

ters as the distribution of wealth, the division of labor, free trade, and state control or regulation of economic processes are barely mentioned, if touched on at all.

Political economy, involving the government's role in the economic sphere, necessarily treats of matters that are also covered in Chapter 10 on POLITICS. Political economy was also once regarded as a branch of moral philosophy, along with ethics and politics, dealing with questions of value and policy and laying down prescrip-

tions about what ought to be done with regard to the production, exchange, and distribution of wealth. There is, therefore, some overlapping in the matters treated in this chapter and in Chapter 9 on ETHICS. Certain subjects of economic interest, such as economic justice, economic freedom, and economic equality, are treated in other contexts: economic justice in Section 12.2; economic freedom in Section 13.1; and economic equality in Section 13.3, and also in Section 10.8 on CLASSES AND CLASS CONFLICT.

11.1 | Property

Four subjects dominate this section. One, of course, is the nature of property itself. What can we truly or rightly call our own? What constitutes property? Is property to be equated with the possession of material things or does it extend to other things as well—anything that belongs to the individual by right? On the broader view, a person's life, liberty, and even labor power are one's property, as well as one's physical possessions or one's estates.

A second and closely related question concerns the origin of property and the basis of the right to own it. If there were no property, everything would be common to all—the exclusive possession of none. Those who take the broader view of property mentioned above distinguish between natural and acquired property, and make the rightful acquisition of property—the exclusive possession of that which was originally common—depend on one's application to the common of something that is proper to oneself and by right one's own—the labor pow-

er of one's mind and body. This labor theory of acquired property or of the right to property was first enunciated by Locke. It is also found in statements by Rousseau and Gibbon and bears an interesting relation to the theories of property rights developed by Kant and Hegel.

The third and fourth themes that run through Section 11.1 are also closely related. One is the proposal, first advanced by Plato and first questioned by Aristotle, that in an ideal society all the external things that constitute wealth should be held and used in common by the citizens or guardians of the state. This is often mistakenly referred to as "the community of property," for what is held and used in common cannot be property. The other related theme is Marx's proposal—central to the *Communist Manifesto*—that the ownership of the means of production should be transferred from private hands to the state or the community as a whole. This, too, is often mistakenly referred to as "the abolition of private property."

The object of attack is the private ownership of capital—the instruments of production—not other forms of private property, such as consumable goods.

For the consideration of property in a noneconomic sense as signifying everything that belongs to an individual by right—one's life and liberty as well as one's es-

tates—the reader is referred to Section 12.3 on RIGHTS—NATURAL AND CIVIL; and for the purely economic consideration of property, the reader will find additional materials in Section 11.2 on WEALTH AND POVERTY. Property as a qualification for citizenship and suffrage is discussed in Section 10.5 on CITIZENSHIP.

- 1 Thou shalt not remove thy neighbour's landmark, which they of old time have set in thine inheritance, which thou shalt inherit in the land that the Lord thy God giveth thee to possess it.

Deuteronomy 19:14

- 2 *Socrates.* In our city the language of harmony and concord will be more often heard than in any other. As I was describing before, when any one is well or ill, the universal word will be "with me it is well" or "it is ill."

Glaucon. Most true.

And agreeably to this mode of thinking and speaking, were we not saying that they will have their pleasures and pains in common?

Yes, and so they will.

And they will have a common interest in the same thing which they will alike call "my own," and having this common interest they will have a common feeling of pleasure and pain?

Yes, far more so than in other States.

And the reason of this, over and above the general constitution of the State, will be that the guardians will have a community of women and children?

That will be the chief reason.

And this unity of feeling we admitted to be the greatest good, as was implied in our own comparison of a well-ordered State to the relation of the body and the members, when affected by pleasure or pain?

That we acknowledged, and very rightly.

Then the community of wives and children among our citizens is clearly the source of the greatest good to the State?

Certainly.

And this agrees with the other principle which we were affirming—that the guardians were not to have houses or lands or any other property; their pay was to be their food, which they were to receive from the other citizens, and they were to have no private expenses; for we intended them to preserve their true character of guardians.

Right, he replied.

Both the community of property and the community of families, as I am saying, tend to make

them more truly guardians; they will not tear the city in pieces by differing about "mine" and "not mine"; each man dragging any acquisition which he has made into a separate house of his own, where he has a separate wife and children and private pleasures and pains; but all will be affected as far as may be by the same pleasures and pains because they are all of one opinion about what is near and dear to them, and therefore they all tend towards a common end.

Plato, Republic, V, 463B

- 3 Property should be private, but the use of it common; and the special business of the legislator is to create in men this benevolent disposition. . . . How immeasurably greater is the pleasure, when a man feels a thing to be his own; for surely the love of self is a feeling implanted by nature and not given in vain, although selfishness is rightly censured; this, however, is not the mere love of self, but the love of self in excess, like the miser's love of money; for all, or almost all, men love money and other such objects in a measure. And further, there is the greatest pleasure in doing a kindness or service to friends or guests or companions, which can only be rendered when a man has private property. These advantages are lost by excessive unification of the state. The exhibition of two virtues, besides, is visibly annihilated in such a state: first, temperance towards women (for it is an honourable action to abstain from another's wife for temperance sake); secondly, liberality in the matter of property. No one, when men have all things in common, will any longer set an example of liberality or do any liberal action; for liberality consists in the use which is made of property. Such legislation may have a specious appearance of benevolence; men readily listen to it, and are easily induced to believe that in some wonderful manner everybody will become everybody's friend, especially when some one is heard denouncing the evils now existing in states, suits about contracts, convictions for perjury, flatteries of rich men and the like, which are said to arise out of the possession of private property. These evils, however, are due to a very different

