



GNOSI: An Interdisciplinary Journal of Human Theory and Praxis
 Volume 4, Issue 2, June, 2021
 ISSN (Online): 2714-2485

Locke's Legitimization and Appropriation of Property for Private Ownership

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(Received: August-2020; Accepted: January-2021; Available Online: February-2021)



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ABSTRACT

The central argument of this paper rest on Locke's property theory which is also referred to as the labour theory of appropriation. This theory according to Locke is rooted in natural law and it teaches that property comes about originally through the exercise of labour on natural resources. In line with Locke's perspective, the paper argues that property would be that which a person takes from the common things of nature and mixes with his labour and therefrom, gains right of ownership over it; which is the labour theory of ownership or the principle of the first appropriation. Adopting an expository and analytic method, the paper raised fundamental issues such as: identifying the 'self' as one property that a person exclusively possesses, with which he can rightly appropriate from the common heritage and the fact that all inferior creatures, be common to all men, every man has property in his own person: this nobody has any right to but himself." Exploring Locke's idea, the paper presents a moral defence of the legitimacy of unilateral appropriation by connecting labour with the right of ownership. It further concludes that for Locke, when a person mixes her labour with any part of the common natural endowments, she gains the right of ownership over it.

Keywords: Legitimization; private property; appropriation; ownership.

INTRODUCTION

Man cannot live without the use of material goods which the earth provides. People take it for granted that human beings generally make use of the property for survival and so, do not always find it necessary inquiring into the origin, the acquisition, ownership and use of the property and what property system will best provide the good life for man. There are variations in views regarding what is or what should be the best property system. Some thinkers like Plato consider the common property system as the best (Dagan & Dorfman (2017) while Aristotle (1998) supports the Private property system in ownership but suggests common use. John Locke (1632-1704) on whose ideas of property this paper seeks to dwell emphasises private property as the best property system. He sees private property as demanded by natural law and as the only morally justifiable property system (Pennance-Acevedo 2017). Thomas Aquinas (1948) whose views on private property we shall place side by side those of Locke supports private property in ownership but argues for common use. How then does Aquinas differ or agree with Locke? To this question, we shall attempt a response as the paper unfolds. Locke's property theory is also referred to as the labour theory of appropriation, the labour theory of ownership, or the principle of the first appropriation. This theory for him is rooted in natural law or law of nature and it teaches that property comes about originally through the exercise of labour on natural resources. Natural law for Locke is demonstrable, is based on an unknowable human nature and telos. It is based on the will of God and not on Divine reason as conceived by Aquinas. Locke bases his private property argument on the property that a person has in herself. Every person owns her own body with all the labour that she undertakes with it. Locke defines labour as the determining factor of value, the tool used by humans to make their world a rewarding and happy place to live in.

We intend in this paper to present Locke's teaching on private property. We shall go about this task by first looking at what property is. We shall clarify the meaning of ownership, followed by Locke's justification of private property after which we shall look at Locke's natural right argument for private property. We shall present a critique, and conclude.

THE QUESTION OF PROPERTY AND OWNERSHIP

There are various modern views of what constitutes property. Gonsalves says: "Property may be defined as that which is owed or that over which one has the exclusive right of control and disposal at will" (1981, p. 392). According to Jeremy Waldron, "The concept of property is the concept of a system of rules governing access to and control of material resources" (1988, p. 31). Waldron explains that the idea of property is not about all the rules that govern the use of material things but only those rules that deal with the allocation of natural resources. Waldron adds that: "Strictly speaking, 'property' is a general term for the rules that govern people's access to and control of things like land, natural resources, the means of production, manufactured goods, and also (on some accounts) texts, ideas, inventions, and other intellectual products" (Waldron 1988, p. 38). He says the concept of the property would involve all general rules of human behaviour if it covers all rules that govern the use of material resources (Waldron 1988). Proudhon (1940) says, "property is the right of increase claimed by the proprietor over anything he has stamped as his own". For Locke, property would be that which a person takes from the common things of nature and mixes with his labour and therefrom, gains right of ownership over it.

