

ON ROUSSEAU'S CONCEPT OF PRIVATE PROPERTY

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The aim of this paper is to clarify the assumptions underlying Rousseau's views on the relation between private property and mastery and slavery. His thinking on these matters can best be approached from two closely related angles. I shall first consider Rousseau's view as a response to problems posed by the classical view of private property, as represented by Aristotle, and by the modern view of private property, as represented by Locke. If Rousseau has a theory of private property at all, it can be interpreted as a dialectical synthesis of the classical and modern theories, whose negative elements are cancelled and whose positive elements are preserved. ?

Given this outline of his basic assumptions, Rousseau's views on private property, mastery, and slavery will then be interpreted in terms of his approach to the problem of theodicy and its solution. I shall argue that a specific form of private property is, for Rousseau, a condition of the fall of men from a situation of natural independence into the decadence of mastery and slavery, and that the institution of a different form of private property is necessary to save men from this decadence. The two specific forms of private property will ultimately be seen to be alternative consequences of human perfectibility, compatible with the alternatives of mastery and slavery and civil freedom, respectively.

I.

In this section I shall first outline the virtues and shortcomings of Aristotle's and Locke's theories of private property that are relevant for understanding Rousseau's theory. I shall depend heavily on Sir Ernest Barker's interpretation in my exposition of Aristotle,¹ and on C.B. Macpherson's interpretation in my exposition of Locke.² Then I shall show how, for Rousseau, the shortcomings of either theory characterize a concept of private property conducive to matery and slavery, while the virtues of the two theories, taken together, are necessary elements of a concept of private property conducive to civil freedom.

There are two aspects of the classical or Aristotelian theory of private property of interest for Rousseau. First, on this view the acquisition and the use of private property are limited by moral considerations. Secondly, the concept of private property of classical theory allows for slavery. The second aspect deserves little comment, except to say that it is a fatal shortcoming for Rousseau. Since the existence of slavery is incompatible with civil freedom for Rousseau, it follows that any form of private property which includes slaves is incompatible with civil freedom. I shall devote most of my remarks to the side of classical theory adopted by Rousseau - the placement of private property within a moral framework.- before I move on to the modern or Lockean theory.

When classical theory puts moral limitations on the use

of private property, this does not mean that a portion of individual fortunes ought to be devoted to philanthropic or charitable enterprises. And when classical theory puts moral limitations on the acquisition of private property, this does not mean that there is a legitimate way of acquiring fortunes. The moral context of the classical theory of private property involves neither a "Gospel of wealth" governing its employment nor a "business ethics" regulating its accumulation. The moral or virtuous life for classical theory is identical with or subservient to political life. The use and acquisition of private property are thus, on this view, limited by the requirements of political life. The moral virtue of liberality, which, by depending on private property for its exercise, remotely resembles modern philanthropy, might be thought to be an exception to this rule. But even this virtue is a subordinate element of political life for classical theory, and the need for its exercise is actually eliminated by the form of private property that Rousseau adopts.

Are these the same thing?

Private property must find a place in a system of use and acquisition directed toward the end of making civil freedom or participation in political life possible. For Aristotle, citizenship or full participation in political life depends on leisure. The leisure of citizens is generated by the proper management of their households. The proper management of households in turn requires appropriate instruments, or private property. These instruments, finally,

are acquired either by primary production in the household or by exchange among households.

Private property is thus limited to those instruments necessary and sufficient to generate enough leisure for heads of households to fulfill the duties of citizenship. The capital of households is, as a result, restricted to the production of goods and services which generate this kind of leisure, rather than put to work to generate and accumulate further capital. The consequences of this restriction on the accumulation of capital merit further comment, for Rousseau is one of the few modern thinkers who has rightly understood their significance.

For most modern thinkers, Barker among them, Aristotle's ban on the accumulation of capital beyond what is necessary and sufficient to generate leisure for political life results in an unjustifiably ascetic, (of) not downright reactionary and primitive economic and social system. The unlimited accumulation of capital is, on the modern view, just what makes possible the "commodious living" associated with civilized societies. If the accumulation of capital not only generates enough leisure for political life but also forms the mother lode of civilized amenities, any limitation of this accumulation to just the former function seems unwarrantable.

