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*Hegel's Justification of Private Property*5.1. *Introduction*

Hegel subscribes to one of the oldest and most common justifications of private property in the history of political thought: the claim that there is an important connection between private property and freedom. 'The true position', he asserts, 'is that, from the point of view of freedom, property, as the first *existence* of freedom, is an essential end for itself' (*PR* §45). Because property gives 'existence' to freedom, it grounds a right (*Recht*) both in Hegel's technical sense of the term (*PR* §29), and in the everyday sense that it imposes various duties and obligations—for example, of non-interference, on others.¹

That there is some sort of connection between freedom and private property is a thesis that has been interpreted and elaborated in a number of quite different ways by the defenders of private ownership. According to what is perhaps the simplest version of the thesis, private property expands the liberty of the individual property-holder by removing certain obstacles to the realization of his ends and/or by providing him with a medium in which to express himself and to pursue his conception of the good life. This view is essentially a *constitutive thesis* about the relationship between freedom and private property: it assumes that individual freedom is marked by the absence of interference, and the presence of options, and notes that a right to some piece of private property both prevents others from interfering in certain ways and gives one certain options that would not otherwise be available.² A second view, which might be called the *social-stability* thesis, holds that the institution of private property is instrumental to the maintenance of a liberty-protecting social system. This view is often supported by pointing to the ways in which

¹ On the correlation between rights and duties, see *Enz.* iii, §486.

² For critical discussion of this kind of justification of private property, see Cohen, 'Capitalism, Freedom and the Proletariat', 11–17, and Christman, *The Myth of Property*, ch. 4.

the decentralization of power that is entailed by a system of private property acts as a check against tyranny.³

In this chapter, however, I want to explore a third interpretation of the relationship between freedom and private property, which I believe finds its most philosophically interesting expression in Hegel's mature social philosophy. Hegel elaborates and defends what I shall call a *developmental thesis* about the connection between individual freedom and private property. According to this thesis, having at least a minimal amount of private property is essential to the development and maintenance of the capacities and self-understandings that make up free personality. Hegel insists that it is only in possession of property that I 'become an actual will' (*PR* §45) or 'give my will existence' (*PR* §46A). 'Property', he claims, 'is a possession which belongs to me as a certain person, and in which my person as such comes into existence, into reality' (*VGP* ii. 126/111). 'The rational aspect of property', he adds, 'is to be found . . . in the superseding of mere subjectivity of personality. Not until he has property does the person exist as reason' (*PR* §41A).⁴

My aim in this chapter will be to develop a philosophical interpretation of Hegel's developmental thesis. Such an interpretation needs to address at least three different kinds of issues. I look at the first, which concerns Hegel's conception of free personality, in §5.2. What does he mean by 'personality'? Is it something that we should be concerned to develop today? The second issue, which I examine in §5.3, concerns why Hegel thinks that private property encourages the development of free personality. What is it about the relationship between an agent and his private property that causes him to develop

³ For a defence of this view, see Friedman, *Capitalism and Freedom*. For a good discussion, see Ryan, *Property*, 3–4 and ch. 3.

⁴ For the claim that Hegel defends a subtle version of the social-stability thesis, see Ryan, *Property and Political Theory*. Ryan's suggestion that 'Hegel is obsessed by getting rational man to feel an adequate loyalty to his own state' (p. 141) seems to be what lies behind his assertion that 'the point of there being property rights is to be seen in a variety of ways in which people anchor themselves and their purposes in the world' (p. 124). The main problem I see with Ryan's interesting interpretation is that it down-plays the kinds of passages that I just cited, in which Hegel emphasizes the role played by property in developing will and personality. A second problem with the social stability thesis as an interpretation of Hegel is that it cannot cope with Hegel's important claim that 'everyone ought to have property' (*PR* §49A). Even if it is true that a system of private property, unlike other property regimes, has beneficial consequences for the maintenance of the system of liberties, it hardly seems likely that private ownership has such consequences only when everyone has some property—a point that is acknowledged by Ryan (p. 124).

and maintain the capacities and self-understandings that make up personality? The third, related problem concerns why, in Hegel's view, the development of personality would not be encouraged under alternative property regimes. Why, for instance, would *any* form of interaction with material objects not be sufficient for the development of the relevant capacities and self-understandings? Why is private property uniquely qualified to perform this task? In §§5.4 and 5.5 I attempt to answer these questions.

The most recent attempt to resolve these problems in a philosophical way can be found in Jeremy Waldron's book *The Right to Private Property*.⁵ Like the present chapter, Waldron starts from the assumption that 'Hegel argues that individuals need private property in order to sustain and develop the abilities and self-conceptions definitive of their status as persons'.⁶ Much of Waldron's chapter on Hegel is then devoted to explaining, in a generally sympathetic way, how Hegel seeks to defend this claim.

The central thrust of Waldron's interpretation is that a private-property system, unlike other property arrangements, works to inculcate individuals with the self-discipline required for them to be properly functioning persons.⁷ Waldron illustrates his interpretation with the example of a carpenter building a chair. Once the carpenter has done certain things to the wood, there are certain other things that he cannot then go on to do. This means that he must learn to plan and to be stable and disciplined in his willing.⁸ The argument points to the need for private property, Waldron thinks, because, if others were constantly intervening in the carpenter's material interchange with the world, then there would be no point in his engaging in self-disciplining long-term projects at all; others would just upset them.⁹

Waldron's interpretation is impressive in its attempt to put together a philosophically interesting justification of private property that draws on distinctively Hegelian themes such as the relationship between discipline and freedom. But I believe that the argument can be faulted both as an attempt to justify private ownership and as an interpretation of Hegel.

As an attempt to justify private property, it fails to appreciate that private property is neither sufficient nor necessary for the learning of self-discipline, nor even central to it. That it is not *sufficient* is

⁵ Waldron, *The Right to Private Property*, ch. 10.

⁷ Ibid. 370–4.

⁸ Ibid. 372.

⁶ Ibid. 353.

