The Material Conditions of Non-Domination: Property, Independence, and the Means of Production

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Abstract

While it is a point of agreement in contemporary republican political theory that property ownership is closely connected to freedom as non-domination, surprisingly little work has been done to elucidate the nature of this connection or the constraints on property regimes that might be required as a result. In this paper I provide a systematic model of the boundaries within which republican property systems must sit and explore some of the wider implications that thinking of property in these terms may have for republicans. The boundaries I focus on relate to the distribution of property and the application of types of property claims over particular kinds of goods. I develop this model from those elements of non-domination most directly related to the operation of a property regime: (i) economic independence, (ii) limiting material inequalities, and (iii) the promotion of common goods. The limits that emerge from this analysis support intuitive judgements that animate much republican discussion of property distribution. My account diverges from much orthodox republican theory, though, in challenging the primacy of private property rights in the realisation of economic independence. The value of property on republican terms can be realised without private ownership of the means of production.

Text

One of the most prominent topics within republican political theory in recent years has been that of political economy. This body of work has two main strands, which, though complementary and overlapping, are concerned with different kinds of questions. The first of these involves analysing the structural relations of modern economies. Understanding domination as a form of unfreedom that can emerge from complex structural relations, this work explores how existing economic structures – such as the labour market, debt relations, and the role of currencies in the global financial system – leave some individuals subject to domination (Anderson, 2015; Bryan, 2019; Gourevitch, 2015; Herzog, 2019; Preiss, 2021). The second involves the defence of particular models of political economy on republican grounds. These include a mixed capitalist economy, forms of socialism, an economy based on rights of exit in competitive markets, and various kinds of property-owning democracy (Muldoon,

2019; O'Shea, 2020; Taylor, 2017; Thomas, 2017). The central question of this strand concerns what kinds of economic institutions and relationships will optimally promote non-domination and minimise the possibility of the emergence of new relations of domination.

A component of republican thinking about the economy on which all of this work relies, but which remains comparatively under-theorised, is the relationship between freedom as non-domination and property ownership. The strong relationship posited between the two is a characteristic feature of republicanism, and the benefits of owning property and the vulnerabilities that can be generated from certain property arrangements are concerns that animate much of the work regarding republican political economy. But the co-ordinates of this relationship remain relatively unchartered beyond some well established claims (such as that excessive material inequalities threaten non-domination). A more systematic account of the demands that a commitment to non-domination makes on the organisation and distribution of property would help to illuminate the choice between economic systems from within a republican framework and provide greater clarity to republican discussions of property.

In this paper I will provide an account of the boundaries within which a property regime based on the value of non-domination must sit. To do this, I must first provide an analysis of the value of property ownership within a republican framework. I argue that this value can be encapsulated in three functions that property is uniquely equipped to perform for republicans: (1) promoting economic independence; (2) limiting material inequalities; and (3) promoting common goods. I specify each of these in turn, and show that limitations on material inequality and the promotion of common goods can be conceived as checks, or constraints, on the primary function of promoting economic independence. As I will demonstrate, this model supports the intuitive judgements that animate much republican discussion of property distribution and overlaps with existing accounts of property constraints within the literature (White, 2000; Dagger, 2006). It also, though, diverges in important ways, including with regards to the role of private property rights in promoting economic independence.

In making this argument, the paper contributes to the emerging literature on republican political economy in two ways. First, it demonstrates that engaging with the justificatory foundations and specifications of property is crucial to evaluating the desirability of any particular kind of property system from a republican perspective. Paying attention to the specific rights and empowerments that can produce a condition of economic independence can help us to clarify the range of options open to republicans, and to engage with the full variety of property forms that may be used to generate that

condition. In this respect, my argument provides a complementary counterpoint to this existing literature by showing how discussions of the justification of an institution such as property and the specific configuration of property rights can usefully inform broader institutional debates. Second, it advances the developing literature on socialist republicanism by showing that socialist property regimes (that is, those which do not incorporate private ownership rights over the means of production) sit within the range of property regimes available to republicans. While the recent spate of work in this area has argued for socialist economic or institutional ends – including public property regimes – on the basis that the best promote non-domination, the extent to which these commitments are congruent with other components of republican thinking requires further investigation. By outlining the boundaries within which a republican property regime must sit, this paper demonstrates that the research project of socialist republicanism need not conflict with the essential requirements of a republican property regime.[1]

I begin by articulating the value that property ownership, and an effective property regime, will have from a republican perspective, before introducing and outlining the three central components of my analysis.

1. Property and Non-Domination

A characteristic feature of republican political theory is the strong connection it posits between property and freedom. Historically, this connection has often been articulated in terms of land ownership or the capacity to live in autarkic independence, both of which may be understood as bulwarks against falling into dependence on other citizens. This kind of approach finds little favour among contemporary republicans for good reason (Pettit, 1997, 67). Not only was the exalted status of agrarian independence always in fact reliant on the structure of the patriarchal family and the unfreedom of slaves or disempowered wage-labourers, but the radical interdependence of modernity transforms this image from one of independent political citizenship to one of isolation (Gourevitch, 2015, Chapter 1).