The words ‘mine and yours’ are common in the expressions of ownership. The phrase, ‘one’s own’ indicates that a specific thing is reserved as a person’s own. “Ownership is the right of exclusive control and disposal over a thing at will” (Gonsalves 1981, p. 391). Talking about right here, there is a distinction between ownership and just holding a thing in possession. For example, a thief may be keeping in his custody or possession of a stolen item without the due right to it which would mean he has no ownership of it. We shall later see according to Locke how people acquire property rights. The word ‘exclusive’ as applied to ownership means that others are kept from the unpermitted use of a thing owned. When you destroy exclusiveness, you breach the right of ownership. The owner of a thing can control, use and give it out at will, acting in his own name and needing not necessarily to consult others.

Colombatto and Tavormina (2017, p. 2) pointed out that: “One can identify three categories of property rights regimes: common property; centralised property; and private property”. They speak of common property as a situation where the notion of property is as good as the absence of property rights because property is severely restricted or abolished: Every member of the community or group can claim and appropriate, take and consume all that he or she finds or likes (Gonsalves 1981). In this kind of system, there are no legal owners and no one can prevent another from taking. “By contrast, centralised property corresponds to a system in which property rights are assigned and belong to a central authority. This authority can be an individual, such as a dictator or an absolute sovereign” (Gonsalves 1981, p. 3). A set of individuals can also be chosen by means of the electoral process to constitute the central authority. This system is commonly followed by modern social democracies and centralised economies and is characterised by property limits and the illegitimacy of private property. “Private property means that individuals have absolute, exclusive and permanent right on what they legally own: they can do whatever they like with their property, nobody can interfere with their decisions, and there is nobody to whom these rights must be returned” (Gonsalves 1981, p. 3). Locke supports and justifies the private property system.

LOCKE’S JUSTIFICATION OF PRIVATE PROPERTY

One of the reasons why Locke wrote on private property is to refute the royal absolutism of Sir Robert Filmer. Tully writes about Locke: “Also, however, it is essential to see that one of his aims in writing on property is to refute Filmer's claim that any father holds a natural, unlimited and arbitrary right of private property” (Tully 2006, p. 57). Filmer in his *Patriarcha* upheld the natural power of kings and argues against the natural freedom of mankind (Nitschke 2020). Filmer argues for the absolute power of the king from the lordship and absolute sovereignty of Adam the first man-father as the source of absolute political power. He points to the supreme authority of the father as found in the Decalogue’s admonition that the father should be honoured (Nitschke 2020). Arguing that God gave Adam the authority to rule as a monarch, Filmer exalted monarchy as *Jure Divino*, implying that kings or monarchs have divine rights. Portraying the absolutist thoughts of Filmer which Locke sets out to rebuke, Locke writes:

This fatherly authority then, or right of fatherhood, in our A.’s sense, is a divine unalterable Right of Sovereignty, whereby a father or a Prince hath an absolute, arbitrary, unlimited, and unlimitable power, over the lives, liberties, and estates of his children and subjects; so that he may take or alienate their estates, sell, castrate, or use their persons as he pleases, they

being all his slaves, and he lord or proprietor of everything and his unbounded will their law (Locke 2003, p. 9).

Locke's refutation of Filmer's absolutism is clear in his teaching on absolute private property rights as he targets to limit the interference of monarchs or Government in the property and life of the people. Locke says he will not only argue that it is impossible to conclude that only the monarch and his heirs in succession should have property because God gave the world to Adam in exclusion of his posterity, but he will also explain how men can make property out of things given by God in common (Locke 1980). God who has given men things in common has also provided them with reason to use them for their best good. Locke sets out to affirm that monarchs or princes cannot have the unlimited right to people's private property to diminish or impede individual property rights. Locke says: "The power of the father doth not reach all to the property of the child, which is only in his own disposing" (Locke 1980, p. 25). Can we say the right to private property is an absolute one in such a way as belonging to the essential nature of man? Answering this question in the affirmative would create difficulty in the argument of who so does.

From the first lines of his teaching on the property, as mostly contained in his *Second Treatise of Government*, Locke says natural reason reveals man's right to preservation, to food and drink soon after birth, and he continues that revelation provides an account of how God has given the earth to men in common (Locke 1980). Even though the two points create a difficulty regarding how to go about the private property from the common gifts of nature, Tully specifies and explains the task of Locke's private property teaching when he says: "Locke sets himself to solve this difficulty of individuating the common gift within the constraints of each man's right to it" (Tully 2006, p. 3). Locke's understanding is that God gave the earth's resources to human beings in common for their use, but people can appropriate for themselves what becomes their private property.

