

**Land Ownership in Contemporary Maize
Production:
Reconciling Lockean Land Acquisition with
Utilitarian Ideals in an Argument Against
Agribusiness in Developing Countries**

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Corn—this cash crop is considered a staple by global consumers and has been monopolized by agribusiness. It is the luxury of wealthier nations and the lifeblood of poorer ones. In Mexico and Zambia (as well as other developing countries), small farmers are consistently displaced, with their land being seized by government institutions and sold to agribusiness companies who use patented hybrid seeds and wreak havoc on the environment with harmful chemical pesticides and herbicides. In this essay, I will be arguing that the practices employed by agribusiness and the treatment of local farmers is wholly unjust. I

will substantiate this claim by (1) providing an exposition on historical aspect of the rise of agribusiness in the corn industries of Mexico and Zambia; (2) I will simultaneously discuss the struggles faced by local farmers who have their land—and, as a result, their cultural farming traditions that have been implemented for hundreds of years—wrested from them in favor of a hegemonic position within the global food supply chain; (3) I will uphold my claim that these practices are unjust as I attempt to reconcile John Locke’s philosophy of land acquisition in the *Second Treatise of Government* with the Utilitarian philosophy of John Stuart Mill in *Utilitarianism*; (4) I will conclude by arguing in favor of food sovereignty for developing nations, as I feel that food sovereignty and the right to hold land are two fundamental rights that go hand-in-hand for human beings.

The Rise of Agribusiness in the Corn Industry

Mexico

Genetically modified (GM) crops have been on the rise in recent history, and agribusiness corporations such as Monsanto, DuPont, Pioneer, and Syngenta have been the forerunners of this movement.¹ In 2009, these companies successfully petitioned the Mexican government to obtain land in northern Mexico, securing almost 7 million acres of land.² Four years later, all further permits were halted, on the grounds that the promotion of GM corn posed a threat to the massive and diverse gene pool of Mexico’s corn production. The response from the agribusiness industry was staggering, with over fifty legal challenges being brought to court in the following months.³ As of the time of this

¹ Wise, Timothy A. *Eating Tomorrow: Agribusiness, Family Farmers, and the Battle for the Future of Food*. New York, NY: New Press, 2019, 175.

² Wise, 175.

³ Wise, 176.

paper being written, the injunction remains in place, but the implications and dangers posed by the corporations' grasp on the corn market is staggering.

Maize was domesticated and became a central part of Mexican culture around 9,000 years ago.⁴ Today, maize-based food products supply around 53% of the calorie intake and a substantial amount of protein for the average Mexican citizen.⁵ As a crop that is vital to Mexican culture and cuisine, the Mexican people are hesitant to accept the production of GM corn, which results in significant losses of genetic diversity that have been cultivated for millennia.

Perhaps more crucial is the impact that the intrusion of agribusiness giants have on local farmers. Not only have agribusiness corporations succeeded in obtaining millions of acres of land for GM corn, they are also compelling small farmers to purchase their modified seed varieties. Wise writes:

It was easy to understand why small-scale farmers growing native maize varieties would oppose the entrance of GM crops. They had nothing to gain and quite a bit to lose [...] Existing GM maize varieties deal with two problems most Mexican farmers don't have, at least not in the same way farmers do in Iowa. Bt maize is engineered to have an insecticide in the maize plant itself to repel the European corn borer. Herbicide-tolerant maize, such as Monsanto's Roundup Ready variety, fights a broad range of weeds by allowing frequent broadcast spraying of Roundup. According to a recent academic study by Michelle Chauvet and Elena Lazos, Sinaloa's farmers would see limited savings, if any, due to reduced

⁴ Wise, 177.

⁵ Wise, 180.

insecticide applications, thanks to Bt seeds [...] They spend very little now on weed and pest control, so Monsanto is offering something they don't really need.⁶

This may not seem like an issue at first glance, but because Monsanto's GM seeds have been patented, any presence of transgenic material in a small farmer's plot of land who has not purchased GM seeds is subject to a lawsuit. The gene flow of corn is amongst some of the highest in agriculture; with 15,000 plants growing in a single acre, even a 0.5% contamination rate by GM material can lead to thousands of plants containing transgenic traits.⁷ For local farmers who cannot afford to have their land tested, this can spell catastrophe. "Any presence of transgenes in [local farmers'] own crops would subject them to legal action for patent infringement," leading to small farmers being fined heavily or losing their business altogether.⁸ In Mexico, the agribusiness giants are fighting to monopolize not just a crop, but the nation's land and culture—the satisfaction of a few shareholders takes priority over the livelihoods of thousands of people.