Despite their rejection of archaic articulations of the condition of propertied independent citizenship, contemporary republicans still view property ownership as a central component of freedom as non-domination. To be free from subjection to arbitrary power one must have access to some material resources that enable one to escape dependence on others (Pettit, 2007, 5). This possibility of exit

[1] For a more broad-ranging application of a similar methodology to that employed in this paper, focussed on sketching the boundaries within which a republican economic system must sit, see Bryan (2020).

prevents individuals from being trapped in exploitative or dominating relationships by economic need, and more generally acts as a bulwark against the development of relationships of domination. In contrast to the historical identification of particular types of property as prerequisites of citizenship, for neo-republicans the political and freedom-enhancing benefits of property ownership are not considered to be specific to particular goods or commodities. The ability to exit is not dependent on independent ownership of land, for instance. It is rather the protection of status that property brings that is important (Anderson, 2015, p. 53). The primary way in which property ownership advances non-domination is by protecting individuals against arbitrary interference, enabling them to participate in social institutions, and granting them security from the possibility of dependence.[2] Propertylessness, conversely, is then not only a condition of vulnerability to arbitrary interference from others, but a signal of social exclusion or straightforward servitude (Gourevitch, 2015, 33).

A stable and well regulated property *regime* is also an essential component of freedom as non-domination. My aim here is not to provide a republican theory of property, but we can identify some minimal procedural demands that press on a legal regime based on the value of non-domination. A regime of this kind will, among other things, provide a clear means of identifying who has what kinds of rights over what. A just property system must do this according to principles of procedural justice (i.e. consistency). In this way, a system of property ownership and transfer - including established and legitimate mechanisms for adjudicating disputes – helps to create the conditions of non-domination, protecting the property claims of citizens both from other citizens and the state.[3] Their property cannot be summarily seized by the state, or stolen by citizens or corporations, without legal appeal. The full value of the benefits of property ownership can only be realised within a functioning property regime of this kind.[4] As well as enabling the goods that republicans associate with property ownership, such a property regime also enables citizens to plan their affairs, providing them with some assurance that the rules will remain broadly consistent with existing legal principles and precedent (Irving, 2017, 6).

2 This is not to say there are not other ways in which the two are connected; ownership might variously cultivate the skills of democratic politics, civic virtues, or practices of mutual acknowledgment through exchange (Thomas, 2017, pp. 114–5). Additionally, it provides the opportunity for major welfare gains through trade and exchange or incentivising innovation. But from a republican perspective these are less important than the function of property ownership as a protection from arbitrary interference and relations of domination.

3 Note that although I do not detail its scope here, my use of the term 'citizen' in this paper should be taken in a broad sense, including various members of a polity who may not hold legal citizenship.

4 Anticipating the argument I make below, this should not be taken as privileging full liberal (private) ownership. Other forms of access to property may sometimes be sufficient or even superior. The point is just that the establishment of a property regime within which various types of property claims are effectively protected is a necessary condition for republican freedom.

While some of these valuable features can be satisfied by almost any property regime – even a highly unjust property regime can provide security and establish predictable ways of resolving disputes, for instance – others will only be realised when more demanding conditions are met. For republicans, the value of property is sensitive to its distribution; the role that property ownership can play in promoting non-domination may be negated when distributions of property are too unequal (Casassas & De Wispelaere, 2016, 291-2). In these conditions, a property regime may itself be a means through which arbitrary power is exercised, with the propertyless and poor excluded from the goods of citizenship. A property regime that effectively advances non-domination will not enable dominating property relations – distributions which are wildly unequal, or regimes in which human beings can be owned by others (Pettit, 2012, p. 99). The incorporation of principles of procedural justice and the role that a stable property regime plays in assuring property owners do not constitute a prejudice against substantive distributive considerations of this kind (although they may preclude some methods of redistribution). The protection of existing property rights is not conducive to non-domination absent any reference to the distribution and objects of property within that property regime. Rather, it is by reference to the interests of each and all citizens – both propertied and propertyless - in non-domination that a property regime is justified (White, 2000. 220).

The value of property from within a republican perspective can be captured through a focus on three particularly important functions that property regimes can perform in advancing non-domination, and which are themselves derived from the concept of non-domination. These three functions can also be used as a model for mapping the constraints on the distribution and proper objects of property claims, and for distinguishing the property systems that are and are not acceptable from a republican perspective.[5]

1.1 Economic Independence

The central value of property ownership within a republican framework is that it promotes economic independence. In order for republican citizens to enjoy freedom as non-domination, they need to be able to access the resources that underwrite that freedom (Casassas, 2008; Pettit, 2006, 141). Having access to relevant resources protects individuals from the arbitrary power of others by providing them with their own means of achieving various goods, without which they may be forced to enter into relations of dependence. In addition to protecting individuals against private arbitrary power,