How do we go from the world as a common home to the private possession of the earth's endowments? Locke responds to this question by first identifying the 'self' as one property that a person exclusively possesses, with which he can rightly appropriate from the common heritage. Locke writes: "Though the earth, and all inferior creatures, be common to all men, every man has property in his own person: this nobody has any right to but himself" (Locke 1980, p. 27). This idea defines personality which makes up the individual with the totality of his body, thoughts, actions and beliefs. The labour of a person when extended to any portion of the common things of nature, gives such a person the right of private ownership over that portion. Locke writes: "The labour of his body, and the work of his hands, we may say, are properly his. Whatsoever then he removes out of the state that nature hath placed it in, it hath by this labour something annexed to it, that excludes the common right of other men" (Locke 1980, p. 45).

Building on the concept of self-possession or self-ownership, Locke progresses to explain how a person can appropriate from the natural resources outside of herself. The criterium is to mix one's labour with the common things of nature. Locke says: "Thus labour, in the beginning, gave a right of property, where anyone was pleased to employ it upon what was common, which remained a long while the far greater part, and is yet more than mankind makes use of" (Locke 1980, p. 45). This is Locke's defining point for the difference between the general right to the property provided in common and the right to private property. Man's labour and work are his property and what he takes from the common treasury of nature and to which he mixes his labour becomes his property (Locke 1980, p. 27). Mixing his labour with the resources of his vicinity, man increases the value

of such resources and appropriates them for himself. John Yolton (1970) says Locke seeks to explain the possibility of the particularisation of the common in his theory of property. Locke provides a moral defense of the legitimacy of unilateral appropriation by connecting labour with the right of ownership. For Locke, when a person mixes her labour with any part of the common natural endowments, she gains the right of ownership over it.

Locke emphasises that appropriation by means of labour increases the number of goods available to a bigger number of people in society (Locke 2003). What is Locke's notion of labour? For Locke, labour distinguishes a thing with which labour is mixed from a thing that is still part of the common natural resources. Labour adds something to a thing with which it is mixed more than what nature the common mother had done. Locke writes: "For it is labour indeed that puts the difference of value on everything" (Locke 2003, p. 40). Labour gives the labourer private right over a thing he has first mixed it with. Locke says it is the act of taking from the common which nature provides that begins the idea of property and the common will be of no use when not so removed (Locke 2003, p. 28). What then is the genealogy of private property according to Locke? Specifically, Locke traces the beginning of private property to God's command of man to subdue or cultivate the earth and the condition of man that requires labour. That is when he talks about the earth or land as the chief matter of property. He says: "So that God, by commanding to subdue, gave authority so far to appropriate: and the condition of human life, which requires labour and materials to work on, necessarily introduces private possessions" (Locke 2003, p. 35).

Another point that Locke provides to legitimize the appropriation of property for private ownership is that people are to appropriate as much as they can use before it spoils. Locke writes: "As much as anyone can make use of to any advantage of life before it spoils, so much he may by his labour fix a property in: whatever is beyond this, is more than his share, and belongs to others. Nothing was made by God for man to spoil or destroy" (Locke 2003, p. 31). Locke speaks against wastage and for him, wastage would mean allowing the fruits of one's labour or garden to rotten away. When you keep so much that you can no more work on or care for and it decays away, you are wasteful. Against wastage, Locke writes: "But if either the grass of his enclosure rotted on the ground, or the fruit of his planting perished without gathering and laying up, this part of the earth, notwithstanding his enclosure, was still to be looked on as waste, and might be the possession of any other" (Locke 2003, p. 38). Locke provides conditions or regulations for the acquisition of property. The laws of nature that give property also guard against excessive and lawless appropriation. He states the conditions for property appropriation. One of the regulations he offers is against spoilage, that a person must acquire as much as he can use before it spoils" (Locke 2003, p. 31). There are, of course, utilitarian and virtue theory elements in Locke's account. These are clear in his emphasis on the productivity of labour and the privileging of the industrious and the rational persons over the greediness of the quarrelsome and contentious ones" (Locke 2003, p. 34). To prevent quarrels and unnecessary contentions about the property, everyone is enjoined by Locke to reasonably appropriate only that which serves his use" (Locke 2003, p. 31). This is very important for people who would want to see Locke only as someone whose writing on the property appears like encouraging the maximum accumulation of property beyond what is needed, to the exclusion of others. Locke adds that while appropriating property for

private ownership, people were to watch that they left enough and as good for the need and use of others. Locke expresses this point in these words:

Nor was this appropriation of any parcel of land, by improving it, any prejudice to any other man, since there was still enough, and as good left; and more than the yet unprovided could use. So that, in effect, there was never the less left for others because of his enclosure for himself: for he that leaves as much as another can make use of, does as good as take nothing at all” (Locke 2003, p. 33).

Those who push the property theory of Locke as being extremely in favour of individualistic capitalism can be referred to this point. Locke speaks against the interference of others with the property that people have laboured for and acquired for themselves” (Locke 2003, p. 34). For Locke, going to fetch from what another person has already appropriated and improved upon is an act of desiring another person’s pain and is not good. This looks like Locke is emphasizing the exclusivity of the private property up to the point of no room for those in desperate need. However, in Locke, it is clear that the legitimacy of appropriation also stems from the fact that it does not involve the expropriation of anyone else. He also says, there will be no room for quarrel if people owned property privately” (Locke 2003, p. 39). Locke presents the idea of the theory of the first occupancy in his private property theory. The theory of the first occupancy holds that the first user of a thing appropriates it as its owner provided, he does not divest another person of it. What is important is that a person begins to act as an owner of a thing without dispossessing any other person of it. Locke explains that productive use of a thing is also necessary to give property rights. He says: “As much land as a man tills, plants, improves, cultivates, and can use the product of, so much is his property” (Locke 2003, p. 32). A piece of land, for example, can be possessed as a private property when it is cultivated, thus, used productively. ‘Productive use’ in this sense that Locke applies is the use of a thing in a manner that it adds and provides value for and to the owner and every other person (Harding 2020).

There arose the need to overcome the various limitations to the private ownership of property, and this led to the introduction of money. The coming of money made it easy to exchange perishable property for durable ones that could be kept for longer periods. “And thus, came in the use of money, some lasting thing that men might keep without spoiling, and that by mutual consent men would take in exchange for the truly useful, but perishable supports of life” (Locke 1980, p. 47). The introduction of money led to extensive commerce and unlimited appropriation. It has provided the possibility to convert the perishable individual appropriations into money that cannot spoil, and this transcended the spoilage limitation. There were no more limits to what one could acquire by mixing his labour with what was in common. It is evident that for Locke, it does not matter how much one appropriates as private, but nothing should be left to spoil. Regarding what happens when a property is wasted, Lock says there should be punishment:

he that so employed his pains about any of the spontaneous products of nature, as any way to alter them from the state which nature put them in, by placing any of his labor on them, did thereby acquire a propriety in them: but if they perished, in his possession, without their due use; if the fruits rotted, or the venison putrefied, before he could spend it, he offended against the common law of nature, and was liable to be punished; he

invaded his neighbor's share, for he had no right, farther than his use called for any of them, and they might serve to afford him conveniences of life (Locke 1980, p. 37).

Of course, the agreement to use money did not create any new moral right, but rather, it removed the obstacle that made it difficult or impossible to appropriate large and unequal amounts of property (Laitner 2020). Exceeding the bounds of just property is not in how large one appropriates but in the wasteful perishing of what is acquired. The key reasons for the establishment of government or the existence of the state are to protect property and to protect natural rights to life and liberty. For order, people agree to give up their right of being judges in their own cases to form a Government that would protect their rights. Private property argues Locke, is not only moral but is also useful and beneficial to a whole population.

IMPERATIVENESS OF LOCKE'S CONCEPT OF PROPERTY AS A NATURAL RIGHT

Colombatto and Tavormina (2017, p. 2) state that: "If there were no property rights, grabbling and looting would replace exchange, and the time horizon of any economic activity would depend on how effectively and at which cost each individual can protect the goods under his/her control". For Locke, these rights to private property are natural rights. The natural right to private property for Locke is derived from the natural right to life. Each person has the natural right to life, has the natural right to privately own and use that which will sustain that life. For Locke, property rights are aspects of natural law and they come before the state (Thorpe 2019). This point is very important for coming to the difference between Locke and those philosophers that see the state as determining property rights with ownership created by contract. For Locke, there is a natural right to private property, and he makes a clear case for a natural right to property that the government is not entitled to interfere with this right. The government does not deserve any more obedience when they endeavour to arbitrarily take away the property of the people. He speaks of natural reason revealing to man the right to his preservation and food and revelation provides the information that God has given man the right to property. Locke writes: "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 afford for their subsistence" (Locke 1980, p. 50).