There are three ways of accumulating capital beyond what is necessary and sufficient for the requirements of political life. Commodities can be exchanged for a profit,

money can be lent at interest, and a greater surplus can be extracted from slave labor by more intensive exploitation. If all of these mechanisms had consequences merely indifferent for the virtuous or political life, as most modern thinkers suppose, then Aristotle might not have objected to the unrestricted accumulation of capital. However, if each has consequences positively harmful for citizenship, then here is the real motive of the classical restrictions on private property.

Middlemen - merchants and bankers, respectively - are necessary for the profitable exchange of commodities and the interest-bearing lending of money. Since these men tend to engage in the unrestricted pursuit of wealth, that which ought to be pursued as a means to full participation in political life - wealth - for these men replaces political life as the ultimate end of all economic activity. Aristotle's first objection to the mechanisms of the unrestricted accumulation of capital is a simple one: middlemen themselves tend to make very poor citizens, even if their example does not make poor citizens of everyone else.

Barker thinks that Aristotle's attack on merchants and bankers would be warranted, if there were not distinctions between usury and industrial financing, and hucksterism and justified commerce. That is, merchants engaged in justified commerce and bankers engaged in industrial financing can make good citizens. The assumption is that justified commerce and industrial finance involve wages paid to merchants and bankers

for services rendered, while hucksterism and usury involve a sort of extortion beyond any just exchange. But if profit and interest are merely wages for a special sort of service, then it seems that merchants and bankers must resort to extortion after all, in order to accumulate surplus capital by means of trading and lending. For "wages," if Aristotle could have made any sense of this term at all, provide at most the capital necessary and sufficient for participation in political life. It seems, then, that Barker's criticism of Aristotle's view cannot have it both ways. Either commerce and finance are justified and produce no surplus capital, or the first two mechanisms of accumulating surplus capital amount to hucksterism and usury.

Aristotle does not consider the third mechanism of the unrestricted accumulation of capital - the intensified exploitation of labor. If he had, perhaps Barker would have countered with a concept of justified exploitation, such as that of modern wage labor, to go with his counters of justified commerce and industrial finance. But if this mechanism of intensified exploitation had required turning more citizens into slaves in order to convert the household into a factory, then Aristotle would probably have rejected it along with the others.

For classical theory, therefore, any mechanism of accumulating capital beyond what is necessary and sufficient for political life involves a reduction of commerce to

hucksterism, of finance to usury, and of slave labor to intensified slave labor, that reveals the incompatibility of that mechanism with political life. But Aristotle does not reject commerce and finance as such, any more than he rejects slave labor. Rather, he permits these as means of acquiring and using private property, within limits compatible with civil freedom and political life. It seems, then, that classical theory poses the choice between a form of private property under no limitations but conducive to civilized comfort, and a form of private property under some limitations but conducive to political freedom. Each form rests on mastery and slavery for classical theory, though the latter form seems to do so to a lesser extent. The problem Rousseau addresses is how to retain the limitations characterizing the classical form of private property and cancel at the same time the residue of mastery and slavery associated with it.

The modern concept of private property, as represented by Locke, requires no justification of mastery and slavery. On the contrary, the modern concept seems to render slavery impossible. The principle that one's labor and self are by natural right one's own provides the condition not only of the modern concept of private property but also of the possibility, as Hegel put it, that all men are free. However, the right of individual ownership of labor and person can lead to two quite different forms of private property. The first form results from the direct application of certain

natural law limitations to the natural right of individual appropriation. The second form results from a modification caused by the introduction of a certain function of money into the economy, which cancels the natural law limitations on the first form. Before the compatibility of either modern form of private property with political freedom or the virtuous life in Rousseau's sense can be determined, both of these forms need to be examined in more detail.

There are two basic principles from which the natural right of individual appropriation of land or its products, which constitutes both modern forms of private property, is derived. The first is that one's labor and person are one's own. The second is that each man needs to get a subsistence or to preserve his life. On the basis of these two principles each man has a natural right to appropriate, by means of his own labor, his subsistence from what otherwise would be held in common by all. Subsistence can be obtained either by working a piece of land directly, or by bartering the products of a household, shop, or land for those of other households, shops, or land. Moreover, the need of a subsistence or products for consumption is the ground of a natural right to appropriate, by means of one's own labor or barter, again, a means of production in the form of a household, shop, or farm.