5 Although my focus here is on distinctively republican reasons for valuing property, it should be kept in mind that any acceptable property regime must be capable of promoting a range of values and goods effectively, including security, predictability, and justice, as well as the values which underpin general justifications of property. It may be a secondary desideratum of our discussion that a republican model of the constraints on property leaves space for property to effectively embody these values as well.

economic independence is also a crucial condition of the exercise of political power. The legitimacy of the state depends on the capacity of all citizens to ensure that state action tracks their interests. Without economic independence this capacity will be threatened. Citizens will be subject to pressure to express views in accordance with those on whom they are dependent, or will be simply unable to vote or participate in public debate by virtue of their lack of resources. This lack of resources can either directly prevent the exercise of political power or translate into status differences that constitute a barrier to political participation of the propertyless. Either way, it is clear that property is critical for republicans as a means of ensuring economic independence, understood as the *material basis of citizenship*, the bed of resources on which the goods and relations of non-domination rely (Casassas, 2013, p. 4; Pettit, 1997, pp. 158–9). Citizens who do not have access to the goods of economic independence are therefore subject to the arbitrary power of those who are.

What, then, does economic independence require? To start, each citizen must have robustly secured access to at least a minimum level of resources, sometimes called an 'economic floor' (Casassas & De Wispelaere, 2015, pp. 287–290; Pettit, 2012, 83). What this floor will be composed of will necessarily differ across historical and cultural contexts, but we can say something about what determines this specification in any given time and what kinds of things it will incorporate. With regards to the former, as the function of the economic floor is to provide the material threshold for non-domination, its level will be based on what material conditions are necessary for citizens to be able to participate as equals in social and political life freely and independently (Raventos, 2007, 63-4). As such, we can see that this requirement cannot be satisfied simply through ensuring a minimum income level, as this on its own does not suffice to enable non-domination. Rather, a broad range of conditions, including things like access to economic or financial institutions – such as banks, credit markets, the labour market, and commercial markets – but also to those which are crucial in cultivating financial knowledge and capabilities, including educational systems, and recourse to the legal system. Economic independence, then, looks more like a social or political condition than a narrowly material one.

Republicans disagree about both the threshold at which individuals can be said to be economically independent, and about what kinds of institutions and policies best promote economic independence. Various recent contributions to the literature advance interpretations of the requirements of economic independence that explicitly extend beyond the basic requirements of non-domination (Claassen & Herzog, 2021; O'Shea, 2019). The contrast between views of this kind and other positions can partly be attributed to a difference of opinion regarding the function of economic independence. The extensive interpretation provided by Rutger Claassen and Lisa Herzog is based on their incorporation

of the idea of economic agency into the concept of economic independence, identifying autonomous action in economic life as the threshold by which one can be regarded as economically independent. For others, the status of economic independence may be conceived as a protective rather than an empowering condition, which provides citizens with an economic basis that prevents them from becoming economically dependent on others, but is narrowly concerned with ensuring that a minimum pecuniary level is maintained or that individuals hold sufficient bargaining power to prevent their domination (Casassas & De Wispelaere, 2015). As our concern here is with the *concept* of economic independence rather than with any particular articulation of it, we need not be too bothered by these differences. There are methodological reasons to be cautious about overspecifying the demands of economic independence *on the design of the property system*, when they might more naturally be dealt with within the political system.

1.2 Limits on inequality

As I have noted, from a republican point of view the value of property ownership depends on its distribution. If property is grounded in the value of non-domination, property relations should be organised so as to not themselves become relations of domination. The condition of economic independence is also dependent on constraints on inequalities. The satisfaction of an economic minimum relies on the relations that pertain between citizens (Pettit, 2012, 90-1). Specifically, relations of material inequality can disrupt the material conditions of non-domination by devaluing that economic minimum to which all citizens have a claim. This constraint emerges from the basic logic of the conception of freedom as non-domination. The protection of any citizen from domination depends not only on their own powers and resources, but also on those of others (Pettit, 1997, p. 113). The effective promotion of economic independence is only possible when mechanisms are present to prevent concentrations of wealth or economic power that may produce relations of domination.

The dominating relations of relevance here can be separated into two general categories. The first kind involve relations of direct and straightforward financial or material dependence. Inequalities of wealth constitute inequalities of power, and vast material inequalities give some the power to make others dependent on them. But often economic inequalities of this kind are weaved into more complex institutional, systemic, or normative processes that generate problems that are separate from straightforward dependence (Herzog, 2019; Ronzoni, 2017, p. 187). This second kind of dominating relation can come in many forms. In some, citizens will be prevented from viewing one another as equals by virtue of the material disruption of the egalitarian ethos – say, when one social group is

denied the means of subsistence. In others, material inequalities may translate into inequalities of political status, such as social class, or de facto political power, such as in cases of state capture.

