

Liberation of Labor Market in Japan Viewed from Locke's Account of Freedom

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1. A new *stahlhartes Gehäuse*: liberalization of labor markets

Back in 1986, the Japanese government launched new policies that would meet the requirements of business and industry for cheaper employees by gradually removing the legal restrictions on the terms of employment in many branches of industry. Since then the Diet has successively enacted a number of revisions to the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (Act No. 88 of 1985).

¹ These revisions have made possible both for employment agencies to enhance their business and for private companies to hire much more temporary workers than ever. In 2004 during the administration of Prime Minister Junichiro Koizumi, a neoliberalist, agency practices became licensed in the manufacturing sector. This license was the culmination of the series of revisions in the sense that the government, after a long period of hesitation, finally allowed the employment of unskilled temporary workers on a general basis. Here the liberalization of employment markets in the whole industrial sector was completed.

Those who encouraged the sweeping reform of the labor system were employers, employment agencies and politicians financially backed by the employment agencies. They speciously argued that the reform would promote the flexibility of labor markets and thereby, on the one hand, workers could get more job options and, on the other hand, the whole Japanese industry could make full use of the potential labor power that had formerly rested unused in the country. It was advocated that freer labor markets would bring about the bilateral benefit of both employer and employee.

On New Year's Eve of 2008, a serious result of the liberalization of employment regulations became clearly visible in Hibiya Park, which is one of the largest city parks in central Tokyo, adjacent to Kasumigaseki government district. Shelters for the homeless were set up in the park by a group of labor unions and NPOs. The campsite was named Haken-mura, which means a village for agency workers who went homeless due to sudden dismissal from their jobs. Not a few temporary workers of today live in such sheer

poverty that they can barely afford their place to live in. Such workers are forming a burgeoning class called “working poor.” They live in a chronic state of poverty, in which they could hardly, if they would, find a way-out of the misery of low-wage and unstable employment. For labor contracts are mostly advantageous only to the employer party and such labor contracts are prevailing in the present free labor markets. It is now the case that there is not much hope for the working poor to get out of the iron cage of poverty. The liberalization of free labor markets, which was carried out after almost two decades of efforts by financial circles and their minion politicians, is now putting workers under the yoke of poverty and despondence rather than enhancing their chances and prospects of getting better jobs and livings.

The series of events above mentioned would be understood better by making a reference to Locke’s theory of freedom in his theoretical philosophy and his theory of property in his political philosophy. With this view, I shall look into his *Essay*² in section 2 and *Two Treatises*³ in section 3. In section 4, I shall attempt to show how governmental support for the working poor can be justified within the framework of Locke’s theory of freedom and private property.

2. Freewill consists in the suspension of desires

Let us start off with looking into the chapter *Of Power* in the *Essay* where his metaphysics of freewill is explicated to a great extent. According to Locke, we are free with respect to an action when we can perform or forbear the action according to our choice (E2. 21. 8). In other words, we performed freely an action only when we could have voluntarily performed any other action that is not compatible with the action actually performed. Therefore, even when we perform an action voluntarily, we are not free with respect to the action if we cannot refrain from performing the action (E2. 21. 10).

Locke’s account of free action, made as above, is hardly different from Hobbes’s.⁴ Locke follows Hobbes as well with regard to the question of freewill. Hobbes takes it “an absurd speech” to say “I can will if I will”(Chappell, p. 16). Locke also takes it an “unreasonable” to ask “Whether Man’s Will be free, or no” for the reason that it is an “unintelligible Question”(E2. 21. 14). Locke says that it is an error to ascribe freedom to the will, for they are both a kind of power belonging only to agents (E2. 21. 14).