The two basic principles of labor and subsistence yield not only the natural right to appropriate property, but also the natural law limitations governing this right.

not only needs, but preservation is required by natural law - God's will. I'm not sure if your purpose in this paper is to say, but you could say a bit more how these two conditions are related. I think it's something like this: Because I need private property in order to live, and because God has created the world to preserve my (and others') life, therefore private property is my right. But how do I identify any particular object as mine? - by labor.

The natural right of private property, or the individual's right to appropriate his subsistence and the means of its production, is limited in the following ways. Because every man requires "enough and good" of products and means of production for his own preservation, the amount of these that any man may appropriate for himself is limited so as to leave "enough and good" for each of the others. Furthermore, each man is entitled to only as extensive a means of production "as he can use the product of," either in his own personal consumption or in exchange on a simple market³ for other products he can consume. For were any of the products of one man's labor to spoil, this might mean that other men are being denied a share of the means of production sufficient for their own subsistence or exchange on a simple market. Finally, each man is entitled only to those products and means of production with which he has mixed his own labor, unless he has received the products or the means of others in exchange for his own on a simple market.

Under the direct application of these three natural law limitations to the natural right of individual appropriation, a form of private property arises compatible with the exchange of commodities on a simple market. Money may also be introduced into a simple market economy, in order to facilitate and enlarge the exchange of goods beyond the scale of mere barter, without any modification of the natural law limitations. However, in order for money to serve the additional function of generating

Am not sure about this - I think this limitation comes out of the equality of men in the state of nature

Where does Locke implicitly or explicitly distinguish between goods & means of production, i.e. between consumer & capital goods?

?

*But this isn't
have.* surplus capital, or for a simple market economy to be transformed into the possessive market economy of modern capitalism, the natural law limitations on the individual appropriation of private property must be transcended.

not this In order to convert money as a mere medium of exchange *this requires
consent for habitation* into money as capital, men must at least tacitly agree to value money as a commodity in its own right. Since money is the kind of commodity that will not spoil, it may be obtained in exchange for a surplus of commodities that will spoil. Thus, some men may accumulate more land than others without depriving anyone of anything that might spoil, simply because land and its products are convertible into a commodity that will not spoil. Furthermore, if the appropriation of surplus land by some individuals seems ultimately to leave not "enough and good" land for others, the increase in the products of this surplus land, after it has been converted into money, gives even landless laborers "enough and good" subsistence in the form of wages. Finally, since each man's labor is his own, even a man who cannot work his own land can exchange his labor for money or a subsistence wage paid by men who do own land. The possession of money or surplus land as capital thus enables one man to acquire more means of production or more products of another man's labor than "leaves enough and good" for others. In other words, the acquisition of money as capital enables one to accumulate further capital indefinitely.

One way of understanding the difference between the

two modern forms of private property is to see how the natural law limitations on individual appropriation operate in each case. Under the first form, the limitations entitle each man to "enough and good" means of production to enable him to work up products for his own consumption or for exchange on a simple market. Under the second form, the limitations on the individual appropriation are abolished, but are in a sense retained in so far as they entitle landless laborers to a subsistence wage. This modification of the natural law limitations, together with the transformation of money into a commodity, permits the transition from the form of private property corresponding to a simple market economy, in which each man owns his own means of production, to the form of private property characterizing a possessive market economy, in which some men accumulate capital indefinitely while others receive a subsistence wage.

The first modern form of private property is an improvement on the classical form, in that all rather than some men have the right to own the means of producing their subsistence. In no sense is the first modern form of private property compatible with mastery and slavery. The second modern form of private property, however, permits a class of owners of surplus means of production who, behind the facade of "free contract," are able to command the bodies of wage laborers. Since this relationship is not really different from that of master and slave, and since the second modern form of private

Locke can be criticized for not recognizing the distinction between consumer goods, but to describe his theory in terms of this distinction is misleading, because Locke never draws it.