This translation of material inequality into inequality of political status or domination is by no means inevitable; well-designed institutional frameworks and market regulations can prevent inequalities from threatening the economic independence of the less well off in certain conditions, and a republican property system will make use of such mechanisms. As Pettit has argued, republicans do not object to material inequality as such, but to the relations of dependence or institutional corrosion that it may bring about (Pettit, 2006, 139-142). The limitation of inequality is therefore not simply a question of constraining differentials in holdings, but also one of institutional insulation. But note that these inequalities become more difficult to constrain the wider they are, and that beyond a certain magnitude they may overwhelm even well-designed institutional bulwarks. As such, *some* constraints on inequality are necessary.

Within the republican tradition various means of limiting inequalities have been proposed. James Harrington's vision of a roughly equal distribution of land and property was founded on what he called an 'equal agrarian', that is 'a perpetual law establishing and preserving the balance of dominion by such a distribution that no one man or number of men within the compass of the few or aristocracy can come to overpower the whole people by their possessions in lands' (Harrington, 1992, 33). This incorporated the voluntary abolition of primogeniture. As Alex Gourevitch's discussion of the thought of 19th century Labor Republicans in the United States has demonstrated, Harrington's work also influenced later, more comprehensively egalitarian, republican arguments (Gourevitch, 2015, 70). One of those Labor Republicans, Thomas Skidmore, proposed a system of property which did not include rights of bequest (Gourevitch, 2015, 79). Since the republican revival, proposals including an 'economic ceiling' and other kinds of 'accumulation constraints', as well as 'alienation constraints' aimed at preventing individuals from becoming propertyless, have been made in republican terms (Simon, 1990, 1341; Casassas & De Wispelaere, 2016; Thomas 2017). However this might be arranged, the crucial point to note is that within a neo-republican rubric property rights will generally be conceived as conventional rather than pre-political, justified by virtue of the ability of the institution of property (and any given property regime) to achieve particular political and social ends.[6] Both the shape (i.e. the kind of ownership and the particular rights attached to them), extension, and distribution of property rights must ultimately be justified in republican terms by reference to non-

[6] A conventional understanding of property rights is not a prerequisite for making these kinds of claims, and historical figures working in the republican tradition (including Harrington and the Levellers) often appeal to natural rights in their critiques of existing property regimes (Aitchison, 2020). My point here is only that contemporary republicanism conceives of social institutions and rights as means of promoting non-domination, and as such understands those institutions and rights as justified in conventional terms.

domination. Limits on excessive inequalities of property do not therefore threaten ownership rights or violate pre-political claims, but are central to the justification of property. The choice between mechanisms limiting inequality will be based on their efficacy and compatibility with other republicans aims, such as economic independence.

1.3 Advancing the common good

For republicans, all social institutions must be justified in terms of their promotion of the common good; they must be shown to advance or enable the realisation of those goods or interests which citizens have in common as members of a society (Thompson, 2018, p. 202). Stuart White has termed this 'democracy's priority over property' within a republican framework; there is, he says, 'no right to private property that is morally prior, or superior, to the common good' (White, 2019, 249). Not only will property rights be justified by reference to these common goods, but the means by which a property regime might be altered or reformed will be constrained by the political relation which creates the conditions for these goods to become common – popular sovereignty. To be justified on republican terms, a property regime must be constituted under the political authority of the people, with changes to a regime rooted in that authority and the process by which it is properly enacted rather than holdings acting as an external political and economic constraint on the exercise of sovereign power (White, 2020, 85-6). This is a precondition of a property regime advancing the common goods republicans are primarily concerned with.

There are two implications of the common good criterion regarding the operation of a property regime that are worth emphasising. The first is that all citizens have a right to the goods and resources which enable them to be economically independent based on their interest in freedom as non-domination, and that it is impermissible for a state body to advance the interests of one citizen or group of citizens by subjecting another to domination (White, 2000, p. 220). The impermissibility of such trade-offs at a theoretical level is well-established, but this theoretical position must itself be manifested in the organisation of institutional bodies (Pettit, 1997, 12). The requirement that they advance the common good is one way in which this can be done.

In addition to this, a valuable function of a republican property regime is that it can create the conditions for the identification, generation, and promotion of a range of *different* common goods. The most obvious of these of course is non-domination, but we have already touched on a number of

others that individuals will have separate reasons to value. Citizens have a common avowable interest in the security that is provided by a robust property regime, the benefits of a flourishing natural environment, and various cultural and social goods. A property regime can also create space for the promotion of such common goods, which are not distinctively republican and admit of trade-offs between each other and other valuable ends. In addition to the broader benefits of promoting these goods, a property regime which promotes common goods is likely to be more hospitable to republican political institutions which foreground the promotion of common interests or goods.

2. Towards a model of constraints

The main thrust of the value of property from a republican perspective is more or less encapsulated in these three dimensions. As I have noted, each is derived from the broader concept of non-domination. The protection of property and resourcing involved in Economic Independence is a direct corollary of the idea that agents need protections from interference to be secure from domination, and that access to certain resources is necessary to protect against the development of interpersonal or institutional domination. Limits on material inequality are derived from the recognition that domination is a function of the relative power of agents, rather than their absolute resourcing, and that absent effective means of insulating the poorly-off from the power of the wealthy, wide inequalities can translate into relations of dependence. The need for institutions to advance the common good emerges from the republican claim that political decisions should be based on the common avowable interests of citizens.