Locke, however, diverges from Hobbes by clearly distinguishing deliberation from desires. For Hobbes, process of deliberation that we engage in concerning an action is the

alternate succession of desires, aversions, hopes, and fears (Lev 6. 49-52).⁵ And it is the last desire of the succession that causes the action or the omission of it. Hobbes, therefore, defines an act of willing as “the last appetite in deliberating”(Lev 6. 53). For Locke, in contrast with Hobbes, deliberation is not a succession of desires but a rational decision that is made possible for us to make by suspending any desire to determine the will. In most cases in our lives, the will is naturally determined by the greatest and most pressing uneasiness in our mind.⁶ It is not always the case, however, that our action is the result of the will determined by the greatest and most pressing desire. In some cases we exert a power to suspend desires to determine the will to any action and thereby we are “at liberty to consider the objects of them; examine them on all sides, and weigh them with others” in order to choose which desire is to be fulfilled (E2. 21. 47). That we have this ability to suspend our desires, Locke says, is “the source of all liberty,” and this ability we (though improperly) call freewill, for it blocks the pressure of urgent desires in our mind and thereby makes an opportunity for us to deliberate which action would best contribute to our true happiness and therefore should be done (*loc. cit.*). According to Locke, “it is the end and use of our Liberty” to determine the will according to the deliberation above mentioned, and “the farther we are removed from such a determination, the nearer we are to Misery and Slavery” (E2. 21. 48).

It should be added that in Locke’s theory of free will there is a hint of perfectionism, according to which “the highest perfection of intellectual nature, lies in a careful and constant pursuit of true and solid happiness”(E2. 21. 51).

3. Labor as the title to property

As shown above, Locke says that our freedom and true happiness consist in the suspension of desires and the following deliberation. On the other hand, however, he says that most persons are in the circumstances where such deliberation is rarely made for economic reasons. Such persons mostly belong to the labor-class where they “are given up to Labor, and enslaved to the Necessity of their mean Condition” and their lives “are worn out, only in the Provisions for Living ” (E4. 20. 2). In their day-to-day living there is little leisure for them to inquire what is the true happiness and what is the best option for it from a long-term standpoint. What Locke suggests here is that we need a certain amount of possessions in order to make economic room for our inquiries and deliberations into the true happiness. This suggestion partly explains why the appropriation of land by

cultivation should be dominant over the original community in Locke's theory of property.

Locke's theory of property, which justifies private property through labor, is proposed in the chapter *Of Property* in the *Second Treatise*. It begins with a portrayal of the original community where all the natural resources are given by God in common to all mankind. In the original community no one has any exclusive dominion over any part of the world and anyone has a right to make use of any natural products such as edible plants and animals for the support of one's life. This type of community is sometimes called "negative community," the opposite of which is "positive community" where all persons jointly own the world. In this state all persons can appropriate whatever they remove from "the State that Nature hath provided, and left it in" (T2. 28). Persons are therefore entitled to the ownership of the acorns they picked up in the forest or the fish they caught in the river. This is a primitive example of acquiring private property through labor in the sense that the principal means of appropriation there is hunting-gathering. In a hunting-gathering economy, however, there is little room for talking about property rights. To put another way, the property right therein is almost indistinguishable from the right to use, for natural products thus obtained are almost always instantly consumed, and moreover, they are in general too perishable for storage. In this economy labor only means instant satisfaction of desires. But it would not be the kind of labor Locke wholeheartedly wants to be to the title of property to pick and eat from the trees for satisfying the present hunger, even though he, maybe misleadingly, designates hunting-gathering as a means to appropriation.

In the hunting-gathering way of life, so long as the greatest part of it is occupied with the ceaseless repetition of the satisfaction of desires, it must always be the case that persons are lacking in the provision for the unforeseeable future and therefore cannot remove or reduce their anxiety about their life. Always being under the sway of present desires and uneasiness is, however, far from human freedom and human happiness. Such life is rather a kind of serfdom to be escaped from. In order for persons to escape from the serfdom and make their lives more secured from various accidents, they need, first of all, to suspend the instant satisfaction of desires for some time and then deliberate how to make their lives more secured. And in order for the suspension to be possible, a certain amount of foods and household stuff is required in advance besides some degree of asceticism. This is a point that Lévinas stresses in his discussion of labor and property, in which he puts emphasis on the privileged role of the home in appropriation in the following manner:

An organ for taking, for acquisition, it gathers the fruit but holds it far from the lips, keeps it, puts it in reserve, possesses it in a home. The dwelling conditions labor. The hand that acquires is burdened by what it takes; it does not found possessions by itself. Moreover the very project of acquisition presupposes the recollection of the dwelling.⁷

Lévinas says above that an activity of labor, or the hand as an organ for acquisition, requires the dwelling as a collection of possessions such as stored foods or household goods when it creates a property in external things. He indicates that, even though labor establishes property, the relation between them is not wholly a one-direction one, rather there is a special relation of mutual conditioning between them with respect to the possession of the home. This is suggestive when we recall the fact that quite a few persons cannot get an employment for the reason that they do not have a permanent residence.