⁹ Ibid. 373–4.

demonstrated by familiar examples of wealthy property-holders who, far from developing the various capacities that Waldron associates with property, lead a thoroughly dissolute and undisciplined lifestyle. Waldron surely exaggerates when he says that the possession of property 'forces' an agent to impose consistency, coherence, and stability on his projects.¹⁰ If anything, it is the condition of propertylessness that forces people to become resourceful, imaginative, forward-looking, and so forth. As this last point suggests, private property is not *necessary*, because there are other ways of developing the abilities in question that do not involve working on objects over which one has exclusive access and control. Raising a child, or fulfilling the duties of many jobs and professions, encourage planning, self-discipline, consistency, and so on, but do not seem to presuppose a system of private property.¹¹ Presumably a central way in which we learn self-discipline is by being told that we cannot have something we want unless we do something unpleasant first (for example, 'You can't have your pudding until you finish your peas!').¹²

The weakness of Waldron's account as an interpretation of Hegel lies in the way in which it sidelines two themes that are central in Hegel's own argument. The first is Hegel's emphasis on the idea that the person is an object to himself in his property (*PR* §45).¹³ Waldron tries to capture this idea by suggesting that it is the fact that the material object (say, the chair) registers the effects of the person's actions that forces him to plan and to be disciplined. But the fact that it is my actions which bring about changes in the object is incidental to the need for me to be disciplined in my approach to the object. I would equally need to be disciplined if it were nature acting on the object (for example, I might need to act to prevent mould from spreading across my walls). Hegel's claim that I am an object to myself in my property thus plays no essential role in Waldron's reconstruction at all. The second important theme that is downplayed by Waldron's

¹⁰ Waldron, *The Right to Private Property*, 373.

¹¹ Hegel laments the fact that Plato denies private property to his Guardians (*PR* §46, *VGP* ii, 125–6/110). But, given the rigorous education that Plato subjects his Guardians to, it would be strange of Hegel to deny that the Guardians have the capacities for planning and self-discipline.

¹² An important theme in Hegel's work is that we learn the self-discipline required for freedom through being subjected to the will of another. Although in some circumstances this subjection may take the form of a master-slave relationship (*Enz.* iii, §435A), Hegel holds that in modern European societies it occurs in the context of the family (*PR* §174, A; *VPR* 18 257; *VPG* 487/407).

¹³ I discuss this idea in §5.3 below.

interpretation is that of mutual recognition.¹⁴ As we shall see in §5.5, this theme is less prominent in the published *Philosophy of Right* version of Hegel's argument than elsewhere, but it is important nevertheless and needs to be integrated into any satisfactory interpretation of Hegel's position.

In this chapter I develop an alternative approach to Hegel's justification of private property, one that restores to a central place the two important themes that are marginalized by Waldron.¹⁵ Although I believe that the argument I end up attributing to Hegel is stronger than the one developed by Waldron, I am sceptical, for reasons I suggest in the concluding section, about whether it is an adequate defence of private ownership. This being said, even if Hegel's defence of private property is ultimately unsatisfactory, his argument may help us to assess other, perhaps more broadly defined, property regimes and arrangements. For the most part, in any case, my aim will be to make the most out of Hegel's argument and not to criticize it.

The attempt to clarify Hegel's account of property is a worthwhile project in its own right—especially in the light of the revival of interest in Hegel that can be found in contemporary discussions of property—but it should also serve to illustrate, and thereby to support, the more general account of Hegel's approach to legitimization and ‘reconciliation’ that I introduced in Chapter 4. In particular, my interpretation in this chapter will help to confirm my claim (in §4.4) that a central part of Hegel's attempt to reconcile his contemporaries to their social world is the idea that the institutions and practices of that world work to mediate the mutual recognition required for individuals to become and remain free.

5.2. Personality

In all of the mature versions of Hegel's social philosophy, the main discussion of property can be found in the section entitled ‘Abstract

¹⁴ Waldron argues that the need for recognition could be satisfied by *any* system of property, not just private property. See *The Right to Private Property*, 303–4, 375. I suggest why Hegel may have thought differently in §5.5 below.

¹⁵ Two papers that are quite congenial to my position are Stillman, ‘Property, Freedom, and Individuality in Hegel's and Marx's Political Thought’, and Knowles, ‘Hegel on Property and Personality’. Unlike these papers, but like Waldron's book, I shall explicitly focus here on how, and to what extent, the argument developed by Hegel constitutes a justification of *private* property, rather than property more generally.

'Right'. The central assumption of 'Abstract Right' is that the agents, or wills, who make up the social world are *persons* or possess *personality* (*PR* §§33, A, 35). This assumption distinguishes the social world of abstract right from the worlds of morality and the ethical life, where agents are assumed to be not only persons but also subjects and members respectively; they possess not only personality, that is to say, but also subjectivity and substantiality (*PR* §§33, A, 35).

'Abstract Right' has two main aims relating to its central assumption—one positive, the other negative. The positive one is to determine what basic institutions and practices the social world must contain, given the assumption that agents in that world are persons. Hegel's methodological assumption here is that, if we accept the value and importance of personality, then the argument he shall develop should give us good reasons to feel reconciled to the institutions and practices in question and to think that they are justified.¹⁶ The second, negative aim of 'Abstract Right' is to show that a social world containing only persons, and the institutions and practices grounded in personality, would not be viable: unless agents possess subjectivity and substantiality in addition to personality, the social world they inhabit would be self-undermining (for example, property rights would be regularly violated, contracts would not be observed, and punishment would take the form of revenge) and even the personality of agents would be at risk. It is the first aim that shall concern us here, for central amongst the institutions which Hegel thinks necessary for personality is private property.¹⁷

Three features of Hegel's conception of personality are worth remarking on, all of them emphasized in the opening paragraphs of 'Abstract Right'. The first point is that to be a person, or to possess personality, is to have a sense of independence from one's given situation and ends: 'It is inherent in *personality* that, as *this* person, I am completely determined in all respects (in my inner arbitrary will, drive, and desire, as well as in relation to my immediate external existence (*Dasein*)), and that I am finite, yet totally pure self-reference, and thus know myself in my finitude as *infinite, universal, and free.*' Personality, Hegel adds, 'begins only at that point where the subject

¹⁶ On Hegel's project as an attempt to reconcile modern Europeans to their social world, see Hardimon, *Hegel's Social Philosophy*, ch. 3. Waldron, *The Right to Private Property*, 344–7, contains a good defence of the claim that Hegel seeks to justify private property and not merely to understand it. See also Ryan's sensitive remarks in *Property and Political Theory*, 139–40.