At this stage, though, it is unclear how they might together yield a coherent unified model of the constraints of the distribution of property, and on what kinds of goods may be subject to what kinds of ownership. This is partly due to the fact that these three values or guiding principles will not always point in the same direction. Indeed, there are important points of tension between them, as each may *individually* be best advanced by a property regime which would violate one of the others. The commitment to economic independence, for instance, might seem to indicate that a republican property regime will be one with strong and extensive private property rights, on the basis that such a regime provides the greatest security of tenure and ability to exit dominating relationships. But we might worry that regimes of this kind will contravene the other two conditions, and thus fail to represent the full value of property within a republican framework. While tension of this kind is to be expected, it can be minimised by treating our conditions as *minimal thresholds* rather than aspirational norms. When a society meets or exceeds the minimum level required for the satisfaction of these

conditions, they might then function as values to which citizens can appeal in public deliberation about institutional design or policy. As independent values of public contestation, the tensions between economic independence, limits on inequality, and the common good will be more evident. But my focus here is only on the specification of the value of property from a republican perspective, and on the conditions that any given property regime will have to fulfil in order to be acceptable on republican terms.

We can achieve this by conceiving of the three dimensions as valuable when held in particular relations to each other, rather than as three independent criteria. Based on our discussion so far, we can identify economic independence as the primary good at which any property regime must aim. The promotion of the common good, and limited inequalities, function as constraints on, and specifications of, this good. The primary status of economic independence in this formulation is due to its double standing as both a value that republicans regard property as promoting and the status that a functioning property system, on republican terms, aims at. Restrictions on inequality and common good constraints aim at providing economic independence for all.

3. Outputs

To judge the success of this model, we must assess whether it effectively (a) represents the value of property for republicans, and (b) provides a basis from which to determine which types of property regime will be compatible with freedom as non-domination. It clearly achieves the former. As established earlier, the aim here is not to reflect the full diversity of ways in which property and ownership can advance non-domination, but to encapsulate some of the most conceptually significant and distinctive. The function of enabling economic independence is the crucial value of property within a republican framework. The other ways in which ownership can advance non-domination – say, by inculcating important civic virtues – can be developed through other practices or institutions, but property has a special value in enabling economic independence.

We can also say that our model can indicate those property regimes which will be compatible with freedom as non-domination and those which will not. In the first place, it is able to make sense of paradigmatic republican intuitions and concerns about property regimes. We can separate these into concerns about maldistribution, and concerns about the objects of property. Worries about maldistribution are directly addressed through the limitation on inequalities, while cases in which those material inequalities translate into political or social power will also violate one or both of the

other features. What about those concerns which instead focus on the *objects* of a property regime? The worry here is that the social value of some goods, or perhaps the virtue of citizens, may be undermined by certain forms of ownership (Anderson, 1993; Satz, 2010). This concern may focus on things being subject to ownership, or certain kinds of ownership, that degrade the ability of individuals to be economically independent or which violate the common good condition, but it may also consider the development of new forms of property relations (for instance, the creation of various financial products or debt relations) that may produce wider economic or social consequences.

Again, our model correctly identifies these cases as problematic and indicates core reasons for this judgement. Most cases of this kind will fail to satisfy the third condition – that a property regime advance the common good – but they may do so in different ways. One of the functions of this condition is to prevent interpersonal trade-offs in non-domination, on the basis that each individual citizen has an interest in non-domination. Another function is to ensure that any given property regime is compatible with the provision of other valuable common goods. This will rule out property regimes in which such common goods – say, that of a functioning republican political system, or a flourishing natural environment – cannot be achieved.

We can identify the kinds of property arrangements and regimes that will be identified as impermissible by this model more concretely. Distributions of property which are highly unequal and do not incorporate a programme of effective measures to insulate the power of wealth will be judged unacceptable. So will those which fail to effectively establish the means of economic independence – for instance, by failing to adequately secure property rights. Additionally, those which incorporate property relations that underweight or neglect the interest of some individuals in non-domination will fall foul of our model. This obviously rules out regimes in which individuals can be owned by others, or where economic rights are denied to particular social groups, but will also exclude cases where a good may be subject to a form of ownership that negates the possibility that some other citizens can enjoy non-domination (i.e. the legal private ownership of firearms without suitable restrictions, monopoly ownership of scarce necessary resources) (Schmidt, 2018).

