversie” (§51; see §31 where he said there was “little room for Quarrels”).

But why does Locke raise expectations that he does not satisfy? I suggest this is his way of showing the reader that the true natural situation of man is quite different from the first impression conveyed by the text. While he does speak first of “the Plenty God had given [Man]” (§28) or of “the plenty of natural Provisions” (§31), he shortly contradicts this picture by speaking of “the penury of his Condition” (§32). This latter assessment is developed in the rest of chapter where the benefit of nature is described as little more than nothing (§42). He presents the life of savage American Indians as an approximation of the way of life of early humans: “Thus in the beginning all the World was *America*, and more so than that is now; for no such thing as *Money* was any where known” (§49). He implies that the

condition of these Indians is richer than that of early humans, and this is a clue to how poor the lives of the latter must have been for he describes the Indians as “needy and wretched” (§§37, 41). Similarly, Locke corrects the depiction of the early situation of man as a peaceful one. The deer that a primitive man kills may be his by right (§30) but there is every reason to expect that other hungry men would fight for it as hyenas and lions fight for a carcass or as wolves fight for their share of the kill.⁷ And as to the time of farming, Locke admits of the existence of men who “desired the benefit of another’s pains,” of gangs of armed men who would deprive peasants of the fruits of their labor (§34). Now, the introduction of money does not put an end to this situation and in the beginning it even exacerbates the situation by making land scarce and therefore the object of contestation. Yet out of these contestations, the first cities emerge which “*settled the Property* which Labour and Industry began” (§45). Locke does not criticize the invention of money because in a well-regulated political order, the love of money can lead to production of wealth and to the transformation of human situation from that of penury to that of plenty. Without a possibility of exchanging the produce of land for money, human beings have no incentive to cultivate land beyond their immediate needs (§48). The introduction of money, under a political order that protects property rights and in a society where the value of industry is generally appreciated and the pursuit of wealth is not condemned, leads to an immense increase in the supply of food available to mankind. Locke presents the agrarian capitalists as benefactors of mankind: “he who appropriates land to himself by his labour, does not lessen but increase the common stock of mankind” (§37). He is thus the first person to suggest the two-fold argument that pursuit of wealth leads to increase in overall wealth of mankind, a wealth that the rich necessarily have to share with the rest of mankind, arguments that Adam Smith made famous by his two statements employing the image of the invisible hand:

As every individual, therefore, endeavours as much as he can both to employ his capital in the support of domestic industry, and so to direct that industry that its produce may be of the greatest value: every individual necessarily labours to render the annual revenue of the

⁷ Locke alludes to this situation by giving two examples that show the foolishness of requiring an explicit consent of every commoner for appropriation. If such a consent were necessary, “Children or Servants could not cut the Meat which their Father or Master had provided for them in common, without assigning to every one his peculiar part” and men could not drink from a running water (§29). The latter is an instance where by taking something one does not deprive others of the same good (§33), but the former is an instance where the taking of a thing is at the expense of others: the requirement of explicit consent in this case is absurd precisely because children and servants cannot agree to their share.

society as great as he can... he intends only his own gain, and he is in this, as in many other cases, led by an invisible hand to promote an end which was no part of his intention.⁸

The rich... consume little more than the poor, and in spite of their natural selfishness and rapacity, though they mean only their own convenience, though the sole end which they propose from the labours of all the thousands whom they employ, be the gratification of their own vain and insatiable desires, they divide with the poor the produce of all their improvements. They are led by an invisible hand to make nearly the same distribution of the necessities of life, which would have been made, had the earth been divided into equal portions among all its inhabitants.⁹

To the extent that one can speak of a golden age, an age where interest and right closely approximate each other, it exists for Locke not in the distant past but in a possible future.

Locke replaces virtue with self-interest, that expression of self-interest that agrees with the interest of society. His justification for this move is ultimately to be found in his analysis of the state of nature or his view that rejection of self-interest is incompatible with human nature. He justifies the hoarding of wealth as being compatible with the public good, but he says nothing about the motives of the hoarder himself. If the natural situation of man is not peace and harmony, the acquisition of wealth even in society is not as irrational as the above quotation from the *Theory of Moral Sentiments* suggests.