Here a question will arise about how such initial capital, which Lévinas called “the dwelling” or “the home,” can be furnished amid the perpetual struggle for subsistence. It is too formidable a question to give an adequate answer in this paper, though it is a question of importance for both theoretical and empirical studies in economics. It is not my point, however, to explain how the initial accumulation of capital is made possible. My points here are that a certain amount of means for living is required for the suspension of fulfilling desires, and that a due consideration is to be given on what should or should not be done, or which desire in the mind should or should not be fulfilled for the more planned and orderly life.

In comparison to the original negative community wherein hunting-gathering is supposed to be the only livelihood of the inhabitants, life is securer in the private property system wherein farming is supposed to be the major livelihood. Farming, with its high productivity, gives the persons who engaged in it a firmer economic footing and makes them more independent than hunting-gathering does. This is probably a major reason why Locke has an affirmative attitude towards farming. But Locke seems to have another reason for favoring farming over foraging. The reason is that farming is a far more suitable project for intellectual beings than foraging is. It is a sophisticated production activity requiring various kinds of knowledge and techniques as well as patience and strenuousness. Such a highly demanding activity calls for an “Industrious and Rational” personality (T2. 34). An individual with diligence and rationality is always the human

ideal both in the *Second Treatise* and the *Essay*. Neal Wood in his study of Locke's political philosophy remarks "...Locke's hero is above all self-directed, industrious and hardworking, moderate and self-disciplined in the pursuit of happiness, and calculating and prudent in judgment."⁸

The diligence and rationality represented in farming labor make a justification for the appropriation of land. Locke assumes that "God, who hath given the World to Men in common, hath also given them reason to make use of it to the best advantage of Life, and convenience"(T2. 26). Therefore "it cannot be supposed he meant it should always remain common and uncultivated. He gave it to the use of the Industrious and Rational, (and Labour was to be his Title to it)..."(T2. 34).

This is an argument from God's intentions that might not be persuasive to those who have a different theological background from Locke. It is, however, not relevant to the matter in hand to judge the validity of Locke's argument. What is important here is that the argument offers his view of what labor should be. For Locke labor should be a rational endeavor designed to improve our living conditions and quality of life, and labor as such an endeavor is what Locke really wants to be the title to property. Labor should be the improvement of life through the improvement of the natural resources, and "the improvement of labor" gives a reason why "the Property of labor should be able to over-balance the community of Land"(T2 .40).

4. Justification for supporting temporary workers

Thus far it was found out from Locke's text that human labor should be the improvement of life, and by so being, it should entitle the laborer to property, and farming is a model of such labor. The acquisition of entitlements by labor, however, requires in advance that the laborer have enough wealth to be free from life at subsistence level. The problem is, as is said at the beginning of the paper, that there are quite a few temporary workers in Japan today who cannot meet the requirement. But insofar as they remain in the mere subsistence, they always miss the chance for the Lockean appropriation of property through labor. They need governmental support that would compensate for their lack of initial capital.

But why should government support them? For Locke or those who champion Lockean classical liberalism such as libertarianist or neoliberalist, there seems to be little reason to give temporary workers the governmental assistance. Since Locke and his followers are

supporters of free market economics, they should rather say something like the following paragraph.