Of course, none of these kinds of property distributions have much to recommend them on republican terms in any case. But our model also identifies issues with some property regimes which have less obviously impermissible elements. One of these concerns the importance of exit. Economic independence, as I have argued, does not require the ability to step away from society and live in isolation, but exit remains a crucial bulwark against domination. Property arrangements in which barriers to exit are too high will fail to adequately provide the conditions of economic independence

to all citizens. Some forms of co-operativism which strictly restrict the capacity of individuals to withdraw from an enterprise, by preventing the alienation of capital or by requiring the consent of others for an individual to withdraw, can enable relations of economic dependence and domination, for instance.

We can see, then, that when used as a model of constraints our three conditions confirm fundamental republican intuitions on paradigmatic cases. Though this does not itself show that our model is serviceable it at least gives us reason to think that other judgements or constraints that are generated by this model are grounded in the logic of non-domination. Encouragingly, we can also note significant overlap between our model and the more systematic outlines of what a neo-republican property system would look like and the constraints it would incorporate that exist in the literature (Casassas & De Wispelaere, 2015; Dagger, 2006; White, 2000). It is common ground that material inequalities be constrained within non-dominating limits, that the interest of any individual in economic independence cannot be traded-off against that of another, that access to the goods and resources which make up the material conditions of citizenship is a goal which a republican property regime should be capable of achieving. Although there are important differences between these accounts, these take place *within* the boundaries of permissible republican policy.

There are, though, points at which the model outlined above does diverge from republican orthodoxy. In the next two sections I explore one such point of divergence which has particular significance for discussions regarding the macro-level institutional arrangements which best promote non-domination, demonstrating both how on a methodological level the specific model of property ownership I have outlined can usefully inform these broader conversations, and a particular substantive implication for the emerging literature on socialist republicanism.

4. Personal and Private Property

One way in which the model outlined above diverges from republican orthodoxy regards the role of private ownership over goods central to economic independence. On this account, we have no *conclusive* grounds so far to say that a property regime acceptable to republicans must be one in which individuals can own the goods of economic independence privately. Private property rights have generally been viewed as essential to economic independence by republican thinkers, on the basis that they provide the strongest form of protection against external interference (Dagger, 2006,

pp. 159–60).7 Holding something akin to full liberal ownership rights over the range of goods necessary for economic independence prevents citizens from having to worry about the claims or interests of others, allowing them to utilise their resources based solely on their own ends.[8] Private ownership is also sometimes suggested to have additional benefits. For some republican thinkers, private ownership of property provides the basis for the development of civic virtues such as pragmatism, self-sufficiency, and an eye to the public good that enable individuals to act independently (Thomas, 2017, pp. 114–5). Others might appeal to the virtue of the security it provides individuals over the fruits of their labour (Mill, 1909, p. II.2.2). While these considerations will count strongly in favour of any way of arranging goods from a republican perspective, they do not demonstrate that republicans must ensure that individuals are endowed with full private liberal ownership rights over all the goods of economic independence. The analysis above shows that economic independence requires that individuals are provided with the economic capabilities and conditions required to act as independent citizens; while private property may help promote these it is not the only social institution or formation that can do so. And while exclusive right to the fruits of one's labour is a protection from domination, even advocates of this justification note that private forms of ownership sometimes conflict with the effective realisation of this good (Mill, 1909, p. II.1.17).[9]

Recall that the economic independence condition does not require material self-sufficiency, but robustly-secured access to relevant goods and institutions, and protections from the powers of others (Domènech & Raventós, 2007, pp. 6–7). Private ownership rights cannot be *necessary* in order for an individual to have economic independence with regards to these resources. For one thing, some of the goods of economic independence – access to certain institutions, skills, capabilities, legal status – cannot be subject to private ownership as we normally understand it. Furthermore, private ownership does not seem to be required even with regards to those goods over which such rights can meaningfully be held. Individuals who rent a car, or who share one with others, or who rely on public transport may have more restricted ability to travel than owners of private vehicles, but they do not

7 Beyond the republican literature, this is also widely held among liberal theorists, including those who present justifications of property which have some structural similarities with the account I present here (See Dagan, 2019).

8 Honore's (1961) account of full liberal ownership remains the most prominent in the literature. See also Christman (1994, Chapter 1) and Waldron (1985, pp. 336–7).

9 An additional argument with republican pedigree here is Kant's claim that private property is a conceptual necessity deriving from the conditions of freedom. The analysis here differs in important ways. Firstly, the requirements of economic independence on a republican account are weaker than the autonomy-based account advanced by Kant. Furthermore, the collection of property rights that Kant argues are justified on the basis of freedom is smaller than the bundle of rights associated with full liberal ownership, and most modern private property regimes.

appear to lack the material conditions of citizenship.[10] The mobility required for independence can certainly be provided by ownership of a private vehicle, but it can also be provided as a function of an effective public transport system and road network.

