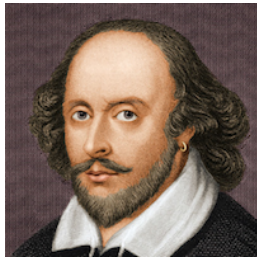


Locke and Sealth in History



Shakespeare
1564-1616



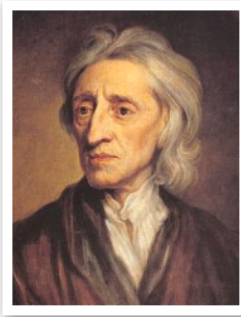
Chief Sealth
1786-1866



John Muir
1838-1914



Luther
1483-1546



John Locke
1632-1704



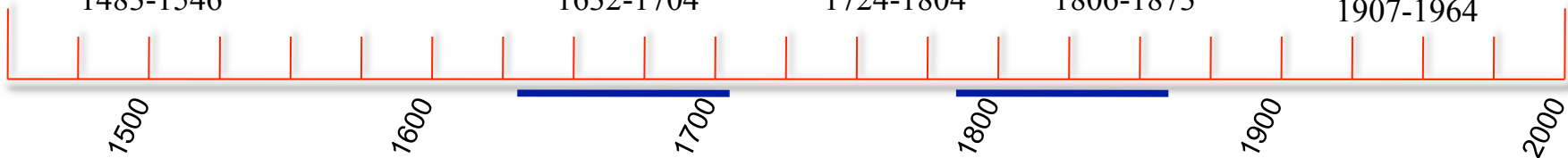
Im. Kant
1724-1804



John Stuart Mill
1806-1873



Rachel Carson
1907-1964



Property: Common & Private

Chief Sealth on Property

“Every part of this earth is sacred to my people. Every shining pine needle, every sandy shore, every mist in the dark woods, every clearing and humming insect is holy in the memory and experience of my people. The sap which courses through the trees carries the memories of the red man. [...] This we know.

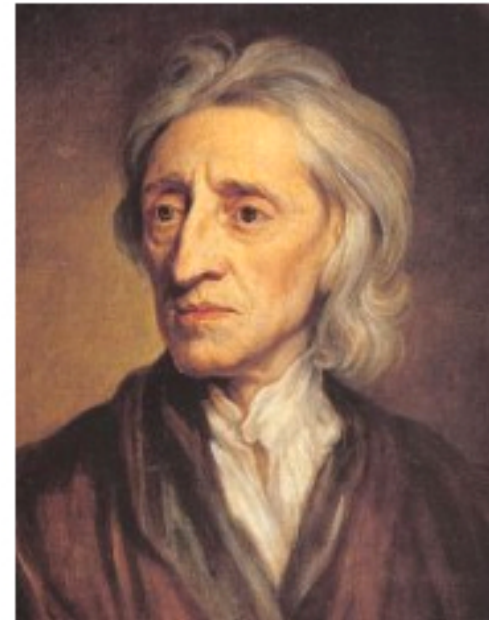
The earth does not belong to man; man belongs to the earth. This we know. All things are connected like the blood which unites one family. All things are connected. “



Chief Sealth
1786-1866

John Locke on Property

Locke studied medicine and philosophy at Oxford during the reign of Cromwell, and eventually became the private physician to the Earl of Shaftesbury, with whom he fled England for Holland after Shaftesbury was charged with treason. He later returned to England in the entourage of William and Mary during the “Glorious Revolution” of 1688. Locke’s *Two Treatises on Civil Government* sought to justify this revolution. Chapter Five of the 2nd *Treatise* gives Locke’s account of the origin of private property and money.



John Locke
1632-1704

Locke on Privatization

(1) Labor Theory of Property

“Whatsoever, then, he removes out of the state that nature hath provided and left it in, he hath mixed his labor with, and joined it to something that is his own, and thereby makes it his property.” [§27]

(2) Restrictions on Privatization

(3) Justification of Privatization

(4) Accumulation and Redistribution of Wealth

(5) Problems with Locke's Account

(6) Land Use and Property Rights

Locke on Privatization

(1) Labor Theory of Property

(2) Restrictions on Privatization

AMPLE SUPPLY (§§27, 33, 34): “Leave enough, and as good, for others.”

