



THE RIGHT TO PRIVATE PROPERTY IN JOHN LOCKE AND HUMANISING THE HUMAN NATURE

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ABSTRACT

This research work attempts to give an expose of the right to private property in John Locke and its relevance to Nigeria regarding humanizing the human nature. The right to Private property is a perennial issue. It is one of the major issues in social and political philosophy that great philosophers across different philosophical epochs (from ancient to contemporary epochs) have preoccupied themselves with. Every philosophy, hitherto, arises and develops out of a particular situation and in a context. The philosophy of private property, therefore, arises from the fundamental human right. This is where this work takes its bearing from to address the challenges of human violations where life and property are not given their right place. In Nigeria for instance, we see the tussle between the government, multinational companies and individuals, where individual properties are being destroyed by the government and multinationals without due consultation and compensation thereby dehumanising humanity. Against the backdrop of the negation and violation of the right to private property, Locke who is considered to be the philosopher of private property holds that the right to private property is natural and just and anyone who mixes his/her labour with nature deserves the right to ownership of private property. It is the utmost desire and sure hope of this work that it shall go a long way to bring into the subconscious of our whole society, the relevance of the right to private property, the maintenance of life and the importance of self-development resulting to re-humanising. The method of this research work is therefore expository, analytical and descriptive.

KEYWORDS: Right, Ownership, Private Property, Humanising, Humanity.

INTRODUCTION

It is a well-known fact that the human person still finds it difficult to savour the abundance of wealth, resources and economic well-being. This is apparently evident in the shackles of poverty, famine, illiteracy, unemployment and the like.

Perhaps some humans are oblivious of the fact that nature has constructed certain values of this world to become fittingly our properties. Perhaps the proclivity of some people to amass wealth at the expense of the right to ownership of private property has not been called to order.

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Why do the poor still become poorer and more numerous; and the rich grow richer and fewer amid the frantic efforts made by humanity in dimensional development? Cases of irresponsible freedom characterized by idleness, laissez-fair attitude, hedonism and so on, are being registered. This could have possibly been as a result of the fact that the human person is robbed of his/her right to his property.

Should the human person continue to fall prey to this seemed to be perennial predicament? Confronted with these, ipso facto, ugly scenario, some philosophical icons were provoked in thoughts: Thus Aristotle, Thomas Aquinas, William Ockam, John Locke, Karl Marx and so on saw the need to insist on the right to ownership of private property and most especially, the British empiricist who is generally considered as the father of British empiricism, John Locke, is the philosopher of private property. John Locke is best known for his political philosophy which has considerable influence on some Western countries. It is in his (John Locke) political philosophy that his notion on the right to private property is treated. One cannot disentangle his state of nature from his private property. For him the human person owns himself but property is what he/she mixes his labour with. In a state of nature, everything is commonly own but as the Supreme Being gave man senses and reason to use for his preservation, and reproduction, that which he removes with his hands from the state of nature becomes his property and this is natural and just. Labour becomes the seal or mark for which the human person owns a property.

This work is divided into parts namely the introductory parts; understanding the main concepts such as right, property and the right to private property; Locke's notion on the right to private property; the justification of the right to private property according to Locke; relevance and implication for Locke's notion of private property to Nigeria and the last part which is conclusion.

UNDERSTANDING OF BASIC CONCEPTS

RIGHT

Etymologically, the term "right" is derived from the Latin word "regio", meaning 'kept straight'. It basically implies having a movement towards a point without derivations. The word can also be defined from its Latin origin as "that to which a person has just and valid claim". (Nwosu, Fountain Magazine, 5). The word finds its way into the English lexicon. It is that which is "morally good or acceptable, what is correct according to law or a person's duty". (Wehmeier, Oxford Advanced Learners Dictionary, 1013). For John Locke, right is natural and just.

PROPERTY

Pengium Dictionary of Philosophy defines property as "right of ownership over something; something over which is a right of ownership (Mautner, Pengium Dictionary of philosophy, 454). John Locke sees property as being in connection with his view which falls under a wide sense of property meaning any belonging, which has to do with not only material possessions, but also life, liberty, actions, labour, body, mind, reputation and so on. This shall therefore, be the hinge point in the course of this research work.