This example illustrates that economic independence is not a condition in which individuals are empowered to retreat from society, or to fall back entirely on their own resources. In modern conditions, this is simply not an option that can be universally available. Rather, it is a status that can be provided through an assemblage of rights, resources, institutional protections, and social standing underwritten by the political status of citizenship. It seems plausible that private property rights over some kinds of goods will be a feature of many of the possible property regimes that promote economic independence, but at this level of analysis private property – at least in the mould of full liberal ownership – does not appear to be a necessary feature of such a regime.[11]

Our analysis may not ground a right to private property, but it does entail a right to *personal* property, which we can define, following Rawls, as encompassing rights over housing and personal items (including things like furniture, clothing, books, mobile phones, and so on). The distinction here broadly resembles Rawls's reasoning for identifying the right to personal property – but not to private property - as a basic right, grounded in the importance of such property in developing personal independence and self-respect (Rawls & Kelly, 2001, p. 114). For Rawls the inclusion of the right to personal property is based on the importance of these goods in enabling citizens to exercise and develop their moral powers, and is thus one of the social bases of self-respect. Katy Wells (2016) has argued that on a Rawlsian account the right to personal property cannot be viewed as a right to privately own these goods, or to be eligible to do so. Rather, the right to personal property entails a more limited set of rights to rent or be eligible to rent certain kinds of goods, and need not involve

[10] At least, not in those societies in which ownership of a car is not the only way in which one can travel. I am assuming here that car ownership and the ability to drive are equally available to all and not dimensions of existing structural forms of domination or injustice.

[11] One might object here that the argument relies on an unnecessary characterisation of private ownership in terms of full liberal ownership, or as Blackstonian despotic dominion. Departing from this model – which does not reflect existing property regimes – and considering how more nuanced rights allocations might better promote non-domination might then seen to be necessary. Although I think that such an approach would be a useful contribution to republican theory, I retain the image of full liberal ownership as paradigmatic of private ownership claims for two reasons. The first is that this is the standard approach to property taken in the republican literature. While some contemporary contributions have queried the content of ownership rights and the extent to which exclusive private ownership rights are necessary for non-domination, the structure of those rights remains largely unchallenged (at least explicitly) in the literature. The second reason for doing so is that my argument is aimed at outlining the boundaries within which republican property regimes must sit. While attention should be paid to the specific configuration of property rights that best promotes non-domination, such a project will take place at a different level of theory than this one. I thank Hanoch Dagan for pressing me on this point.

ownership or eligibility to own. A republican account – based not on the development of the moral powers but on the protection of the basic conditions of non-domination – tracks this way of thinking about personal property rights. Property, like all other social institutions, is justified in republican terms on the basis of its capacity to advance freedom as non-domination; as for Rawls, republican thinking on this topic will not be shaped by claims to pre-social property rights or libertarian conceptions of the person in which freedom can only be secured when one is endowed with the full gamut of economic liberties.

The significance of this extends considerably beyond the boundaries of a republican property regime, with implications for controversial questions of distribution and political economy. In the next section I will use the model of constraints outlined above to consider a specific instance of ownership – the private ownership of the means of production. I will argue that ownership of this kind, which is central to traditional republican notions of independence and some of the most influential contemporary models of republican political economy, should not be considered to be logically necessary based on the value of property in promoting economic independence.

5. The means of production

The prominence of the means of production in comparison to other categories of economic or financial goods in discussions of distributive justice and economic freedom is in part based on the social and individual significance of their distribution within a society. Individuals who own the means of production have the opportunity to exercise a far wider range of activities associated with what John Tomasi has called the 'economic liberties', such as engaging in trade, making managerial decisions, and deciding to start or sell a business. They are also better protected against the vicissitudes of the market and the wills of other citizens or groups. A corollary of this is that the ownership of the means of production has a major influence on the distribution of social and political power. While resisting James Harrington's claim that the distribution of property alone determines the distribution of political power, many contemporary republicans have argued in favour of particular economic models 'in which productive assets are distributed so that the distinction between workers and capitalists is blurred' (White, 2016, 2-3). Perhaps the most prominent of these has been property-owning democracy. Although republican arguments in favour of property-owning democracy vary significantly, all of them seek to 'eliminate the conflict between capital and labor constructed as different classes' through a body of predistributive and re-distributive measures designed to produce the widespread dispersal of capital, lack of concentration of economic or political power, and economic independence for all (Thomas, 2017, xix; White, 2011; 2016). In most influential variants,

the ownership of productive assets plays a central role in securing the economic independence of citizens within a property-owning democracy. Although it is often left unspecified what kind of ownership rights citizens must hold over productive property within such a system,[12] many accounts seem to assume something akin to full liberal ownership, or at least the retention of a large number of the incidents of ownership this encompasses. Stuart White (2016, 4), for instance, envisages that in a property-owning democracy '[i]deally, the vast majority of citizens would be both [capitalists and workers] in the sense of getting income from the sale of labour-power and from capital', while Robert Taylor's (2014, 445) suggestion (endorsed by Alan Thomas (2017, 261-2)) that workers will be empowered to 'create, join, or exit any kind of workplace they wish' indicates that both the right to income from the use of the property and the right to manage that property will be held by owners.

