

Hegel's Justification of Private Property

Lewis Wang, Boston University

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Unlike his most famous disciple-turned-critic, Karl Marx, Hegel firmly believes in private property. How we should make sense of what he says about private property, however, is a much more difficult question. There was a time when scholars read Hegel as offering not a justification but a mere description of the institution of private property at his time.¹ More recent scholars, by contrast, generally read Hegel's project in the *Philosophy of Right* (PR) as offering a justification of private property, although they cannot agree on what kind of argument Hegel offers for that purpose. Some scholars argue that private property is justified for Hegel because it has instrumental value in helping one develop into a free person. Others, by contrast, think that the right to private property is simply part of what it is to be a free person. I will call these two kinds of readings *developmental* and *non-developmental* readings respectively. Neither reading, however, is fully successful. As I will argue, the former ascribes to Hegel an argument that cannot fully justify private property, while the latter focuses only on the part of PR on Abstract Right, but ignores the bigger picture Hegel presents in PR as a whole.

The reading that I will propose in this paper falls into neither of those two camps. Instead, I will argue that private property is justified for Hegel because it is necessary for the development *past* personal freedom towards a higher form of freedom, namely the freedom that one enjoys as a member of civil society or, in Hegel's term, a *burgher* (*Bürger*).² More specifically, I will argue that for Hegel, private property is justified because it is the first external embodiment of one's

¹ See for example Ryan (1984) and Reeve (1986).

² *Bürger* is sometimes translated as citizen, e.g., in the Knox translation of PR. But since Hegel sometimes use the French word *citoyen* to stand for members of the state, it is better to reserve 'citizen' for members of the state.

personality, which Hegel argues is necessary for our mutual recognition of each other as persons. Mutual recognition as persons, in turn, is necessary for the development from personal freedom towards freedom in civil society, or, for short, civil freedom. Hegel's justification of private property can thus also be called 'developmental' on my reading – developmental, however, in a sense quite different from what the so-called developmental readings mean by that term. On the developmental readings of Hegel, private property is justified because of its role in the development of the capacities of a person. On my reading, by contrast, private property is justified because of its role in the development of freedom itself *beyond personal freedom* towards higher and more perfect forms of freedom. To put it differently, I read Hegel as believing that private property is justified because it is necessary for the “development of the Idea [*Idee*] of freedom” (PR§30R; see also §30, §33).

In this essay, I proceed as follows. In section I, I discuss both the developmental and non-developmental readings and point out their deficiencies. In section II, I discuss Hegel's conceptions of personal freedom and civil freedom. In sections III to V, I defend my own reading of Hegel's justification of private property.

I. Developmental and Non-developmental Readings

Recent interpretations of Hegel's argument for justifying private property can be divided into two broad classes. Call them the developmental and the non-developmental strategy respectively. Those who adopt the former, such as Waldron (1988) and Patten (1999), read Hegel as justifying private property by adopting *the developmental thesis*:

The Developmental Thesis: Private property is justified because having at least some private property is crucial for the development of some capacities that make up free personality, and *eo ipso* for the development of not-yet-free humans into a free persons.³

³ Knowles (2002) also has a reading that is in part developmental.

The developmental strategy may take different forms. Waldron, for example, argues that personal freedom requires a kind of self-discipline in forming and executing plans, and the development of that self-discipline requires laboring on some object over a period of time. But if there is someone who takes the object I am working and works on it every time I go to bed or go eat something, his work will interfere with my work. I could never fully execute my plan and thus could not develop the kind of self-discipline that personal freedom requires. According to Waldron's reading, it is the need to avoid this possibility that justifies private property for Hegel.

Patten, on the other hand, argues that through owning and interacting with one's private property, one perceives concrete evidence for one's complete independence from and superiority over one's immediate, natural surroundings – or in short, for one's freedom. And this perception of oneself as free helps to develop and maintain one's free personality, as to be a free person for Hegel is precisely to “know myself to be free in myself”, i.e., to know that I am capable of abstracting from all my natural determinations (PR§35A). Perceiving evidence for that capability, according to Patten, helps to sustain and further strengthen one's sense of oneself as having that capability, i.e., as a free being, and thereby helps to sustain and develop one's free personality.