- cause—the wickedness of human nature. Indeed, we see that there is much more quarrelling among those who have all things in common, though there are not many of them when compared with the vast numbers who have private property.
Aristotle, *Politics*, 1263a38
- 4 Private ownership does not derive from nature. Property becomes private either through long occupancy (such as with people who settled an unoccupied territory long ago), or through conquest (as in the case of land taken in war), or by due process of law, barter, or allotment.
Cicero, *De Officiis*, I, 7
- 5 If we all seized the property of our neighbors and grabbed from one another what we could make use of, the bonds of human society would necessarily crumble.
Cicero, *De Officiis*, III, 5
- 6 As heaven is for the gods, so the earth has been given to mankind, and lands uninhabited are common to all.
Tacitus, *Annals*, XIII, 55
- 7 God has sovereign dominion over all things: and He, according to His providence, directed certain things to the sustenance of man's body. For this reason man has a natural dominion over things, as regards the power to make use of them.
Aquinas, *Summa Theologica*, II-II, 66, 1
- 8 Two things are competent to man in respect of exterior things. One is the power to procure and dispense them, and in this regard it is lawful for man to possess property. Moreover this is necessary to human life for three reasons. First because every man is more careful to procure what is for himself alone than that which is common to many or to all: since each one would shirk the labor and leave to another that which concerns the community, as happens where there is a great number of servants. Secondly, because human affairs are conducted in more orderly fashion if each man is charged with taking care of some particular thing himself, whereas there would be confusion if everyone had to look after any one thing indeterminate. Thirdly, because a more peaceful state is ensured to man if each one is contented with his own. Hence it is to be observed that quarrels arise more frequently where there is no division of the things possessed.
Aquinas, *Summa Theologica*, II-II, 66, 2
- 9 Man ought to possess external things, not as his own, but as common, so that, to wit, he is ready to communicate them to others in their need.
Aquinas, *Summa Theologica*, II-II, 66, 2
- 10 Community of goods is ascribed to the natural law, not that the natural law dictates that all things should be possessed in common and that nothing should be possessed as one's own: but because the division of possessions is not according to the natural law, but rather arose from human agreement which belongs to positive law. . . . Hence the ownership of possessions is not contrary to the natural law, but an addition thereto devised by human reason.
Aquinas, *Summa Theologica*, II-II, 66, 2
- 11 *King Richard.* Nothing can we call our own but death
And that small model of the barren earth
Which serves as paste and cover to our bones.
Shakespeare, *Richard II*, III, ii, 152
- 12 *Antonio.* I pray you, think you question with the Jew:
You may as well go stand upon the beach
And bid the main flood bate his usual height;
You may as well use question with the wolf
Why he hath made the ewe bleat for the lamb;
You may as well forbid the mountain pines
To wag their high tops and to make no noise,
When they are fretten with the gusts of heaven;
You may as well do any thing most hard,
As seek to soften that—than which what's harder?—
His Jewish heart: therefore, I do beseech you,
Make no more offers, use no farther means,
But with all brief and plain conveniency
Let me have judgement and the Jew his will.
Bassanio. For thy three thousand ducats here is six.
Shylock. If every ducat in six thousand ducats
Were in six parts and every part a ducat,
I would not draw them; I would have my bond.
Duke. How shalt thou hope for mercy, rendering none?
Shy. What judgement shall I dread, doing no wrong?
You have among you many a purchased slave,
Which, like your asses and your dogs and mules,
You use in abject and in slavish parts,
Because you bought them: shall I say to you,
Let them be free, marry them to your heirs?
Why sweat they under burthens? let their beds
Be made as soft as yours and let their palates
Be season'd with such viands? You will answer
"The slaves are ours": so do I answer you:
The pound of flesh, which I demand of him,
Is dearly bought; 'tis mine and I will have it.
If you deny me, fie upon your law!
Shakespeare, *Merchant of Venice*, IV, i, 70
- 13 Property, as now in use, was at first a creature of the human will. But, after it was established, one man was prohibited by the law of nature from seizing the property of another against his will.
Grotius, *Rights of War and Peace*, Bk. I, I, 10

14 As nothing can naturally be produced, except from some materials before in existence, it follows that, if those materials were our own, the possession of them under any new shape, or commodity is only a CONTINUATION of our former property; if they belonged to no one, our possession comes under the class of title by occupancy: but if they were another's, no improvement of ours can by the law of nature give us a right of property therein.

Grotius, *Rights of War and Peace*, Bk. II, III, 1

15 The nutrition of a Commonwealth consisteth in the plenty and distribution of materials conducing to life: in concoction or preparation, and, when concocted, in the conveyance of it by convenient conduits to the public use.

As for the plenty of matter, it is a thing limited by nature to those commodities which, from the two breasts of our common mother, land and sea, God usually either freely giveth or for labour selleth to mankind. . . .

The distribution of the materials of this nourishment is the constitution of *mine*, and *thine*, and *his*; that is to say, in one word, *propriety*; and belongeth in all kinds of Commonwealth to the sovereign power. For where there is no Commonwealth, there is, as hath been already shown, a perpetual war of every man against his neighbour; and therefore everything is his that getteth it and keepeth it by force; which is neither propriety nor community, but uncertainty.

Hobbes, *Leviathan*, II, 24

16 The propriety which a subject hath in his lands consisteth in a right to exclude all other subjects from the use of them; and not to exclude their sovereign, be it an assembly or a monarch. For seeing the sovereign, that is to say, the Commonwealth (whose person he representeth), is understood to do nothing but in order to the common peace and security, this distribution of lands is to be understood as done in order to the same: and consequently, whatsoever distribution he shall make in prejudice thereof is contrary to the will of every subject that committed his peace and safety to his discretion and conscience, and therefore by the will of every one of them is to be reputed void.

Hobbes, *Leviathan*, II, 24

17 Though the earth and all inferior creatures be common to all men, yet every man has a "property" in his own "person." This nobody has any right to but himself. The "labour" of his body and the "work" of his hands, we may say, are properly his. Whatsoever, then, he removes out of the state that Nature hath provided and left it in, he hath mixed his labour with it, and joined to it something that is his own, and thereby makes it his property. It being by him removed from the common state Nature placed it in, it hath by this la-

bour 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, at least where there is enough, and as good left in common for others.

