

Discussing the Sufficiency Condition in
Locke's *Second Treatise of Government*

Andrew Molas
University of Toronto
2012 Keenan Prize

The purpose of this paper is to examine the sufficiency condition discussed in Section 27 of Locke's *Second Treatise of Government* and to discuss whether or not Locke meant for it to serve as a necessary restriction on the right to appropriate goods in the State of Nature. I will first examine James Tully's argument, discussed in his work *A Discourse on Property*, which is that the reason why the sufficiency condition is necessary is to ensure that people are not made worse off and deprived of the right to the means of their survival. Furthermore, in situations of scarcity, appropriation is illegitimate because we would never be able to leave "enough, and as good" left for others. In response to Tully, I shall examine Jeremy Waldron's argument discussed in both his book, *The Right to Private Property*, and his article, "Enough and As Good Left for Others", that there cannot be a sufficiency condition in situations of extreme scarcity without concluding that it would be contrary to Locke's understanding of the fundamental Laws of Nature. I will then examine Gopal Sreenivasan's argument, discussed in *The Limits of Lockean Rights in Property*, that the sufficiency condition is necessary to limit the amount that an individual can legitimately appropriate, in order to preserve an equal opportunity for everyone to access and appropriate resources to ensure their subsistence. In response to this claim, I will examine Waldron's argument that there is no need for the sufficiency condition to limit the amount of private appropriation because our duty of charity that we have to those less fortunate imposes a much stronger restriction on us, and that the sufficiency condition would actually *restrict* our ability to help promote the preservation of others.

The first argument in favor of interpreting the sufficiency condition as a necessary condition to limit individual appropriation is to prevent people from being denied the materials necessary for their survival. Although the objects held in common belong to everyone in the same manner, Tully argues that "it belongs to them to use for the duty of acquiring the means

necessary for support and comfort” (Tully 127). If there were no restrictions on appropriation, the worry he has is that we would be acquiring *more* than was necessary for the support and comfort of our lives. To that end, Tully argues that in order for an appropriation of common goods to be considered legitimate, no one can be made worse off as a result. In order to prevent this from happening, he argues that one’s share of the common “must be made from the use of the common, so in fact the common remains common” (Tully 128).

To illustrate how the common remains in common ownership after an individual appropriates part of it, Tully uses an example mentioned by Locke: he explains that although the rivers and other sources of water were provided to us by God and are available for everyone to use, if someone drew a pitcher of water for his own use from this commonly owned resource, it is through “[h]is *labour* [which] hath taken it out of the hands of Nature, where it was common, and belong’d equally to all her Children, and *hath* thereby *appropriated* it to himself” (II.29). It is through our acts of appropriation that allow us to remove things that once belonged in common and use it for our own purposes. And because there was an abundance of resources available for everyone (such as land, water, and various food sources) Locke argues that these individual appropriations are legitimate because even after we had taken our share from the common stock, “there was still enough, and as good left; and more than the yet unprovided could use” (II.33). Our appropriations do not leave others at a disadvantage, and we do not deprive them of these resources, either, because “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” (II.33). Furthermore, we do not need the consent of others to appropriate goods when there is abundance available because as long as our appropriation “does not violate

anyone's rights as long as sufficient materials are effectively available for everyone to produce his subsistence" it is perfectly consistent within a Lockean framework (Sreenivasan 59).

But in situations of scarcity, however, Tully argues that the sufficiency condition cannot hold because it would be impossible to leave an 'enough, and as good' amount of resources for others. And as a result, the liberty we once had to individuate commonly owned resources in the State of Nature "ceases to be justifiable and some form of conventional individuation based on consent is required" (Tully 129-130). To illustrate why consent is now necessary, suppose that there is a wave of famine in the State of Nature and everyone is struggling to survive. Tully argues that the reason why we simply cannot appropriate anything we want in a situation of scarcity is because our actions now directly impact the lives of those around us. Whereas before, when there was an abundance of goods available and we were free to appropriate as many provisions as we could consume without depriving others or causing them harm, if we tried to do that when there is a limited supply for everyone we would most definitely be making the other survivors worse off by depriving them their means of survival. Furthermore, in situations like this it would be impossible to achieve full consent from everyone because it is a matter of life or death: it would be very difficult to come to an agreement and decide *who* should have access to the resources and who should not. Since the sufficiency condition is meant to ensure that no one is deprived of the necessities of life, Tully believes that in these cases of scarcity, *any* kind of appropriation on our part would be wrong and illegitimate (Tully 130).