By the way, all of this is true for Locke only in the state of nature, not civil society.

property also permits the unrestricted pursuit of wealth, this form is incompatible with civil freedom from both the classical and the modern perspectives.

Of course right in thinking that your description of the "modern form" incorporates elements that aren't there, how can Rousseau synthesize this and the classical form, unless he misinterprets the modern form as well. If so, then that point is of great importance. And, isn't such a "misinterpretation" a distortion?

That a synthesis of classical and modern assumptions underlies Rousseau's concept of private property will become clear if I break the remainder of this section into two parts. First, I shall give evidence that Rousseau subscribes to the first modern form of private property, with the natural law limitations on individual appropriation intact, and that his political economy, and scheme of taxation in particular, are aimed at enforcing these limitations. Second, I shall show how Rousseau's concept of private property and scheme of taxation blend in with the concept of a simple market society.

In Book I, Chapter IX of The Social Contract, Rousseau restates Locke's justification of private property in a single passage:

In general, to establish the right of the first occupier over a plot of ground, the following conditions are necessary: first, the land must not yet be inhabited; secondly, a man must occupy only the amount he needs for his subsistence; and, in the third place, possession must be taken, not by an empty ceremony, but by labor and cultivation . . . In granting the right of first occupancy to necessity and labor, are we not really stretching it as far as it can go?⁴

The right to private property is both derived from one's need for subsistence and one's capacity to mix one's labor with land, and also limited by "subsistence," by "one's own labor,"

and by "leaving enough and good for others." These limitations underlie the general requirement in the footnote at the end of this chapter, that in a free society "all have something and none too much."⁵ Furthermore, the right of each man to the products of his own labor, and to own his own means of production, rather than to command the labor power of others by owning surplus capital or to sell his own labor for a wage, is implicit in the footnote about rich men buying and beggars selling in Book II, Chapter XI.⁶ *could appropriate it?*

But how can the original natural law limitations be enforced, and how can the right to own the means of producing one's own subsistence be prevented from being converted into the right to accumulate surplus capital or the right to sell one's labor? In Book III, Chapter VIII, Rousseau says that "the necessities of the public are supplied out of the superfluities of individuals."⁷ That is, private property possessed in excess of the natural law limitations can be rightfully expropriated, by means of taxation, for running the machinery of civil society. Rousseau even goes on to argue that in areas where no privately owned surplus is available, no civil society is possible, while in areas where the privately owned surplus is abundant, a monarch is needed to absorb this excess through public luxury. Only in areas where the privately owned surplus is "middling" can it be converted by taxation into just the necessary civil machinery of a free society.

*civil society -
this distinguishes
him from Locke's*

The problem, therefore, is also how to prevent capital from accumulating to the point at which it becomes necessary for civil society to absorb the surplus. In A Discourse on Political Economy, Rousseau outlines various preventive measures and, if these fail, a system of taxation as a final recourse. He says that there is a need for "government to prevent extreme inequality of fortunes: not by taking wealth away from its possessors, but by depriving all men of the means to accumulate it; not by building hospitals for the poor, but by securing the citizens from becoming poor."⁸ Men can be prevented from acquiring the means of accumulating wealth by governmental encouragement of "useful and laborious crafts" rather than "arts that minister to luxury" or the "purely industrial arts," and "agriculture" rather than "commerce." At the most basic level, men can be prevented from desiring wealth or the means of accumulating it if their love of luxury is converted into love of country.⁹

If men cannot be prevented from acquiring or desiring the means of accumulating wealth by the moral persuasion of government and educational institutions, then taxation remains the only mechanism of enforcing the natural law limitations on private property. Rousseau's general principle of taxation is stated as follows: "He who possesses only the common necessities of life should pay nothing at all, while the tax on him who is in possession of superfluities may justly extend to everything he has over and above mere necessities."¹⁰

This principle is further specified, however, to account not only for ownership of superfluous goods, but also for the relative social power or weakness of individuals resulting from the ownership of surplus means of production by some and of no means of production by others.¹¹ The government or executive of the polity also has the rightful power, by means of taxation if not by moral persuasion, to control the commerce of private individuals, and to direct it into those channels that will minimize the concentration of surplus wealth in private hands. Taxes can be directed toward the "frivolous and all too lucrative arts," toward unnecessary imports, and away from "real producers" such as farmers and craftsmen. Thus a system of taxation, unlike that of education, does not attack the root of the problem of the accumulation of wealth, but tolerates the exercise of the acquisitive impulse on the payment of a certain duty. But since taxation may not improve the citizens but only enrich the state, Rousseau seems to treat this as only a backup mechanism to education or moral persuasion for enforcing the natural law limitations.