Zambia

Overseas in the African nation of Zambia, local farmers are facing a similar struggle. An estimated 70% of Zambian farmers have access to less than five acres of land, an appalling statistic for a nation whose government has set aside numerous 250,000 acre land plots—many of which remain completely unused—with the intention of selling them to foreign investors.⁹ By doing simple arithmetic, it can be seen that *one* of these plots of land could offer ten acres of land to 25,000 small farmers, offering them a chance to provide a sustainable life for

⁶ Wise, 186-87.

⁷ Wise, 185.

⁸ Wise, 190.

⁹ Wise, 85-86.

them and their families.¹⁰ As it is, many of these farmers already reside well below Zambia's \$1.25 per day poverty line, and government measures are harming them even more; farmers are offered subsidies to grow cash crops (primarily corn) to be sold on the global market, leading them to sacrifice the cultivation of more nutritious and environmentally-healthy crops in exchange for meager amounts of money.¹¹ Even then, many small farmers lack the amount of land necessary to produce enough maize to support their families, and many do not meet the production threshold required to receive government subsidies.¹²

Unlike Mexico, Zambia's government is designed in a way that allows small farmers to be further subjugated and unjustly displaced. In addition to the federal government, customary land rule is determined by the chiefs of various provinces throughout the nation. While some have used their rule to provide land certificates to their citizens, others have been pressured into relinquishing land for mining, land conservation, or agribusiness purposes.¹³ More often than not, the latter situation is more accurate. Because many farmers lack proper documentation of their land ownership, "villagers [have] been subject to arbitrary displacement, be it from the national government, their own chiefs, or both, as private investors curried favor to gain access to good land."¹⁴ An unproductive harvest could also lead to external pressures upon the farmer to give up their land. Wise writes, "[Investors] go straight to local leaders and cut deals that displace local farmers for the large-scale production of palm oil or some other cash crop, often for export. More large-scale Zambian projects are outside the farm blocks

¹⁰ Wise, 87.

¹¹ Wise, 84-85.

¹² Wise, 104.

¹³ Wise, 92.

¹⁴ Wise, 92.

than inside them, as investors have been impatient about negotiating through the national government.”¹⁵ Again, just as with Mexico, we can see the inarguably unjust tactics employed by agribusiness to deny fundamental land rights to small farmers.

The Lockean Proviso

In the fifth chapter of the *Second Treatise of Government*, John Locke writes:

Though the water running in the fountain be every one's, yet who can doubt but that in the pitcher is his only who drew it out? His labour hath taken it out of the hands of nature, where it was common, and belonged equally to all her children, and hath thereby appropriated it to himself [...] It will perhaps be objected to this, that if gathering the acorns, or other fruits of the earth, etc., makes a right to them, then any one may engross as much as he will. To which I answer, Not so. The same law of nature, that does by this means give us property, does also bound that property too. “God has given us all things richly” (1 Tim. vi. 12), is the voice of reason confirmed by inspiration. But how far has he given it us? To enjoy. As much as any one can make use of to any advantage of life before it spoils, so much he may by his labour fix a property in; whatever is beyond this is nothing more than his share, and belongs to others.¹⁶

This theory of land acquisition and ownership has its roots in libertarian principles; to each person goes the fruit of her labors, and the

¹⁵ Wise, 98.

¹⁶ Locke, John. “Second Treatise of Government.” In *Justice: A Reader*, edited by Michael J. Sandel, 83–126. Oxford: Oxford University Press, 2007, 91.

government cannot forcibly remove her from her property. There is a nod to a sense of equality among people, as the major contingency in Locke's theory is that it is morally wrong to acquire more than you need. Uncultivated land is wasted land, but so is ill-maintained property due to uncontained gluttony.

