John Locke’s Ideology About Property And Private Ownership

John Locke’s views on property and private ownership have produced a justification, and even an obligation, for Euro-Westerners to take possession of seemingly unused or uncultivated land. In chapter five (“Of Property”) of his book “Second Treatise of Government”, Locke uses his reasoning for the acquisition of property to claim that Indigenous peoples are not cultivating the land to its maximum, and that Euro-Westerners therefore have a right to claim the land as their own (Locke 1980, 24). In Stewart Braun’s article “Rescuing Indigenous Land Ownership: Revising Locke’s Account of Original Appropriation through Cultivation”, he discusses Locke’s framework and argues that it can be reworked so that it supports the fact that Indigenous peoples are purposefully using the land and consequently have ownership of it. Through these lenses, it is possible to also consider how non-human animals are being overlooked regarding their rights for land. Locke argues that no land should be left wild or unproductive, but where does that leave the non-human animal communities who inhabit it? It can be argued, after having an understanding of Locke’s and Braun’s viewpoints, that non-human animals are using the land they reside on in a purposeful way, and that it should therefore not be considered as unused or as a waste.

Locke considered the earth, and all the resources upon it, as existing “for the support and comfort” (Locke 1980, 18) of humans, and in addition, as being available to “mankind in common” (Locke 1980, 18). For anyone to own anything individually, Locke proposed that the labour of an individual’s work would change a resource from belonging to all humans to being owned by that one person. Locke argues that since everyone “has a property in his own person” (Locke 1980, 19) (i.e., that everyone has, in the state of nature, the ownership of their bodies), and that by extension, also owns the labour that one puts forth to acquire the use of resources, therefore those products should then become that person’s property. The famous example that Locke uses to illustrate this point is a person picking apples. When someone gathers apples, Locke explains that the labour and effort of picking them make them that person’s property because “that labor put a distinction between them and common” (Locke 1980, 19). Locke asserts that this must be the case, for otherwise, humanity would starve if we had to wait for the approval of every person before we ate, or to split up every resource 7.5 billion ways before we had our share (Locke 1980, 19).

Locke does, however, propose a limit on the amount of private property that a person can have. According to Locke, waste invalidates a person’s title to their property (Locke 1980, 20). Locke illustrates this by referring to the example of gathering apples. If a person was to pick more apples than they could use, and thus allow them to spoil and rot, it means that the person has wasted the apples and should have allowed someone else who could have used them before they spoiled have had them. Locke argues for this point by saying “nothing was made by God for man to spoil or destroy” (Locke 1980, 21). According to Locke, by wasting or not fully using resources available to us, we are doing a disservice to God. Along the same lines of this, Locke also says that people can have as much land as they are able to properly use and develop. If a person, however, let their land grow wild and unused, Locke would maintain that the person had invalidated their right to the land because they claimed more than they could use.

For Locke, humans have a right to use the earth and its resources, and to claim it as their own, as long as nothing is wasted (Locke 1980, 21). Locke also said that “land that is left wholly to nature, that hath no improvement of pasturage, tillage, or planting, is called, as indeed it is, waste” (Locke 1980, 26). The implication of this is, on a broader scale, that “wild” lands, used as homes for various flora and fauna, are not directly contributing to human use and should thus be considered as waste. This leaves little room for allowing the earth to function without humanity’s interference. The idea that nothing must be left to, as what Locke describes as “waste” (i.e., anything that is not directly being useful to humans) gives people the right to claim and build upon natural or Indigenous lands (Locke 1980, 24).

In Braun’s article, he criticizes Locke’s attempt to justify taking Indigenous lands. He says that Locke viewed these lands as “uncultivated” (Braun 2014, 68) and “open to acquisition” (Braun 2014, 68). It was thought that Indigenous’ farming practices were not efficient and did not maximize the amount of resources on the land and that settlers justified taking land on the thought that it was “unimproved” (Braun 2014, 69). However, Braun argues that Locke’s view of property can be reconstructed into a way “that does not subvert Indigenous ownership, but is actually supportive” (Braun 2014, 70). Braun states that Locke’s reasoning for why people can claim ownership over land is because it allows the “flourishing” (Braun 2014, 77) of human species. Braun proposes that if we view the use of land not in terms of productivity, “but in the terms of a broader commitment to the general idea of flourishing” (Braun 2014, 77), then it can be argued that Indigenous peoples are using the land to that purpose, and that settlers do not have a right to take it from them.