NO WASTE (§§31, 37-8, 46): “As much land as a man tills, plants, improves, cultivates, and can use the product of, so much is his property.”

(3) Justification of Privatization

(4) Accumulation and Redistribution of Wealth

(5) Problems with Locke’s Account

(6) Land Use and Property Rights

Locke on Privatization

- (1) Labor Theory of Property
- (2) Restrictions on Privatization
- (3) Justification of Privatization**

PRIVATIZING THE COMMON PRODUCE OF THE EARTH

- (a) Self-Preservation (§26)

PRIVATIZING THE COMMON LAND

- (a) Mandated by God (§34-35)
- (b) Benefits everyone (§36-37, 40-41)
- (c) Labor as the major source of value (§36, 40-43)

- (4) Accumulation and Redistribution of Wealth
- (5) Problems with Locke's Account
- (6) Land Use and Property Rights

Locke on Privatization

- (1) Labor Theory of Property
- (2) Restrictions on Privatization
- (3) Justification of Privatization

(4) Accumulation and Redistribution of Wealth

For this we need **money** (§36, 46-50), which is something...

- (a) scarce,
- (b) durable, and
- (c) without natural use.

- (5) Problems with Locke's Account
- (6) Land Use and Property Rights

Locke on Privatization

- (1) Labor Theory of Property
- (2) Restrictions on Privatization
- (3) Justification of Privatization
- (4) Accumulation and Redistribution of Wealth
- (5) Problems with Locke's Account**
 - (a) Scarcity of commons today
 - (b) Source of value: Is it all anthropo-genic and –centric?
Does nature otherwise lack all value?
 - (c) Rights of under-laborers?
 - (d) Must/should land be privatized?
- (6) Land Use and Property Rights

Locke on Privatization

- (1) Labor Theory of Property
- (2) Restrictions on Privatization
- (3) Justification of Privatization
- (4) Accumulation and Redistribution of Wealth
- (5) Problems with Locke's Account
- (6) Land Use and Property Rights**

What is the scope and nature of property rights?

Property Rights

Property Rights

- (1) **use**: the right to use the property (and to consume the renewables...).
- (2) **exclusion**: the right to prevent others from trespassing on your land or otherwise making use of your property.
- (3) **transfer/alienation**: the right to transfer the property to others.
- (4) **compensation**: the right to reparation for damage or use by others.

[Renters have rights 1+2, but not 3+4, to the rented property.]

Discuss in your Groups

Are there any limits to these property rights?

- (1) **use**: the right to use the property.
- (2) **exclusion**: the right to prevent others from “touching” your property.
- (3) **transfer/alienation**: the right to transfer the property to others.
- (4) **compensation**: the right to reparation for damage or use by others.

[**facilitators**: start the discussion, keep it on track]

[**monitors**: make sure everyone’s ideas are heard]

[**recorders**: write down your group answer, and be ready to report]

Property Rights

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Some Limits to Use

The Harm Principle

Nuisance Law: cease or compensation for loss of use

High social value (of the cause of the nuisance): defendant pays **reparations** to the plaintiff.

Low social value: defendant must **cease and desist**.

The Harm Principle

“The sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection.” [John Stuart Mill, *On Liberty* (1859), Ch. 1, §9]

This principle holds that liberty (autonomy in the sense of “liberty of action”) is a fundamental good to be compromised only with good reason; coercion is justified only when it prevents an evil greater than the coercion itself.

The private harm principle: justifies the restriction of one’s liberty to prevent injury to other specific individuals.

The public harm principle: justifies the restriction of one’s liberty to prevent injury to institutional practices or regulatory systems that are in the public interest.

Moral Rights

A right is always a right *to something* and *against someone*.