The claim that economic independence is optimally promoted with private ownership rights over productive property is intuitive enough given the economic and political power they usually confer. It may be that within certain constraints, universalised private ownership of this kind can produce conditions of economic independence for all. But the analysis above re-enforces that a claim of private ownership of productive assets should be viewed as only one way in which the right of citizens to access the means of production may be realised; that is, private ownership of the means of production is not *necessary* to enjoy the status of economic independence. Recall that the condition of economic independence is one of secure access to the material resources, and associated capabilities and institutional access, that are necessary for non-domination within a particular society. The means of production, like housing or access to political and legal institutions, certainly features within that category. As my discussion of housing above indicates, there are many different ways in which individuals might be provided with access to these goods in ways that are acceptable and consistent with the inequality and common good constraints. A package of policies including universal private ownership of houses may be one way of realising this element of economic independence. But note that distributing homes to private individuals is neither necessary nor sufficient to realise economic independence. It is not necessary because other forms of access to housing might be able to provide economic independence, when accompanied with other measures (which might, for instance, include strong rental rights, limits on the number of properties one person can own, and substantial public housing supply). Conversely, the right to own one's house is not sufficient for economic independence with regards to housing. Without controls on the housing market, individuals may still be subject to homelessness and destitution. Individuals who develop property empires may also

[12] Within the broader literature, this is often more explicit. As Martin O'Neill (2009, 382) has argued, '[t]he sine qua non of a POD is that it would entail the wide dispersal of the ownership of the means of production, with individual citizens controlling substantial (and broadly equal) amounts of productive capital (and perhaps with an opportunity to control their own working conditions).'

develop dominating power over others, able to subvert development and planning regulations to their interests.

The same is the case with the means of production. Those who argue in favour of property-owning democracy on republican grounds vary on the question of whether the private ownership of the means of production is either necessary or sufficient for economic independence, and indeed on the question of whether there are other satisfactory alternatives to property-owning democracy that may in some circumstances be preferable. The relevant question for our purposes is whether this kind of ownership is necessary. We can see that it is not by noting two alternative institutional arrangements that seem, at least in broad terms, to satisfy the conditions of economic independence without incorporating the private ownership of the means of production.

The first of these is a kind of property-owning democracy, but one which incorporates such significant restrictions on property use and transfer that the kinds of ownership claims that individuals have over private property appear qualitatively different to regular private property claims. Here, an individual may have individualised rights over productive assets, but those rights might take a very different form to private liberal ownership; they may, for instance, not incorporate exclusive alienation rights, or be required to engage in certain kinds of collective managerial processes. Alternatively, the rights that an individual holds may provide them with access to the means of production indirectly; in John Roemer's conception of coupon socialism, individuals are provided with coupons which can be used to purchase shares in mutual funds, which themselves purchase shares in (public) firms (Roemer, 1994).

The second alternative institutional arrangement involves *co-operative* ownership of the means of production. Although co-operative forms of ownership differ greatly, discussions of co-operativism in the context of freedom as non-domination have generally focussed on collective ownership and management of the firm (Gourevitch, 2015, 118-120). Collective ownership of this kind means that individuals hold rights over the means of the production as members of a corporation, and exert control rights over the use and management of productive assets through the organisational mechanisms agreed upon by members.

Both of these ways of arranging ownership of the means of production would need to incorporate certain restrictions and procedural mechanisms to ensure that they abide by the model outlined above (for instance, ensuring that individuals are able to exit co-operatives). But I suggest that both of them should be considered as prima facia able to provide economic independence for all. Citizens in

societies characterised by either of these institutional arrangements can be endowed with the material basis of republican citizenship without private ownership rights over productive assets. The lack of such rights in capitalist societies is rightly understood as a condition of domination because it leaves individuals vulnerable to structural and interpersonal domination by owners. In alternative societies, the condition of economic independence may not require private ownership of the means of production precisely on the grounds that it is no longer a necessary protection against the power and command of other private owners.

6. Conclusion

In this paper I have provided an outline of the boundaries within which republican property regimes must be placed. I have developed this outline from core features of the conception of freedom as non-domination, and in particular economic independence as the material condition of non-domination, and have indicated points of convergence and divergence with existing work on property in the literature. I want to close by drawing attention to two features of the model of property constraints outlined above that indicate its congruence with modern republican thought. The first of these is its pluralism. Although a republican model of property is necessarily also concerned with questions of distributive justice and social equality, the model of constraints outlined above remains open-minded with regards to institutional frameworks and property forms. While some kinds of property relations and forms are simply impermissible on this account, a panoply of available options remain. As such, while I have argued that the private ownership of the means of production is not necessary for economic independence, this does not amount to an endorsement of socialist republicanism, which would have to engage with a broader range of considerations beyond considerations of property. The second of these is that it vindicates the republican claim to be comfortable with modernity. Building a model of the constraints of property on the value of economic independence does not yield a return to an ideal of autarky or pre-modern forms of ownership. The image of propertied independence can be achieved within a variety of property regimes, which can produce republican-friendly property relations in a range of different ways.

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