For Locke, pain and pleasure provide insight about the content of natural law (Rossiter 2016). Locke is of the view that Divine reason is not the ground for morality but the will of God. "Locke's notion of natural rights is not based upon the objective reality of our human nature...Locke's nominalism makes it impossible for us to firmly ground universal human rights protecting the individual liberty of all citizens" (Pennance-Acevedo 2017, p. 244). For Him, the moral principles of the natural law are not self-evident but demonstrable. In Locke, the foundation for the law of nature or natural law is not metaphysical but in the relative situations of pain and pleasure. We cannot know real essences but can know only of nominal essences. James Hancy (1976, p. 441) says: "Locke's most innovative deviation from the traditional conception of the law of nature was his assertion that the tenets of natural law were capable of demonstration and that all who would use their God-given faculties of sense-perception and reason could attain a knowledge of that law". We shall not dwell much on this point given that we intend to provide just brief information that will furnish us with Locke's understanding of natural

law as distinct from that of Aquinas whose property theory we shall place side by side that of Locke. Invoking rationality and consent, Locke moves skilfully from limited and equal property right to unlimited and unequal property right. God has given man common things as nature contains them but there is a way that such things can be appropriated for personal ownership and use. The right is first established by Locke as founded in reason. Locke's central epistemological and theological premises are embodied in the conceptual model of the relation between God and man which James Tully calls the workmanship model (Tully 2006, p. x). The meeting point of Locke's argument between the government and property rights provides the ideological basis for the modern liberal capitalist state. The government came up to secure and protect property. There was no government from the start, rather, people lived in family communities.

Locke makes a case for limited state power and interference with private property aimed at supporting his argument for the individual natural right of private property. Defenders of the modern liberal state find this aspect of Locke's teaching very interesting. Acknowledging that God has given the earth and its fruits for mankind in common, Locke believes that there could be natural rights to private property. For Locke, the right to private property is vested in the right to self-ownership, the right to that property which is the self. This right extends to embrace the right to take and own a thing as private property when you mix labour with such a thing because your labour is yours and it is your own property. This is Locke's point of departure from general property right to the right to private property. Dunn explains the teaching of Locke on the natural right to property as Locke's reaction to Robert Filmer's teaching on the divine right of the king when he says:

Filmer forced upon him the necessity of demonstrating that property right in origin was not simply reducible to positive law; that there are more true property-holders than just the king; that property is in principle an unequivocal right against forceful seizure by any individual including the monarch (Dunn 1969, p. 66).

Tully explains further this right to private property that Locke talks about saying: "The right of property that all men have to things necessary for subsistence is said to be a consequence of the right which all men have to their preservation, derived by what Locke calls 'natural reason'" (Tully 2006, p. 3). This right to self-preservation is possessed by all and not just by the children of monarchs. Locke's property right is the right to something which belongs to all, in other words, a right to one's *due* rather than a right to one's *own*. Locke's property has a specified end of making use of the earth for the support of humans.

A CRITIQUE OF LOCKE'S IDEA OF PROPERTY AND OWNERSHIP

What are the merits of Locke's teaching on private property? Locke's theory on the property contains principles that support hard work, given that labour is the yardstick for property rights. The natural world is a product of divine creation according to Locke implying it must be respected as such. His teaching on the property does not permit interference with what is owned by others. His teaching does not allow appropriation by others what another has taken from the natural treasury, laboured on and improved upon. Locke is explicit about this when he says: "He that had as good left for his improvement, as was already taken up, needed not complain, ought not to meddle with what was already improved by another's labour" (Locke 1980, p. 34). What does it mean to improve upon a thing? This could mean to improve on land for example, by planting citrus on it or by

building a factory or an estate on it. All these imply productive use or improvement of a piece of land to provide accommodation for people and to provide employment. However, this land improvement can invariably become a source of pollution from the factory gas emissions. The use of chemicals for farming on the land can also depreciate it. As much as private property is supported by Locke over and above its alternatives of common and collective property, he cautions against destruction, wastage and excessive appropriation without leaving enough and as good for others. With the introduction of money, the spoilage limitation is overcome and there is no more room to leave enough for others. When we talk of climate change and the conservation of the earth our common home, is the attitude of the capitalists, demonstrative of their readiness to pass on habitable and viable earth to future generations?