“To what do I have the right?”

positive: an action / *negative*: an omission

“Against whom do I have the right?”

in personam: against an individual or group / *in rem*: against everyone

Rights	Positive	Negative	
		active	passive
in personam	Rights of Contract Rights of Reparation		
in rem	Rights of Beneficence	Rights of Liberty	Rights of Security

Waiving Rights and Forfeiting Rights

Nuisance Law

ALDRED V BENTON

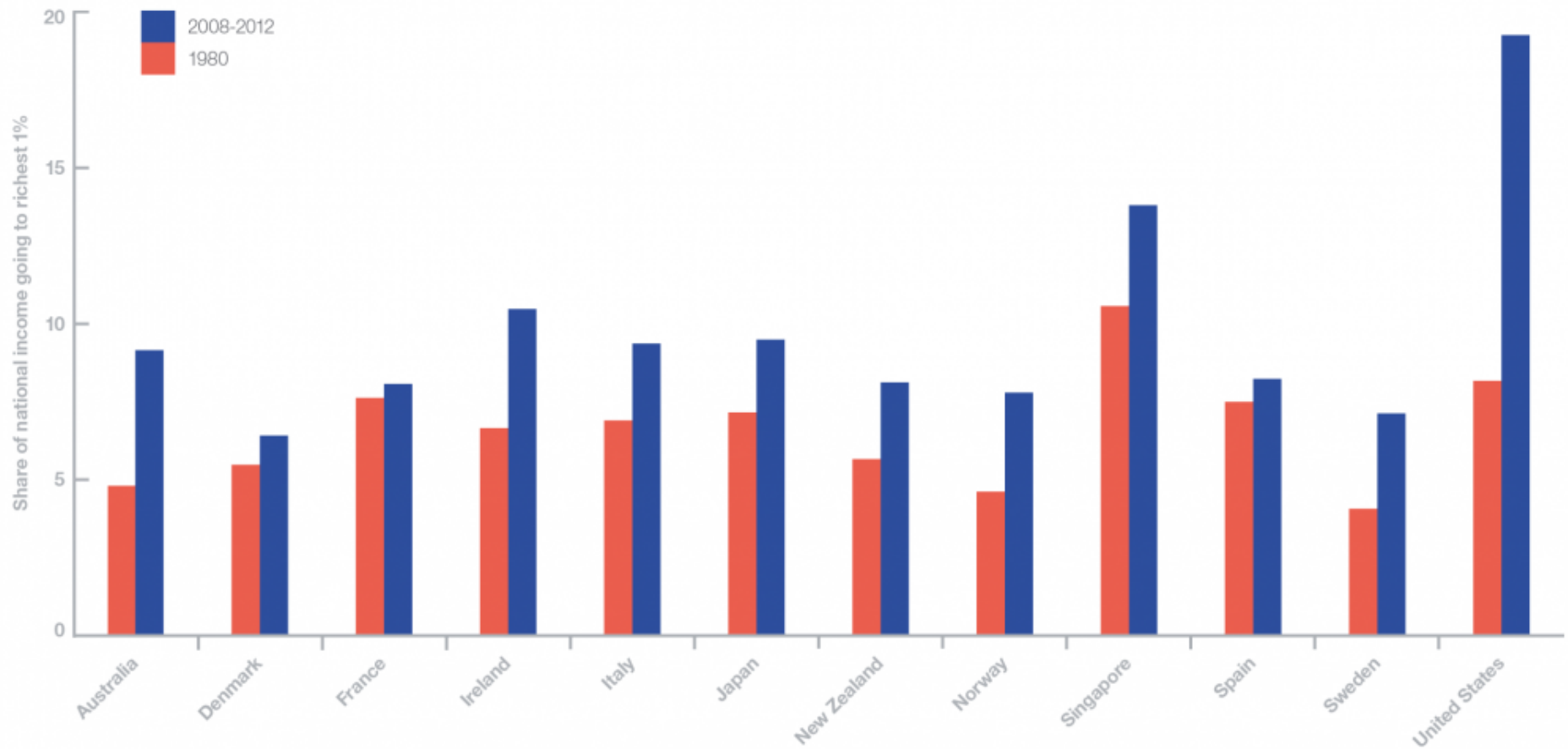
In 1611, William Aldred brought suit against Thomas Benton, his neighbor, who had built a pigsty in his orchard. The suit claimed that the pigsty obstructed Aldred's view from his window, and the stench endangered his health and was obnoxious. Aldred's family and friends could not make use of Aldred's property without being assaulted by the smell.

For his part, Benton argued that "the building of the house for hogs was necessary for the sustenance of man; and one ought not to have so delicate a nose, that he cannot bear the smell of hogs."