He that is nourished by the acorns he picked up under an oak, or the apples he gathered from the trees in the wood, has certainly appropriated them to himself. Nobody can deny but the nourishment is his. I ask, then, when did they begin to be his? when he digested? or when he ate? or when he boiled? or when he brought them home? or when he picked them up? And it is plain, if the first gathering made them not his, nothing else could. That labour put a distinction between them and common. That added something to them more than Nature, the common mother of all, had done, and so they became his private right. And will anyone say he had no right to those acorns or apples he thus appropriated because he had not the consent of all mankind to make them his? Was it a robbery thus to assume to himself what belonged to all in common? If such a consent as that was necessary, man had starved, notwithstanding the plenty God had given him. We see in commons, which remain so by compact, that it is the taking any part of what is common, and removing it out of the state Nature leaves it in, which begins the property, without which the common is of no use. And the taking of this or that part does not depend on the express consent of all the commoners. Thus, the grass my horse has bit, the turfs my servant has cut, and the ore I have digged in any place, where I have a right to them in common with others, become my property without the assignation or consent of anybody. The labour that was mine, removing them out of that common state they were in, hath fixed my property in them.

Locke, *II Civil Government*, V, 26-27

18 The measure of property Nature well set, by the extent of men's labour and the conveniency of life. No man's labour could subdue or appropriate all, nor could his enjoyment consume more than a small part; so that it was impossible for any man, this way, to entrench upon the right of another or acquire to himself a property to the prejudice of his neighbour, who would still have room for as good and as large a possession (after the other had taken out his) as before it was appropriated. Which measure did confine every man's possession to a very moderate proportion, and such as he might appropriate to himself without injury to anybody in the first ages of the world, when men were more in danger to be lost, by wandering from their company, in the then vast wilderness of the earth than to be straitened for want of room to plant in.

Locke, *II Civil Government*, V, 35

- 19 This I dare boldly affirm . . . every man should have as much as he could make use of, would hold still in the world, without straitening anybody, since there is land enough in the world to suffice double the inhabitants, had not the invention of money, and the tacit agreement of men to put a value on it, introduced (by consent) larger possessions and a right to them.
Locke, *II Civil Government*, V, 36
- 20 Since gold and silver, being little useful to the life of man, in proportion to food, raiment, and carriage, has its value only from the consent of men—whereof labour yet makes in great part the measure—it is plain that the consent of men have agreed to a disproportionate and unequal possession of the earth—I mean out of the bounds of society and compact; for in governments the laws regulate it; they having, by consent, found out and agreed in a way how a man may, rightfully and without injury, possess more than he himself can make use of by receiving gold and silver, which may continue long in a man's possession without decaying for the overplus, and agreeing those metals should have a value.
Locke, *II Civil Government*, V, 50
- 21 The difference of rank, birth, and condition established in monarchical governments is frequently attended with distinctions in the nature of property; and the laws relating to the constitution of this government may augment the number of these distinctions. Hence, among us goods are divided into real estates, purchases, dowries, paraphernalia, paternal and maternal inheritances; movables of different kinds; estates held in fee-simple, or in tail; acquired by descent or conveyance; allodial, or held by soccage; ground rents; or annuities. Each sort of goods is subject to particular rules, which must be complied with in the disposal of them. These things must needs diminish the simplicity of the laws.
Montesquieu, *Spirit of Laws*, VI, 1
- 22 Whenever the public good happens to be the matter in question, it is not for the advantage of the public to deprive an individual of his property, or even to retrench the least part of it by a law, or a political regulation.
Montesquieu, *Spirit of Laws*, XXVI, 15
- 23 During the ardour of new enthusiasms, when every principle is inflamed into extravagance, the community of goods has frequently been attempted; and nothing but experience of its inconveniences, from the returning or disguised selfishness of men, could make the imprudent fanatics adopt anew the ideas of justice and of separate property. So true is it that this virtue derives its existence entirely from its necessary use to the intercourse and social state of mankind.
Hume, *Concerning Principles of Morals*, III
- 24 Few enjoyments are given us from the open and liberal hand of nature; but by art, labour, and industry, we can extract them in great abundance. Hence the ideas of property become necessary in all civil society.
Hume, *Concerning Principles of Morals*, III
- 25 The first man who, having enclosed a piece of ground, bethought himself of saying *This is mine*, and found people simple enough to believe him, was the real founder of civil society.
Rousseau, *Origin of Inequality*, II
- 26 The cultivation of the earth necessarily brought about its distribution; and property, once recognised, gave rise to the first rules of justice; for, to secure each man his own, it had to be possible for each to have something. Besides, as men began to look forward to the future, and all had something to lose, every one had reason to apprehend that reprisals would follow any injury he might do to another. This origin is so much the more natural, as it is impossible to conceive how property can come from anything but manual labour: for what else can a man add to things which he does not originally create, so as to make them his own property? It is the husbandman's labour alone that, giving him a title to the produce of the ground he has tilled, gives him a claim also to the land itself, at least till harvest, and so, from year to year, a constant possession which is easily transformed into property.
Rousseau, *Origin of Inequality*, II
- 27 Insatiable ambition, the thirst of raising their respective fortunes, not so much from real want as from the desire to surpass others, inspired all men with a vile propensity to injure one another, and with a secret jealousy, which is the more dangerous, as it puts on the mask of benevolence, to carry its point with greater security. In a word, there arose rivalry and competition on the one hand, and conflicting interests on the other, together with a secret desire on both of profiting at the expense of others. All these evils were the first effects of property, and the inseparable attendants of growing inequality.
Rousseau, *Origin of Inequality*, II
- 28 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 labour and cultivation, the only sign of proprietorship that should be re-

spected by others, in default of a legal title.

Rousseau, *Social Contract*, I, 9

- 29 One of the chief characteristics of the golden age, of the age in which neither care nor danger had intruded on mankind, is the community of possessions. Strife and fraud were totally excluded, and every turbulent passion was stilled by plenty and equality. Such were indeed happy times; but such times can return no more. Community of possession must include spontaneity of production; for what is obtained by labour will be of right the property of him by whose labour it is gained.

Johnsou, *Rambler No. 131*

- 30 There seems (said he [Johnson],) to be in authors a stronger right of property than that by occupancy; a metaphysical right, a right, as it were, of creation, which should from its nature be perpetual; but the consent of nations is against it, and indeed reason and the interests of learning are against it; for were it to be perpetual, no book, however useful, could be universally diffused amongst mankind, should the proprietor take it into his head to restrain its circulation.