THE PRINCIPLE OF RIGHT TO PRIVATE PROPERTY

The right to private property is a socio-political principle which maintains that every adult (human being) must not be prohibited or prevented by anyone from holding or acquiring valuable items not already in use by any other person. Over the centuries, the idea of 'Right to private property' has been a controversial phenomenon within the ambience of philosophical enterprise. However, P. Pavan refers to it as "The full power of faculty to dispose of a thing freely and legitimately, to the exclusion of the claims of others." (Pavan, The History and Content of Human Right, 331). In defense of this right, the United Nations' General Assembly adopted and proclaimed some rights on December 10, 1948, known as the Universal Declaration of Human Rights.

It strongly speaks against communist theories and against the Crown's claim to dispose of subject property. For John Lock the right to private property precedes the civil law for it is grounded in the natural moral law. Labour gives one the right and justification to own a property. There are two types of right to private property, namely, the *iuspropritatis* (Right of private property), which is known as concrete right of possession and *ius ad proprietatem* (The right to possess but not yet in possession), thus a situation whereby one may not actually be in possession of private property stands the chance of being able to possess property.

BACKGROUND OF RIGHT TO PRIVATE PROPERTY

The human person has the natural right to life. Consequently, the right to private property emanates there from to enable him cater for his sustenance, comfort, and development as well as that of his dependents, using those goods that he himself harnessed from what nature's bounty provides. The paramount of this right was made manifest when the declaration of rights of man and of the citizen came into limelight, as a philosophical preamble to the French Constitution of September 3, 1791. This gave birth to the principles that inspired the French Revolution. The constituent Assembly adopted the outline of an earlier declaration on August 4, 1789; and approved the text on August 26. Pope Louis XVI accepted it on October 5, 1789, during the riot, which forced him to leave Verseillers for Paris the following day.

In this declaration, articles two and seventeen respectively concern the right to private property. It goes thus:

ARTICLE 2 The purpose of political association is to preserve the natural and inalienable right of man i.e. liberty, private property, the inviolability of the person and the right to resist oppression...

ARTICLE 17 Since the right to private property is sacred and inviolable, one can be deprived of it except in certain case legally determined to be essential for public security, in such cases a fair indemnity must first of all be granted. (Jelliek, *The Declaration of the Right of Man of Citizens*, 332). The right of man to own property is also highly esteemed in Christian tradition, as Pope John XXIII, in his encyclical letter 'Pacem in Terris' (1963) affirmed:

As a further consequence of man's nature, he has the right of private ownership of property, including that of productive goods. Finally, it is opportune to point out that the right to Own private property entails a social obligation as well. (Nwachukwuike, *The History and Context of human Right*, 330).

Even today, much attention is being given to the right to private property. This is little wonder when viewed against the background of its indispensability and connaturally to the human person.

LOCKE ON THE RIGHT TO PRIVATE PROPERTY

John Locke led by his religious influence held tenaciously to the principle of the right to ownership of private property. In his *Second Treatise*, he talked about the "Theory of natural right". Here the human person is seen as possessing a litany of rights for instance the right to self-preservation, right to freedom but most fundamental to Lockean philosophy is the right to private property. Little wonder Omoregbe ascribes to him as the philosopher of private property. His notion on the right to private property emanates from his notion on the state of nature which he says is the state of freedom and equality; everybody has the right to use his/her property as he/she likes. According to Locke, the right to own a property is among the natural rights. He argues in an admixture of philosophy and theology placing God as a possessor of the human person, His creature as God's private property. The right to private property, for Lock, is the right, which each individual brings to the civil society in his own person from the state of nature, just as he brings the physical energy of his body. The right is natural to the human person and came with him from the time of creation. Hence, Locke asserts:

The law man was made 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 wherever he had fixed it. And hence subduing or cultivating 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, *Two Treatises of Civil Government*, 362).