Both Waldron's and Patten's readings, however, face the same problem. They both ascribe to Hegel an argument that is in fact inadequate for justifying private property. The arguments they ascribe to Hegel can show, at best, that private property is more conducive or essential to the development of the capacities which constitute personal freedom than alternative forms of property, such as common or collective property. Neither shows, however, that private property is *necessary* for the development of the capacities which constitute personal freedom. As Duncan (2017) points out, Waldron's argument fails to justify private property because exclusive ownership is not the only way to avoid foreign interference in one's laboring process. We can also award people the

exclusive right to use something for a certain span of time, while keeping the object still communally owned. Similarly, Patten observes of his own interpretation that the argument it ascribes to Hegel establishes private property only as a sufficient, but not necessary, condition for the development of free personality. It at best shows that it is more difficult to develop free personality in other property systems than in a private property system, but it cannot rule out the possibility that personality may also be fully developed in a non-private property systems.⁴ But the fact that a private property system is more conducive to the development of personal freedom than, e.g., a collective property system, is not, by itself, sufficient to rule out collective property as a viable alternative. And that leaves open the possibility that private property, all things considered, is not justified. That is, there may be other, weightier considerations in favor of a collective property system that outweigh the relative advantage a private property system has vis-à-vis the development of free personality. One may argue, for example, that a collective property system is more just, and that for justice, less efficiency in the development of free personality is a price worth paying. Thus, neither Waldron's nor Patten's argument, on its own, can fully justify private property against other alternatives.

This problem with the existing developmental readings has led some recent scholars to adopt a non-developmental strategy in interpreting Hegel's justification of private property. To summarize, the non-developmental strategy takes seriously Hegel's claim that private property is "in itself a substantial end" (PR§45R). Accordingly, it reads Hegel as arguing that the right to private property is constitutive of one's personal freedom, rather than being only instrumental in the development of one's personal freedom. Duncan (2017), for example, argues that "part of Hegel's reason for holding that society should recognize private property and property rights is

⁴ Patten (1999, 149; 160-2). See also Duncan (2017, 269) for a more detailed critique of Patten's argument.

that we should respect subjective freedom” (274). Another non-developmental line of reading comes from Houlgate (2017), who claims that “[p]ersons own property because it is only in such ownership that they are actual bearers of right, both for themselves and for others” (45). Houlgate reads Hegelian personal freedom as requiring more than merely having the empty formal right of private property, i.e. the necessary possibility of owning something. It is further required that that right must be actualized and truly enjoyed by that person through actually owning some private property – only then is someone truly free as a person. On Houlgate’s reading of Hegel, then, private property is justified because actually owning some private property is part of what it is for one to be a free person.⁵

The non-developmental strategy, however, is not without its problems either. Its main deficiency is that it focuses exclusively on personal freedom; the argument it ascribes to Hegel seeks to justify private property from the value of personal freedom alone. But this cannot be all that Hegel has to offer to justify private property, since it is clear from later chapters that Hegel takes personal freedom to be neither the only nor the final form of freedom. As Thom Brooks (2013) argues, the first part of *PR*, titled “Abstract Right”, is mainly tasked with presenting the first, but ultimately inadequate, way in which the will tries to overcome its arbitrariness and attain more perfect freedom (30; 33). The freedom we enjoy as persons and abstract right holders is the form that is most abstract and imperfect, compared with the kind of freedom we enjoy as members of civil society and the state.⁶

⁵ For another recent attempt of this kind, see Moyer (2021).

⁶ Admittedly, Duncan (2017) recognizes this problem with the non-developmental strategy, and he offers a supplement to remedy it. This supplement reads Hegel as offering a second argument, which shows that the modern private property system develops our personal freedom into a more substantial form of freedom because this system involves cooperation and specialization. While I cannot treat this supplement in detail here, I believe it suffers the same problem as the developmental strategy, namely that it fails to establish that private property is necessary for cooperation and specialization, and thus for developing a higher form of freedom.

If this is right, then an argument from personal freedom alone can only provide a *pro tanto* justification of private property, since it may be trumped by considerations from higher forms of freedom. As Hegel himself says:

[W]hen there is said to be a clash between the moral or the ethical and [abstract] right, the right in question is only the initial, formal, right of abstract personality [...] But a collision also contains this further moment: it imposes a limitation whereby one right is subordinated to another; only the right of the world spirit is absolute in an unlimited sense (PR§30R).