¹⁷ I shall have more to say about the second aim in §6.3 below.

has not merely a consciousness of itself in general as concrete and in some way determined, but a consciousness of itself as a completely abstract "I" in which all concrete limitation and validity are negated and invalidated' (*PR* §35). An agent can be said to be a person if and only if he (*a*) perceives that he has certain empirical features—for example, certain wants, desires, and so forth—but also (*b*) conceives of himself as independent of these empirical circumstances, in the sense that they do not dictate to him what he must be or do. Personality thus involves an understanding of oneself as an independent, self-determining agent and therefore a capacity to reflect on, and critically scrutinize, one's given situation and ends (cf. *PR* §35A).

The second feature of Hegel's conception of personality worth noting is that it is not tied to the pursuit of any particular ends or goals, but is essentially open-ended:

The *particularity* of the will is indeed a moment within the entire consciousness of the will (see §34), but it is not yet contained in the abstract personality as such. Thus, although it is present—as desire, need, drives, contingent preference, etc.—it is still different from personality, from the determination of freedom.—In formal right, therefore, it is not a question of particular interests, of my advantage or welfare, and just as little of the particular ground by which my will is determined, i.e. of my insight and intention. (*PR* §37)

Hegel does, as this passage suggests, have a more full-blown conception of freedom in which the content of one's ends becomes important, but this is different from free personality. As we saw in Chapter 2, the fully free will, in Hegel's view, is the will that, in determining what to do, does not take any of its contingently given wants or desires as authoritative, not even the system of all of its wants and desires, but rather attempts to determine its activity completely out of its own thought and reason (*PR* §21). To be free in this sense, we saw in Chapter 3, means only acting in certain ways; ultimately, it means adopting the duties and virtues of the various institutions of *Sittlichkeit*, including the state. This is not the case with free personality: being a person is consistent with acting in any particular way, so long as one preserves a sense of oneself as independent in so doing. Personality implies a sense of distance between oneself and one's ends and life situation. It involves the ability to evaluate and reflect on one's ends that is central to our everyday idea of individual autonomy. Unlike full Hegelian freedom, it need not imply that our determinations are rooted in thought and reason 'all the way down', nor

that there is some set of rational ends to be discovered once we embark on a course of radical reflection.

Thirdly, Hegel assumes that personality is a distinctively *human* capacity (it helps to distinguish human beings from animals), but not one that human beings necessarily have (*PR* §35, A) (in this sense, some human beings are *merely* animals). As with all forms of free agency, personality involves a set of capacities and self-understandings that are acquired only through *Bildung*—the process of education and acculturation achieved through one's social experience (see §4.2 above). In certain types of social worlds, the individual is able to develop the capacities and self-understandings that are integral to personality; in other types, he cannot.¹⁸ The central claim of Hegel's account of property is that it is only in social worlds containing the institution of private property that an agent can become a person; it is only in such a world that he can 'become an actual will'.¹⁹

5.3. *A Puzzle*

This brings us to the central problem that I want to address in this chapter. How, according to Hegel, does the institution of private property encourage the development of free personality? What is it about private ownership that causes the agent to develop the capacities and self-understandings that make up personality or to reinforce them once they have already been developed? This section represents an initial attempt to answer these questions. By examining some of Hegel's claims about property in the *Philosophy of Right* I shall attempt to reconstruct the rationale, as he saw it, of a private-property system. We shall see that this reconstruction at best shows why private property is sufficient for the development of free personality; it does not show why private property is necessary and thus fails to constitute an adequate justification of that institution. My conclusion, therefore, will be that there is a puzzle about how Hegel

¹⁸ For instance, Hegel thinks that individual personality did not develop in Asian civilizations, and did so only to a limited extent in Ancient Greece (*PR* §185; *VPG* 177/141, 339/278; *VGP* i. 372/323).

¹⁹ Hegel backhandedly credits Plato with having perceived this connection between private property and the development of personality. According to Hegel, it is because Plato sought to forestall the emergence of free personality in his republic that he was careful to proscribe private ownership (for the Guardians). See *VGP* ii. 125–6/110–11.

might attempt to complete his argument for private ownership. The remainder of the chapter then tries to solve this puzzle.

Hegel's central assertion about property is made at §45: 'the circumstance that I, as free will, am an object [*gegenständlich*] to myself in what I possess and only become an actual will by this means constitutes the genuine and rightful element in possession [*Besitz*], the determination of property [*Eigenthum*.]' This passage in fact makes two important claims that need to be unpacked. The first is the claim that, in property, I, as a free will, am an object to myself. In his 1818–19 lectures, Hegel expresses this point more directly when he says that 'I look at myself in my property' (*ich schaue mich in meinem Eigenthum an*) (*VPR18* 225) and that in property 'I regard myself as free' (*VPR18* 224). The second claim is that it is this experience of being an object to myself that allows me to 'become an actual will'. It is through looking at myself in my property that I develop and reinforce the capacities and self-understandings that make up personality. I shall call these the *self-perception* and *self-development* claims respectively and examine them in turn.

At first glance the self-perception claim might seem somewhat puzzling. Of course we often say that a person's possessions reveal a great deal about her personality,²⁰ but it is not clear that, when we say this, we mean personality in the special Hegelian sense of the term. How might a person's possessions reveal her personality in the sense of her capacity for independent reflection and agency?

A clue to Hegel's meaning can be found in the 1822–3 Addition to §44 of the *Philosophy of Right*, where Hegel suggests that, by appropriating an object, I manifest or demonstrate the supremacy of my will *vis-à-vis* the object. I do this by giving it a configuration that it did not have before, a configuration that reflects my end or 'soul':

to appropriate something means basically only to manifest the supremacy of my will in relation to the thing and to demonstrate that the latter does not have being in and for itself and is not an end in itself. This manifestation occurs through my conferring upon the thing an end other than that which it immediately possessed; I give the living creature, as my property, a soul other than that which it previously had; I give it my soul.