In contrast to the disabled or aged persons who do not have productive agency for physical or mental reasons, those who work as a temporary worker are physically and mentally capable of working in most cases. Insofar as they are able-bodied and able-minded, they should make their way on their own. It might be true that they are badly off. But since no economic system is omnipotent, poverty is omnipresent. It might be true that many temporary workers suffer from low wages and unstable employment. But it is just that they cannot sell their labor for higher wages by free exchange or they cannot find in labor markets a buyer who is willing to buy their labor permanently. Both low-wage and unstable employment are to some degree a normal function of free-market dynamics. Those failures are certainly disappointing. But such disappointment is universal in free market, and such is the free market economy. And in the free market no one forces anyone to make or not to make an employment contract. An employment contract is the result of free decisions made by both the employee and employer, no matter how low the wage is, and no matter how unfavorable the conditions are to the employee. Temporary contract workers are therefore always free in free labor markets as well as employers are. Moreover, it should be reminded that the right to labor and property right are negative rights, a right to non-interference. Locke proclaimed them as negative right, when he said that “Whatsoever then he removes out of the state that nature hath provided, and left it in...hath by this labour something annexed to it, that excludes the common right of other men,” for “this labour being the unquestionable property of the labourer, no man but he can have a right to what that is once joined to...”(T2. 27).

It is said above that contract workers are always free agents, if they knowingly made the employment contract without coercion. Is it true? Hobbes might agree. For Hobbes freedom only means the absence of hindrance (Lev. 21. 2). How about Locke then? Does Locke, a classical liberalist, have any good reason to support temporary workers? He does. Locke is able to justify for supporting them within his theory.

As is already shown in section 2, alternative possibility is a necessary condition of free action in Locke’s metaphysics of freedom. Therefore, if a person makes an employment

contract according to his will, his so making the contract cannot be a free action when there is no alternative to the action. According to Locke's political philosophy, all persons have a natural right to use the natural resources for their preservation (T2. 25). It should be noted that contract workers have never waived the right. It is just that they have no opportunity for exercising it because almost all the natural resources (except the air and the ocean) are already owned by someone. It should be thought accordingly that they are obliged to make an unfavorable employment contract because they have no alternative to make their living. Such a contract, as it lacks alternatives, is not a free contract.

Those mentioned above make it untenable that temporary workers are free in free labor markets. What should be done to them, if they are not free? Various measures should be taken to help them: job creation, work sharing, financial support, and so on. These supports are required for telling them that the right to labor and property right are negative rights, and "only after these requirements have been fulfilled do property rights become negative."⁹

It is, however, more precise to say that these supports are not "support," let alone "charity." These are "reparation" for injuring their natural right to use the natural resources. There should be therefore no stigma attached to those who receive the supports. With these reparations temporary workers will be able to get a chance to escape from the iron cage of poverty without the spirit of asceticism.

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¹ Japan is a country with a parliamentary system, where the majority party in the Diet forms the government.

² All the references in this paper to the *Essay* will be taken from Nidditch, P. H. (ed.) [1975], *John Locke: An Essay concerning Human Understanding*, Oxford U.P., and hereafter indicated in the text of the paper by "E." References are by book, chapter, and section.

³ All the references to the *Two Treatises* will be taken from *Two Treatises of Government*: Laslett, P. (ed.) [1960], *John Locke : Two Treatises of Government*, Cambridge U.P., and indicated by "T." References are by treatise and paragraph.

⁴ Chappell, however, remarks that Hobbes's position on the free action is different from Locke's (Chappell, V. (ed.) [1999], *Hobbes and Bramhall on Liberty and Necessity*, Cambridge U. P., p. xix, n. 8). According to Chappel, Hobbes's position is that "an agent is free with respect to a particular performance

or forbearance only if he is able to carry out or accomplish that performance or forbearance should he will to do so”(Chappell, p. xviii-xix). It would be said that Chappell interpreted Hobbes’s account of free action with fidelity. It is, however, hardly possible for me to see any substantial difference between Locke and Hobbes in this regard.

⁵ Lev: Gaskin, J. C. A. (ed.) [1996], *Thomas Hobbes: Leviathan*, Oxford U. P. References are by chapter and paragraph.

⁶ For Locke, uneasiness is slightly different from desire. Therefore, “Uneasiness we may call, as it is, Desire”(E2. 21. 31).

⁷ Lévinas, E. [1969], *Totality and infinity*, Lingis, A. (trans.), Springer, pp. 161-2.

⁸ Wood, N. [1983], *The Politics of Locke’s Philosophy*, University of California Press, p. 136.

⁹ Gewirth, A. [1996], *The Community of Rights*, *The University of Chicago Press*, p. 201.