If, counterfactually, Hegel believes that the interests of the state demand that everyone forfeit their private property and submit to a collective property system, then since the freedom embodied in the state is of a higher form than the freedom of abstract personality, we should conclude that Hegel's final opinion is against private property, and his argument in favor of private property based on personal freedom has been overruled by his argument against private property based on freedom embodied in the state. Of course, this is not Hegel's view: his final verdict is *for* private property, not against. Nor is it the case that our personal freedom and abstract rights are simply discarded in ethical life. Consequently, it is to be admitted that the argument from personal freedom that the non-developmental readers point to does, for Hegel, provide some support to the justification of private property. Nevertheless, what my counterfactual analysis reveals is that for Hegel, an argument defending private property from personal freedom alone is non-decisive and thus ultimately inadequate. If we are to find a decisive and adequate Hegelian justification of private property, it must instead be an argument that is grounded in considerations from a higher form of freedom.

The lesson from this brief literature review is that we need a reading of Hegel's justification of private property that is both textually and philosophically adequate. It needs to appeal to considerations from a higher form of freedom, and it needs to show that private property is really

necessary for achieving that higher form of freedom. My task for the rest of this paper is to provide such a reading.

II. From Personal Freedom to Civil Freedom

Private property, for Hegel, is the external embodiment of the freedom of a person. And a person, for Hegel, is a human individual who is determined by nature to have certain preferences, desires and impulses, and yet, at the same time, knows herself as capable of completely abstracting from one's natural determinations (PR§35). As a person, I know that who I am is not determined by any feature that I am naturally given. I can decide to be different from the way I naturally am and still remain the same person. That possibility of willing any end one wants and not being constrained by how one is determined by nature is essentially what personal freedom consists in for Hegel.

Hegel distinguishes a person from a mere thing [*Sache*]. A mere thing, he says, has no will and thus no intrinsic end of its own. A person, by contrast, can freely determine an end for itself. This difference creates “the absolute *right of appropriation* which human beings have over all ‘things’”: when I put my will into a mere thing, I endow it with some purpose of my own (PR§44). This act transforms that thing from a merely end-less thing to a thing that is essentially for the end that I impose on it, and thus makes it to embody my free will as a person (PR§44A). When I pick up a piece of wild fruit from the forest and take it home to eat, I transform that thing from a mere fruit to food – something that is essentially for the end of satisfying hunger. To have that power to transform a thing and make it embody one's will, for Hegel, is to possess it. And that thing, as something that embodies my will, becomes my property (PR§45; VNS§19).

But although a person is free in a way that things and animals are not, the form of freedom a person enjoys is nevertheless the most primitive and imperfect. Its imperfection stems from its emptiness and arbitrariness. According to Hegel, a person that is capable of abstracting from any determination is “contentless”: there is no determinate feature whatsoever that constitutes who she thinks she is (PR§35). She has no essential desire, goal, or belief that could initiate from within her the process of determining what she wants to do or pursue. As a result, a person’s capability to will any end as she pleases can only function over a set of determinate options of possible ends or actions that is given to her as a brute, contingent fact; otherwise, that capability is empty and idle. So, personal freedom is nothing but the freedom to choose from options given contingently from elsewhere. This contingency constitutes the arbitrariness of personal freedom. As Hegel says: “Arbitrariness implies that the content is made mine not by the nature of my will but by *contingency*. Thus I am dependent on this content, and this is the contradiction lying in arbitrariness (PR§15A).

As I read Hegel, the justification of private property lies in the overcoming of this emptiness and arbitrariness. Hegel remarks that “the rationale of property is to be found not in the satisfaction of needs but in the supersession of the pure subjectivity of personality” (PR§41A). By subjectivity here, Hegel means the empty and arbitrary nature of personality. As he defines it earlier in PR, “it is just that pure empty I which may be called ‘subjective’, the I which has itself alone for its object and possesses the power to abstract from any other content” (PR§26A). To supersede this subjectivity, then, is to develop beyond the emptiness and arbitrariness of personal freedom towards a higher and more concrete form of freedom. On my reading, therefore, Hegel thinks that private property is justified by its role in the development beyond personal freedom towards a higher form of freedom.