The court decided that the loss of view was negligible, but the nuisance of the odor was significant, and so Benton was required to cease and desist with the pigs.

Wealth and Income Inequality

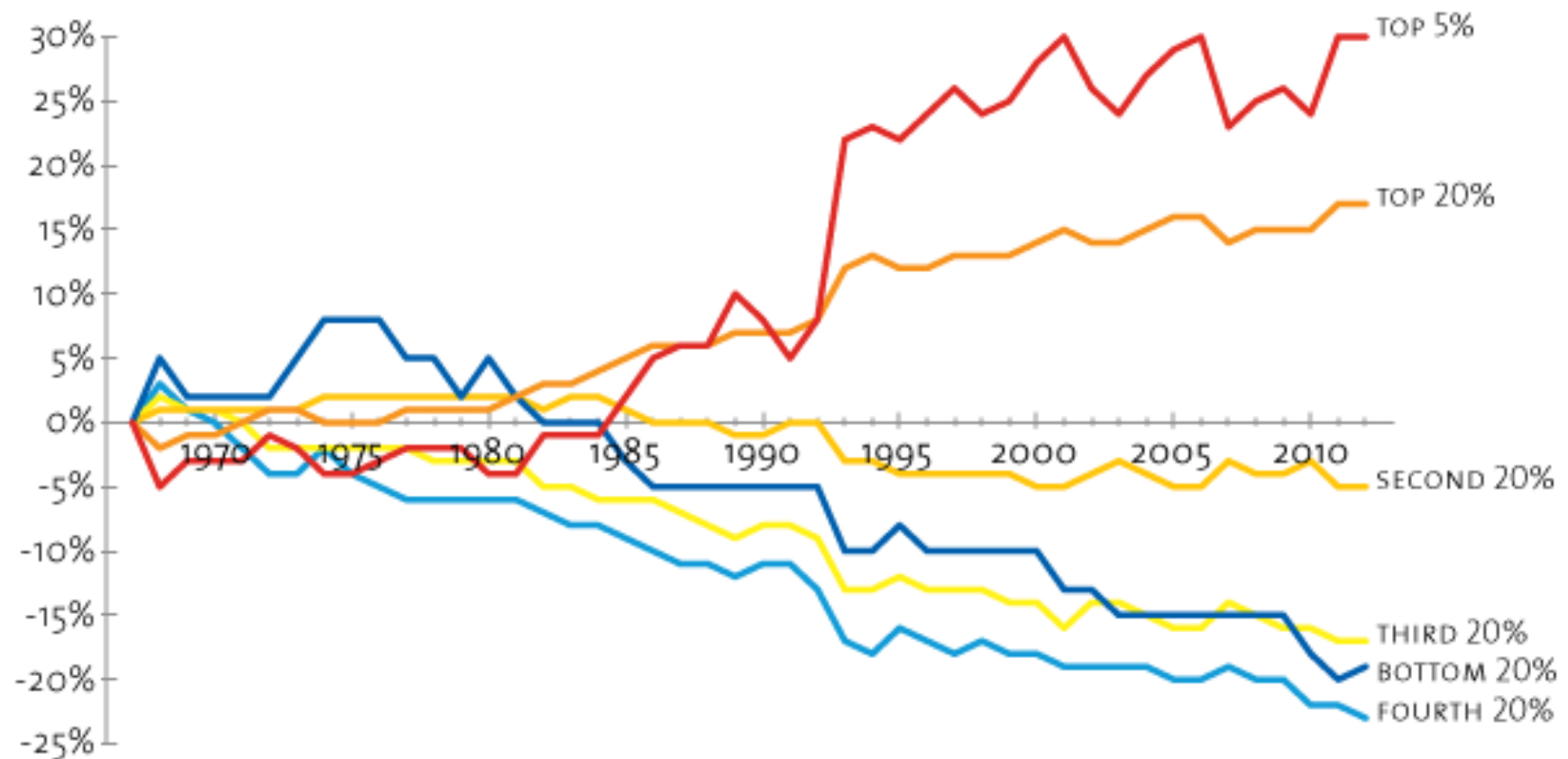
How has the percentage share of national income of the richest 1% changed over time?