There is little doubt that Rousseau's concept of private property, or the individual ownership of means of production under natural law limitations, is appropriate for the economy of a simple market society. Rousseau has a strong aversion to the "bourgeois character" of possessive or full market societies, in which "even public esteem is reckoned at cash value, and virtue rated at a market price."¹² By contrast, he has high praise for simple economies generally, though

these range from the pastoral economy of the countryside of Geneva, through the split economy of the ancient Roman Republic (agriculture honorably relegated to the countryside and the arts and trade demeaningly confined to the city), to the unified simple market economy recommended in A Discourse on Political Economy and for Poland in particular in The Government of Poland. But can a merely pastoral economy, which generates no surplus for taxation, be Rousseau's ideal model, if political freedom or the virtuous life requires not only leisure but also a minimally funded civil machinery? Perhaps it can be, if the citizens can be conscripted to perform all of the functions of civil servants. It is certain, however, that Rousseau's ideal model is not an economy which generates so much surplus for taxation that the polity needs a monarch to consume it by luxury. Rousseau's ideal model, I think, lies between these two - an economy of herdsmen, farmers, craftsmen, and enough traders to facilitate exchange beyond mere barter but no more than will also provide a surplus necessary and sufficient to fund the machinery of civil society. In Rousseau's simple market, therefore, the accumulation of wealth in both the private and public sectors is limited to what is necessary and sufficient for political freedom or the virtuous life.

II.

The relation between private property and mastery and slavery is important for the way in which Rousseau poses and resolves the problem of theodicy. At the beginning of the Second Part of A Discourse on the Origins of Inequality, Rousseau says that the recognition by everyone of each man's right to private property, or to appropriate from the land originally held in common a piece of land for himself, is the last point in the state of nature or the true beginning of civil society. He also remarks that men might have been spared many of the evils of civilized life, especially the evils of mastery and slavery, if they had refrained from recognizing the right of private property. But even if they had wanted to remain in a state of nature, in which all land had been held in common, could they have done so? Rousseau argues that they could not. The development of men in society, according to Rousseau's hypothetical history, is inevitable and makes it impossible for them not to recognize eventually the private appropriation of land.

However, while men are faced with an inevitable tendency, by virtue of their natural development, to appropriate land individually, this tendency need not result in mastery and slavery. There is, on Rousseau's view, a way of avoiding this result. Everything hangs on the point in the hypothetical history at which the right of private property is recognized and enforced. Rousseau's description of the original

appropriation of land by individuals closely resembles Locke's discussion of private property under the natural law limitations.¹³ If the right of private appropriation of land is recognized at this point, then men have a right only to the land and products that they mix their own labor with or receive by exchange through barter, and so forth. It is difficult to see, as I believe I have shown in the preceding section of this paper, how great inequalities in wealth and the associated mastery and slavery could arise and be legitimated by a social pact at this point in the hypothetical history. But one might instead take a point further on in the history, *e. before money?* after money has been introduced as a commodity and the natural law limitations have been canceled. *O.K.* It seems that if the right of private property is recognized now, then Rousseau's remark that it "changed a clever usurpation into an irrevocable right" would appropriately characterize the beginning of civil society.¹⁴ In other words, if men had recognized the right of private property at the right moment in the hypothetical history, then they would already have saved themselves from the evils of mastery and slavery. Of course they probably would have seen no need to do so until the introduction of money had already generated large inequalities of wealth. But even then, an appropriate scheme of taxation, such as the one Rousseau outlines, might have been established as a conventional way of restoring the natural law limitations to saving force.