Waldron disagrees with Tully's interpretation and argues that the reason why the sufficiency condition *cannot* be regarded as a necessary restriction on the appropriation of goods is because, in situations of scarcity, it would lead to contradictions in Locke's understanding of the fundamental laws of Nature. Waldron claims that Locke bases his justification of

appropriation on the material needs of human beings for their self-preservation, which includes having a fair and equal access to the necessities of life (Waldron 324a).¹ Since the world and its abundance of resources was given to us by God to be owned in common and to be used for the sake of our own benefits (II.26), Waldron argues that a sufficiency limitation cannot restrict one's appropriation because "no man could be denied what he had taken out of this common stock to satisfy his needs" (Waldron 325a). But in order to show why Waldron feels that interpreting the sufficiency condition as a necessary restriction in situations of extreme scarcity leads to a contradiction in Locke's own theory, let us suppose that there is a group of twenty individuals who have become stranded on a deserted island.

Although there is enough food and shelter available in sufficient quantity for some of them, Waldron explains that there is certainly not enough "to secure even the bare subsistence of all" (Waldron 325a). Each inhabitant on the island has the capacity to appropriate the resources he needs to ensure his own survival—which can include possessing agricultural skills or the ability to forge tools to assist in hunting or fishing—but he knows that in doing so "he will be depriving at least some others of the opportunity to make a similar appropriation" (Waldron 213b). If the sufficiency condition was intended to limit the amount an individual can appropriate, and if Tully is correct in saying that appropriation is legitimate only if it does not deny others their necessities and life or make them worse off, then it appears that in situation of extreme scarcity the only *legitimate* course of action for the inhabitants would be "death by starvation and exposure of them all...since *no* appropriation would leave enough and as good in common for the others" (Waldron 325a). Waldron feels that it would be absurd to accept the solution that "*all* should perish when *some* could have been preserved" because not only would

¹ For clarification purposes, (Waldron pp.a) indicates I am citing from Waldron's article, "Enough and As Good Left for Others," and (Waldron pp.b) indicated I am citing from Waldron's book, *The Right to Private Property*.

this result be contrary “to the will of the Creator as evinced by the fact that he had provided at least some quantity of the necessities of life” but it would also contradict Locke’s earlier understanding of the fundamental Laws of Nature (Waldron 325a).

In Section 6 of the *Second Treatise*, Locke argues that each individual is “*bound to preserve himself*, and not to quit his Station wilfully” and whenever our own survival is not in competition with others, we must do as much as we can “*to preserve the rest of Mankind*, and may not...take away, or impair the life...Liberty, Health, Limb, or Goods of another” (II.6).

Although we have an obligation to preserve as much life as possible, Waldron reiterates that it is Locke’s position that our primary duty is to ensure our *own* preservation. And in a situation of extreme scarcity, especially, when where our lives *are* in competition with others, Waldron argues that it *is* consistent with Locke’s theory that he “who appropriates the food and shelter he really needs is entitled, even bound, to use them—*irrespective of the needs of others*” (Waldron 213b). It is only if he appropriates *more* than necessary for his survival that he would be depriving others of their right to life and would be causing them injury. For example, if one of the inhabitants stumbled upon some provisions and intentionally hides them away so that others could not access them, only *then* would he be denying others their right to preserve themselves and this would be a violation our secondary duty under the law of Nature. From this, Waldron concludes that the sufficiency condition cannot be interpreted as a necessary condition for restricting legitimate appropriation “without concluding that it is downright inconsistent with what Locke claimed to be the fundamental duty of the law of nature” (Waldron 326a).

While I do agree that Tully is correct in saying that there should be *some* kind of limits in place to prevent people from being denied their means of subsistence, it does not make any sense to let everyone die in a situation of scarcity because we would never be able to reach a

consensus. The preservation of our own lives is the most important thing for Locke because without our own lives, we would not be able to promote the lives of others. In situations of extreme scarcity, especially, it is not as if we are intentionally trying to cause harm to others. We are not appropriating goods to with the *intention* of putting others at a disadvantage; we are appropriating them to try and preserve ourselves, and this is perfectly consistent within the State of Nature and rational thought. And since resources would be scarce and everyone would be doing whatever they could in order to ensure their survival first, we can even view it as a form of self-defense because others are putting *my* life at risk by appropriating resources. Finally, it is because it is my life that is in competition with others in a situation of scarcity that permits me to seek my own preservation *first* and not to promote the lives of others ahead of mine. And as a result, if I am morally permitted to ensure my own survival first then the sufficiency condition cannot be maintained.