And the higher form of freedom that is most pertinent to private property in Hegel's system is civil freedom, i.e., the kind of freedom a burgher enjoys in civil society. Civil society is a community of what Hegel calls concrete or particular persons, whose concerns lie only with their own private interests. They recognize, however, that working entirely by oneself can satisfy very few of one's own needs. In Hegel's words, they recognize that "individuals can attain their ends only insofar as they themselves determine their knowing, willing and acting in a universal way and make themselves links in this chain of social connections" (PR§187). Thus, out of self-interest, they join together to form what Hegel calls *the system of needs*, i.e., the system of interdependence in which one satisfies one's own needs by working to satisfy others' needs, which lies at the heart of Hegelian civil society.

To be sure, personal freedom or freedom is contained in the form of freedom which one enjoys in civil society. As Hegel puts it: "The recognition and the right that what is made necessary by reason in civil society and the state shall at the same time be effected by the mediation of the arbitrary will is the more precise definition of what is primarily meant by the general idea of freedom" (PR§206). In civil society, one is free to choose what kind of work one does, who one forms a family with, which *Korporation* one joins, etc. One is free in general to make business decisions for one's own benefit, so long as the decision remains within the bound of laws and under the guidance of the *Polizei*.

But civil freedom is not empty nor arbitrary in the way that mere personal freedom is. Instead of relying on contingent, externally given options, burghers have two grounds from which they decide what to do. First and foremost, they act out of their self-interest. As Hegel puts it: "In civil society, each individual is his own end, and all else means nothing to him" (PR§182A). Burghers identify with their own needs, and take the satisfaction of those need as their primary

and ultimate aim. They also recognize, moreover, that being a member of civil society is the only way they can achieve that aim. As Hegel puts it,

Individuals have their own welfare as their purpose, they are persons governed by right, and the moment of right emerges in a universal form. But the individual's welfare and subsistence are conditioned by the welfare and preservation of all. Individuals care only for themselves, have only themselves as purpose, but they cannot care for themselves without caring for all and without all caring for them (VNS§89R).

To be sure, here in civil society, people do not care for all in the same way as citizens in the state do. That is, they don't align their own ends with the universal ends of the state. Nevertheless, to the extent that they recognize that their needs can only be satisfied in the civil society, they will, in general, act in accordance with the requirements for remaining in civil society, namely following the laws and obeying the order of the *Polizei*. This, then, is the second ground from which burghers can deliberate.

In short, then, civil freedom is freedom of choice without the latter's arbitrariness. It consists essentially in one's ability to make free choices or decisions to satisfy one's private needs and wants – decisions that, although they are not intended to contribute to the universal interest of the society, nevertheless do contribute to the universal interest of the society because of the nature of the system of needs.

Now, to be sure, I meant to suggest neither that civil society is the immediate next step after personality in Hegel's development of freedom, nor that civil freedom is the highest form of freedom. Nevertheless, I have singled out civil society as the most relevant to the justification of private property because Hegel seems to suggest that civil society somehow presupposes private property. For example, Hegel criticizes Plato because Plato "cannot come to terms with the principle of self-sufficient particularity [...] except by setting up his purely substantial state in opposite to it and completely excluding it, *from its very beginnings in private property* [...]"

(PR§185R, my emphasis). Hegel also says that the satisfaction of one's needs in civil society requires the "*property* of the free will of others" (PR§195; see also §189). Finally, Hegel remarks that "[t]he principle of this system of needs, as that of the personal particularity of knowledge and volition, contains universality in and for itself, the universality of freedom, only abstractly and therefore as the right of property" (PR§208). All these passages suggest that private property is in some way presupposed for 'particularity', i.e., for the satisfaction of individuals' private needs in civil society. In exactly what way private property is presupposed, however, is not yet clear from these quotes. A clearer answer to that question will be my task for the rest of this paper.

To give a quick spoiler, the argument for justifying private property that I will reconstruct from Hegel's writings goes as follows:

- P1. Embodiment of the will is necessary for mutual recognition as persons.
- P2. Mutual recognition as persons is necessary for the development from personal freedom to civil freedom.
- P3. Private property is necessary for the embodiment of the will.
- C. Thus, private property is necessary for the development from personal freedom to civil freedom.