Braun argues that Indigenous land has a “particular purpose” (Braun 2014, 80) and that it has “a vital role in their lives” (Braun 2014, 80). He explains that Locke’s framework for property ownership is that land can be considered owned “when it is given a demonstrable purpose” (Braun 2014, 80). In his article, Braun says that even though Indigenous land may not have been used or farmed in traditional Euro-Western ways, it was still “certainly given the purpose of providing for them [Indigenous peoples] and enabling their flourishing” (Braun 2014, 80), and therefore, Euro-Western settlers were wrong in taking the land.

Similarly, it can be argued that non-human animals use the land – their territories – for a distinct purpose and that destroying natural habitats to construct human-engineered infrastructure is likewise wrong. It is possible to argue, with points brought up by Braun, that non-human animals are using their territories of the earth purposefully, and that they therefore have a right to it and it should not be considered as waste. Locke claimed that the distinction between wild or useless land is the labour, or work, that is put into it, and it is this “which puts the greatest part of value upon the land” (Locke 1980, 26). Therefore, it would be logical to say from Locke’s perspective that, since non-human animals do not cultivate or till the land, they have no valid title to it.

Braun’s argument, however – that land can be considered owned or used if it has a purpose – does give justification for non-human animals to have a right to their territories. The wild animals who live upon the earth use the land as a means for their “flourishing” (Braun 2014, 77). They live on it, make their homes on it, find sustenance on it, and most importantly of all, further the continuance of their species on it. This is why, even though non-human animals do not cultivate land in ways that Euro-Westerners find profitable, they still have a right to the land that they are using.

Thinking from a Lockean viewpoint, any land that is not being used to its fullest, or is not

contributing to humans, is a waste because the earth was given to humans by God and by not using it to its greatest potential we are doing a disservice to Him (Locke 1980, 20-21). By allowing land and habitats to continue without human interference we are leaving it undeveloped and unutilized, and since, from Locke's perspective, God has "commanded him [humans] to subdue the earth" (Locke 1980, 21), it could be seen that we are disobeying God by not using every parcel of available land to our benefit. By extension, by letting non-human animals have protected territories, we are allowing the land to be uncultivated.

Although one may argue that non-human animals have a right to a protected allotment of land to allow their species to flourish for human benefit (i.e., for hunting, for allowing the continuing balance of the ecosystem, etc.), non-human animals have a right to their land simply for their own benefit, and not because it's in human's best, long-term interests to help preserve wildlife. Braun claims that if "land is serving a clear and demonstrable purpose in the lives of a person or group, then they have a distinct justification for claiming it as their own" (Braun 2014, 80). The land is being used to allow non-human animals "to meet their fundamental needs" (Braun 2014, 81), and by observing the migratory and territorial patterns of wildlife of all species, it is clear "that the land is playing a continuing role" (Braun 2014, 81) in their lives.

Many situations, agreements, and laws in human history have resulted because of the role they play in furthering human development, infrastructure, and comfort. By relying on this type of framework, we are blatantly ignoring the rights of non-human animals and are selfishly only thinking about the good of our species. We are treating non-human animals and wildlife purely as a means to our ends (i.e., that we merely use non-human animals for our benefits), and not as an end in themselves (i.e., that they are intrinsically good and valuable simply on their own behalf).

However, as Locke points out, the Bible does say that humans "have dominion over the fish of the sea and over the birds of the heavens and over the livestock and over all the earth and over every creeping thing that creeps on the earth" (Genesis 1:26 ESV). This seems to imply that we have a duty to put our control over non-human animals. However, the Bible also states that we are to be "faithful stewards of God's grace" (1 Peter 4:10 ESV). In this light, we have a job to not only take care of the flora and fauna on this earth but to ensure its survival and flourishing. By Locke claiming that we have a right to take over the earth solely for our benefit, we are forgetting our responsibility as stewards. The Bible says that "The nations were enraged, but your [God's] wrath came. The time came for the dead to be judged; The time came to reward your servants, the prophets and saints, and those who fear your name, both small and great, and to destroy those who destroy the earth" (Revelation 11:18 ESV). It can be thought that we are destroying the earth by claiming every part of it for ourselves and not allowing it to function without our intrusion. Euro-Westerners are spoiling the natural and original state of the earth by uprooting Indigenous' and non-human animals' communities to maximize resources. We seem to have let our duty as stewards drop, and can be considered as doing the very thing that Locke advised against: disobeying God.

Even the Bible, which Locke used to try and provide reasoning for his argument, backs up the point that humanity has an obligation to care for the earth. As Braun's argument shows, Locke's ideology about property and private ownership can be reworked into recognizing the land rights of Indigenous peoples and non-human animals. If we acknowledge that giving land a distinct purpose accounts for it as being owned, then both the communities of Indigenous peoples and non-human animals have a strong claim on the land, and we would be

disregarding their rights to think differently.