Locke and the Garden

Locke suggests that the introduction of money is the sufficient cause for unleashing the labor of man, for he argues that “*great Tracts of Ground*” lying waste “can scarce happen amongst the part of Mankind, that have consented to the Use of Money” (§45). This suggestion proves incorrect, for money was not unknown among the inhabitants of “the wild woods and uncultivated wast of America” (§§37, 49; consider the reference to the use of shells as money in §46). Abraham, who lived after the introduction of money, could wander with his flocks up and down in “a Country where he was a Stranger” (§38). Locke gives the example of Spain of his day where there is so much unclaimed land that one can own a land simply by cultivating it (§36). Even in England there was much land that was the common property of this or that parish, land that we shall show in Locke’s judgment

was little more than waste (§35). What then is necessary besides money to push men to cultivate their land? At the very least, the moral codes that prefer the less labor intensive lives of hunters and shepherds to that of farmers and the moral codes that frown upon private possessions must be rejected. The Bible is just such a code: After noting “God’s persistent preference for nomads and shepherds over city-dwellers and farmers,” Leon Kass observes that Rousseau saw in the Bible’s preference for Abel over Cain certain misgivings about private possessions.¹⁰ In particular, he points out a passage from the *Discourse on the Origins of Inequality*:

The first man who, having fenced off a plot of ground, took it into his head to say *this is mine* and found people simple enough to believe him, was the true founder of civil society. What crimes, wars, murders, what miseries and horrors would the human Race have been spared by someone who, uprooting the stakes or filling in the ditch, had shouted to his fellows: Beware of listening to this imposter; you are lost if you forget that the fruits belong to all and the Earth to no one!¹¹

The burden on Locke is to counteract this prejudice against farming and private possessions, and this means he necessarily has to encounter the Biblical position.

Locke’s discussion of property includes statements about God’s grants and commands in seven sections (§§25, 26, 28, 31, 32, 34, 35) and five quotations from the Bible in three sections (§§25, 31, 38), three of these quotations appearing in the central section of the chapter (§38): God and the Bible disappear in the second half of the chapter.

Locke begins the chapter by identifying reason and revelation as the sources of the truth about God’s actions, maintaining that they agree as to one important truth:

Whether we consider natural *Reason*, which tells us, that Men, being once born, have a right to their Preservation, and consequently to Meat and Drink, and such other things, as Nature affords for their Subsistence: Or *Revelation*, which gives us an account of those Grants God made of the World to *Adam*, and to *Noah*, and his Sons, ’tis very clear, that God, as King *David* says, *Psal. CXV. xvj. has given the Earth to the Children of Men*, given it to Mankind in common. (§25)

As Locke well knew, the agreement is less than perfect, for natural reason does not prohibit the eating of meat (as in God’s grant to Adam) or the drinking of blood (as in God’s grant to Noah and his sons). Nonetheless, such a beginning primes the reader to assume that the Bible and reason agree

⁸ *The Wealth of Nations*, vol. 1, 456.

⁹ Adam Smith, *The Theory of Moral Sentiments* (Indianapolis: Liberty Classics, 1982), 184–185.

¹⁰ Leon Kass, *The Beginning of Wisdom: Reading Genesis* (New York: Free Press, 2003), 129–130.

¹¹ *The Collected Writings of Rousseau*, ed. by Roger D. Masters and Christopher Kelly (Hanover: University Press of New England, 1992), vol. 3, 43.

in everything related to this topic, which assumption inclines him to accept what Locke says about God on the basis of reason as a truth that must agree with the Biblical message. Indeed, everything else that Locke says about God in the chapter is derived from reason alone or twisted out of the Bible against the sense of the passage. For instance, Locke writes: “God who hath given the World to Men in common, hath also given them reason to make use of it to the best advantage of Life, and convenience” (§26). Yet, King David suggests that God has given the earth to the children of men so that men may praise and bless God. As we see from the verse that follows David’s statement, he speaks of God giving the earth to the children of men (as opposed to mankind) in order to highlight the perpetuation of the worship of God: “The Dead praise not the LORD, neither any that go down into silence. But we will bless the LORD from this time forth and for evermore” (Psalm 115:17). To be sure, Locke appeals to the authority of St. Paul to support his view that the earth is to be used for the advantage of man’s life: “*God has given us all things richly*, I Tim. vi. 17 is the Voice of Reason confirmed by Inspiration. But how far has he given it to us? *To enjoy* (§31).” But Paul’s statement belongs to an argument that encourages men to be grateful to God, to place their trust in him, and to be charitable: “Charge them that are rich in this world, that they be not high-minded, nor trust in uncertain riches, but in the living God, who giveth us richly all things to enjoy. That they do good, that they be rich in good works, ready to distribute, willing to communicate” (1 Timothy 6:17–18). Whereas Paul encourages men to be generous, Locke uses Paul’s statement (his admission that things were given to men for their enjoyment) to establish the duty of being thrifty: “Nothing was made by God for man to spoil or destroy” (§31). For Locke spoiling things is a sin precisely because he denies that the natural situation of man is that of a plenty.

