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CONTEMPORARY LEGAL CONCEPTIONS OF PROPERTY
AND THEIR IMPLICATIONS FOR DEMOCRACY *

MODERN legal conceptions of property have been associated with theories of democracy in terms of the relation between property and freedom. Thus in liberal democratic theory, private property is seen as a condition for the freedom of individuals and so as a basis for political democracy; alternatively, in socialist theories of democracy, social ownership of the means of production is seen as a condition for freedom from class domination and so as a basis for democratic control of society. However, on the one hand, the liberal theory of property has tended to permit private property owners to exercise power over those who are propertyless, and these inequalities of power have undermined political democracy in practice. On the other hand, the socialist theory of property has been interpreted in ways that have led to bureaucratic and state domination of social life and thus has failed to produce democratic societies. The failures of these systems of property to provide the conditions for freedom and democracy are not simply aberrations of practice, but are also based on theoretical misconceptions concerning the nature of property and its relation to human freedom. In this paper I will give an analysis of the relation between property and freedom and will propose an alternative conception of property understood as a condition for democracy in social life. The normative basis for my analysis will be the concept of equal positive freedom, or the equal right of individuals to self-realization. I will argue that, when property is understood as a condition for such equal positive freedom, the legal conception of property as private property needs to be replaced by two other conceptions, namely, *personal possessions* and *social property*.¹ I want to develop these two latter conceptions and to clarify the distinction between them. Further, I will argue that this relation between property and free-

* To be presented in an APA symposium on Political Philosophy, December 30, 1980. Allen Buchanan will comment; see this JOURNAL, this issue, 729-731.

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¹ I use the term 'personal possessions' interchangeably with the terms 'personal property' and 'individual property'. The term 'possession' has the advantage of being colloquial. However, by this usage I do not intend to suggest a traditional distinction between possession as factual and property as legal right. Rather, I use both terms—'possession' and 'property'—to connote legal rights.

dom requires a revision in the conception of the alienability of property.

The philosophical basis of my analysis and critique of the legal conceptions of property is a systematic theory of the nature of social reality, which I call *social ontology*. This concerns the nature of the entities, relations, and processes that compose social life. I will argue that, on the whole, liberal conceptions of property imply an ontology of isolated individuals in external relations and that socialist theories tend to imply a holistic ontology of society within which there are internal relations. By contrast, the conception of property that I will propose is founded on an ontology of individuals-in-relations, or social individuals, where social wholes or structures are seen as entities constituted by these individuals.

I. CRITICISMS OF PREVAILING CONCEPTIONS OF PROPERTY

The criticism one may make of the prevailing legal conceptions of property may be briefly summarized here. With respect to the liberal conception of property, A. M. Honoré has given a useful summary of the various rights that constitute its notion of ownership. These include the rights to possession, use, management, income, capital, security, and transmissibility, among others.² These rights define a conception of private property. Central to this conception is the notion of these rights as exclusive, namely, as rights to exclude others from possession, use, and management. Further, private property in this form permits unlimited accumulation through its recognition of the private right to the capital, which includes the right to alienate the thing for the sake of profit. These features of private property may be criticized for having permitted the development and perpetuation of economic and social domination and exploitation. Thus, as has been pointed out in socialist critiques among others, private ownership of the means of production leads to the fact that the propertyless workers have to surrender control of their own production to the owners and cannot reap the full value of their own labor.

A further criticism of the liberal concept of property may be made from a theoretical point of view. One may argue that the philosophical justifications of the right to private property do not in fact justify the *full* liberal notion of property. Specifically, they do not justify a right of private property over social means of production, that is, those conditions required for social and not merely individual production, nor do they justify such features of property right as

² "Ownership," in A. G. Guest, ed., *Oxford Essays in Jurisprudence* (Oxford: Clarendon Press, 1961), pp. 107-147.