According to Sreenivasan, the second argument in favor of why the sufficiency condition must be in place is to ensure that every individual has access to the means for their survival, as well having an opportunity to secure those resources for themselves through their own appropriations. He feels that if there were no limits to the amount that individuals could appropriate we would be denying others their right that they had when the world was owned in common, of having an equal opportunity to appropriate resources. And even if their means were provided for from the surplus of others, Sreenivasan thinks that it is unfair to deny people their opportunity of equal access that they once had when there was no appropriation.

For him, the purpose of the sufficiency condition is to help guarantee that “the material preconditions of everyone's right to the means of preservation remain firmly in place” and that the satisfaction of this condition prevents the actions of individuals “from impinging on the other

commoners' exercise of their right to property in common” (Sreenivasan 49). With that being said, Sreenivasan would argue that the reason why the sufficiency condition must remain in place is to ensure that people have a fair and equal opportunity to appropriate for themselves, without having to rely on others to provide them the means of their subsistence. If there were no limit to the amount that an individual could appropriate for himself in the State of Nature, we can easily imagine situations where individuals own a vast majority of resources while others remain property-less. Even if their basic needs are provided for them from the surplus of others or by working on appropriated land for a wage, Sreenivasan thinks that it is unfair to deny them opportunity to secure these means on their own, and that those “who find themselves without land in a context of land scarcity may well have a legitimate grievance, their right to be provided with employment notwithstanding” (Sreenivasan 111). One way of motivating the claim that the natural right to the means of preservation has been violated as a result of unrestricted appropriation is to argue that those who do not have property “were being denied the *opportunity*, which they once rightfully enjoyed, to appropriate some land (and thereby improve their lot) and were in that degree injured” (Sreenivasan 111-112, emphasis added).

To illustrate with an example, imagine that there are a series of natural disasters that ravishes all the means of survival in the State of Nature and a small community of villagers has to relocate to an uninhabited island somewhere else. When things were owned in common, each villager was at liberty to access and to enjoy the resources and use them for their own purposes, and each villager also had an equal opportunity to appropriate some of the resources for their own benefit (Sreenivasan 114-115). But suppose that by mixing his labour and using his efforts to cultivate the land and transform it into something even more valuable, the first inhabitant has appropriated *all* of the island’s natural resources and claims ownership of it all before the rest of

the villagers arrive. If all the resources belonged to him after the appropriation, Sreenivasan argues that despite the fact that each of the subsequent individuals can be accommodated by the surplus of goods produced on his appropriated land, their *opportunity* to appropriate anything cannot be accommodated at all (Sreenivasan 112). And although he is not depriving the other villagers their necessities of life, he *is* depriving them of is the right to an equal opportunity to appropriate land on their own; a right that they had when the world was owned in common and according to Sreenivasan this gives them grounds to complain.

The motivation behind enforcing the sufficiency condition as a limit to individual appropriation is to prevent individuals from depriving others of the opportunity of exercising their natural claim rights to appropriate objects that were once held in common and protects the right for each commoner to “[have] access to the materials of the earth to which he was originally entitled” (Sreenivasan 115-116). Under Sreenivasan’s interpretation, the sufficiency condition would require us to leave an adequate amount of resources to allow others the opportunity of appropriating their means of subsistence for themselves, in the name of equality and fairness. However, it is not that we must leave an ‘enough, and a good’ amount of equal portions of land or resources; Sreenivasan argues “what must be left for others need not be left in kind” but that we all should have equal opportunity to appropriate resources and to be able to exercise the rights we once had when everything was owned in common (Sreenivasan 55).

In response to Sreenivasan, Waldron argues that there is no need for the sufficiency condition to provide individuals with an equal opportunity to appropriate their own means of subsistence because the duty of charity that we have towards those who are in need is much stronger. In the *First Treatise*, Locke explains that even though God has given us the right to appropriate items for our own personal use and benefit, He also gave those who are in need of

assistance “a Right to the Surplusage of his Goods; so that it cannot justly denied him, when his pressing Wants call for it” (I.42). And because Locke feels that it would be a violation of God’s divine command and contrary to the fundamental laws of nature for any man “to let his Brother perish for want of affording him Relief out of his Plenty” Waldron argues that there is no reason to limit the amount we can appropriate since the duty of charity “gives every Man a Title to so much out of another’s Plenty, as will keep him from extream want, where he has no means to subsist otherwise...” (I.42). If we have a surplus of goods as a result of our appropriation, we are required to provide for those who are unable to provide for themselves to help ensure their survival. For example, suppose that I am the owner of several large peach trees in the State of Nature and I have gathered more than enough fruit to feed myself and my entire family. If, one day, a beggar with physical handicaps comes to my door and asks for some food because he is unable to get it for himself, Locke would say that in this situation I am forbidden to turn him away because if I did, I would violate the legitimate right that he has over *my* excess of goods (I.42). As Tully notes, we cannot deny him access to our provisions because charity “is a right on the part of the needy and a duty on part of the wealthy” (Tully 132). He explains that Locke understands the notion of charity as “a natural *duty* which follows from the nature of property” and since the only reason why a person has a property is for the sake of preserving himself and others, “once his own preservation is secured, any further use for enjoyment is conditional on the preservation of others” (Tully 132).