Locke generally speaks of reason as one of the two sources of truth about God, but once in this chapter he distinguishes between God and man’s Reason. He does this in defense of the right of individuals to appropriate parcels of land without the consent of commoners: “God when he gave the World in common to all Mankind, commanded Man also to labour, and the penury of his Condition required it of him. God and his Reason commanded him to subdue the Earth, i.e. improve it for the benefit of Life, and therein lay out something upon it that was his own, his labour” (§32). When did God give “the World in common to all Mankind”? According to the Bible, this grant occurs in Genesis 1:28 where God commands Adam and Eve who were then living in the Garden of Eden to replenish the Earth and Subdue it. Yet Locke seems to identify that moment with the time when God cursed Adam. It appears that Locke is exploiting the two meanings of “Thou shalt” in Genesis 3:17: “And unto Adam he said, Because thou hast

hearkened unto the voice of thy wife, and hast eaten of the tree, of which I commanded thee, saying, Thou shalt not eat of it: cursed *is* the ground for thy sake; in sorrow shalt thou eat *of* it all the days of thy life.” The first “Thou shalt” is a moral command that could be violated and was violated. The second one is a decree that is inviolable. God gave us our penurious condition: our natural needs and a world that does not naturally meet these needs. Our reason dictates that in order to meet these needs we must work. According to the Bible, our creator is like a generous father who has provided us with all we need and therefore he deserves our obedience and praise. David is praising God’s generosity when he sings: “God has given the Earth to the Children of Men.” Locke has a different assessment of God’s gift: “Nature and the Earth furnished only the almost worthless Materials, as in themselves” (§43).

Whereas the Bible inculcates the spirit of charity toward men and reliance on God, Locke inculcates the spirit of acquisition and reliance on one self and human institutions. Yet, one may wonder whether the unleashing of the desire for acquisition may not lead to injustice? Locke seems to suggest that good laws and a new morality that celebrates honest paths to riches can meet this danger. He certainly denies that love of money is the root of all evil. He discusses the story of Cain and Abel in a way that shows economics was not the cause of their quarrel: “Thus, at the beginning, *Cain* might take as much Ground as he could till, and make it his own Land, and yet leave enough to *Abel*’s sheep to feed on; a few Acres would serve for both their possessions” (§38). If the first murderer, the first man who committed an injustice against another man, did not murder out of the love of money, then Paul is wrong in thinking that love of money is the root of all evil. Cain murdered Abel because he was angry that God preferred his brother’s sacrifice to his own. He killed his brother out of a desire for God’s approval and religious authority (Genesis 4:6–7). The secular struggle among Christian sects is the repetition of the story of Cain and Abel, a repetition that may not be accidental because Paul’s own teaching does not curb but fans desires that are similar to those of Cain’s.

The Origin of Property from the Self

Locke traces the original foundation of all property to the property that every man has in his own person. To appreciate Locke’s answer, one must consider the difficulties from which previous answers suffer.¹² If prescription (or long possession) and conquest can be the origin of property,

¹² Cicero traces the origin of private property to long possession, conquest, law, compact, purchase, and allotment (*De Officiis*, I. 21). Grotius traces it to explicit (as in the division of land) or tacit (first possession) consent (*De Jure Belli ac Pacis*, 2.2.2). Hobbes traces it to civil law.