At first glance, the Lockean Proviso does not seem to provide sufficient justification for the injustices imposed on small farmers by agribusiness giants. While it acknowledges the large percentage of people who benefit from monopolized industries like corn, it fails to accommodate the suffering of those whose livelihoods are upheaved in the process. I argue that, on its own, the Lockean Proviso is an anachronistic stance on land acquisition; however, *if* we modify certain definitions of who is entitled to what to better align with contemporary moral issues and reconcile it with Utilitarian views on justice, it lays the foundation for a shockingly strong argument in favor of property rights for small farmers.

Redefining the Lockean Proviso

In the Supreme Court case, *Citizens United v. Federal Election Commission*, it was determined that the freedom of speech be maintained, regardless of corporate identity or affiliation.¹⁷ Essentially, in matters of free speech, corporations are given equal merit to people. If we extrapolate this concept onto the prominent issues that I have demonstrated are permeating modern agriculture, it is a simple matter to realize that the agribusiness Goliaths are equivalent to the small farmers who are constantly being displaced and shoved beneath the poverty line. This is a massive problem, and the understanding of a corporation as a person gives us the first step towards a sufficient theory of land acquisition.

¹⁷ "Citizens United v. Federal Election Commission."

If we return to the Lockean Proviso and apply the status of personhood to, say, Monsanto, we can arrive at the conclusion that anything produced beyond what it needs is beyond justification for corporate ownership. According to a report conducted by the Natural Resources Defense Council (NRDC) in 2017, “Of all the crops grown around the world, 37 percent (primarily corn and soy) is used to feed livestock—yet that livestock produces only 11 percent of the global food supply.”¹⁸ Additionally, “Perishables [...] represent most of the waste in retail operations. According to the USDA’s analysis of retail losses in 2011 and 2012, produce alone accounts for \$15.4 billion in losses annually. Loss rates averaged 12.3 percent for fruit and 11.6 percent for vegetables. That’s enough fruit to meet the government dietary guidelines for more than 5.3 million people and enough vegetables for nearly 3.9 million people every day of the year.”¹⁹ The waste produced by these methods cannot be justified under the Lockean Proviso.

The global food supply chain in the contemporary world is clearly far beyond what it was when the *Second Treatise* was written. It is no longer a simple matter of one person producing more than necessary on a relatively small parcel of land; now, we have companies that work together to form an interlocking, international production chain that feeds the wealthier nations at the cost of the very people who are producing said food. This is a major issue with the libertarian argument and overarching support of a free market. Corporations are not held to the same standard as individual people, allowing them to rise not above the law, but human morality. As the conductor of a vast web of businesses involved in the production and distribution of food, companies like Monsanto must be seen from a more humanistic perspective if we hope to see clearly the injustices at stake.

¹⁸ Gunders and Bloom, 12.

¹⁹ Gunders and Bloom, 21.

If we are to recognize agribusiness giants as people to revise and refine the Lockean Proviso, it is inarguable that, even with the benefits they provide to global consumers, they produce more than they need. This is unacceptable, but in order to arrive at a solution we must look further. The problem of the copious amount of food waste aside, we have only addressed the second half of the Lockean Proviso and the question remains: is it justifiable that agribusiness is allowed to develop vast plots of land while the small farmers who do *not* benefit from their practices are consistently displaced and impoverished? As I will discuss further on, there are ways to obtain similar yields to those produced by agribusiness that do not cause the undue suffering and cultural damage imposed on small farmers.

John Stuart Mill's Utilitarian Framework

The foundation that John Stuart Mill's Utilitarian ideals rest upon is the Greatest Happiness Principle, the idea that "holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness."²⁰ When making a moral decision, it is important to attempt to derive from the potential consequences an aggregate of the pain and pleasure caused by any given choice. The right choice, made on the grounds that "the ultimate end [...] is an existence exempt as far as possible from pain, and as rich as possible in enjoyments, both in point of quantity and quality," *must* take into account all parties involved, directly or indirectly.²¹ It is now crucial that I demonstrate on Utilitarian terms that the suffering of small farmers due to agribusiness practices provides sufficient justification for my claim that agribusiness' seizure of small farmers' land and their subsequent displacement is a gravely unjust practice.