The interesting aspect of Locke's teaching on the property is his discouragement of wastage and greed, even though the introduction of money has cut the limits to property appropriation. He speaks to corrupt societies and individuals when he says, "indeed it was a foolish thing, as well as dishonest, to hoard up more than he could make use of" (Locke 1980, p. 46). However, his support of unlimited appropriation contradicts this point. This contradiction can be contested by saying Locke only gave room for unlimited appropriation when the spoilage limitation was overcome in the second part of the state of nature with the introduction of money. The fact that Locke has opened the room for the individualistic pursuit of wealth is obvious. With money, you can increase your property as much as you can manage to work on it. You can hire the labour of others and pay for it and make it yours and with the hired labour, you can unlimitedly increase your property.

Locke tries to establish the fact that whoever works, or labours has the right to manage and use things he can call his own. There is a clear stand of Locke as can be seen in the section on the justification of private property above that a person cannot appropriate more than he can use before it spoils. This limitation discourages waste. It is clear in the teaching of Locke that property left in common cannot yield for the support and sustenance of all as when some of the common property is owned, managed and improved upon by individuals as theirs. There is a lot of moral responsibility in private property rights. The assumption that underlies the right to private property is that we have a task to live an ordered life. Within the context of the right to private property is the clarification that human beings are free to own and trade with valuables not owned by others? Locke's labour theory of property seems to present him as an eloquent speaker for political individualism and many people see him as such.

Though, there are some weaknesses or shortcomings with Locke's theory of private property? It looks like Locke absolutizes private property. A moral good that is absolutized can become an obstacle to moral evolution. Locke seems to present the right to private property as belonging to the nature of man at the same level as the right to life, rendering private property as the only way by which humans can legitimately own material possessions. The natural law argument which presents private property as the only acceptable property system and so, unalterable is good but potent with dangers. Locke's claims that the right to private property is a natural right, and the natural property right is self-evident, and the claims to self-evidence calls for our unquestionable approval can lead to ethics contaminated by uncontested principles. There is an interesting way that Locke protects the private property against government control and public interference, but he also creates room for excessive and destructive capitalism.

In another development, Aquinas's teaching on private property as related to natural law offers a mid-position that mitigates the risk of aligning the right to private property as belonging to human nature and equal with the right to life. Considering the right to private property as equal with the right to life would mean that when you violate the private property rights of another person, she is automatically permitted to violate your life too. Aquinas (1948) does not deny that property is a natural right, but he considers private property not strictly or absolutely as a natural right. It is important to say here that the natural law is an unwritten law and not a ready-made code put on a scroll given to men of the same knowledge. Men know the natural law in different degrees and there is always the risk of error. We cannot, therefore, know with precision which part of the natural law says the private property is a natural right given that the only natural and infallible practical knowledge common to all men is 'do good and avoid evil'. Private property cannot be left just as an issue of positive law open to wilful abolition by given systems that create it, neither is it a thing of absolute natural right. It is part of the primary precepts of natural law that man has the natural right to possess and use material things.

It is observable that people who are formed by a Lockean view of property might tend to be motivated to work only when and where there are maximum prospects for monetary benefits to the neglect of the central good of the human person. Aquinas (1948) distinguishes clearly between what we need and what is abundant to us, and that is part of why his view of the private property holds good prospects for a humane society. For Aquinas (1948), private property should be valued in how much it helps human beings in ordering their behaviour, especially in a way that is not contrary to their nature (Hirschfeld 2018). The property theory of Locke remains open to rigid or excessive capitalism. Locke has good regulations against spoilage, wastage and greedy appropriation without consideration for others. Whether these regulations are respected in our today's world dominated by capitalism set on course by Locke's private property right is another issue.