Boswell, *Life of Johnson (May 8, 1773)*

- 31 The general stock of any country or society is the same with that of all its inhabitants or members, and therefore naturally divides itself into the same three portions, each of which has a distinct function or office.

The first is that portion which is reserved for immediate consumption, and of which the characteristic is, that it affords no revenue or profit. It consists in the stock of food, clothes, household furniture, etc., which have been purchased by their proper consumers, but which are not yet entirely consumed. The whole stock of mere dwelling-houses too, subsisting at any one time in the country, make a part of this first portion. The stock that is laid out in a house, if it is to be the dwelling-house of the proprietor, ceases from that moment to serve in the function of a capital, or to afford any revenue to its owner. A dwelling-house, as such, contributes nothing to the revenue of its inhabitant; and though it is, no doubt, extremely useful to him, it is as his clothes and household furniture are useful to him, which, however, makes a part of his expense, and not of his revenue. If it is to be let to a tenant for rent, as the house itself can produce nothing, the tenant must always pay the rent out of some other revenue which he derives either from labour, or stock, or land. Though a house, therefore, may yield a revenue to its proprietor, and thereby serve in the function of a capital to him, it cannot yield any to the public, nor serve in the function of a capital to it, and the revenue of the whole body of the people can never be in the smallest degree increased by it. Clothes, and household furniture, in the

same manner, sometimes yield a revenue, and thereby serve in the function of a capital to particular persons. In countries where masquerades are common, it is a trade to let out masquerade dresses for a night. Upholsterers frequently let furniture by the month or by the year. Undertakers let the furniture of funerals by the day and by the week. Many people let furnished houses, and get a rent, not only for the use of the house, but for that of the furniture. The revenue, however, which is derived from such things must always be ultimately drawn from some other source of revenue. Of all parts of the stock, either of an individual, or of a society, reserved for immediate consumption, what is laid out in houses is most slowly consumed. A stock of clothes may last several years: a stock of furniture half a century or a century: but a stock of houses, well built and properly taken care of, may last many centuries. Though the period of their total consumption, however, is more distant, they are still as really a stock reserved for immediate consumption as either clothes or household furniture.

The second of the three portions into which the general stock of the society divides itself, is the fixed capital, of which the characteristic is, that it affords a revenue or profit without circulating or changing masters. It consists chiefly of the four following articles:

First, of all useful machines and instruments of trade which facilitate and abridge labour:

Secondly, of all those profitable buildings which are the means of procuring a revenue, not only to their proprietor who lets them for a rent, but to the person who possesses them and pays that rent for them; such as shops, warehouses, workhouses, farmhouses, with all their necessary buildings; stables, granaries, etc. These are very different from mere dwelling houses. They are a sort of instruments of trade, and may be considered in the same light:

Thirdly, of the improvements of land, of what has been profitably laid out in clearing, draining, enclosing, manuring, and reducing it into the condition most proper for tillage and culture. An improved farm may very justly be regarded in the same light as those useful machines which facilitate and abridge labour, and by means of which an equal circulating capital can afford a much greater revenue to its employer. An improved farm is equally advantageous and more durable than any of those machines, frequently requiring no other repairs than the most profitable application of the farmer's capital employed in cultivating it:

Fourthly, of the acquired and useful abilities of all the inhabitants or members of the society. The acquisition of such talents, by the maintenance of the acquirer during his education, study, or apprenticeship, always costs a real expense, which is a capital fixed and realized, as it were, in his per-

son. Those talents, as they make a part of his fortune, so do they likewise of that of the society to which he belongs. The improved dexterity of a workman may be considered in the same light as a machine or instrument of trade which facilitates and abridges labour, and which, though it costs a certain expense, repays that expense with a profit.

The third and last of the three portions into which the general stock of the society naturally divides itself, is the circulating capital; of which the characteristic is, that it affords a revenue only by circulating or changing masters.

Adam Smith, *Wealth of Nations*, II, 1

- 32 Upon equal, or nearly equal profits, most men will choose to employ their capitals rather in the improvement and cultivation of land than either in manufactures or in foreign trade. The man who employs his capital in land has it more under his view and command, and his fortune is much less liable to accidents than that of the trader, who is obliged frequently to commit it, not only to the winds and the waves, but to the more uncertain elements of human folly and injustice, by giving great credits in distant countries to men with whose character and situation he can seldom be thoroughly acquainted. The capital of the landlord, on the contrary, which is fixed in the improvement of his land, seems to be as well secured as the nature of human affairs can admit of. The beauty of the country besides, the pleasures of a country life, the tranquillity of mind which it promises, and wherever the injustice of human laws does not disturb it, the independency which it really affords, have charms that more or less attract everybody; and as to cultivate the ground was the original destination of man, so in every stage of his existence he seems to retain a predilection for this primitive employment.

Adam Smith, *Wealth of Nations*, III, 1

- 33 Men who have no property can injure one another only in their persons or reputations. But when one man kills, wounds, beats, or defames another, though he to whom the injury is done suffers, he who does it receives no benefit. It is otherwise with the injuries to property. The benefit of the person who does the injury is often equal to the loss of him who suffers it.

Adam Smith, *Wealth of Nations*, V, 1

- 34 Wherever there is great property there is great inequality. For one very rich man there must be at least five hundred poor, and the affluence of the few supposes the indigence of the many. The affluence of the rich excites the indignation of the poor, who are often both driven by want, and prompted by envy, to invade his possessions. It is only under the shelter of the civil magistrate that the owner of that valuable property, which is acquired by the labour of many years, or perhaps of

many successive generations, can sleep a single night in security. He is at all times surrounded by unknown enemies, whom, though he never provoked, he can never appease, and from whose injustice he can be protected only by the powerful arm of the civil magistrate continually held up to chastise it. The acquisition of valuable and extensive property, therefore, necessarily requires the establishment of civil government. Where there is no property, or at least none that exceeds the value of two or three days' labour, civil government is not so necessary.