Much of Hegel's subsequent discussion of taking possession and using property returns to this theme of manifesting or demonstrating

²⁰ As Knowles illustrates in the opening pages of 'Hegel on Property and Personality'.

the supremacy of one's will in relation to the object. Physically seizing and giving a form, which are both ways of taking possession of an owned object, are, Hegel thinks, simply variations on a third way of taking possession—making a sign. And 'it is precisely through the ability to make a sign and by so doing to acquire things that human beings display their mastery over the latter' (*PR* §58A). Using or consuming an object is also a way of demonstrating one's supremacy: '[With use] the thing is reduced to a means of satisfying my need. When I and the thing come together, one of the two must lose its [distinct] quality in order that we may become identical. But I am alive, a willing and truly affirmative agent; the thing, on the other hand, is a natural [negative] entity' (*PR* §59A).²¹

These passages suggest a way of understanding the self-perception claim. They suggest that a person looks at himself in his property in the sense that he sees concrete evidence that he is independent of his given circumstances or situation. By interacting with the object in various ways—by grasping it, giving it a form, marking it, consuming it, and so on—the person manifests or demonstrates his supremacy over his natural environment; he thus sees that environment need not dictate to him what he shall be or do, that he can impose his own plans and purposes on his situation and make a difference. Or, in terms of the passage I just referred to, he gains a concrete perception of the fact that he is 'a willing and truly affirmative agent'.²²

The self-development claim is the claim that this experience of perceiving his independence and agency helps the individual to develop and sustain his personality itself. The claim is not explicitly defended by Hegel in his discussion of property, but it can be quite easily explained in terms of several themes that were explored in Chapter 4. The first of these themes, which Hegel often returns to, is that having a conception of oneself as free, or taking oneself to be free, is an indispensable condition of being free (see §4.3). This requirement becomes quite transparent when it comes to the freedom of personality, for, as

²¹ See *PR* §59: '*Use* is the realization of my need through the alteration, destruction, or consumption of the thing, whose selfless nature is thereby revealed . . . '.

²² This point is nicely expressed by Waldron: 'By investing a natural object with purpose an individual becomes aware of the priority of will in a world composed largely of objects that cannot actively possess it. Thus he ceases to regard himself as a mere animal part of nature and begins to take seriously the special and distinctive features of rationality, purpose, and will' (*The Right to Private Property*, 302). See also Taylor, *Hegel*, 8: 'Manipulability of the world confirms the new self-defining identity.'

we have already seen, part of being a person, for Hegel, is having a certain self-understanding—a sense of oneself as independent of one's given situation and ends. The second Hegelian theme, which completes the argument, is that one cannot arrive at a sense of oneself as free simply by asserting it to oneself: the assertion that one is free does not suffice to make one so (*Enz.* iii, §431A). To come to think of oneself as free, and to sustain this self-understanding, one needs to receive some kind of objective confirmation from one's surroundings of one's free and independent agency (see §4.3 above).

So the self-development claim is simply the claim that the experience of having a concrete perception of one's independent agency helps to develop and confirm the sense of oneself as independent that is an integral part of being a person. Hegel's justification of private property, then, might be expressed as follows: it is important that an individual have private property because it is important that he develop and sustain his personality—his capacities for independent reflection and agency. Private property helps to develop personality because it gives the individual a concrete perception of his independence, a perception that confirms the sense of himself as independent that is an essential part of being a person.

An obvious objection to this attempt to justify a private-property system, however, is that, at best, it establishes only that private property is a *sufficient* condition for developing and sustaining one's personality. It does not show that a similar argument could not be made on behalf of a system of common property.²³ And surely the primary challenge faced by the defenders of private ownership is to demonstrate the *relative* superiority of private property *vis-à-vis* other kinds of property arrangements.

Hegel's only explicit attempt to meet this challenge is not particularly satisfying. He argues that, 'since my will, as personal and hence as the will of an individual, becomes objective in property, the latter takes on the character of *private property*' (*PR* §46). But this inference from the individuality of the person's will to the need for *private* property is not, without further argument, valid, for it ignores the important possibility that the individual person could develop and

²³ Hegel assumes that the principal alternative to private property is common property (*gemeinschaftliches Eigentum*), the form of property relations found, for instance, in monasteries and recommended by Plato in his *Republic* (*PR* §46, A). As I suggest in §5.6 below, one of the weaknesses of Hegel's account of property is that he fails to recognize that there is more than one alternative to a private-property system.

sustain his sense of independent agency by interacting with objects that are common property.²⁴

This brings me to the puzzle that will occupy us for the remainder of this chapter: how might Hegel complete the argument? Unfortunately, there are very few clues to be found in the published text of the *Philosophy of Right*, and so it might be thought that we have taken Hegel's argument for private property as far as it can go. But I want to try to take it a little further by examining two important features of the background to Hegel's account. One is an argument by Fichte, which Hegel and his readers would almost certainly have been familiar with; the other is a set of pre-1820 (the year of the completion of the *Philosophy of Right*) versions of Hegel's account of property, which all emphasize the important relationship between private property and mutual recognition. By combining material from these two different sources, I will attempt to reconstruct the final steps in Hegel's defence of private ownership.

5.4. Property and Personality in Fichte's Social Philosophy

A number of recent books and articles have emphasized the importance of appreciating the Fichtean background to Hegel's political philosophy. This is not only because of the profound influence exercised by Fichte's writings on the development of the young Hegel,²⁵ but also because Fichte's *Grundlage des Naturrechts* remained the single most important work of contemporary political philosophy in Germany throughout the time that Hegel was developing his mature political theory.²⁶ In Chapter 4 we looked briefly at Hegel's confrontation with Fichte's social contract theory. Recent work has also emphasized the extent to which Hegel's account of recognition was influenced by Fichte's *Grundlage des Naturrechts*.²⁷ Less attention has been given to the relationship between Fichte's discussion of

²⁴ For further discussion of this point, see Waldron, *The Right to Private Property*, 373.

²⁵ See e.g. DFS, which includes a seven-page discussion (pp. 142–9) of Fichte's *Grundlage des Naturrechts*.

²⁶ For a sustained attempt to argue for the relevance of Fichte to understanding Hegel's ethical and political thought, see Wildt, *Autonomie und Anerkennung*, 19–23 and part III.

