

WHAT WOULD YOU DO, IF THE GROUND YOU ARE STANDING ON SUBSIDED ALTOGETHER ?

NISHIYAMA Toshihiko

If the above question were addressed to you, Peace Scientist, what would be your reaction? A cold scoff or blunt refusal to answer this questioner, regarding him as a daydreamer? By the ground we are standing on, here, is meant, metaphorically, the Right to Private Property -RPP- which is considered to be “ The Legal Foundation of Capitalistic Society ”⁽¹⁾ or “ The Ultimate Principle of the Modern State Legislation ”.⁽²⁾ The unjustifiability of the RPP, examined from a logico-philosophical viewpoint, has been presented by the following arguments :⁽³⁾

I. PROBLEM

—The Entitlement to Private Property—

The focal point to be examined is, by what reason, by what entitlement—Berechtigungsgrund—can the RPP be justified? Here, the entitlement means the right of a particular subject (person) sufficient to appropriate particular objects as his own. By “ particular ” is meant the appropriation by a definite subject of determinate objects, i.e., stated in other words, an INALIENABLE and EXCLUSIVE Entitlement of the subject to the objects, rather than a “ general or common ” entitlement to goods in general, as is supposed in the “ Human Dignity Postulating Theory ” which does not yield a differential entitlement of individuals to appropriate a differential amount of goods.⁽⁴⁾

The Theories, deemed, to justify the RPP are distinguished, mainly, as I. Theories external to the subject, such as “ Social Function Requirement Theory ”, “ Deriving from Prior Occupancy Theory ”, and II. Theories internal to the subject, such as “ Human

Dignity Postulating Theory ”, “ Life Subsistence Requirement Theory ”, etc.. The former has to be dismissed because it does not justify the INALIENABILITY principle, the entitlement innately or inherently originating from the particular subject, while the latter has to be dismissed for not justifying the EXCLUSIVITY principle, the entitlement exclusively attributing merit to the particular subject, thus leaving “ Labour Producing Theory -LPT- ” as the only possible theory to be examined.

II. EXAMINATIONS

—The LPT justifying the Right to Private Property?—

The LPT proposed by John Locke, the Founder of Modern Society and Modern Sciences, could be summarized as follows.

1. Since “ His Body is his own ”, (Major Antecedent)
2. “ The Labour of his body, too, is his own ” (Minor Antecedent)
3. Therefore, “ The Product of the labour of his body is his own ”. (Conclusion)⁽⁵⁾

Although the justification of both the Major and Minor Antecedents has to be examined according to the criteria of Inalienable and Exclusive entitlement,⁽⁶⁾ for the sake of brevity, here below is an examination of a single Antecedent by a single entitlement, only.

—Inalienable Entitlement of His Body?—

If the Labour Producing Theory -LPT- should be the most fundamental theory justifying the Right to Private Property -RPP-, the LPT has to be applied to the Inalienable Right of His Own Body, too. But

this is not the case for anyone, since everyone finds his body as what is given gratuitously. Therefore, the LPT can not be a legitimate theory, since no one can claim his body (entitled or imputed causally) as his own. In spite of this fact, under the False Consciousness or Falschesbewusstsein, the pervasive belief goes on assuming that “His Body is the product of his own labour”, which is called the “Self-Possessive Theory”.⁽⁷⁾ This can not be justified, because it is a logico-philosophical impossibility.⁽⁸⁾ The LPT, depending on the Self-Possessive Theory, is a fundamental theory which in turn is offered as a justification of the RPP! Therefore, it is clearly evident that the First Duty of the Legal Philosopher and Scientist, including of course the Peace Scientist, is to make evermore clear, before rebuking unequal distribution, that SPT and LPT are, both, nothing but Legal Fictions contradictory in themselves.

One more contradiction to be noted is the divergent acceptance of innate qualities of the disadvantaged and advantaged. Nowadays, more and more with the awakening of fundamental human rights, disadvantageous qualities, such as individual handicaps or collective structural -violence, are, considered, not to be imputed as his own debt, while the advantageous qualities, both individual and collective, are still assumed as his own merit, sufficient to yield an unconditional entitlement to appropriate!⁽⁹⁾

—Exclusive Entitlement to the Labour of his body?—

In addition to the above examined difficulty, the LPT to become an adequate theory justifying the RPP, the good to be entitled has to be the exclusive product of His Body, which can never be ascertained on this planet. In a closed society, where all human activities are interdependent, no single activity can be causally independent from the others. Any activity is, either directly or indirectly, the cause of any other causes and any activity is, in turn, the effect of any other effects, thus

making a ring of causation where any activity is either cause of any effects or the effect of any causes. Arbitrarily denying such causation, under the False Consciousness, again, the Power-Structure allows the Advantaged to monopolize the advantageous part of the Causes-Effects-Global-Ring, abnegating the Disadvantaged, at the same time, to appropriate his own dividends.⁽¹⁰⁾

The above examinations demonstrate that the Labour Producing Theory neither satisfies the inalienability nor exclusivity needed to justify the LPT. This means that the LPT, considered as the only possible proof justifying the RPP, being based on the Self-Possessive Theory—a mere legal fiction—and logical inconsistency, is not capable of justifying the RPP from the logico-philosophical viewpoint.