Locke here establishes the fact that labour is the only legitimate tool conferring property on the human person. He maintains that man has the right to own the fruit of his labour. This implies that the fact that the human person has labored to bring about anything gives him/her the right to own it. Locke uses this analogy to buttress this point: that the water in the river perhaps belongs to everybody, but if one goes there with a bucket to fetch some water with the bucket, the person has the right to claim ownership of that water in the container since he/she has labored for it. Man has that natural inclination to acquire private property. This culminates in a person owning private property and inherits property that the great Italian Philosopher Niccolo quickly forgets the death of their parents than the loss of their patrimony.” (Machiavelli, *The Prince*, 24). Locke envisages that the desire to save life gave man the impetus to recognize his right to acquire private property. He thus, stresses that every individual has the right to private property. He opines:

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 give us an account of those grants God made of the world to Adam, and to Noah and his Sons (Locke, *Two Treatises of Civil Government*, 18)

It is wise to understand here that Locke brings out indispensable reality of human existence, which is inseparable from the preservation of life. He therefore suggests that private property is essential in our earthly sojourn. Man must, therefore, wake up to his responsibility for his well-being.

The main purpose of the political society is to safeguard the private properties of the individuals which were not safe in the state of nature. “The great and chief end of men uniting into commonwealths and putting themselves under government is the preservation of their property to which in the state of nature there are many things wanting.” (Omogbe, *Ethics: A systematic and Historical*, 142). Even though Locke is the advocate and defender of the right to own private property, he nevertheless places limitation on the unscrupulous amassing of excessive wealth by restricting to that which anyone can make use of to the advantage of his life before it spoils. The same nature which gives man the right to own private property also sets limits to this right. Albeit

the state of nature was peaceful according to Locke it was nevertheless unsatisfactory since men could not find fulfillment of their needs in it. It is part of why the human person decided to make society out of the state of nature. They decided to form an organised society in order to renounce the state of nature. This is a political society based on social contract; a society where the human person restricts his or her freedom and submitting himself or herself to the rule of the government for the interest of common good.

THE JUSTIFICATION OF THE OWNERSHIP OF PRIVATE PROPERTY BY LOCKE

John Locke believes strongly on the ownership of private property. He therefore justifies his belief on the following grounds.

1. He justifies the ownership of private property on religious ground for the sustenance of life. Locke states that God does not commit Himself on public or private ownership of earth resources. Thus “the appropriate means for making use of the resources which God has given to men is for individuals to develop them so that they can actually sustain life” (Mukhi, *History of Western Political Thought*, 472).

2. Locke attributes another justification of private property to the fact that the human person possesses private property if he/she mixes labour with it. He says: “everyman has a property in his own person; thus nobody has any right but to himself. The labour of his body and the work of his hands we may say are properly his. Whatsoever then he moves out of the state of nature hath provided and left it in, he thereby make it his property.” In this sense the human person can till and sow the land. By the labour employed he/she is worthy to possess and convert the land.

3. Locke justifies private property on the grounds of social sanction and recognition. That is to say the possession of private property has social approval and sanction from times past. Genuine consent to private property is found in established customs that men must have unconsciously developed over generations and centuries.

4. Locke also bases his justification of the ownership of private property on the grounds that it emerged in the society and continues to exist even today whether we like it or not. This is part of the reason why some men enlarge and improve on what they possess.

5. Another justification of Locke as far as private property is concern hinges on historical grounds. For him, history is a witness that only those who have suffered under tyrannies are those who did not own property. In other words liberty of those who were snatched was without private property. The right to private property therefore serves as self-defense. By implication therefore, to guarantee all kinds of liberties private property must be encouraged.

LOCKE'S NOTION OF THE RIGHT TO PRIVATE PROPERTY AND REHUMANISING THE HUMAN NATURE IN NIGERIA: A CRITICAL EVALUATION.

Nigeria as a federal republic is located in the Western part of Africa. It became an independent state on the 1st October, 1960, after about 100 years under British colonization, and became a republic within the British Commonwealth in 1963. It has been under both military and civilian rule since her independence. It is a complex state with different ethnic groups and multiple cultures. It is a country with religious plurality. In view of this therefore, there are diverse views concerning the ownership of private property. But the Nigerian constitution defends the fundamental rights of her citizens and the right to own a private property falls under the fundamental human rights.