²⁷ e.g. Wildt, *Autonomie und Anerkennung*; Williams, *Recognition*; and Wood, *Hegel's Ethical Thought*, ch. 4.

property and Hegel's own account. This is unfortunate for several reasons.

First, although there is only one explicit reference to Fichte in the published text of 'Abstract Right' (*PR* §79), Hegel does mention Fichte several more times in the corresponding sections of his various lectures on *Rechtsphilosophie* (e.g. *PR* §52A; *VPR* 17 48, 55, 59, 104). It seems clear from these references that Hegel was familiar with Fichte's doctrine on property and that to a considerable extent he was sympathetic with it.²⁸

Secondly, both Fichte and Hegel discuss property in the context of the same basic problematic. The two thinkers assume a conception of agents as individual *persons* and think that a central problem of social and political philosophy is to identify the social conditions of the possibility of personality.²⁹ Private property, for both philosophers, is one such condition and is justified on this basis.

Finally, an important common theme runs through the justifications of property offered by each writer in that each emphasizes the way in which property allows the subjection of nature to the will's ends and purposes and the manifestation thereby of the supremacy of the will. Just as, for Hegel, 'to appropriate something means basically only to manifest the supremacy of my will in relation to the thing and to demonstrate that the latter ... is not an end in itself' (*PR* §44A), so, for Fichte, 'the final ground of property in a thing is ... the subjection of that thing to our purposes'.³⁰

Like Hegel, Fichte considers property in the context of a theory of 'right' (*Recht*) more generally.³¹ Anticipating Hegel, he uses the term 'right' to refer broadly to any kind of social institution or arrangement that is a condition of the possibility of personality and also, more narrowly, to what we think of as rights—that is, claims that we have that place others under duties to treat, or refrain from treating, us in certain ways.³² Like Hegel, Fichte hopes to establish that

²⁸ For instance, at *VPR* 17 55, Hegel approvingly cites Fichte's 1793 critique of Rehberg in which the discussion of property anticipates Fichte's account three years later in the *Grundlage des Naturrechts*. For the 1793 account, see J. G. Fichte, *Beiträge zur Berichtigung der Urteile des Publikums über die Französische Revolution*, esp. pp. 117–18.

²⁹ See J.G. Fichte, *Grundlage des Naturrechts*, 94, 111–13. All translations from Fichte's *Grundlage des Naturrechts* are my own. For an excellent discussion of Fichte's conception of personality, and its relationship to Fichte's understanding of right and morality, see Neuhouser, 'Fichte and the Relationship between Right and Morality'.

³⁰ Fichte, *Grundlage des Naturrechts*, 117.

³¹ Ibid. 111–17.

³² Ibid. 94–5.

private property is *rechtlich* in both of these senses: it is an institution that makes personality possible; and it is therefore something that warrants placing others under certain duties—for instance, duties of non-interference. In particular, Fichte wants to show that private property is a natural or ‘original’ right (*Urrecht*)—one that has its basis not in any positive enactments of the political community, nor in the terms of any covenant or agreement that individuals may have entered into with one another, but only in the conditions of the possibility of free personality.³³

The identification of specific *Urrechte*, then, including the right to property, involves tracing out the social conditions of free personality. As we saw in reconstructing Hegel’s theory, and as Fichte himself recognizes, this exercise presupposes that we have some idea of what is meant by free personality: ‘the concept of freedom . . . gives the concept of an *Urrecht*, that is, of that right [*Recht*] to which every person as such is absolutely entitled’.³⁴ To be a free person, Fichte assumes, is to be only cause, and never effect, in the external world; a free person is any agent who has the ‘capacity to be absolute first cause’.³⁵

Fichte recognizes several ways in which an agent can fail to enjoy this freedom. One problem might be that his ends and purposes are determined externally rather than *self-determined*; he may lack the power to formulate ends and purposes spontaneously.³⁶ Another is that there may be external interventions, either by nature or by other agents, which produce changes in the world he is acting on, thereby upsetting his free efficacy (*Wirksamkeit*). Something more needs to be said about why this second case represents a problem for freedom and I shall return to it in a moment.

Fichte, in fact, holds that, strictly speaking, nature never changes, since it is governed by unvarying mechanical laws: ‘all change conflicts with [nature’s] concept’.³⁷ When nature *appears* to us to change or ‘intervene’, it is in fact we who have misunderstood or misjudged the relevant laws of nature. This kind of misunderstanding, he thinks, is preventable and when it occurs is ‘our own responsibility’.³⁸ The main social condition of the possibility of free personality, he concludes, is that others not intervene in the external world on which an agent is acting: ‘It is only other free beings that could produce an unforeseen

³³ Fichte, *Grundlage des Naturrechts*, 94–5, 111–13.

³⁵ Ibid. 113.

³⁸ Ibid. 116.

³⁶ Ibid. 113.

³⁴ Ibid. 112–13.

³⁷ Ibid. 115.

and unpreventable change in our world—that is, in the system of that which we have come to know and related to our purposes; then, however, would our free efficacy [*Wirksamkeit*] be disturbed.³⁹

From this premiss, and from the premiss that anything that is a social condition of free personality can give rise to a right, Fichte draws the conclusion that a person has a right to a sphere of the external world that is free from the interventions of others: ‘The person has the right [*Recht*] to demand that, in the whole world known to him, everything should remain just as he knew it, because he depends for his efficacy on his knowledge and would immediately be disoriented, and would find the course of his causality [*Causalität*] blocked, or would obtain other results than those he intended, as soon as a change took place.’⁴⁰ This right, however, is nothing other than a right to private property: ‘Here lies the ground of all right of property. That part of the sensuous world which is known to me, and has been subjected by me, even if only in thought, to my purposes, is originally . . . my property. No one can influence it [*auf denselben einfließen*] without hindering my free efficacy.’⁴¹

Fichte’s deduction of an original right to private property, then, can be summarized as follows: an agent has a right to whatever constitutes a social condition of the possibility of his personality. The main such condition is that there be no interventions by others into the sphere of the external world in which he is acting. But this is just to say that a social condition of the possibility of personality is that the agent have access to, and control over, a sphere of the external world from which others are barred from intervening. Since private property is, in essence, a right to exclusive access and control over some material object in the external world, it follows that individuals have a right to private property.