III. Embodiment and Recognition

My task in what follows is to explain why, for Hegel, is private property necessary for the development from personal freedom towards civil freedom. Let us start from two famous remarks by Hegel:

But I as free will am an object to myself in what I possess and thereby also for the first time am an actual will, and this is the aspect which constitutes the determination of *property*, the true and rightful factor in possession (PR§45).

[P]roperty is the first determinate existence [*Dasein*] of freedom and so is in itself a substantial end (PR§45R).

As previously discussed, these remarks are often cited by advocates of the non-developmental strategy to support their readings. Although I have shown that the non-developmental strategy is ultimately inadequate, I nevertheless think that these remarks offer us an important hint about how we should understand Hegel's justification of private property. According to these remarks, Hegel thinks that the fact that property is the first external embodiment of the free will is somehow important for the justification of private property. This importance is further spelled out in his 1817-18 Lectures:

Through the determinate existence, the external being of the will, there arises a being for others; in this way my will becomes recognizable for others (determinate being is being for another). The thing must be either *res nullius* or a *res abjecta*, relinquished by its owner with the thought that he ceases to own it. So the relation to others is here anticipated (VNS§18).

The *essential being* [*wesentliche Dasein*] of ownership is [...] that in ownership people recognize one another as persons. This means that in the consciousness of their self-identity they know themselves to be identical with others through the mediation of external existence, and they accept one another as mutually free and independent (VNS§31).⁷

Here Hegel argues that private property, as the external embodiment of one's will, allows one's will to be recognized by others as equally free. This is because, for Hegel, a person can only manifest its freedom over a mere thing [*Sache*], i.e., one can only endow with his ends a thing that currently has no end. That thing thus can only be either nobody's thing (*res nullius*) or an already disowned thing (*res abjecta*). It cannot be something currently owned by someone else. Accordingly, of course, what I have endowed with my ends cannot be rightfully possessed by others either, unless I relinquish it. The concept of property or rightful possession, thus, implies also the recognition that there are also others who are also free persons like myself, that they can also embody their free will in mere things, and that I cannot rightfully possess the things that embody other persons' free will and vice versa. Thus, as the *first* external embodiment of freedom

⁷ See also PR§71, EG§491.

for Hegel, private property is also the *first* opportunity for human individuals to recognize each other as free beings – and in this first instance, as persons.⁸

So far, however, we have only shown that through external embodiment we can recognize each other as persons. But why does that recognition *require* external embodiment? It may seem easy, in fact, to think of counterexamples. It may be said that one can make one's free will recognizable by constantly screaming or making some noises, or by leaving the same mark everywhere one goes like a snail does. It may be argued that in these cases, one's free will can be recognized, but is not embodied in any external object.⁹

The problem with such examples, in the eyes of Hegel, is that they lack determinateness. According to Hegel, "I am free for the other only insofar as I am free in my determinate existence [*Dasein*]" (PR§48R), and *Dasein*, for Hegel, is "determinate being; its determinateness is existent determinateness, quality" (SL, 83). In other words, *Dasein* means a being with a set of determinate qualities, through which it can be distinguished from other finite existent beings. And only *Dasein* or determinate objects, for Hegel, can really embody one's free will, precisely due to the worry of recognizability.

To see this, however, we need to take a little detour and first consider an analogical case in Hegel's discussion of taking possession. According to Hegel, physically seizing something is the most determinate among the three ways of taking possession: "[i]t is, to be sure, in seizing something physically that my will most perfectly achieves determinate existence [*Dasein*] and

⁸ Before this stage, of course, Hegel also mentions the mutual recognition of self-consciousnesses, which he describes in the master-slave dialectic (EG§431; PhG§166-§196). Mutual recognition as self-consciousnesses and as persons, however, are distinct; they take place at different levels. The former, according to Hegel, is presupposed and contained in the latter (PR §57R; §71R). This is because self-consciousness is an earlier stage in the development of the spirit than a person. A self-consciousness, for Hegel, still regards itself as "a natural entity pure and simple", while a person regards itself as abstracted from its natural determinations (PR§57R).