unlimited alienability and transmissibility, the absence of term, and unqualified exclusivity. Thus, for example, as Lawrence Becker points out in his book *Property Rights*,³ the theory that the entitlement to property derives from one's labor involves the condition that the acquisition of such property does not constitute a loss to others. However, private ownership of social means of production puts those who lack such property at a relative disadvantage at the very least or, if one accepts the labor theory of value, even deprives the wage workers of the full benefits of their work. In these cases, private property entails a loss to others, and thus, on this version of the labor theory of property, private property in social means of production is not justified (42/3). As Becker also suggests, even where the labor theory of property is reinterpreted to claim that people deserve some benefit for their labor, this does not mean that such benefit need be in terms of private ownership of the things produced, or at least not in the full, liberal sense as involving, for example, the right to the capital or the absence of term. Rather, such benefit might be in terms of the use of the thing or some other type of benefit such as power, recognition, etc. (54). Likewise, the justification of private property in terms of its utility, where the acquisition, possession, and use of things is held to be useful or necessary for an individual's happiness, does not yet justify a right to unlimited alienability and transmissibility, an absence of term or unqualified exclusivity, since these rights cannot plausibly be argued to be general requirements for an individual's happiness.⁴ It may also be seen that individual ownership of social means of production is not a plausible requirement for individual happiness.

Thus these justifications of private property may well establish a right to personal possessions, either because of the labor one has expended in producing them or because they are necessary for one's self-realization or one's happiness. However, they do not justify private property in the full, liberal sense, nor do they justify the right of private ownership of social means of production. This suggests that there is an important distinction to be made between personal property and social property. I will develop this distinction later and show how it is required by other considerations and in particular by the concept of equal positive freedom. Here, it should be

³ *Property Rights: Philosophic Foundations* (London: Routledge & Kegan Paul, 1977).

⁴ This is not the only form of the utility argument. An alternative form argues that private property maximizes utility; that is, it is the most efficient system for producing the greatest happiness for the greatest number. Problems with this more complex economic form of the argument are not addressed here.

stressed that it is precisely those unjustified features of the full, liberal legal conception of property—namely, private ownership of social means of production, unlimited alienability and transmissibility, absence of term and unqualified exclusivity—that sanction the use of property as a means of domination and exploitation. That is, they permit those who own property in the means of production to control the conditions of the life activity of others who lack property.

It is just this use of private property as a means of social domination and economic exploitation which undermines democracy. First, it intrudes upon the political process itself by giving undue power to large property interests. Second, the exclusion of the large sector of the unpropertied or of small property owners from effective participation in political governance leads to apathy and nonparticipation in the political process. In a broader sense, the inequalities and hierarchies of power which characterize a system of social and economic domination are antithetical to democratic processes in social life.

Insofar as this legal conception of private property is understood as a condition for freedom, the concept of freedom with which it is associated is negative freedom or freedom from constraint. It signifies the freedom to choose to do as one pleases without external impediment. This conception of negative freedom is at the root of the liberal conception of political liberty. This political liberty has two aspects, namely, protection of the individual by the state from harm or constraint by other individuals and, further, protection from intrusion or control by the state in the free activity of individuals. As a condition for negative freedom, private property is a right against others, for example, insofar as it is a right to exclusive possession and use. Private property is thus seen as a right that protects one against the intrusion of others upon the exercise of one's will with respect to things owned. On the liberal view, individuals are regarded as having equal negative freedom and, thus, an equal right to private property. However, it can be seen that such equal freedom remains merely formal, because it is compatible with domination and exploitation which lead to real or concrete inequalities in the freedom of individuals. In this respect, the conception of equal negative freedom is insufficient. I will argue that it needs to be supplemented by a conception of equal positive freedom, which in turn requires a different conception of property as a condition for its realization.

One additional point may be made here concerning the liberal conception of private property. This concerns its ontological presup-

positions about the nature of the entities that make up social life. These entities may be seen to be individuals understood as standing in external relations with one another, each pursuing his or her interest against the others. Thus the liberal conception of private property has historically characterized this relation among individuals as an adversarial relation and has taken property right as arising in a fundamentally competitive or conflictual context. Furthermore, in its full sense, the concept of private property rests upon the central notion of exclusivity, interpreted as an individual's right against others. This individualist ontology is evident also in the central justification for private property, namely, the labor theory of property. The labor that is the basis for the entitlement is always construed as that of an individual subject. This overlooks the fact of social production, which is the dominant form of labor in the modern period. To the degree that labor is social in this way, then, it may be seen that the labor theory of property gives rise to a different conception of property right, namely, social property. This conception will be elaborated later.