Although this argument raises a number of issues, the key question, it seems to me, concerns why interventions by others in the world on which I am acting can be said to thwart my free personality. Why, for example, might the fact that I am forced to share a garden in common with others frustrate my freedom as a person? I can think of two ways of construing Fichte’s argument: one resembles the constitutive thesis that I mentioned at the beginning of the chapter; the other anticipates, but also extends in an interesting direction, the argument I attributed to Hegel in the previous section.

³⁹ Ibid. 116.

⁴⁰ Ibid. 116.

⁴¹ Ibid. 116.

On the first reading of Fichte's argument, interventions by others frustrate my freedom as a person because they constitute obstacles to the realization of my ends and purposes in the world. To be a free person, we saw earlier, is, according to Fichte, to be a cause, and never an effect, in the world. This means that, among other things, there should be a causal connection between my having a certain purpose and a certain state of affairs (the object of my purpose) being realized. Interventions by others can thwart my freedom simply by frustrating this causal connection. For instance, if my purpose is to cultivate roses in the garden, others might frustrate the realization of this purpose by digging up the soil for their own gardening projects.

On this reading of the argument, Fichte's justification of private property is a familiar one. To be a free person, one must have the opportunity to pursue one's purposes, unhindered by the actions of others. But this means—so the argument goes—that one must be the bearer of private-property rights, for these rights secure an opportunity to realize one's purposes by excluding others from access.

The flaw in the argument is equally familiar. In so far as the opportunity to realize one's purposes is concerned, a system of private property cuts both ways. It is, of course, true that my private-property rights to certain material objects enable me to realize certain ends that might be frustrated by others were those objects common property. But it is equally true that the fact that other material objects are privately owned by other people, rather than commonly owned, thwarts the realization of certain of my ends. Whether a private-property system best enables some agent to realize his ends depends on how much property he has and what his ends are. It may well be the case that the agent does better under a common-property system than under a private-property one.⁴²

There is, however, an alternative way of construing Fichte's argument that makes better sense of the text and that aligns it more closely with the argument that I have been attributing to Hegel. Immediately following the passages from the *Grundlage des Naturrechts* that I have been quoting, Fichte continues:

To say that the person wants his activity in the sensuous world to be a cause [*Ursache*] is to say that he wants a perception [*Wahrnehmung*] to result which will correspond to his own concept of the purpose of his activity . . . It has

⁴² The objection sketched in this paragraph is made by Cohen, 'Capitalism, Freedom and the Proletariat', 11–17.

already been mentioned that, if this is to be possible at all, the natural course of things in the future, that is, either after the active influence [*thätigen Einwirkung*] of the person, or after the purposeful omission [*zweckmässigen Unterlassung*] of an activity, must be left undisturbed.⁴³

The significance of this passage lies in its suggestion that free personality requires not only that one's purposes *have* causality, but also that one have a *perception* of their causality. A similar claim is made by Fichte in the Introduction to the *Grundlage des Naturrechts*:

In the concept of freedom lies, first and foremost, only the capacity to formulate, through absolute spontaneity, concepts of our possible efficacy . . . But something else is required for a rational individual, or person, to find himself as free, namely, that the object [*Gegenstand*] referred to in this concept of his efficacy should correspond with [his] experience, and thus that something in the world outside of him should result from the thought of his own activity. Now, should the effects of rational beings occur in the same world, so that they can influence and mutually disturb and hinder one another, as is indeed the case, then freedom—in the above sense—would only be possible for such persons under the condition that their efficacy should be enclosed within certain limits, and that the world, as the sphere of their freedom, should be divided, so to speak, amongst them.⁴⁴

Here again Fichte argues from the need for the person to perceive his own efficacy as an agent ('to find himself as free') to the conclusion that the world should be divided up amongst different people into separate spheres of influence.

The argument is most clearly made as part of Fichte's deduction of the relationship of right (*das Rechtsverhältnis*) in general.⁴⁵ There Fichte seeks to identify the conditions under which a subject 'determines himself to be a free individual' and 'constitutes his freedom and self-sufficiency'.⁴⁶ He claims that a subject can constitute himself as free only to the extent that he can see various effects taking place in the world around him as grounded in his own agency. For this to happen, the subject must be able to distinguish how far the effects taking place around him have their ground in his own agency and how far they are grounded in the agency of other rational beings: in order to 'posit himself as an absolutely free being' the subject must be able to 'separate himself completely from the free being outside of

⁴³ Fichte, *Grundlage des Naturrechts*, 117.

⁴⁴ Ibid. 8–9. For discussion of this passage, see Neuhouser, 'Fichte and the Relationship between Right and Morality', 164–5.

⁴⁵ Fichte, *Grundlage des Naturrechts*, 41–56.

⁴⁶ Ibid. 42.

him and attribute his free efficacy only to himself'.⁴⁷ Fichte claims that, if the subject is to be in a position to conclude that *his own* agency was the ground of the effects he sees around him, then he must have a sphere in which only he, and not the other rational being, is free to choose: 'But in this sphere, now, only the subject can have chosen and *not the other* [rational being], for he [the other] has left it undetermined, according to our assumption. What exclusively chooses in this sphere is *his* self, is the individual, who in setting himself in contrast to another rational being determines himself as a rational being.'⁴⁸ So here again Fichte argues from the need to perceive one's own agency (in order to constitute oneself as a free agent) to the conclusion that the world should be divided up into separate spheres of influence.

These passages suggest that the reason why interventions by others upset free personality is not only that they constitute obstacles to one's causality or efficacy but also that they make a perception of one's efficacy impossible. In part, of course, interventions by others make this perception impossible *because* they constitute obstacles to that efficacy. But they may also make perception of one's efficacy difficult even where this is not in fact the case. Throughout his discussion of property, Fichte stresses the ways in which the agent's knowledge of the situation conditions his sense of himself as efficacious: 'Free efficacy and determinate knowledge condition one another mutually'.⁴⁹ The problem posed by interventions by others is that they can throw off our knowledge of the situation by introducing what Fichte terms 'unforeseen and unpreventable changes . . . in our world'.⁵⁰ Where others have intervened, I can no longer be confident that alterations in the object are due to *my* will; my perception of the object is not, as far as I can tell, a perception of my own efficacy. Where there are no interventions by others, on the other hand, changes in the object can be explained only by my purposes. Under these conditions, I should be able to connect certain changes in the object with the plans and projects that were present in my will. (Recall that, for Fichte, nature does not change or 'intervene'; it only appears to when we misunderstand or misjudge it. He seems to be assuming that the agent is sufficiently knowledgeable about the workings of nature to avoid this kind of problem.⁵¹)

⁴⁷ Fichte, *Grundlage des Naturrechts*, 41–2.