Wealth and Income Inequality

Change in Share of Total Income, 1967-2012

relative to 1967, by percentile



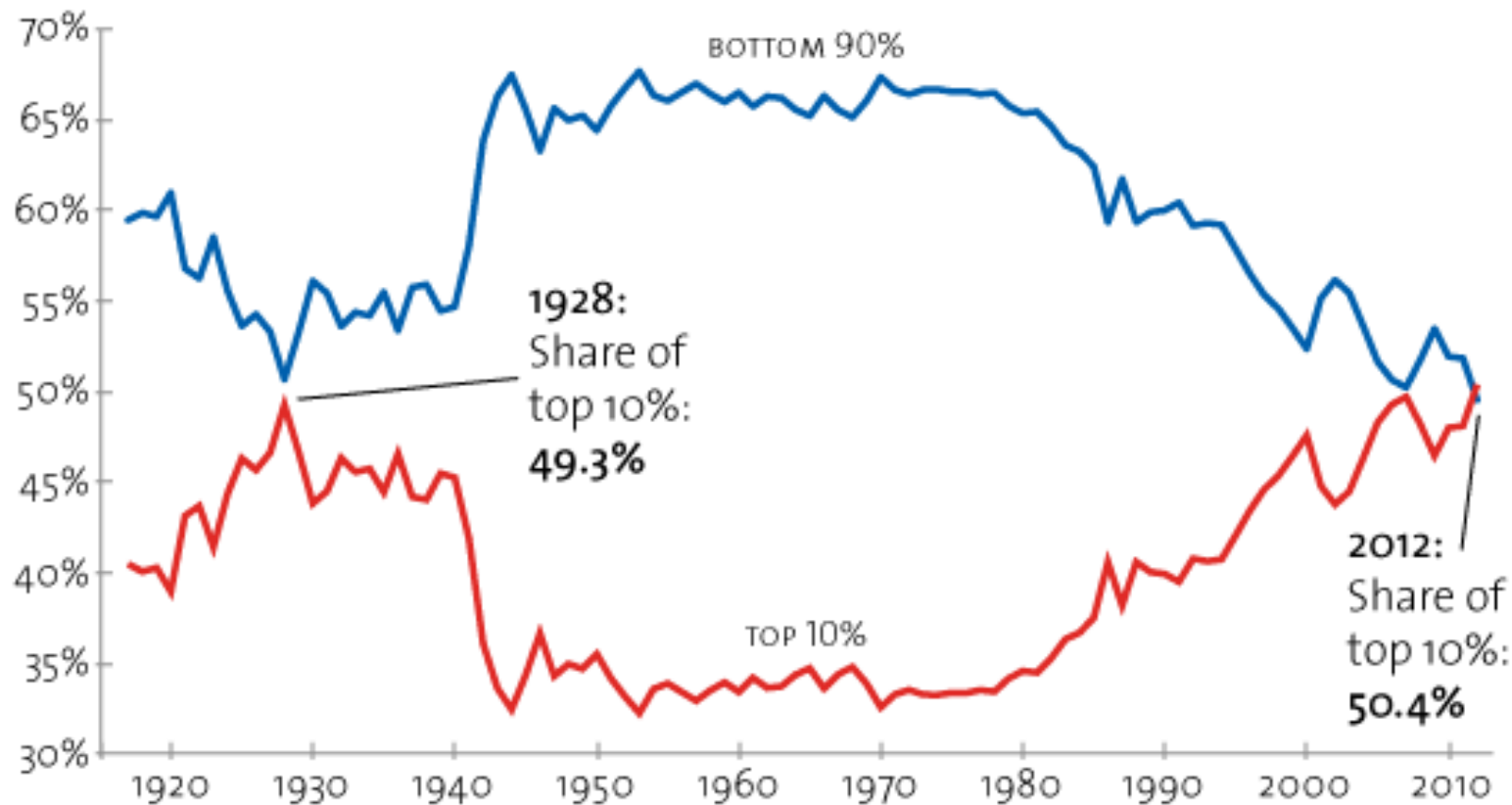
SOURCE: CENSUS BUREAU

Mother Jones

Wealth and Income Inequality

Share of Total Income, 1917-2012

by percentile, including capital gains



SOURCE: THOMAS PIKETTY AND EMMANUEL SAEZ

Mother Jones