The Problem of Property Acquisition

To describe how to develop a coherent theory of property appropriation, I present Locke’s theory of property acquisition, as outlined in his *Second Treatise*, raise criticism to Locke’s proposition that when one “mixes” his labor with a resource he comes to own that resource, and respond to the critique. Specifically, I explain and analyze the criticism that Locke’s view is more metaphorical than concrete, leading to conclusions like Nozick’s tomato juice example, and the problem that mixing labor with a resource is a way to lose what you have rather than gain the unowned resource. In order to provide a more concrete, practical view of property acquisition that addresses the metaphorical problem, and in particular Nozick’s objection, I suggest some issues that must be accounted for to strengthen the theory. Finally, I explain that property acquisition is necessary from a practical standpoint; however, no one is truly justified in appropriating unowned resources to himself.

To begin his theory of property, Locke claims that each man is born with the right of self-ownership. As every person is the property of himself, whatever he is able to produce through physical means or labor is also his property. Then, when he comes upon unowned land or resource and “mixes his labour with it,” he gains the right to declare it his property (11). However, Locke states anyone has the right to “mix” his labor with the land provided that “there is enough, and as good, left in common for others” (11). Furthermore, Locke says that a man may acquire as much land and resources as he can use without ruining or wasting it, else he would violate the aforementioned condition and infringe on the rights others have to appropriate land and resources.

While Locke’s argument may seem intuitive or even plausible at first glance, the idea about ownership through “mixing” one’s labor with the land is objectionable. Locke’s use of the term “mixing” to express coming to own a resource by applying one’s labor to it sounds metaphorical and inapplicable to the real world. Richard Nozick takes the “mixing” idea quite metaphorically in his *Anarchy, State, and Utopia*, suggesting that one can come to own something unowned if the unowned thing “becomes permeated with what owns” through his or her labor (174-5). Nozick provides an example to explain how the “mixing” idea fails when taken metaphorically: If he owns a can of tomato juice and pours it into the sea so that the juice droplets “mingle evenly throughout the sea” it would not seem that Nozick now owns the sea, but rather that he wasted a good can of tomato juice (174-5). Through this example, Nozick also raises the question whether “mixing” one’s labor with a resource results in losing one’s property, like the tomato juice, instead of acquiring the resource. To handle the problems presented by a metaphorical interpretation of Locke’s claim that “mixing” one’s labor with the land is a recipe for land ownership and Nozick, it is essential to provide a more literal, realistic definition or explanation of “mixing” labor with the land and investigate whether one indeed loses rather than gains through an application of labor to a resource.

Before one can explain Locke’s view in a practical way, a variety of issues require consideration. First, one must answer the question: What counts as labor? Locke’s account of property acquisition deals with physical property and refers to labor as coming from a man’s body and “the work of his hands” (11). However, this definition of labor is not enough as certain actions may count as labor while others may not. For example, does planting one vegetable seed enable a person to claim the surrounding area, or does he need to plant a whole garden to gain ownership of an area? Furthermore, is or should labor be defined in terms of time spent or the extent of the effort put in? Does the labor required to acquire some resource vary depending on the type of resource? A clearer definition of labor is required to improve on Locke’s view to develop a better theory of property acquisition.

Furthermore, it is unclear at what point the land becomes one’s property. Through using the term “mixing,” Locke makes it seem that ownership is realized at the end of the “mixing” process. This creates a difficultly because while one is “mixing” his labor with the land, someone else can start “mixing” her labor with the land, realize her mixture much more quickly, and call the land hers. Another problem with this “mixing” idea is, how can one know if his labor and the land are fully mixed together? It would be best to say that once one started laboring on the land, the land is his.

In addition to examining what labor truly entails, a definition of “mixing” is necessary. This, however, may be difficult to do without falling into the metaphor trap once again. One could say that “mixing” labor with the land is really modifying the land and leaving your fingerprint on it so that the work you did on it is attributed to you, and the land in its new state can only be associated with you. The problem with a view like this is that one can say that one solely owns this manifestation of labor on the land, not actually the land itself.

This issue is similar to Nozick’s objection about the tomato juice and how one loses what one has through labor rather than gaining what one does not have; however, it does not seem like any property has been lost. While, laboring on the land to gain the land may not actually enable one to gain the land, it does not make much sense to say that one lost property. Before laboring on the land, all one owns is himself and his labor. It may be possible to lose one’s life and injure one’s self in the process of laboring; however, this seems unlikely. The probability of gain appears to be higher than the chances one will incur either loss. Nozick makes labor seem like a futile effort and claims people have poor judgment and abilities, like thinking pouring tomato juice in the ocean will enable ownership of the ocean. In reality, labor for the most part, does pay off. The only time one should not consider laboring is if he cannot produce anything and will end up destroying the land or resource, yet the Lockean proviso addresses this situation. So, Nozick’s tomato juice objection does not have much force against Locke’ theory of property.

Another major critique of Locke’s theory of property concerns whether anyone has the right to deny others the right to a previously unowned resource by acquiring the resource for himself. From a practical perspective, resource appropriation is required if mankind is to survive. People need to be able to take from the land to satisfy their basic needs of food, shelter, water and clothing. Locke argues that humans should labor on the land because by doing so they make the land more valuable, supporting human life and industry (15). So, Locke would claim that one has the right to appropriate some land if he has the ability to maximize or add the greatest value to the land. However, this suggests that the first person who comes upon the land with a maximizing plan can have the land. There might be someone later down the line with a better plan that could make the land better than the first person. Therefore, it seems that the problem of luck interferes with land appropriation, resulting in further issues of fairness.

Now, when examining if there is indeed enough and as good left for others when someone appropriates a piece of land or some natural resource, it does not appear, that if the world in the state of nature were like today’s world, that this is possible. The planet’s population continues to grow exponentially, and there are worries of food and water shortages. With climate change, habitable land mass will decrease. Not all land on earth is the same, some places can’t grow crops, and others like Antarctica, have harsh conditions. So, it does not make sense to say that there is enough and as good left over when someone takes a resource. Perhaps some pieces of land are better suited to different types of labor and value adding, but it does not seem the case that all land is equal. If earth’s land was owned in common today and people were trying to appropriate it, there would not be as much or as good to go around. While having the ability to maximize a plot of land may appear to give someone the right to appropriate it, in reality he cannot leave behind just as much or as good, so he does not have the right to appropriate a resource initially held in common.