⁴⁹ Ibid. 114–15.

⁵⁰ Ibid. 116.

⁴⁸ Ibid. 42.

⁵¹ Ibid. 115–16.

Consider, for instance, the gardener who plants and tends some tomatoes until one day they are ripe for picking. He knows that this is not something that happens without human intervention and he is confident that no one else has intervened in the garden. He also knows that the project of cultivating the tomatoes just this way had been in his will all along. With the success of the tomatoes, he therefore has an objective confirmation of the causal efficacy of his own plans and projects. He sees himself as someone who does not, or need not, take his situation as a given, but who can impose his own will—his own plans and projects—on that situation. By contrast, if others come and go as they please in the garden, and perhaps work on it themselves, he cannot be so confident that the successful tomatoes are the result of his own efficacy. Someone else may have been taking the important measures all along.

Two comments need to be made concerning Fichte's argument, on this second interpretation of it. The first is that, to a very considerable extent, it anticipates Hegel's argument in the *Philosophy of Right*, as I set this out in the previous section. For both thinkers, the rationale behind a private-property system centres on the way in which private property provides the individual property-holder with a concrete perception of his own agency and in this way helps to constitute him as a free person.

Secondly, however, Fichte goes even further than Hegel in attempting to explain why it is that only a private-property system, and not some other set of property arrangements, can facilitate this self-perception. The problem with common property is that interventions by others make it difficult for the agent to be confident that the alterations and transformations in the material objects he has been interacting with are the result of *his* agency. He cannot be sure that they are his plans and purposes that have been imposed on the world, for they may have been somebody else's. We cannot be certain, of course, but Hegel may have been taking something like this account, which both he and his readers would have been familiar with, for granted in developing his own version of the argument.

5.5. Property and Recognition

No doubt a number of possible objections, both interpretative and substantive, might be made to the argument I have been developing.

At this point, I want to draw attention to two in particular, which will help me to introduce the final piece in Hegel's defence of private ownership.

The first objection is that Hegel's argument, at least on my interpretation of it, seems strongly individualistic and to that extent in conflict with other more communitarian tendencies in his thought (see Chapter 4).⁵² The argument I have been sketching suggests both that an isolated individual could develop and sustain a free personality and that the presence of others makes it more difficult for him to do this. Elsewhere, as we have seen, however, Hegel argues that an individual can develop his capacities for freedom and agency only in the context of a community with others that provides for mutual recognition.

The second objection is simply that there is something deeply unconvincing about the Fichtean attempt to establish the necessity of *private* property that I described in the previous section. The central thrust of that argument was that, in the context of common property, an agent could not be confident that changes and alterations in the material world were evidence of *his* plans and purposes, for they might have been the result of somebody else's. An obvious objection to this, however, is that I know what my purposes are and if I see that the material world comes to reflect these purposes then surely I can be confident that it was I who made a difference. It seems far-fetched to worry that somebody else might have had exactly the same plans in mind as me. Consider, for example, the case of a sculptor who spends a few hours of each day working on a sculpture in the town square. Why should there be any serious doubt in his mind that the final product reflects his own plans and purposes?⁵³ Or consider Hegel's own example of the boy who 'throws stones into the river and now marvels at the circles drawn in the water as an effect in which he gains an intuition of something that is his own doing' (*Aesthetics* 31). Surely the river need not be the boy's own private property for him to have this intuition.

To see how Hegel might respond to these objections we need to introduce one final element into his account, an element that is not very prominent in the published *Philosophy of Right* discussion of property, but that is central in earlier versions of the argument. These

⁵² For the claim that Hegel's conception of personality is 'individualistic', see Munzer, *A Theory of Property*, 82.

⁵³ I am indebted to G. A. Cohen for suggesting this example to me.

earlier versions are found in the Heidelberg *Encyclopedia* (*VPR* i), published by Hegel in 1817, and also in the transcripts of Hegel's 1817–18, 1818–19, and 1819–20 lectures on *Rechtsphilosophie*. These versions of the argument explicitly emphasize the important relationship that Hegel sees between private property and recognition. They indicate that it is important, for Hegel, that human beings possess private property primarily because of the way in which private property mediates the recognition of others—a recognition that is essential to the development of the capacities and self-understandings that are integral to free personality. It is this element of recognition that can help Hegel to respond to the objections raised above.⁵⁴

In the Heidelberg *Encyclopedia* of 1817, for example, Hegel argues that 'As a person . . . I have my realization only in the being of other persons, and only in this realization am I an actual person for myself' (*VPR* i. 146). The object of property is the 'medium' (*Mitte*) that makes this recognition possible. Through property, my will has, for others, a 'determinate recognizable existence' (*VPR* i. 146).⁵⁵ In his 1817–18 lectures, he argues: 'Possession is essentially the externalization [*Äußerlichkeit*] of the will: through the sphere of existence, I externalize my personality . . . Through the will's existence, or external being, there arises being for others and in this way my will becomes recognizable by others' (*VPR* 17 48).⁵⁶ And in 1818–19 he notes: 'Property only contains existence when the person becomes for another, that is to say, is recognized' (*VPR* 18 265).

This emphasis on property as a mediator of recognition is less prominent but not altogether absent from the published *Philosophy of Right* version of Hegel's account. Hegel writes, for instance, that 'my inner idea and will that something should be *mine* is not enough to constitute property, which is the *existence* of personality; on the

⁵⁴ For other commentaries emphasizing the importance of recognition for Hegel's account of property, see Ritter, 'Person and Property: On Hegel's *Philosophy of Right*', Paragraphs 34–81'; Stillman, 'Property, Freedom and Individuality in Hegel and Marx', 137, 148; Knowles, 'Hegel on Property and Personality', 56–7; and Benhabib, 'Obligation, Contract and Exchange', 172.