The strength of the duty of charity is such that as long as someone is in possession of surplus goods, “he has no right to refuse subsistence to the disabled needy” and he must relieve their suffering whenever it occurs (Sreenivasan 104). It is not the case that my obligation to provide for others is annulled by the fact that there are no people in desperate need *at that*

moment asking for means to their subsistence; if, at any time, a case of need in someone arises, then my right of ownership “is overridden by another’s claim, and the goods become his property” (Tully 132). And by failing to provide him with the means to his subsistence or simply withholding these gives that can be put to better use, “the proprietor invades the share now belonging to the needy and is liable to punishment” (Tully 132).

In this sense, there is a conditional moral requirement created in exchange for possessing property in the first place because the right of charity guarantees that people will *always* be provided with the bare necessities if they need them. Waldron argues that although having an equal opportunity to appropriate your own resources is *one* way of assuring your survival, it is not the only way of achieving this since “[h]e may survive through gainful employment on the property of others, or through charitable provision” (Waldron 215b). To that end, even if individuals had appropriated more land and resources which did not leave ‘enough, and as good’ for others to appropriate for themselves, we cannot limit the amount we can appropriate because “[e]ven the landless day-labourer gets a bare subsistence” working on appropriated land “[and that] is better than the standard of any member of a society where the land is not appropriated and fully worked” (Macpherson 212) If we try and enforce the sufficiency condition as a way of preserving a fair and equal opportunity for individuals to appropriate, Waldron argues that we would “be limiting the ways in which we could ensure the survival of others, and we may well limit the number of people we were able to preserve” (Waldron 215b).

The implication of Waldron’s view is that, in a situation such as this, it would not really matter if one individual had appropriated an abundance of goods for himself (while others are left with nothing) since he would only have to provide, at most, the *bare minimum* of the necessities of life. But this seems counter-intuitive to Locke’s theory, especially given the fact

that the objects of the world were once owned in common and that everyone should have an equal right to be able to appropriate goods for their own benefit (II.26). I think that in order to justify an unrestricted appropriation of land or resources, Waldron would have to respond by saying that those who have more now have a greater level of responsibility placed on them. Not only would they have to ensure that the means of subsistence are provided for others (either by providing them employment or by sustaining them with the surplus created), but they would also have to ensure that others are no worse off than they were when things were owned in common. If they were, then I think critics like Tully and Sreenivasan would argue that this appropriation is illegitimate and his resources can, and should, be taken away from him.

I like Sreenivasan's appeal to an argument from fairness allowing everyone the opportunity to have access to resources and to appropriate them for themselves. If we provide everyone with an equal opportunity, not everyone will necessarily take it up and be industrious enough to transform it into something useful. I think that even from a practical standpoint most people would rather work in exchange for wages instead of having to actually appropriate or create some object for use. So while I think that there is an intuitive appeal to wanting to give everyone a fair opportunity if, for example, that opportunity is wasted then it does not seem like the best decision to make. And if opportunities are wasted, either from non-compliance or lack of effort, when those opportunities could have been put to better use by the "Industrious and Rational" (II.34) then I do not see why we would have to limit the amount that *those* industrious few can appropriate, especially if they are better able to make something of better usefulness to the rest of us. And so, I do not think that either Tully's or Sreenivasan's arguments are ultimately successful in showing that the sufficiency condition is intended as a necessary restriction on individual appropriation.

Works Cited

- Locke, John. Two Treatises of Government. Peter Laslett (ed.) New York: Cambridge University Press, 2009. Print.
- Macpherson, C.B. *The Political Theory of Possessive Individualism: Hobbes to Locke*. Oxford: Clarendon Press, 1962. Print.
- Sreenivasan, Gopal. The Limits of Lockean Rights in Property. New York: Oxford University Press, 1995. Print.
- Tully, James. A Discourse on Property: John Locke and his adversaries. Cambridge: Cambridge University Press, 1980. Print.
- Waldron, Jeremy. "Enough and As Good Left for Others." The Philosophical Quarterly 29.117 (1979): 319-328. Print.
- Waldron, Jeremy. The Right to Private Property. Oxford: Clarendon Press, 1988. Print.