III. CONCLUSION

—A Less-Unjustifiable Private Property System the Priority of all Scientists, especially of the Peace Scientist?—

Any Private Property System -PPS- is an unjustifiable contradiction, as it is sanctifying solely vested-interests, and is an indispensable foundation, at the same time, for launching any social activities. Being “Contradictory, yet, Indispensable” means only that any PPS holds provisional validity only, perpetually requiring action to become a less unjustified Measure and Means for whole human activity. Having clarified this fundamental nature of the PPS, it is obvious that the whole endeavour of a scientist may become scientific only when and to such a degree that the New Scientific Reality has been created from a Less-Unjustifiable Principle. Even more so for the Peace Scientist, because the very objective of the science of peace is to establish, by incessant amelioration, the Universally Justifiable Global Order and its sum total Peace.⁽¹¹⁾

The concluding remark is this ; to get

Peace Science initiated, objective peace must be visualized and projected in various phases and stages.⁽¹²⁾ But, the first and foremost prerequisite to get initiated is the full and deep-penetrating understanding that any ongoing private property system is a Contradictory Legal Fiction, Indispensable, but, Logically Subsided right from the beginning.

NOTES

- (1) Youzou Watanabe, *Zaisan-Ken Ron* (On the Right of Property), Ichiryuusha, 1985, pp.8, 36, 50.
- (2) Takeyoshi Kawashima, *Shoyuukun no Riron* (Theory on Private Property), 1949, p.40.
- (3) This brief report is partly based on Toshihiko Nishiyama, "Logical Unjustifiability of the Right of Private Possession : in Order Lucidly to Share Alternative Building as the Objective of the Science of Peace", *PEACE STUDIES*, Vol.24, Nov.1999, 100-109, and partly based on Toshihiko Nishiyama, "Isn't Structural Violence Theory Equal with the Principle of Perfect Egalitarianism and Absolute Personalism? —concerning the need to be freed from both "All the Imputabilities" attributed to individuals and "All the Entitlements" to what has been given gratuitously—", *Sapientia University, Research Institute of Christian Culture Bulletin*, Vol.16, No.1, March 2001, 153-168.
- (4) Younosuke Inamoto, "Shoyuukun Shisou no Rekishi" (A History of the Thoughts of Private Property), Michitarou Kai, etc. (Eds.), *Shoyuukun Shisou no Rekishi*, Yuuhikaku, 1979, 1-10, p.5.
- (5) John Locke, *Two Treatises of Government* (1690), ed. by Peter Laslett, Cambridge U.P., 1959, II Chapter V, 27-30, 305-308.
- (6) Toshihiko Nishiyama, "The Logical Consistency of "Equality of Opporunity" and "Equality of Result".", *Sapientia University, Research Institute of Christian Culture Bulletin*, Vol.17, No.1, March 2002, 93-111.
- (7) C.B.Macpherson, *The Political Theory of Possessive Individualism, Hobbes to Locke*, Oxford U.P., 1962.
- (8) Kiyoshi Shimokawa, "Iwayuru" Jikoshoyuu "Genri no Kousatsu" (Consideration on so-called "Self-Possessive" Principle), *Soubun*, No.335, 1992, 1-5.

- (9) Toshihiko Nishiyama, *op.cit.*, 2001, *passim*.
- (10) The reason why H.Grotius wrote *Mare Liberum* (1609) was to demonstrate that the Portuguese have no right to appropriate the East-Bound-Route-via-Good-Hope. P.J. Proudhon, *Qu'est-ce-que la propriété* (1840), *Poudhon III*, Sanichi Shobou, 1971, p.116. Toshihiko Nishiyama, "Antinomy of the Principle of Sustainable Development as an Indispensable Requisite for Constructing Universal Order, Peace", *PEACE STUDIES*, Vol.21, Nov.1996, 35-46.
- (11) "Without the value of peace, both critical and constitutive peace studies become impossible." J. Galtung, *Peace by Peaceful Means*. Sage Publications, 1996, p.13. I. Kant, *Zum Ewigem Frieden* (1795) Iwanami Shoten, 1986, pp.26-28.
- (12) Toshihiko Nishiyama, "The Founding of the Science of Peace—an abridged version—", *PEACE STUDIES*, Vol.12, Nov.1987, 151-164.

NISHIYAMA Peter Toshihiko, Ph.D.,Ed.D.

Osaka Catholic Archdiocesan Committee for Justice and Peace
Former Professor of Sociology, Eichi University

Books :

Uni-polar Hegemony and the Role of Christianity, FreePress, 2003.
Responsibility of the Catholic Church for the War 1931-1945. SAN PAOLO, 2000.
etc.

Articles :

"Isn't Structural Violence Theory Equal with the Principle of Perfect Egalitarianism and Absolute Personalism? —concerning the need to be freed from both 'All the Imputabilities' attributed to individuals and 'All the Entitlements' to what has been given gratuitously—", *Research Institute of Christian Culture Bulletin*, Vol.16, No.1, 2001, 153-168.
"Antinomy of the Principle of Sustainable Development as an Indispensable Requisite for Constructing Universal Order, Peace", *PEACE STUDIES*, Vol.21, Nov.1996, 35-46.

“ Fundamental Requirements for Establishing Scientific Sociology—a Proposal to overcome the Present-day ‘ Global Crises ’ and ‘ Crisis in Sociology ’—,” *SOSHIOROJI*, Vol.XXXV, No.1, May 1990, 71-89, 156.
etc.

(URL) [http : / / Peace-Appeal . Fr . Peter . T . Nishiyama.catholic.ne.jp/](http://Peace-Appeal.Fr.Peter.T.Nishiyama.catholic.ne.jp/)

(E-mail) PeaceAppeal.FrPeterT.Nishiyama@catholic.ne.jp