Therefore, not the institution of private property in

general, but only the institution of a certain specific form of private property (the second modern form) reinforces the evils of mastery and slavery associated with the problem of theodicy. The institution of a different form of private property (the first modern form), together with a system of taxation to enforce it, would mitigate or circumvent these evils. The latter form of private property is also related to two more obvious mechanisms of salvation for Rousseau. These are the general will and the order of nature, each of which I shall consider in concluding this paper.

For Rousseau, civil freedom can be maximized and preserved only if individuals come together to form a general will, empowered to limit the private will or interest of each by the general interest of all. But the general will needs some leverage on each private will, by which the latter can be made accountable to the former, for private interest often differs from general interest. Since one of the functions of the general will is to protect private property, this function is an important way of making the private will and interest dependent on the general will and interest.¹⁵ This function indeed gives the general will its most important source of leverage on private wills in societies where love of country has not been generated independently of love of wealth. This form of dependence cannot be general, of course, unless each private will can take an interest in a piece of property protected by the general will. Each individual must therefore be able to own a piece of land or other means of production.

One can see, then, that the form of private property belonging to a simple market society is also the form needed by an effective general will.

The problem of theodicy and its solution for Rousseau is also the problem of how the order of nature becomes disrupted and then restored. Part of this disruption is caused by sheer social instability, particularly during periods of "continual shifting of rank and fortune."¹⁶ One way of mitigating this general instability is to guarantee the family a means of stability. One such means is to entitle the family to pass a means of production on to the children. The enforcement of the natural law limitations by means of taxation must thus be moderated, to allow families to appropriate more than a bare subsistence.¹⁷ The influence of the classical theory of private property in this connection is patent: for Aristotle, private property, under certain limitations, is a condition, with the family, of moral perfection; for Rousseau, private property, under much the same limitations, prevents a fall from the order of nature or virtuous life into a condition of decadence.

Rousseau's justification of private property as a component of his social solution to "tragic history" or the fall from the order of nature has a correlate component in his individual solution to the same problem. In Emile, the pupil's education is directed toward preparing him to get along in a society where the "continual shifting of rank and fortune" has all

but erased the order of nature. He is brought up to live according to that order, in spite of the continual shifting. He therefore learns both a manual trade and respect for the simple market form of private property.

Private property is introduced to the pupil as a convention binding his private interest to the "defense of things." He learns that "things do not defend themselves," but that private property secures his things from the private wills of others, if and only if it also secures the things of others from his own private will.¹⁸ He thus learns that private property has been instituted to protect the order of nature, or to secure each person's possession of the means of production or product of his labor from a conflict of private wills. These notions in their abstract form are not, to be sure, just what the pupil learns in the pedagogical situation, but they form the theoretical basis of what he does learn. He is thereby put in a condition enabling a general will to have effective leverage on his private will, or to secure his will from the potential threats of mastery and slavery, even if no general will already exists in the society in which he lives.

*des Rousseau talk
about the means of
production?*

Notes.

1. Barker, Sir Ernest, The Political Thought of Plato and Aristotle, New York, Russell & Russell, Inc., 1959, pp. 357-405.
2. Macpherson, C.B., The Political Theory of Possessive Individualism, Oxford, Oxford University Press, 1962, pp. 197-221.
3. See Ibid., pp. 51-61 for an analysis of the distinction between a simple market society and a possessive market society.
4. Rousseau, Jean-Jacques, The Social Contract and Discourses (Cole trans.), London, J.M. Dent & Sons, Ltd., 1973, p. 179.
5. Ibid., p. 181.
6. Ibid., p. 204.
7. Ibid., p. 226.
8. Ibid., p. 134.
9. Ibid., pp. 134-138. See also Rousseau, The Government of Poland (Kendall trans.), Indianapolis, Bobbs-Merrill Educational Publishing, 1972, pp. 16-18.
10. Rousseau, Discourses, p. 146.
11. Ibid., pp. 147-148.
12. Ibid., p. 134. See also Rousseau, Poland, pp. 67-70.
13. Rousseau, Discourses, p. 85.
14. Ibid., p. 89.
15. Ibid., pp. 138, 180.
16. Ibid., p. 139.
17. Ibid., p. 139.
18. Rousseau, Emile (Bloom trans.), New York, Basic Books, Inc., 1979, pp. 98-99.