Adam Smith, *Wealth of Nations*, V, 1

- 35 The community of goods, which had so agreeably amused the imagination of Plato, and which subsisted in some degree among the austere sect of the Essenians, was adopted for a short time in the primitive church. The fervour of the first proselytes prompted them to sell those worldly possessions which they despised, to lay the price of them at the feet of the apostles, and to content themselves with receiving an equal share out of the general distribution. The progress of the Christian religion relaxed, and gradually abolished, this generous institution, which, in hands less pure than those of the apostles, would too soon have been corrupted and abused by the returning selfishness of human nature; and the converts who embraced the new religion were permitted to retain the possession of their patrimony, to receive legacies and inheritances, and to increase their separate property by all the lawful means of trade and industry.

Gibbon, *Decline and Fall of the Roman Empire*, XV

- 36 The original right of property can only be justified by the accident or merit of prior occupancy; and on this foundation it is wisely established by the philosophy of the civilians. The savage who hollows a tree, inserts a sharp stone into a wooden handle, or applies a string to an elastic branch, becomes in a state of nature the just proprietor of the canoe, the bow, or the hatchet. The materials were common to all; the new form, the produce of his time and simple industry, belongs solely to himself. His hungry brethren cannot, without a sense of their own injustice, extort from the hunter the game of the forest overtaken or slain by his personal strength and dexterity. If his provident care preserves and multiplies the tame animals, whose nature is tractable to the arts of education, he acquires a perpetual title to the use and service of their numerous progeny, which derives its existence from him alone. If he encloses and cultivates a field for their sustenance and his own, a barren waste is converted into a fertile soil; the seed, the manure, the labour, create a new value, and the rewards of harvest are painfully earned by the fatigues of the revolving year. In the successive

states of society, the hunter, the shepherd, the husbandman, may defend their possessions by two reasons which forcibly appeal to the feelings of the human mind: that whatever they enjoy is the fruit of their own industry; and that every man who envies their felicity may purchase similar acquisitions by the exercise of similar diligence. Such, in truth, may be the freedom and plenty of a small colony cast on a fruitful island. But the colony multiplies, while the space still continues the same; the common rights, the equal inheritance of mankind, are engrossed by the bold and crafty; each field and forest is circumscribed by the landmarks of a jealous master; and it is the peculiar praise of the Roman jurisprudence that it asserts the claim of the first occupant to the wild animals of the earth, the air, and the waters. In the progress from primitive equity to final injustice, the steps are silent, the shades are almost imperceptible, and the absolute monopoly is guarded by positive laws and artificial reason. The active, insatiate principle of self-love can alone supply the arts of life and the wages of industry; and as soon as civil government and exclusive property have been introduced, they become necessary to the existence of the human race.

Gibbon, *Decline and Fall of the Roman Empire*, XLIV

- 37 The personal title of the first proprietor must be determined by his death; but the possession, without any appearance of change, is peaceably continued in his children, the associates of his toil, and the partners of his wealth. This natural inheritance has been protected by the legislators of every climate and age, and the father is encouraged to persevere in slow and distant improvements, by the tender hope that a long posterity will enjoy the fruits of his labour. The *principle* of hereditary succession is universal; but the *order* has been variously established by convenience or caprice, by the spirit of national institutions, or by some partial example which was originally decided by fraud or violence.

Gibbon, *Decline and Fall of the Roman Empire*, XLIV

- 38 I can only call a corporeal thing or an object in *space* "mine," when, *even although not in physical possession of it*, I am able to assert that I am in possession of it in another real nonphysical sense. Thus, I am not entitled to call an apple *mine* merely because I hold it in my hand or possess it physically; but only when I am entitled to say, "I possess it, although I have laid it out of my hand, and wherever it may lie." In like manner, I am not entitled to say of the ground, on which I may have laid myself down, that therefore it is *mine*; but only when I can rightly assert that it still remains in my possession, although I may have left the spot. For anyone who, in the former appearances of

empirical possession, might wrench the apple out of my hand, or drag me away from my resting-place, would, indeed, injure me in respect of the *inner* "mine" of freedom, but not in respect of the external "mine," unless I could assert that I was in the possession of the object, even when not actually holding it physically. And if I could not do this, neither could I call the apple or the spot mine.

Kant, *Science of Right*, 4

- 39 If, by word or deed, I declare my will that some external thing shall be mine, I make a declaration that every other person is obliged to abstain from the use of this object of my exercise of will; and this imposes an obligation which no one would be under, without such a juridical act on my part. But the assumption of this act at the same time involves the admission that I am obliged reciprocally to observe a similar abstention towards every other in respect of what is externally theirs; for the obligation in question arises from a universal rule regulating the external juridical relations. Hence I am not obliged to let alone what another person declares to be externally his, unless every other person likewise secures me by a guarantee that he will act in relation to what is mine, upon the same principle. This guarantee of reciprocal and mutual abstention from what belongs to others does not require a special juridical act for its establishment, but is already involved in the conception of an external obligation of right, on account of the universality and consequently the reciprocity of the obligatoriness arising from a universal Rule. Now a single will, in relation to an external and consequently contingent possession, cannot serve as a compulsory law for all, because that would be to do violence to the freedom which is in accordance with universal laws. Therefore it is only a will that binds every one, and as such a common, collective, and authoritative will, that can furnish a guarantee of security to all. But the state of men under a universal, external, and public legislation, conjoined with authority and power, is called the civil state. There can therefore be an external mine and thine only in the civil state of society.

Kant, *Science of Right*, 8

- 40 The principle of external acquisition . . . may be expressed thus: "Whatever I bring under my power according to the law of external freedom, of which as an object of my free activity of will I have the capability of making use according to the postulate of the practical reason, and which I will to become mine in conformity with the idea of a possible united common will, *is mine*."