⁹ I thank Mark Wrathall for raising these examples to me in conversation.

becomes recognizable” (VNS§20). By contrast, marking something is the most indeterminate: “[a]nother is at liberty to disregard the mark because it is not determinate, since the sign may be arbitrary or more or less natural. So marking is the most imperfect way of taking possession” (VNS§23). In other words, marking is the least determinate way of taking possession, for Hegel, because the markings a person intentionally uses to possess something may easily be mistaken for random markings, natural markings, or other markings without possessive intention (e.g., graffiti). Thus, the object marked may not be recognizable as someone’s property. By contrast, physically seizing is the most determinate way of taking possession because it is the obvious and unequivocal way, such that it is hard not to recognize it.

The same rationale, as I read him, is behind Hegel’s requirement of external embodiment as well, although he does not mention it explicitly when discussing external embodiment. A scream, noise or a mark is more easily equivocated with things that do not embody anyone’s free will, or with something that embodies a different person’s free will, than a determinate object. A sound or noise one makes may be similar to some other noises in nature or noises others make non-intentionally and may be mistaken for the latter. Similarly, a mark may also be taken to be some arbitrary or natural markings, as we have seen Hegel himself point out. One may also imitate someone else’s voice or forge someone else’s mark, in order to get others to mistakenly recognize someone else’s free will rather than the creator’s own. External objects, by contrast, are generally distinguishable from each other by their determinate qualities. Even when two objects have identical sensible qualities, we are generally still able to tell them apart by appealing to their spatio-temporal profiles. Thus, as long as we can associate each object through its uniquely identifying qualities with a specific person, there is no risk that an embodiment of one’s free will may be mistaken for something natural or something that embodies others’ free will and thereby fail to be

recognized as the embodiment of that person's free will. External embodiment in a determinate object is thus necessary, for Hegel, for mutual recognition as persons.

IV. Civil Society and Mutual Recognition as Persons

In the previous section, I argued that private property, which for Hegel is the external embodiment of one's free will, is necessary for our recognizing of each other as free persons. In this section, I argue that mutual recognition as persons is necessary for the very possibility of civil society, and hence of civil freedom.

To see this, let us start by recalling that civil freedom consists in the exercise of one's freedom to satisfy one's private ends by meeting others' needs. The satisfaction of each one's particular needs and wants is thus essential to being free in civil society. We have also mentioned that members of civil society recognize that the only way to satisfy their wide range of needs is by participating in the civil society, in which "with their own private purposes they also labor at the same time for others" (VNS§89).

The formation and maintenance of the system of needs, however, requires mutual recognition of each other's needs (PR§192). If I fail to recognize the needs of others and decide to produce, e.g., sculptures from human defecate, my work will be means to satisfy nobody's needs, and in turn I would have no means to satisfy my own needs. My social connections with others in the system of needs will be dissolved and I will, *de facto*, cease to be a member of civil society. By the same logic, without the general recognition of each other's needs and wants, there can be no system of needs and hence no civil society in the first place. No one's basic needs can be satisfied if a society consists only of people making different kinds of artworks. To be sure, this requirement of recognition of each other's needs is a basic one: it requires neither goodwill nor

genuine care about others' welfare, but only a basic acknowledgment that this need of others is a possible means for me to make a living. Still, this basic level of recognition is necessary for the possibility of civil society in the first place.

Mutual recognition of each other's needs further presupposes the mutual recognition of each other persons. That is, Hegel thinks that before we can recognize *the needs of other persons*, we must first recognize them *as free persons*. The importance of the latter recognition lies in the fact that we do not treat the needs and wants of non-persons as worth recognizing or respecting in themselves, because we do not recognize them as being free. As non-free beings, they cannot participate in the civil society, because they cannot choose to do things to satisfy others' needs in order to satisfy their own. We do recognize the needs of plants and animals, of course, when they have instrumental value to us or when we feel like we have some moral reasons to help them (see PR §8A, §44A). Hegel does not think, however, that we need to recognize the needs of any animal or plant in the same way in which we recognize the needs of other persons. A lion in the wild might be really hungry and need some prey as food; we typically do not, however, recognize that need as something we should help satisfy. Hegel even goes so far as saying in his 1818-19 lecture that "I have a right to live, whereas animals have no right to live" (VNS, 329). The same goes with the wildflower that needs water in a drought. Animals and plants, for Hegel, are mere things that can be appropriated freely rather than free persons, and it is for that reason that we do not recognize their needs in the same way that we recognize the needs of fellow members of civil society, even when they are not able to actively participate in civil society (see PR§241; VNS§118).

