The Great Misunderstanding: On the Claimed Inconsistency of Blackstone’s take on Private Property

In terms of constitutional sensibility, the modern scholarly appreciations of both propety and democracy – and especially the relation between them - appear barren to the point of intellectual starvation. The early state courts, presiding over a newfound optimism with regard to both these notions, knew better. One can only hope that they will now rekindle that spirit, to lead the way towards social justice and freedom, away from the deliterious influence of neo-liberalism and other crude forms of socialism lurking behind the increasingly vulgar fetishation of the market economy as the ultimate expression of good statehood.