Kant, *Science of Right*, 10

- 41 It is . . . only by positive transference or conveyance, that a personal right can be acquired; and

- this is only possible by means of a common will, through which objects come into the power of one or other, so that as one renounces a particular thing which he holds under the common right, the same object when accepted by another, in consequence of a positive act of will, becomes his. Such transference of the *property* of one to another is termed its *alienation*. The act of the united wills of two persons, by which what belonged to one passes to the other, constitutes *contract*.
- Kant, *Science of Right*, 18
- 42 Property is nothing but a basis of expectation; the expectation of deriving certain advantages from a thing which we are said to possess, in consequence of the relation in which we stand towards it.
- There is no image, no painting, no visible trait, which can express the relation that constitutes property. It is not material, it is metaphysical; it is a mere conception of the mind.
- Bentham, *Theory of Legislation*,
Principles of the Civil Code, I, 8
- 43 Property and law are born together, and die together. Before laws were made there was no property; take away laws, and property ceases.
- Bentham, *Theory of Legislation*,
Principles of the Civil Code, I, 8
- 44 This term [PROPERTY], in its particular application, means "that dominion which one man claims and exercises over the external things of the world, in exclusion of every other individual."
- In its larger and juster meaning, it embraces everything to which a man may attach a value and have a right; and which leaves to everyone else the like advantage.
- In the former sense, a man's land, or merchandise, or money is called his property.
- In the latter sense, a man has property in his opinions and the free communication of them.
- He has a property of peculiar value in his religious opinions, and in the profession and practice dictated by them.
- He has property very dear to him in the safety and liberty of his person.
- He has an equal property in the free use of his faculties and free choice of the objects on which to employ them.
- In a word, as a man is said to have a right to his property, he may be equally said to have a property in his rights.
- Where an excess of power prevails, property of no sort is duly respected. No man is safe in his opinions, his person, his faculties, or his possessions.
- Where there is an excess of liberty, the effect is the same, though from an opposite cause.
- Government is instituted to protect property of every sort, as well that which lies in the various rights of individuals, as that which the term par-
- ticularly expresses. This being the end of government, that alone is a *just* government which *impartially* secures to every man whatever is his *own*.
- Madison, *Property*
- 45 A person has as his substantive end the right of putting his will into any and every thing and thereby making it his, because it has no such end in itself and derives its destiny and soul from his will. This is the absolute right of appropriation which man has over all "things."
- Hegel, *Philosophy of Right*, 44
- 46 The principle that a thing belongs to the person who happens to be the first in time to take it into his possession is immediately self-explanatory and superfluous, because a second person cannot take into his possession what is already the property of another.
- Hegel, *Philosophy of Right*, 50
- 47 My merely partial or temporary use of a thing, like my partial or temporary possession of it (a possession which itself is simply the partial or temporary possibility of using it) is therefore to be distinguished from ownership of the thing itself. If the whole and entire use of a thing were mine, while the abstract ownership was supposed to be someone else's, then the thing as mine would be penetrated through and through by my will, and at the same time there would remain in the thing something impenetrable by me, namely the will, the empty will, of another. As a positive will, I would be at one and the same time objective and not objective to myself in the thing—an absolute contradiction. Ownership therefore is in essence free and complete.
- Hegel, *Philosophy of Right*, 62
- 48 Single products of my particular physical and mental skill and of my power to act I can alienate to someone else and I can give him the use of my abilities for a restricted period, because, on the strength of this restriction, my abilities acquire an external relation to the totality and universality of my being. By alienating the whole of my time, as crystallized in my work, and everything I produced, I would be making into another's property the substance of my being, my universal activity and actuality, my personality.
- Hegel, *Philosophy of Right*, 67
- 49 When a child begins to move in the midst of the objects that surround him, he is instinctively led to appropriate to himself everything that he can lay his hands upon; he has no notion of the property of others; but as he gradually learns the value of things and begins to perceive that he may in his turn be despoiled, he becomes more circumspect, and he ends by respecting those rights in others which he wishes to have respected in himself. The

principle which the child derives from the possession of his toys is taught to the man by the objects which he may call his own. In America, the most democratic of nations, those complaints against property in general, which are so frequent in Europe, are never heard, because in America there are no paupers. As everyone has property of his own to defend, everyone recognizes the principle upon which he holds it.

Tocqueville, *Democracy in America*, I, 14

- 50 If we attentively consider each of the classes of which society is composed, it is easy to see that the passions created by property are keenest and most tenacious among the middle classes. The poor often care but little for what they possess, because they suffer much more from the want of what they have not than they enjoy the little they have. The rich have many other passions besides that of riches to satisfy; and, besides, the long and arduous enjoyment of a great fortune sometimes makes them in the end insensible to its charms. But the men who have a competency, alike removed from opulence and from penury, attach an enormous value to their possessions. As they are still almost within the reach of poverty, they see its privations near at hand and dread them; between poverty and themselves there is nothing but a scanty fortune, upon which they immediately fix their apprehensions and their hopes. Every day increases the interest they take in it, by the constant cares which it occasions; and they are the more attached to it by their continual exertions to increase the amount. The notion of surrendering the smallest part of it is insupportable to them, and they consider its total loss as the worst of misfortunes.

Now, these eager and apprehensive men of small property constitute the class that is constantly increased by the equality of conditions. Hence in democratic communities the majority of the people do not clearly see what they have to gain by a revolution, but they continually and in a thousand ways feel that they might lose by one.

Tocqueville, *Democracy in America*, Vol. II, III, 21

- 51 In a revolution the owners of personal property have more to fear than all others; for, on the one hand, their property is often easy to seize, and, on the other, it may totally disappear at any moment—a subject of alarm to which the owners of real property are less exposed, since, although they may lose the income of their estates, they may hope to preserve the land itself through the greatest vicissitudes. Hence the former are much more alarmed at the symptoms of revolutionary commotion than the latter. Thus nations are less disposed to make revolutions in proportion as personal property is augmented and distributed among them and as the number of those possess-

ing it is increased.

Tocqueville, *Democracy in America*, Vol. II, III, 21

- 52 In no country in the world is the love of property more active and more anxious than in the United States; nowhere does the majority display less inclination for those principles which threaten to alter, in whatever manner, the laws of property.

Tocqueville, *Democracy in America*, Vol. II, III, 21

- 53 I laid my bones to, and drudged for the good I possess; it was not got by fraud, nor by luck, but by work, and you must show me a warrant like these stubborn facts in your own fidelity and labor, before I suffer you, on the faith of a few fine words, to ride into my estate, and claim to scatter it as your own.

Emerson, *The Conservative*

- 54 Whilst the rights of all as persons are equal, in virtue of their access to reason, their rights in property are very unequal. One man owns his clothes, and another owns a county.