If we juxtapose Locke basic tenets on his notion of private property and the well-being of the human person in Nigerian, we will adduce that the Nigerian government has not really imbibed Locke's teaching on this. Locke leaves a great legacy behind from his notion of the right to private property such that every developing country can learn from. Let us consider the following ways that Locke's notion of private property is relevant to humanising the human nature in Nigeria.

His notion on the right to private property helps to emancipate the human person from the shackles of monarchism and the strong hold of absolutism. In principle, Nigeria operates a democratic system of government but what we have in practice is monarchical and absolutist practices where suppression, oppression, despotism unlimited authority and control are the order of the day. Leaders covert and possess people's wives, children and property without any qualms of conscience. For Locke, the essence of coming together to form an organised society out of the state of nature which was though peaceful and free, was the fulfillment of the people's needs and

to secure their properties which were not safe. This will be achieved by restricting their freedom and submitting to the rule of a government. Nigerian government which we are told operates a democratic system of government should see to the protection and security of lives and property. If the government or multinational companies want to use any land of individuals or demolitions for greater good of all, there should be due consultations and compensation. Leaders, like Plato advice, should be 'philosopher kings' in order for them to rule well and put things in perspective in order not dehumanised people.

Being a defender of the right to private property, Locke nevertheless does not encourage the unscrupulous amassing of excessive wealth. Aristotle, Marx and some other philosophers also hold this view in their notion on private property. Nigeria operates a mixed economic system that is a blend of socialism and capitalism. Private freedoms are regulated and included in centralized economic planning. The economy of Nigeria is considered to be the biggest in Africa as of 2014. Nigeria is a rich country in resources over the past years because of oil. Its average economic growth rate has been around 7% yearly. In spite of this, it is ranked 153rd out of 187 countries in United Nation's Human Development Index. We can see here that despite this rapid economic growth Nigeria is still poor, with high rate of unemployment and increasing population that lives in poverty and be people being dehumanised. This boils down to corruption, political and economic instability. Due to unscrupulous amassing of excessive wealth against the teaching of Locke, some Nigerians device queer means to gain favour with the government, to ascend leadership positions by rigging of election, through coup and assassination, and so on. In his ethical stance, Spinoza has a word here for Nigerians that spiritual unhealthiness is as result of amassing wealth that cannot be controlled. We need a country whose citizens will hold tenaciously to ethical and moral values. This will bring about patriotism and service to our fatherland.

Locke emphasizes the much-needed awareness of the fact that individuals have rights, which are inalienable to them and in the spirit of the common good are also mutual. Fagothey buttresses this view when he asserts that "we humans have a need and a right to hold things as our own with the assurance that no other person may rightfully

deprive us of what we hold as our own (Gonsalves, Fagothey's Right and Reason, Ethics in Theory and Practice, 389). Also this right envelops all the meaningful aspect and dividends of human existence to which the human person is entitled. In Nigeria, the rights of the citizens like salaries, allowances, grants, pension, gratuity, etc are either delayed or not paid at all. Even scholarship and research grants that students are entitled to are being shared among the few. Some ethnic groups and regions of the country are being deprived of their rights. For instance, the Niger Delta region, which has been traumatized ... robbed, massacred, degraded, discriminated against, and brutally exploited successively over generations and centuries. (Kekong, Restorative Justice in Conflict Management, 90). This is against the teaching of Locke in his notion on the right to private property. To maintain this right, Kekong Bisong gives the following advice:

Given that socio-economic injustice and the violation of human right that threaten peace among people, it would be unfortunate to separate religious discourse from the issue of human rights social justice and the world economic order. (Kekong, The Oracle International Journal of Culture, No 3).

In bringing religious discourse into human rights the human person will be exposed to religious values that will help put the rights of his/her fellow citizen in perspective.

Seeing labour as a justification for the retention of the ownership of private property, Locke encourages labour in human existence. Workers of different sectors in Nigeria should take their work seriously to justify their salaries, pension and gratuity. Students should be studious in their academic work in order to justify their scholarship, allowances and research grants. There is need, therefore for maximum respect for the human person and his labour. Ipso facto, labour is the people's original vocation to participation in the continuous creation of the world. It serves to demonstrate the dominion of the human person over earth and the realization of his/her fulfillment. Informed with this, St. Pope John II saw the need to address the workers of the Solvey Chemical Factory saying: "to pay honour to work is to celebrate humanity, its dignity, its genius, its productive capacity" (John Paul II, Peace Through Dialogue and Solidarity: The Basis of True Humanism).