The alternative legal conception to that of private property has been the legal conception of socialist property. The model of property right I am addressing here is the model that has been developed primarily in the Soviet Union and Eastern Europe.⁵ In brief, the features of this conception of property are that it is fundamentally social property, in the sense of belonging to society as a whole and not to private individuals. This has been interpreted to mean that, in its fullest development, it is state property. This includes not only major national resources and land, but also the principal type of production organization, namely, the state enterprise. In addition to the state enterprises, there are collectives or cooperatives (primarily in agriculture) where the ownership is cooperative. Beyond these forms, individual property is recognized in objects of consumer use, but is not extended to ownership of the means of production.⁶ Rather, the state is regarded as the owner of the means of production.⁷

⁵ Although there are alternative versions of socialist theories of property, I am focusing here on the Soviet and East European conceptions as those which play the major role in contemporary discussions and in actual practice. I would argue that Marx's views on these matters are decidedly different from those developed in this socialist model.

⁶ In some of the socialist economies in Eastern Europe (e.g., in Poland), private enterprises hiring up to a certain number of workers and individually owned farms up to a certain size are permitted.

⁷ Thus, for example, V. V. Laptev writes, "In establishing the norms of economic legislation the socialist state acts not only as the bearer of political power, but as

The criticisms I would make of this socialist conception of property may begin with a consideration of the social ontology that this conception presupposes. By contrast to the individual ontology of the liberal view of private property, the socialist conception presupposes a holistic ontology, where the basic entity of social life is the totality or the whole and where individuals are understood in terms of their relation to the whole. The relations among these individuals are internal, in the sense that these individuals are regarded as constituted by their relations to one another and to the social whole. I would claim that this view does not give sufficient importance to the ontological status of individuals. In addition, it fails to see that the whole is constituted by the social relations among these individuals and therefore regards the whole as primary and tends to reify it.

With respect to property, this ontological presupposition leads to the interpretation of social property as belonging to the whole. Social property, therefore, does not belong directly to the associated producers in a given industry, but rather is taken as belonging to the state (which may then apportion its possession, use, and management to state enterprises or to collectives). Further, because the social whole is not regarded as constituted by the individuals in their relations, social property is identified with state property, and the state is seen as standing above the individuals. It is seen as the central authority that makes decisions for them, instead of as the instrument of their decisions. In these ways, social property is not under the democratic control of the producers. Rather, the control over property by the state becomes a means of domination by the state over the lives of the people. Thus, contrary to the claims made for it, state control of social property fails to serve as a condition for freedom. This socialist conception of property does not sufficiently see the intrinsic connection between social property and democracy. Such social property should be seen as a social relation among the producers in which they jointly control the conditions of production by democratic participation in decisions about it.

A further criticism of the socialist concept concerns the inadequacy of its conception of individual property or personal possession. Although it makes the distinction between social property and in-

the owner of the means of production. The management and planning of economic activities are implemented within the framework of economic legislation. In this way the legal regulation of national economy becomes the most important form of managing socialist economy." See "Social Property and Economic Development," in Carl Wellman, ed., *Equality and Freedom: Past, Present and Future*, *Archiv für Rechts- und Sozialphilosophie* (Wiesbaden: Franz Steiner Verlag, 1977), p. 133.

dividual property for consumer goods, it fails to give a fully principled grounding for such individual property and thus assigns it to a merely residual role or category. In what follows, I will propose a systematic view of property which encompasses both social property and personal possessions and which sees both as conditions for full freedom and democracy.

II. A PROPOSAL FOR AN ALTERNATIVE CONCEPTION OF PROPERTY

The need for an alternative legal conception of property arises from the fact that the prevailing conceptions permit or even generate social domination and thus fail to serve as legal conditions for freedom. Furthermore, despite the intentions of such legal conceptions to provide foundations for democracy, it has been seen that the two prevailing conceptions tend to undermine democracy, whether by undue power of large private property interests within the political process or by authoritarian control of political and social life based on state ownership of property. What is required therefore is a conception of property that does not permit or sanction domination or exploitation by virtue of property ownership, but rather serves to promote freedom and democracy. By freedom I mean positive freedom, or freedom as self-realization of individuals; and by democracy, I mean not only political democracy, but democracy in economic and social life.

In this alternative conception, property may be generally understood as the set of legal rights that specify the relations of social individuals to the conditions of their production or agency and to the products of this agency. This relation is one of control or disposition over these conditions or products. This conception of property is normative in the sense that the grounds for this right are the values of life and liberty. The value of property is thus derived and instrumental, since property serves as an indispensable condition for human existence and for the realization of human purposes.

However, since property connotes control over the conditions or means of production or agency, particular forms of property may make possible the control by some over the conditions that others require for their own agency. Such control is the major means by which domination has proceeded. Thus property is closely connected with the possibility of either domination or freedom.