Emerson, *Politics*

- 55 There is an instinctive sense, however obscure and yet inarticulate, that the whole constitution of property, on its present tenures, is injurious, and its influence on persons deteriorating and degrading; that truly the only interest for the consideration of the State is persons; that property will always follow persons; that the highest end of government is the culture of men; and that if men can be educated, the institutions will share their improvement and the moral sentiment will write the law of the land.

Emerson, *Politics*

- 56 The law may in a mad freak say that all shall have power except the owners of property; they shall have no vote. Nevertheless, by a higher law, the property will, year after year, write every statute that respects property.

Emerson, *Politics*

- 57 Property . . . has been well compared to snow—“if it fall level to-day, it will be blown into drifts to-morrow.”

Emerson, *Nature*, V

- 58 In a free and just commonwealth, property rushes from the idle and imbecile to the industrious, brave and persevering.

Emerson, *Wealth*

- 59 The highest law gives a thing to him who can use it.

Thoreau, *Journal* (Nov. 9, 1852)

60 It is plain that commodities cannot go to market and make exchanges of their own account. We must, therefore, have recourse to their guardians, who are also their owners. Commodities are things, and, therefore, without power of resistance against man. If they are wanting in docility he can use force; in other words, he can take possession of them. In order that these objects may enter into relation with each other as commodities, their guardians must place themselves in relation to one another, as persons whose will resides in those objects, and must behave in such a way that each does not appropriate the commodity of the other, and part with his own, except by means of an act done by mutual consent. They must, therefore, mutually recognize in each other the rights of private proprietors.

Marx, *Capital*, Vol. I, I, 2

61 At first the rights of property seemed to us to be based on a man's own labour. At least, some such assumption was necessary since only commodity owners with equal rights confronted each other, and the sole means by which a man could become possessed of the commodities of others was by alienating his own commodities; and these could be replaced by labour alone. Now, however, property turns out to be the right, on the part of the capitalist, to appropriate the unpaid labour of others or its product, and to be the impossibility, on the part of the labourer, of appropriating his own product. The separation of property from labour has become the necessary consequence of a law that apparently originated in their identity.

Marx, *Capital*, Vol. I, VII, 24

62 Through however long a series of periodical reproduction and previous accumulation it may have passed, the capital functioning today retains its primal virginity. So long as the laws of exchange are followed in each act of exchange considered individually, the mode of appropriation may be revolutionized without touching property rights derived from commodity production. The same right was valid at a time when the product belonged to the producer, who could only enrich himself by his own labour, exchanging equivalent for equivalent, and is still valid in the capitalist period in which the social wealth becomes to an ever increasing degree the property of those who are in a position to appropriate over and over again the unpaid labour of others.

Marx, *Capital*, Vol. I, VII, 24

63 The development of capitalist production makes it constantly necessary to keep increasing the amount of the capital laid out in a given industrial undertaking, and competition makes the immanent laws of capitalist production to be felt by each individual capitalist as external coercive laws. It compels him to keep constantly extending

his capital, in order to preserve it; but extend it he cannot, except by means of progressive accumulation.

So far, therefore, as his actions are a mere function of capital—endowed as capital is, in his person, with consciousness and a will—his own private consumption is a robbery perpetrated on accumulation, just as in book-keeping by double entry the private expenditure of the capitalist is placed on the debtor side of his account against his capital. To accumulate is to conquer the world of social wealth, to increase the mass of human beings exploited by him, and thus to extend both the direct and the indirect sway of the capitalist.

But original sin is at work everywhere. As capitalist production, accumulation, and wealth, become developed, the capitalist ceases to be the mere incarnation of capital. He has a fellow-feeling for his own Adam, and his education gradually enables him to smile at the rage for asceticism, as a mere prejudice of the old-fashioned miser. While the capitalist of the classical type brands individual consumption as a sin against his function, and as "abstinence" from accumulating, the modernized capitalist is capable of looking upon accumulation as "abstinence" from pleasure.

Marx, *Capital*, Vol. I, VII, 24

64 The . . . thing that interests us is the secret discovered in the new world by the political economy of the old world, and proclaimed on the house-tops: that the capitalist mode of production and accumulation, and therefore capitalist private property, have for their fundamental condition the annihilation of self-earned private property; in other words, the expropriation of the labourer.

Marx, *Capital*, Vol. I, VIII, 33

65 The distinguishing feature of Communism is not the abolition of property generally, but the abolition of bourgeois property. But modern bourgeois private property is the final and most complete expression of the system of producing and appropriating products that is based on class antagonisms, on the exploitation of the many by the few.

Marx and Engels, *Communist Manifesto*, II

66 Does wage labour create any property for the labourer? Not a bit. It creates capital, i.e., that kind of property which exploits wage labour and which cannot increase except upon condition of begetting a new supply of wage labour for fresh exploitation. Property in its present form is based on the antagonism of capital and wage labour.

Marx and Engels, *Communist Manifesto*, II

67 When . . . capital is converted into common property, into the property of all members of society, personal property is not thereby transformed into social property. It is only the social character

of the property that is changed. It loses its class character.

Marx and Engels, *Communist Manifesto*, II

68 You are horrified at our intending to do away with private property. But in your existing society private property is already done away with for nine-tenths of the population; its existence for the few is solely due to its non-existence in the hands of those nine-tenths. You reproach us, therefore, with intending to do away with a form of property, the necessary condition for whose existence is the non-existence of any property for the immense majority of society.

In a word, you reproach us with intending to do away with your property. Precisely so; that is just what we intend.

From the moment when labour can no longer be converted into capital, money, or rent—into a social power capable of being monopolised—i.e., from the moment when individual property can no longer be transformed into bourgeois property, into capital; from that moment, you say, individuality vanishes.

You must, therefore, confess that by “individual” you mean no other person than the bourgeois, than the middle class owner of property. This person must, indeed, be swept out of the way and made impossible.

Communism deprives no man of the power to appropriate the products of society; all that it does is to deprive him of the power to subjugate the labour of others by means of such appropriation.

Marx and Engels, *Communist Manifesto*, II

69 It has been objected that upon the abolition of private property all work will cease and universal laziness will overtake us.