property in principle becomes indistinguishable from theft. If a man needs the explicit consent of mankind to acquire a private possession, he and mankind will perish (§28). If law alone is the foundation of property, there will be no basis for criticizing any conventional rules of property. If one derives property from the tacit consent of men to allow ownership to the first possessor of a thing, one must also assert that there is a tacit consent to the criteria by which one knows someone possesses a thing.¹³ It appears that Locke's theory of property is a modification of the principle of first possession, for he uses examples that previous writers used as instances of first possession. According to Selden, "there is no other ground [than the right of first possession] in reason for that Law or Custom, whereby Wilde-Beasts, Fishes, Birds, and the like, whether yet unpossess't or relinquish't, become theirs who catch them."¹⁴ Locke, however, writes: "Thus, the Law of reason makes the Deer, that Indian's who hath killed it; 'tis allowed to be his goods who hath bestowed his labour upon it, though before, it was the common right of everyone" (§30). Locke gives a new reason that explains first possession, and while he maintains that he can derive property without "any express Compact of all the Commoners" his account in certain parts requires the notion of tacit consent.

The principle that leads Locke to his answer is the principle of natural necessity. He begins his argument by showing that true communism is incompatible with human life. Men cannot live by using the fruits of the earth or the beasts that it feeds as something common. To live men must eat, but to eat means to appropriate, to make something that was other than oneself part of oneself. If God has given the world to men so that they can make use of it to best advantage of life and convenience, then he must have acknowledged the justice of appropriation. If the reason of men instructs them to use the material provided by nature for the support of their lives and convenience, we must assume that mankind has given a tacit consent to appropriate, for "there must of necessity be a means *to appropriate* them some way or other before they can be of any use" (§26).

But how is appropriation possible? Locke argues that the original situation was not one of complete communism: "Though the Earth, and all inferior Creatures be common to all Men, yet every Man has a *Property* in his own *Person*" (§27). Since every man owns his own person, he also owns the labor of his body and the work of his hands, and it is through mixing of this labor with common things that one

appropriates them, so long as one leaves enough and as good for others. The notion that a man owns the fruits of his own labor (assuming he has not sold his labor or is not working with the stock of another) has a certain almost intuitive plausibility. Even prior to Locke's writing, his countrymen somehow divined this principle: "even amongst us the Hare that any one is Hunting, is thought his who pursues her during the Chase" (§30). But Locke suggests that this intuition is actually an inference from two more fundamental theses. The first of these is man's ownership of his own labor. In characterizing Locke's view of the origin of property, it is common for philosophers and scholars to stop at this step. Thus Adam Smith could write: "The property which every man has in his own labour, as it is the original foundation of all other property, so it is the most sacred and inviolable."¹⁵ This characterization does not capture the radical nature of Locke's answer, his claim that every man owns his own person or is the master of himself. This claim is at odds with his earlier contention that all men are the property of God: "they are his Property, whose Workmanship they are" (§6). It is also at odds with a claim that someone could make on behalf of parents: children may belong to their parents because they are born through the labor of their mother's body and the work of their father's seeds (to use the medical language of Locke's contemporaries). Now, Locke does not explicitly state the reason why he thinks every man is master of himself, but since he denies this to inferior creatures we can conclude that it has something to do with man's possession of reason. No rational being can renounce his own judgment for the decision to do so is itself an act of his judgment. No rational being can consent to the destruction of his own being because no rational being can consent to what is truly bad for him (see §57).

When a common thing is mixed with a man's labor it becomes a part of him because he has "joined to it something that is his own" (§27). Hume objects to this characterization: "We cannot be said to join our labour to any thing but in a figurative sense. Properly speaking, we only make an alteration on it by our labour."¹⁶ Locke appears to agree that in the process of applying one's labor to a thing one is altering it, but his language implies that something of the cause of this alteration must necessarily be present in the altered object just as something of venison must be present in me if it is to nourish me. At any rate, the labor of man produces a new thing that did not exist in nature and if another attempts to take it away from him it is clear that "he desired the benefit of another's Pains" (§34). But not every action of man alters a thing. By picking up an acorn or carrying it to my home, I do not alter it. Locke tackles this difficulty in the following passage:

¹³ David Hume brings out this difficulty (*A Treatise of Human Nature*, ed. David and Mary Norton (Oxford: Oxford University Press, 2000), 3.2.3.7-8). Those who want to see how thorny an issue this is may turn to Melville's discussion of the distinction between fast-fish and loose-fish in chapter 89 of *Moby Dick*.