CONCLUSION

In a nutshell, the acquisition and use of material goods in some cases violate the good of man and that calls for concern on how a man takes from the common treasury of created things, owns and uses what he takes. We have seen the position of Locke on private property and can see how he admits that God created all things in common in the same way that Aquinas does. Locke states that everyone is the owner of himself. He argues that men can take private ownership with which they mix their labour, creative efforts and ideas. Property entails initially appropriated resources and their fruits. Locke says appropriation will no longer be valid when it involves abuse and wastages and when it prevents others from meeting their needs because God disapproves of wastage and abuse. For Locke, "private property pre-dates government and justifies its existence" (Colombatto and Tavormin, 2017, p. 8). He bases his property right on self-possession. Locke in his private property theory builds the moral foundation for excessive appropriation by the rich (capitalist) and justifies the natural right to unequal and unlimited acquisition. His theory has no place for restrictive capitalist appropriation. One's labour and its productivity have no debt to civil society.

REFERENCES

- Aquinas, T. (1948). *Summa Theologica*. (Fathers of the English Dominican Province, Trans.). Allen TX: Christian Classics.
- Aristotle. (1998). *Politics*. (C.D.C. Reeve, Trans.). Indianapolis: Hackett Publishing Company.
- Colombatto, E., & Tavormina, V. (2017). The origins of private property. *Encyclopedia of Law and Economics*, 24.
- Dagan, H., & Dorfman, A. (2017). The human right to private property. *Theoretical Inquiries in Law*, 18(2), 391–416. <https://doi.org/10.1515/til-2017-0018>
- Dunn, J. (1969). *The Political Thought of John Locke: An historical account of the argument of the 'Two Treatises of Government'*. Cambridge University Press.
- Filmer, F. (1680). *Patriarcha, or The Natural Power of Kings*. London: Richard Chiswell.
- Gonsalves, M. A. (1981). *Fagothey's Right and Reason: Ethics in Theory and Practice*. St. Louis: C. V. Mosby Company.
- Hancey, J. O. (1976). John Locke and the law of nature. *Political Theory*, 4(4), 439-454.
- Harding, E. (2020). Spoilage and Squatting: A Lockean Argument. *Res Publica*, 26(3), 299–317. <https://doi.org/10.1007/s11158-019-09445-0>
- Hirschfeld, M. L. (2018). *Aquinas and the Market: Toward a Humane Economy*. Harvard University Press.
- Laitner, J. A. (2020). Institutional perspectives on the productive use of resources. *Ekonomicheskaya Politika*, 2020(2), 8–17. <https://doi.org/10.18288/1994-5124-2020-2-8-17>
- Laslett, P. (Ed.). (1949). *Patriarcha and Other Political Works of Sir Robert Filmer*. Oxford: Basil Blackwell.
- Locke, J. (1980). *Second Treatise of Government* (C. B. Macpherson, Eds.). Cambridge: Hackett Publishing Company.
- Locke, J. (1996). *An Essay Concerning Human Understanding* (K. P. Winkler, Eds.). Indianapolis: Hackett Pub. Co.
- Locke, J. (2003). *Two Treatises of Government and A Letter concerning Toleration*. Edited by Ian Shapiro. London: Yale University Press.
- Locke, J. (2003). *Two Treatises of Government*. Edited by Peter Laslett. Cambridge: Cambridge University Press.
- Nitschke, P. (2020). Patriarcha, written by Filmer, Robert. *Hobbes Studies*, 33(1), 85–87. <https://doi.org/10.1163/18750257-bja10003>
- Pennance-Acevedo, G. M. (2017). St. Thomas Aquinas and John Locke on natural law. *Studia Gilsoniana*, 6(2), 221-248.
- Proudhon, P. J. (1840). *What is property?: An inquiry into the principle of right and of government* (Vol. 1). BR Tucker.
- Rossiter, E. (2016). Hedonism and natural law in Locke's moral philosophy. In *Journal of the History of Philosophy*, 54(2), 203–225.
- Thorpe, L. (2019). QutB and aquinas on divine law and the limits of the state. *Human Rights*, 13(2), 241–256.
- Tully, J. (1982). *A discourse on property: John Locke and his adversaries*. Cambridge University Press.
- Waldron, J. (1988). *The right to private property*. Oxford: Clarendon Press.
- Yolton, J. W. (1993). *A Locke Dictionary*. Oxford: Blackwell Publishers.