According to this, bourgeois society ought long ago to have gone to the dogs through sheer idleness; for those of its members who work acquire nothing, and those who acquire anything do not work.

Marx and Engels, *Communist Manifesto*, II

70 If . . . the choice were to be made between Communism with all its chances, and the present state of society with all its sufferings and injustices; if the institution of private property necessarily carried with it as a consequence, that the produce of labour should be apportioned as we now see it, almost in an inverse ratio to the labour—the largest portions to those who have never worked at all, the next largest to those whose work is almost nominal, and so in a descending scale, the remuneration dwindling as the work grows harder and more disagreeable, until the most fatiguing and exhausting bodily labour cannot count with certainty on being able to earn even the necessaries of life; if this or Communism were the alternative,

all the difficulties, great or small, of Communism would be but as dust in the balance. But to make the comparison applicable, we must compare Communism at its best, with the régime of individual property, not as it is, but as it might be made. The principle of private property has never yet had a fair trial in any country.

Mill, *Principles of Political Economy*,
Bk. II, I, 3

71 The laws of property have never yet conformed to the principles on which the justification of private property rests. They have made property of things which never ought to be property, and absolute property where only a qualified property ought to exist. They have not held the balance fairly between human beings, but have heaped impediments upon some, to give advantage to others; they have purposely fostered inequalities, and prevented all from starting fair in the race. That all should indeed start on perfectly equal terms, is inconsistent with any law of private property: but if as much pains as has been taken to aggravate the inequality of chances arising from the natural working of the principle, had been taken to temper that inequality by every means not subversive of the principle itself; if the tendency of legislation had been to favour the diffusion, instead of the concentration of wealth—to encourage the subdivision of the large masses, instead of striving to keep them together; the principle of individual property would have been found to have no necessary connexion with the physical and social evils which almost all Socialist writers assume to be inseparable from it.

Mill, *Principles of Political Economy*,
Bk. II, I, 3

72 Nothing is implied in property but the right of each to his (or her) own faculties, to what he can produce by them, and to whatever he can get for them in a fair market; together with his right to give this to any other person if he chooses, and the right of that other to receive and enjoy it.

Mill, *Principles of Political Economy*,
Bk. II, II, 3

73 When the “sacredness of property” is talked of, it should always be remembered, that any such sacredness does not belong in the same degree to landed property. No man made the land. It is the original inheritance of the whole species. Its appropriation is wholly a question of general expediency. When private property in land is not expedient, it is unjust. It is no hardship to any one, to be excluded from what others have produced: they were not bound to produce it for his use, and he loses nothing by not sharing in what otherwise would not have existed at all. But it is some hardship to be born into the world and to find all nature’s gifts previously engrossed, and no place

left for the new-comer. To reconcile people to this, after they have once admitted into their minds the idea that any moral rights belong to them as human beings, it will always be necessary to convince them that the exclusive appropriation is good for mankind on the whole, themselves included. But this is what no sane human being could be persuaded of.

Mill, *Principles of Political Economy*,
Bk. II, II, 6

- 74 To me it seems almost an axiom that property in land should be interpreted strictly, and that the balance in all cases of doubt should incline against the proprietor. The reverse is the case with property in moveables, and in all things the product of labour: over these, the owner's power both of use and of exclusion should be absolute, except where positive evil to others would result from it: but in the case of land, no exclusive right should be permitted in any individual, which cannot be shown to be productive of positive good. To be allowed any exclusive right at all, over a portion of the common inheritance, while there are others who have no portion, is already a privilege. No quantity of moveable goods which a person can acquire by his labour, prevents others from acquiring the like by the same means; but from the very nature of the case, whoever owns land, keeps others out of the enjoyment of it. The privilege, or monopoly, is only defensible as a necessary evil; it becomes an injustice when carried to any point to which the compensating good does not follow it.

Mill, *Principles of Political Economy*,
Bk. II, II, 6

- 75 There is no divine right of property. Nothing is so completely a man's own that he may do what he likes with it. His very limbs, intimately as they belong to him, he may not use to the injury of society, much less his knife, his stick, or "anything that is his." Not only may he not use them malevolently: he must not use them even carelessly and indifferently except at his own peril if harm ensue. Exceptionally dangerous substances, such as poisons and explosives, he can only obtain and possess under exceptionally stringent conditions.

Nevertheless, as it is obviously well that each man should labor without fear of being deprived of the use and enjoyment of the product of their labor—as in the nature of things he would not labor at all without some such incentive, it may be said that a man has a natural right to own the product of his labor. The term natural right, if old fashioned, is as much to the purpose as any mod-

ern expression of the same meaning. But this natural right of the individual is still subject to all the limitations imposed by the rights of his fellows.

Shaw, *Freedom and the State*

- 76 There are three practicable ways of providing for the production of commodities and exchange of services in civilized communities. These three are—

PRIVATE PROPERTY,
COLLECTIVISM,
COMMUNISM

The first is a non-socialist system. The other two are socialist.

In all modern States the three are in operation side by side, but as Collectivism and Communism are purposely restricted to those departments of industry in which the Private Property system is practically impossible, the predominating and characteristic method of organizing the industry of the world is at present non-socialist.

As the method of producing and distributing wealth has irresistibly influenced custom, morality, the forms of law and religion, and indeed all social institutions, being only less fundamental than human nature itself, it is important that the three systems should be known and understood as working arrangements, quite apart from their abstract principles. Whoever masters the subject in this way will perceive that discussions as to whether Private Property in the abstract is better or worse than Socialism are as idle as discussions as to whether black in the abstract is better or worse than white. The applicability of either system depends on the nature of the commodity or service to which it is proposed to apply it, on the industrial and moral development of the community—in short, on diverse factors which vary in all possible manners. There is no inconsistency of principle in our present arrangement of Private Enterprise in the medical profession, Collectivism in our postal service, and Communism in our London bridges. If the student, as the outcome of his study, concludes that it would be well to effect such an extension of Collectivism as would make it the predominant and characteristic system in this country, then he may conveniently call himself a Socialist. But there is no universally applicable abstract principle of Socialism or Individualism by subscribing to which men can claim to be Socialists or Individualists without troubling themselves about economic science or practical industry.

Shaw, *Capital and Wages*