¹⁴ John Selden, *Of Dominion or; Ownership of the Seas*, trans. Marchamont Nedham (London: 1652), Book I, chapter 4.

¹⁵ *The Wealth of Nations*, vol. 1, 138.

¹⁶ *A Treatise of Human Nature*, 3.2.3.6n.

He that is nourished by the Acorns he pickt up under an Oak, or the Apples he gathered from the Trees in the Wood, has certainly appropriated them to himself. No Body can deny but his nourishment is his. I ask then, When did they begin to be his? When he digested? Or when eat? Or when he boiled? Or when he brought them home? Or when he pickt them up? And 'tis plain, if the first gathering made them not his, nothing else could. (§28)

One clearly transforms an acorn or an apple when one boils, eats, or digests it, but not when one gathers or picks it up. Yet if the latter actions do not make it private property, the former could not because they would involve transforming things that were already stolen from the common. To solve this problem, Locke appeals once again to necessity. Appropriation in the form of digestion of food is an inescapable fact of life, and there can be no principle of justice if this appropriation is not justified. Since every human being has an interest in preserving himself, every one must tacitly agree that the mere picking up of a thing from nature gives one a title to it. We must suppose that mankind has given its tacit consent to give the same status to such actions of labor that do not involve the transformation of things as those that do.¹⁷

Locke's account of the origin of property is exposed to an objection that Locke himself raises and answers, which answer puts the whole doctrine in a new light. According to Locke, the mixture of labor with the common land turns that land into private land, but one may wonder why "the *Property of Labour* should be able to over-balance the Community of Land" (§40). His answer is that "'tis labour indeed that *puts the difference of value* on everything." He says at first 90% of the value of land is due to human labor; he revises the figure to 99%; he then puts back to 90%; he revises it up to 99%; he revises it to more than 99916% (the value of cultivated land placed at 5 l. and the value of uncultivated land placed at less than a penny); then he lowers it to at least 999% (§§37, 40, 43). Neal Wood has observed that it was common among the advocates of the improvement of land and enclosure of commons among the English in the seventeenth century to point out the greater contribution of labor to the value of land, but no one that he cites has as high an assessment as Locke has of that contribution.¹⁸ Whereas we can understand why others might disagree as to the contribution of the labor to the value of

land, it is harder to see why Locke would vary his own assessment so much. He suggests that he varies his answer because there is no fixed ratio, the ratio changing with the development of technology or "Invention and Arts" (§44). This means that the argument that the property of labor overbalances the community of land is stronger in a civilized situation than in the original situation of men when men "contented themselves with what un-assisted Nature offered to their Necessities" (§45). Insofar as this argument is an important part of his theory of the origin of property, we can see why this theory was developed so late in human history, for it required an appreciation of the power or potential of technology.

This prepares us to answer doubts about the importance of his theory about the origin of property in labor, doubts raised by Locke's suggestion that once civil society is formed it is the positive laws of that society that "regulate the right of property, and the possession of land is determined by positive constitutions" (§50). This impression is misleading. It is true that civil laws regulate property but civil laws that do not follow the original law of nature are not right and the inhabitants of a society regulated by such laws necessarily pay a price for this error. Indeed, there are hidden criticisms of English laws that run throughout this chapter, especially in places where Locke seems to suggest that the original law of nature is no longer binding in civil society. Consider the following passage:

And amongst those who are counted the Civiliz'd part of Mankind, who have made and multiplied positive Laws to determine Property, this original Law of Nature for the *beginning of Property*, in what was before common, still takes place: and by vertue thereof, what Fish any one catches in the Ocean, that great and still remaining Common of Mankind; or what Ambergrise any one takes up here, is *by the Labour* that removes it out of the common state Nature left it in, *made his Property* who takes that pains about it. And even amongst us the Hare that any one is Hunting, is thought his who pursues her during the Chase. (§30; underlined emphasis added)

