*Crucial Arguments about Property*

I. §26 – There must be a means to appropriate all the fruits of the earth before they can do any one person any good “for the support of his life”. How does this happen? Argument of §27:

* 1. “Every man has property in his own person” (assumption)
  2. Self-ownership is exclusive: “This no body has any right to but himself”. (assumption)
  3. “The labor of his body and the work of his hands are his”. (supposed to follow from 1)
  4. “Whatsoever then he removes out of the state that nature hath provided, and left it in, he hath mixed his labor with”. (assumption)
  5. “Whatsoever then he removes out of the state that nature hath provided, and left it in, he hath… joined to it something that is his own” (from 3 and 4)
  6. “Whatsoever then he removes out of the state that nature hath provided, and left it in, he …makes it his property.” (said to follow from 5)
  7. “this labor [is] the unquestionable property of the laborer” and of no one else (supposed to follow from 3 and 2)
  8. “It being by him removed from the common state nature hath placed it in, it hath by this labor something annexed to it that” is “the unquestionable property of the laborer” and of no one else. (from 5 and 7)
  9. “no [other] man can have a right to what that is once joined to, at least where there is enough, and as good, left in common for others” (supposed to follow from 8)
  10. “It being by him removed from the common state nature hath placed it in, it hath by this labor something annexed to it, that excludes the common right of other men” “at least where there is enough, and as good, left in common for others.” (from 9)
  11. “It being by him removed from the common state nature hath placed it in, it hath by this labor something annexed to it, that” makes it his own and exclusively his own “at least where there is enough, and as good, left in common for others.” (from 6 and 10)

*Queries:*

1. *What is it to have property in one’s own person? Is this something that can be understood only by understanding what it is for us to be God’s property?*
2. *How does having property in one’s own person make one’s labor one’s own?*
3. *What is it, exactly, to “mix” one’s labor with something? Is the word “mix” a metaphor? If we grant the notion of “mixing”, we can grant “joining” and hence grant the move from 3 and 4 to 5. But what about the move from 5 to 6? Why should we accept that?*
4. *Where does the Lockean proviso come from?*

II. Defense of moves from 5 to 6 and from 8 to 9 found in §28:

* 1. “that labor put a distinction between them and common: that added something to them more than nature, the common mother of all, had done”. (assumption)
  2. “it is plain that if the first gathering [of acorns or apples] made them not his, nothing else could”. (supposed to follow from 1?)
  3. So if the acorns are apples are his, the first gathering made them so. (from 2)
  4. The apples or acorns are his. (assumption)
  5. Therefore it was the gathering that made them so: “and [in this way] they became his private right”. (from 5)

*Possible objection*: consent is needed to gain property rights in things that are common by right. Answer:

Remember “God, who hath given the world to men in common, hath also given [men] reason to make use of it to the best advantage of life and convenience.” (§26) and note that “If such a consent was necessary, man had starved notwithstanding the plenty God had given him.” (§28). See also §29.

III. §31 – The defense of the proviso:

* 1. “As much as any one can make use of to any advantage of life .. so much he may by by his labor fix his property in” (from §27)
  2. “Nothing was made by God for man to spoil or destroy”. (assumption – *supported by the claim that God gives all things “to enjoy”*.)
  3. “As much as any one can make use of to any advantage of life before it spoils, so much he may by by his labor fix his property in; whatever is beyond this, is more than his share” (from 1 and 2)
  4. Whatever is more than one can licitly engross remains by right in the commons. (assumption)
  5. “As much as any one can make use of to any advantage of life before it spoils, so much he may by by his labor fix his property in; whatever is beyond this, is more than his share and belongs to others.” (from 3 and 4)
  6. Therefore “”the same law of nature, that does by this means give us property, does also bound that property too.” (from 5 – *assuming, perhaps, that 2 is part of the law of nature?*)
  7. So “it will perhaps be objected … that if gathering the acorns or other fruits of the earth &c, makes a right to them, then any one may ingross as much as he will. To which I answer, Not so.” (from 6)
  8. He who offends against the laws of nature may be punished. (cf. §11, where Locke argues that the right to execute the law of nature follows from the duty to preserve mankind.)
  9. “if they perished in his possession without their due use; if the fruits rotted or the venison putrified, before he could spend it, he offended against the common law of nature, and was liable to be punished.” (passage is in §37; might be thought to follow from 7 and 8)