⁵⁵ The claim that property mediates recognition is made even more explicitly in the 1827 and 1830 editions of the *Encyclopedia*; see *Enz.* iii, §§490–1.

⁵⁶ See also *VPR* 17 56–7: 'Through the sphere of my freedom, which I have in property, I come into a relation with other persons . . . The essential existence of property is the existence of its rightful, absolute side, and this is that, in property, persons recognize one another . . . My existence in my property is a relation to other persons; here mutual recognition is created; the free is for the free.'

contrary, this requires that I should *take possession* of it. The *existence* which my willing thereby attains includes its ability to be recognized by others' (*PR* §51). And he says that 'A person, in distinguishing himself from himself, relates himself to *another person*, and indeed it is only as owners of property that the two have existence [*Dasein*] for each other' (*PR* §40).

Once recognizability is seen as central to the 'existence' that property gives to personality, Hegel's justification of property becomes much clearer. Through property, Hegel is arguing, I can confirm and reinforce my sense of being a person and of possessing the capacities that are constitutive of my personality—the capacities for independent reflection and agency. Property has this effect because it is not only a sphere in which the person can exercise his agency, but also one that records those manifestations of agency in a way that can be discerned and admired by both the agent himself and by others. If an object is the property of some person, we can look at the alterations and transformations that it has undergone and believe that it was his agency that brought them about. We thus have grounds for attributing agency to him and for extending the recognition to him that we reserve for everyone that we take to be free. By manifesting the activity of his will, property mediates the recognition of the agent—both his self-recognition and his recognition by others—and thus fosters and sustains the self-understanding that he requires in order to be a person.

This final reformulation of Hegel's defence of private ownership suggests how he might respond to the two objections I raised at the beginning of this section. Against the first objection, that his argument for property seems strongly individualistic, it is now possible to point to an important communitarian dimension in the account: a central part of Hegel's approach, it would seem, is to ask what sorts of institutions and practices must be in place if a community of mutually recognizing free agents is to be possible. Private property, Hegel is claiming, is one such institution.

To the second objection, that the argument does not really establish the necessity of *private* property, Hegel might now respond as follows. It may be true that I know what my purposes are and that if I see that the material world comes to reflect these purposes then I can be confident that it was I who made a difference. To this extent, *private* property is not necessary; other property arrangements might do as well. But it is not the case that other people can associate

changes and alterations in the material world so easily with my purposes and plans.

In a world in which material objects are common property, all others see as evidence of somebody's purposive activity (for example, they see an igloo built in the snow). They have no particular reason to link this evidence of purposive activity with me. If the igloo were on a piece of land that is my private property, however, then they can regard it as evidence of the efficacy of my plans and purposes. They thus have reason to recognize me as a free person. In so far as recognition by others, and not just self-recognition, is a condition of developing and sustaining one's free personality, the argument recommends private property and not just any form of property arrangements.

In §4.4 I advanced the hypothesis that one of the central ways in which Hegel seeks to reconcile his contemporaries to the institutions and practices of their social world is by showing them that those institutions and practices are required to mediate the mutual recognition they need to develop and sustain their capacities for free and rational agency. The interpretation of Hegel's justification of private property that I have been developing in this chapter helps to confirm this hypothesis by suggesting that part of the rationale behind a private-property system, for Hegel, lies in the way in which private property, unlike alternative property regimes, allows individuals to demonstrate their free personality to one another and thereby facilitates mutual recognition. A social world that lacks the institution of private property could not be one in which individual personality is able to develop and flourish because it could not be a community of mutual recognition.

5.6. *The Limits of Hegel's Argument*

I have to confess at this point that, even after trying my best to present Hegel's theory in a favourable light, I find the final product rather unconvincing as a defence of private ownership. It does not follow from this, however, that there is nothing of value in Hegel's discussion. Let me conclude, then, by mentioning two important problems I see with the argument together with some more positive implications that might be drawn out of the discussion.

The first point is that, at best, Hegel's argument shows that common ownership would make mutual recognition difficult and thereby

hinder individuals from developing and sustaining their personalities. It seems less convincing as a critique of collective ownership, which is a second possible alternative to private property. By a system of collective ownership I mean a system of allocating resources according to centralized procedures and mechanisms that make reference to the collective interest.⁵⁷ It seems possible that some such system could be devised that allocated to individuals the degree of exclusive access that they require to manifest their agency, but that, in other respects, falls short of a system of private property (for example, in its rules concerning the alienation of property or concerning the enjoyment of profits flowing from ownership). To the extent that such a system is possible, Hegel's defence of private property remains incomplete; he would need to adduce further reasons for preferring private to collective ownership. On the other hand, Hegel might claim to have shown that *some* degree of privacy and exclusivity will need to be built into property arrangements, even if full private ownership is not necessary. Notice, for instance, that there seems to be some degree of exclusivity assumed in the public-sculpture and stone-throwing examples mentioned earlier: the examples would not have the same force if it were permissible for just anyone to come along and add their contribution to the sculpture or if a whole crowd of boys were throwing stones into the river.⁵⁸

The second more serious problem with Hegel's argument lies in its resolutely *a priori* character. Whereas Hegel is making *a priori* philosophical claims about the ways in which people develop certain self-understandings and capacities, what really seems appropriate here is empirical psychological investigation (see §4.3 above). It might well turn out that there is a great variety of ways in which people actually develop these self-understandings and capacities, some of which do not presuppose any degree of exclusivity or privacy. Having said this, Hegel's discussion helps us to formulate new hypotheses for empirical investigation and we should not assume in advance that empirical research will falsify his claims any more than we should assume that such research will support them.⁵⁹

⁵⁷ For the distinction between private-, common-, and collective-property systems, see Waldron, *The Right to Private Property*, 37–46.

⁵⁸ I am grateful to Peter Stillman for pressing me on this point.

⁵⁹ For a discussion of recent psychological studies supporting the contention that property works to reinforce a person's sense of agency, see Christman, 'Distributive Justice and the Complex Structure of Ownership', 235–8.