The contrast between "us" and the "the Civiliz'd part of Mankind" is startling, and the reference to whaling and to Ambergrise (the most precious part of whale reserved for royalty) in particular explains this contrast. As the readers of *Moby Dick* would recognize, English law ordained that the head of a Whale caught near English shores belongs to the King and its tail to the Queen (Chapter 90). In a later passage, Locke explains the disagreement between natural law and English law or between the right of men in the first peopling of the world to acquire land by their labor without needing the consent of others and the English law's denial of this right regarding land that is common in England. He

¹⁷ Locke seems to suggest that his doctrine does not depend on the consent of mankind: "And will any one say he had no right to those Acorns or Apples he thus appropriated because he had not the consent of all Mankind to make them his?" (*Treatise II*, 28). But the question being rhetorical it actually reveals a tacit consent. Sections 29 and 30 make it clear that he is only denying "explicit consent" or "express consent."

¹⁸ Neal Wood, *John Locke and Agrarian Capitalism* (Berkeley: University of California Press, 1984), 67-69.

appears to suggest that in earlier times people were under a different law and that his law has been altogether abrogated:

The Law Man was under, was rather for *appropriating*. God commanded, and his wants forced him to *labour*. That was his property which could not be taken from him where-ever he had fixed it. And hence subduing or cultivating the Earth, and having Dominion, we see are joynt together. The one gave title to the other. So that God, by commanding to subdue, gave Authority so far to *appropriate*. And the Condition of Humane Life, which requires Labour and Materials to work on, necessarily introduces private Possessions. (§35; underlined emphasis added)

He suggests that the law man was under was different in the beginning because the condition of human life was different. Yet by the end of the passage we realize that the conditions of human life have not essentially changed: human life still requires labor and materials to work on. The English have acquired wealth sufficiently to allow them to violate the natural law. But what cannot be violated are the consequences of such violation. The English could have enforceable laws that forbid appropriation of common lands, but they could not avoid the truth that “inclosed and cultivated land” is much more productive than land “lying wast in common” (§37; underlined emphasis added). After showing the contribution of labor to the value of things, Locke gives this advice to present and future rulers of society: “And that Prince who shall be so wise and godlike as by established laws of liberty to secure protection and encouragement to the honest industry of Mankind against the oppression of power and narrowness of Party will quickly be too hard for his neighbors” (§42). Now one cannot protect and encourage the honest industry of mankind without paying some heed to the original law of nature, which derived property from labor: to encourage men to work, one has to allow them to keep the fruits of their labor. As Locke put it earlier, “the *Municipal Laws* of Countries ... are only so far right, as they are founded on the Law of Nature, by which they are to be regulated and interpreted” (§12).

The Spirit of Capitalism and the Spirit of Freedom

Being the first argument that connects the pursuit of private gain with the common Good, Locke’s “Of Property” is indeed a justification of the spirit of capitalism. But it is also a justification of the spirit of freedom. It is sandwiched between two other chapters: “Of Slavery” and “Of Paternal Power.” What we have come to call capitalism is the alternative to slavery and patriarchy, possibilities that the philosophical and the Biblical traditions could not avoid. The core of Locke’s teaching is the insistence on every man’s ownership of himself, an insistence that belongs to his more general understanding of the state of nature. According to this understanding, the relation of human beings is not naturally regulated by rules of justice, at least not in a manner that is effective. If human beings are to live in a just order, they must unleash the hidden potentialities of nature by their labor, which unleashing requires a moral order that justifies the pursuit of wealth as it justifies self-restraint in the pursuit of one’s long term interest. But there cannot be such a moral order without that artificial being known today as the State. The solution to the human problem is not primarily “the free-market” but a moral-political order that protects and encourages the honest industry of men. Locke would certainly have doubts about policies that redistribute the wealth of the individuals, but I suspect, being more mindful of the danger of man to man than libertarians today are, he would not have joined the mania for deregulation that seems partly responsible for our economic crisis today.

Nasser Behnegar >is an Associate Professor at the Department of Political Science at Boston College. He received his M.A. in Economics, and Ph.D. in the Committee on Social Thought, at the University of Chicago. He is the author of *Leo Strauss, Max Weber, and the Scientific Study of Politics* (the University of Chicago Press, 2003), and is currently working on a book length study of the liberalism of John Locke. This article was written for a conference co-sponsored by the Manhattan Institute and *Society*. Grateful acknowledgement is given to the Marilyn G. Fedak Capitalism Project for its support.