The alternative proposal differs from previous views in seeing the right of property as grounded in the value of equal positive freedom. The concept of positive freedom differs from that of negative freedom, which is one of the foundations of the liberal conception of property as private property. Positive freedom is not simply freedom

from constraint or the freedom of choice per se, but rather is the freedom to realize oneself through being able to effect one's choices. It thus includes the idea that the conditions for self-realization are available to the agent. I would argue that all agents have an equal right to positive freedom, that is, to self-realization, on the following grounds: since all human beings have the capacity for such freedom in virtue of their being human, there is no reason why any one should have a greater right to exercise this capacity to realize him or herself than any other.⁸ since such self-realization requires the availability of the conditions of agency, both natural and social, it follows that individuals have equal rights of access to these conditions. But since control over the conditions of agency is what we mean by property, equal positive freedom requires equal property right. That is, it requires an equal right to the conditions of individual and social production.

Before considering further the implications of this argument for a conception of property, it would be important to consider the social ontology that is presupposed by this conception of equal positive freedom. The individuals who are capable of self-realization are understood as agents whose activity is characterized fundamentally by free choice and who seek to fulfill purposes through this activity. However, such agents are not isolated individuals, but rather effect their purposes through social relations and joint action. They are social individuals or individuals-in-relations. These individuals-in-relations are thus the basic entities of social life who constitute social institutions and society as a whole through their various interactions. The social relations among these individuals may be regarded as internal in the sense that these individuals are essentially changed through their interactions with one another. Yet, since these individuals are agents, they fundamentally constitute or change these social relations by their choices.⁹ As in the social ontology presupposed by the liberal conception of property, this view takes the fundamental entities to be agents acting intentionally to realize their purposes. However, by contrast to the liberal view in which these individuals are seen as isolated individuals standing in external relations with other individuals, on the view developed here they are rather social individuals whose relations with one another are in-

⁸ For a fuller discussion of this conception of equal positive freedom, see my *Marx's Social Ontology: Individuality and Community in Marx's Theory of Social Reality* (Cambridge, Mass.: MIT Press, 1978), chs. iv and v, and my essay "Freedom, Reciprocity, and Democracy" (unpublished manuscript).

⁹ For a fuller discussion of this alternative social ontology, see my "Ontological Foundations of Democracy" (unpublished manuscript).

ternal. Internal social relations are also characteristic of the ontology implied by the socialist conception of property. However, the socialist view does not see these social relations and the social whole as constituted by agents who are fundamentally free. Rather, it takes the social relations to be determined by social structures and sees the agents as being who they are by virtue of their place within the totality.

In the social ontology at the basis of the alternative conception of property that I am proposing here, individuals are seen as engaged in purposive activity directed toward their own self-realization and at the same time as fundamentally entering into social relations and joint activity. These social activities themselves constitute one of the central ways in which individuals realize themselves. Both social and individual activity require means or conditions that enable them to proceed. Thus, human activity involves more than intentions or purposes; it involves also objective (material and social) conditions through which the action proceeds and by means of which the purposes of agents are concretely effected. As I have already suggested, the relation of control over these means or conditions of agency is the meaning of property, and the various legal conceptions of property specify particular forms of this relation as rights. Property is thus a right to the means of agency.

There are both individual and social forms of agency, and it may be seen that each involves a distinctive mode of control over its conditions. That is, I want to argue that there are two distinctive forms of property right, each of which is appropriate to one of these types of activity. The first is personal property or possession, which is a right to those things which are required for the individual's own subsistence and self-realization. The second is social property, which is a right to those things which are required by individuals in common in order to realize their joint purposes. The argument for these two forms of property right stems both from the social ontology I have proposed and from the value of equal positive freedom.

On the basis of the social ontology, one may argue that the distinction between individual and social activity is not merely the distinction between the activity of a single individual and the activity of an aggregate of single individuals. Rather, social activity or labor connotes a common purpose or goal and integrated activity toward that goal. In such social labor, the activity of a given individual is what it is only in relation to the activity of the others and in terms of some shared understanding of the common goal. Thus social activity is ontologically irreducible to the aggregate activity of individuals,

each pursuing only his or her goals. On the other hand, individuals also set purposes of their own apart from common purposes and realize these through individual activity. Such individual activity cannot be reduced to being a part of a whole or regarded as being determined by social relations or social structures. This suggests that there is an ontological distinction between individual and social activity which should be taken into account in determining the question of property right.