²⁰ Mill, John Stuart. "Utilitarianism." In *Justice: A Reader*, edited by Michael J. Sandel, 14–47. Oxford: Oxford University Press, 2007, 17.

²¹ Mill, 20.

Corn Yields for Traditional Farming Methods v. Agribusiness

I have discussed the intrusion of Monsanto in Mexico's corn industry, highlighting the issues surrounding their patented seeds and the potentially catastrophic legal and financial effects the presence of transgenic material can have on local farmers. It is important to note at this point that, even without the GM seeds that are being subsidized and pushed onto small farms, many farmers still obtain the same amount of corn, if not more, per harvest; the GM seeds simply function as an extra cost to the farmers that they do not need.²² Some international markets refuse to buy GM corn altogether, leading to a further loss of necessity for farmers to pander to agribusiness.²³ Wise discusses an interview he conducted with a woman who actively works against GM corn in Mexico and writes, "She said the biggest problem her farmers face is high input costs and monopoly control of markets by multinational firms. Why, she asked, would we want to increase our dependence?"²⁴ Local cooperatives are working to promote traditional farming methods that offer seeds and fertilizers to local farmers at mere fractions of the costs charged by Monsanto. Similar practices are also being implemented with Mexican sorghum crops and Brazilian coffee and cacao.^{25,26} If small farms are able to produce a similar yield to agribusiness and provide enough food to circulate into the global food supply, what rationale could corporations like Monsanto possibly have to subjugate local citizens and deny them of fundamental rights to land and their livelihood other than unjust financial lust?

²² Wise, 187.

²³ Wise, 187.

²⁴ Wise, 187.

²⁵ Wise, 187.

²⁶ Perfecto, Vandermeer, and Wright, 152-65.

Reconciling Mill's Utilitarian Principles with the Lockean Proviso
An Argument for Food Sovereignty and Against Agribusiness

At this point, I have demonstrated the blatant disregard that agribusiness giants have for impoverished citizens of developing nations, as well as how they compel governments to be complicit in denying foundational rights to human beings. I now argue that, with a proper redefinition of what constitutes a person in contemporary times and a reconciliation of contractarian land acquisition theory with Utilitarian principles, the Lockean Proviso can provide a strong case against agribusiness' practices in poorer countries. We can divide the Proviso into two normative claims:

1. "As much land as a man tills, plants, improves, cultivates, and can use the product of, so much is his property."²⁷ What one obtains through her own labor is, by right, hers.
2. "As much as any one can make use of to any advantage of life before it spoils, so much he may by his labour fix a property in; whatever is beyond this is more than his share, and belongs to others."²⁸ Should the fruits of one's labor go to waste, she has taken more than her share, and the property should belong to the commons.

By redefining what defines a person in the context of a person using the precedents established in *Citizens United v. Federal Election Commission*, we can claim that, in this instance, Monsanto acts as an individual agent. Because of its contributions to the global food supply chain, this is not sufficient for accusing it of unjust practices; however, when we apply Utilitarian principles to the philosophy of land acquisition it is undeniably clear that agribusiness' method of displacement of local farmers—its destruction of their livelihood and cultures, as well as the

²⁷ Locke, 91.

²⁸ Locke, 91.

seizing of their land that is being cultivated in a satisfactory manner for Lockean theory—is an overt injustice and cannot be tolerated.

In the Nyimba District of Zambia’s Eastern Province, Chief Ndake has worked to establish a system of allowing local landholders to obtain legally binding certificates of ownership.²⁹ These certificates ensure that landowners are unable to be displaced by foreign investors and take much less time to obtain. While the Chief has the final word on any purchase and selling of land, this is a major step in the right direction; as a measure that prevents powerful corporations and foreign investors from jeopardizing the lives of many people, it is certainly a small victory for small farmers. It may not be total food sovereignty, but the farmers of the Nyimba District are now free to grow more nutritious and sustainable crops rather than being in a constant state of distress about relying on meager subsidies for corn produced on a miniscule parcel of land. By adopting a revised model of the Lockean Proviso that incorporates Utilitarian ideals, further injustices that are consistently being imposed upon local peoples around the globe can be prevented.

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²⁹ Wise, 91-92.

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