Also in addressing Labour Representatives, Civita Castellans in Italy, he said: "... to be a worker, a labourer, is an honour, a little of nobility which is more more proper to human nature and, or rooted in it than many others that are, in the last analysis, secondary and often questionable as well" (100). Negation of worker's honour and entitlement leads to insufficiency and inefficiency in standard of living of workers culminating in dehumanising humanity. This is part of the reason why Karl Marx sees the Proletariat as "the political force that will destroy capitalism and effect the transition to socialism," (Mautner, Penguin Dictionary of Philosophy, 56). Thus, it is the lass of wage workers engaged in industrial production whose chief sources of income are derived from the sale of their labour power. Marx also applies the term proletariat to man in a society ruled by economic forces of its own making. Marxists regard the proletariat as those living in poverty and engaging in industrial production, and those who work for their living and receive wages, including agricultural labourers, white-collar workers, and lived workers engaged in the distribution services. Giving credence to labour, he advocates for the extinguishment of bourgeoisie who do not work but extort the prolectorate.

Locke's notion creates awareness and suggests the rational implementation of socio-economic policies made to better the living condition of the Nigerians. The principle of the right to private ownership of property has reminded us of the fact that God has given us the mandate to use the earth to our own advantage but we are not granted the chance for undue covetousness; such being that the result of our satiable quest for private property. A property right in Nigeria is the exclusive authority to determine how a resource is used, whether that resource is owned by government or by individuals. Let us use land for instance; by the standard of Locke's tenets on the ownership of private property, it is the authority of the land owner to determine its use. Compulsory acquisition, being the process by which the government obtains land from private owner, comes in when there is payment of compensation. Payment of compensation therefore serves as a factor of reconciliation between the concept of right to ownership and compulsory acquisition. The Nigerian history has recorded conflicts between these two concepts resulting in resolution most time, until the introduction of Land Use Act 1978.

The first paragraph of the act states that subject to the provision of the Act, all land comprised in the territory of each state in the Federation are hereby rested in the Governor of that state and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of this Act (www.academia.edu/1866235 PRIVATE PROPERTY). With the advent of this Act, the pendulum has tilted in favour of compulsory acquisition to the detriment of private property rights; as compensation fails to alleviate the loss caused by expropriation. There should be a balanced equilibrium to respect the right of ownership of land. Exercising one's right over private property is encouraged due to the interest of the individual and for the common good. This will serve as an antidote to many abysmal calamities affecting the human person in the country.

The human person is endowed with intrinsic gifts of rational competence to choose what is fully in agreement with nature. This rational capacity should be to promote the common good. Man's inhumanity to man like what happens in Nigeria, political wrangling and undue acquisitive tendencies must be uprooted to make Nigeria great, to achieve a blissful state where life and property will be protected.

CONCLUSION

From what we have seen so far, we have come face to face with the reality that the right to private ownership of property is as sacrosanct as life itself. Nevertheless, John Locke goes to the extreme when he says that the human person can kill to maintain his right to private property. In this case he values property more than life. Property should be at the service of life. The philosophers down the ages hold tenaciously to the right to private property just but few who are influenced by their barbaric tendencies that will not want individuals savour the juice of private property.

With the strong argument of many philosophers in favour of the right to private property, and the justification of the right to private property this paper therefore takes the following stance. The human person should maintain his right to private ownership of property. Labour which gives honour and dignity to the human person should be upheld, workers of different establishments should therefore take labour seriously. This is indicative

of the fact that labour is the seal and mark of the right to private property. In as much we encourage the private ownership of property, the interest of the common good should not be treated with kid gloves. The citizens of Nigeria should be fair in dealing with the natural resources endowed by God. Nigeria has been blessed in the aspect of agriculture, so the Nigerian government should device a means and bring up policies that will improve agricultural sector. Slave trade seems to be a practice that is abolished but what we experience now is neo-slavery and neo-feudalism. The human person should respect the right of his fellow citizen. By so doing, slavery and feudalism of any form will be on extinction and annihilation.

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