The distinction between personal and social property right and the nature of these rights may be established normatively on the basis of the value of equal positive freedom. As has been said, equal positive freedom is the equal right that agents have to realize themselves. From the values of life and of positive freedom which are presupposed here as the fundamental values and from the premise that one ought to have what is required for the realization of these values, it follows that individuals have a right to the means of subsistence and to the means of their own self-realization. Therefore, they have a right to personal property or personal possessions consisting of the means of their subsistence and the means of their individualized or personal self-realization and self-expression. Such means for individual self-realization include not only things, but also social conditions, such as the use of facilities, training, or education, etc. Moreover, from the value of equal positive freedom, it follows that individuals have an equal right to these means. This does not entail that each has an equal right to the same things, but rather that each has an equal right to the particular or different things that each individually needs for his or her own subsistence or realization. To say that this is an equal right is to say that the self-realization of one individual has to be compatible with the possibilities of self-realization on the part of the others.

Equal positive freedom permits one to distinguish social property from personal property in a fundamental way. With respect to social means of production, that is, the conditions that are necessary for a common or joint activity, the principle of equal positive freedom requires control over these conditions by those engaged in the activity. For if some who are not engaged in the activity or only some of those who are so engaged were to exercise such control, they would be controlling the conditions that the others need for their activity, which is the meaning of domination. Such domination deprives those dominated of their equal right to self-realization insofar as it excludes them from the social activity of making decisions about the projects in which they are jointly engaged. But as social individuals, such

social activity is necessary for their self-realization. Therefore, social means of production are social property, in the sense that the right to these conditions or means inheres equally in all those who require them for their common activity. Such social property should be distinguished from personal property, since personal property connotes control over the conditions for the activity of an individual engaged in pursuit of his or her own purposes, and not in a common project.

Social property may be analyzed as involving two fundamental sorts of rights, again on the basis of equal positive freedom. First of all, social property involves an equal right to participate in social activity and an equal right to the conditions of this activity, since social individuals require such activity for their self-realization. This includes an equal right to work, as well as an equal right to participate in other forms of social activity that are not economic or productive in the narrower sense. Thus, on this view, equal rights to participate in social institutions is a case of such equal access to the conditions of social activity. In this sense, such social institutions may be characterized as social property.

The second sort of right that social property connotes is the equal right to participate in control over the conditions of social activity. This involves centrally the right to participate in decisions concerning the purposes, plans, and uses of the conditions or means of social production with which one is engaged. Thus social property is not only a right to participate in social production or activity, but is as much a right to participate in the control of the activity and of the conditions for it. This suggests that in industry or the workplace, as well as in social activity more generally, decisions must be made by a democratic process in which there is equal participation by those who engage in the activity.

Thus, in the view proposed here, democratic participation in economic and social life may be seen to follow from the very definition of property right. For if property is founded on equal positive freedom and if such equality entails the right to participate in social decisions concerning the conditions of one's self-realization, then democracy is an expression of property right itself. This is not to say that democracy is reducible to property right or that it is justified only in terms of such property rights. It does mean, however, that democracy is supported by such a view of property. Further, on this view, the domain of democracy includes social and economic life, and thus this conception extends the domain beyond that of political democracy alone, which has been the traditional view. It is also clear that on this view political democracy is required, since political life

itself as a social activity is a condition for self-realization. Therefore, individuals have an equal right to participate in political decisions as in other social decisions.

Some of the features of the conception of property presented here are similar to those proposed by C. B. Macpherson in his book *Democratic Theory*. The most important similarity is that Macpherson emphasizes the view that property involves individuals' "access on equal terms to the means of labor."¹⁰ Beyond this, he sees property right as developing into "the right to a share in the control of the massed productive resources" (137). In addition, he also sees property right as related to positive freedom, which he similarly interprets as individual self-development. Macpherson also briefly suggests that a developed view of property would include both a non-exclusionary form of common property and the protection of personal possession from intrusion.¹¹

My view of property differs from Macpherson's in several important respects, however. First, Macpherson proposes that the developed concept of property should encompass the rights to life and liberty.¹² This seems to me an inverted view, since property right should be seen as deriving from the values of life and liberty. Second, Macpherson sees property right as undergoing an eventual transformation from being mainly a right of access to the means of labor to becoming mainly a right to share in political power, which will be exercised also over "massed productive resources." However, I have argued that access to the means of labor or activity is and would remain an essential aspect of property right, even if necessary labor were to be eliminated by full automation as Macpherson speculates. It would remain as the right to the means of activity, both social and individual, which agents would require for their self-realization. Furthermore, though the view I have presented also stresses the importance of participation in decisions concerning common resources as a property right, I would regard this not as primarily an exercise of political power, but rather as requiring democratic participation in decisions in economic and social life. It is possible that Macpherson intends to extend the conception of politics so that it includes the domains of social and economic activity. However, it seems to be more plausible to read him as saying that social and economic issues would become subject to political decisions which would be made democratically. If this is his view, then the presumptive

¹⁰ "A Political Theory of Property," in *Democratic Theory: Essays in Retrieval* (New York: Oxford, 1973), p. 136.

¹¹ "On the Concept of Property," in Carl Wellman, ed., *op. cit.*, p. 84.

¹² "A Political Theory of Property," p. 140.

difference between his view and my own is that his would lead to democratically exercised state power with respect to the social and economic domains, whereas mine would emphasize workers' self-management and participatory democracy at the community level, in addition to representative political democracy.¹³ Finally, it seems to me that Macpherson's conception of property right remains too individualistic in his formulation of it as the individual's right to nonexclusion from access to the means of labor. I have argued that this right is grounded not only in the individual's right to self-realization but also in the social nature of individuals and in the character of social labor.

I would like finally to consider how the general conception of property which I have presented here may be specified in terms of the traditional legal divisions of the concept. It will be seen that for the most part the same rights are important for both personal possessions and social property. Furthermore, for both of these, some of the rights that have been traditionally associated with private property become problematic. On the proposed conception, it is clear that the rights of possession, use, and management are crucial for both personal property and social property. Thus, in the case of personal property, the individual has the right to possess the thing and to exclude others from its possession, to use it for personal enjoyment or for his or her own purposes, and to decide how and by whom a thing should be used. Likewise, in the case of social property, the associated individuals as a group have these same rights, with the understanding that the decisions about use and management are to be taken democratically. In addition, another traditional aspect of property right, namely, the prohibition of harmful use, is clearly applicable to the new conceptions of property.

However, several of the traditional rights associated with property appear to present problems for the new conception and need to be rethought or modified. First and most important is the right to the capital, taken to include the power to alienate the thing and to use it up or destroy it. Alienability is clearly an important aspect of property right which would have to be retained both for personal and social property. However, for both kinds of property, it would have to be taken to exclude the case in which alienation would result in gaining control over others through gaining control over the conditions that they need for their activity. Such control would violate the principle of equal positive freedom. (A similar restriction would

¹³ It should be noted in his book that *The Life and Times of Liberal Democracy*, Macpherson places considerably greater emphasis on participatory democracy.

seem to hold as well for the right to the income.) Further, the traditional power of transmissibility, the absence of term, and the right to security, that is, the immunity from expropriation, might have to be modified for the new forms of property.

The proposed conception of property is similar to the socialist legal conception in its introduction of the notion of social property. However, on the view proposed here, such social property would be understood not as state property, but rather as the property of the associated individuals engaged in a given common activity, whether in an industry or a social organization. Thus this model of property tends in the direction of what has been called "workers' self-management," as well as toward participatory control of social institutions and organizations. However, where the scope of the common enterprise and the conditions for it are national, over-all governmental coordination is required. In this case, the right of management would be entrusted to a national body or to the state, which would operate under democratic control and review.

Obviously, such a view of social property differs from the liberal view of private property. Yet the conception developed here is similar to the liberal view in its emphasis on the importance of personal property as a condition for individual freedom. However, my view excludes the use of such property to dominate others by controlling the means necessary for their activity and is thus distinguished from the traditional liberal conception. I would argue that these differences from the prevailing views enable this alternative conception of property to provide a firmer foundation for the development of democracy.

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THE FETISHISM OF DEMOCRACY: A REPLY TO PROFESSOR GOULD *

PROFESSOR Gould challenges the philosophical justification for private property and offers a justification for a democratic property right. I argue that her objections are telling only against less plausible attempts to justify private property and

* Abstract of a paper to be presented in an APA symposium on Political Philosophy, December 30, 1980, commenting on a paper by Carol C. Gould; see this JOURNAL, this issue, 716-729.