In civil society, by contrast, people do recognize that others' needs are worthy of their basic acknowledgment and of their labor. That, again, is not because burghers genuinely care about each other, but only because they recognize each other as free persons, who can freely choose to

acknowledge some needs and work to satisfy them to earn one's own living. In other words, civil society is grounded upon its members' mutual recognition of each other as not mere animals, but free persons. If there is a general lack of mutual recognition as persons, then people will not try to satisfy their private ends by cooperating with others in a system of needs. Instead, they will try to enslave each other and exploit each other to satisfy their own needs, if they regard each other as mere animals. Thus, insofar as private property is necessary for recognition of each other as persons, it is also necessary for civil society and hence civil freedom.

V. Private Property and Embodiment

So far, I have argued that, for Hegel, private property, as the embodiment of personal freedom, is necessary for mutual recognition as persons, which in turn is necessary for the possibility of civil freedom. We now need one final premise to complete the argument mentioned at the end of section II, namely the premise that *private* property is necessary for proper embodiment of the will. Hegel makes this claim at PR§46:

[S]ince my will, as the will of a person, and so as an individual will [*Wille des Einzelnen*], becomes objective to me in property, property acquires the character of private property.

He further elaborates in one of his lectures:

As person I am a free being; in the sphere of universality I am wholly an individual; in the thing [I own] I must be for myself in all my individuality, and so I must own it fully, freely; and [it follows] that there must be private ownership (VNS§26).

In both passages, Hegel suggests that any property that can really embody a person's freedom must be that person's *private* property, because otherwise the property one owns is not an embodiment of that person's *individual* will. By individual will Hegel means a will that distinguishes itself from others (PR§13). For a thing to embody one's individual will is thus for it to manifest one's will as distinct from other wills, which, by definition, precludes that thing from also embodying someone

else's will. Any property that embodies one's *individual* will thus must be private. The question we face, however, is why proper embodiment of the will for Hegel requires private property.

The answer to this question, I believe, is that for Hegel, no alternative system of property can really embody our free wills. Waldron (1988, 38-42) distinguishes three kinds of property: private, common, and collective. Common property is the system in which "each resource is in principle available for the use of every member alike" (Ibid, 41). It is the system of property that governs the state of nature. In our time, one example of common property are public parks. Collective property, on the other hand, is the system in which things are collectively owned by members of a society, but the rights to use them are not open to everyone but are determined and given to individuals by a central process or institution, such as the government or monarch, on consideration of the collective good. My focus in the rest of this section, then, will be on Hegel's rejection of these two alternative systems of property, i.e., on why Hegel believes that the systems of common and collective property cannot really embody our free wills.

Before I do that, however, it is important to note that what Hegel rejects is not collective or common property *per se*. In the VNS passage above, Hegel's conclusion is that "there must be private ownership", not that there cannot be any non-private property. There indeed are things commonly or collectively owned by people in many, if not all, systems of private property. Hegel certainly is not denying that fact, and that fact poses no threat to Hegel's argument so long as the system itself is still fundamentally grounded on private property. What he is rejecting, rather, are systems in which everything is either commonly or collectively owned rather than privately owned.

Regarding common property, Hegel says that "common property of such a nature that it may be owned by separate persons acquires the character of an inherently dissoluble partnership in which the retention of my share is explicitly a matter of my arbitrary preference" (PR §46). In

other words, he thinks that in any system of common property, things would end up being retained by persons and become their private property, and such a common ownership scheme would break down. In Hegel's view, then, a system of common property is fundamentally unstable. Common property works fine for resources that are abundant. When the pie is big enough, anyone can just come and take a bite at any moment. But when the resource is finite, such a system would break down without a central decision-maker.¹⁰ Each person, recognizing the finitude of the resource, would want to retain as much as one could for the satisfaction of one's own private desires. In the end, then, every unit of that resource would be retained by someone as his own private property, and the system of common property dissolves.¹¹

Now we move on to collective property, which Patten has taken to be something that Hegel cannot address. Patten may have reached this conclusion because Hegel only explicitly addresses common property but not collective property when he discusses private property (PR §46). Yet it is not hard to derive a response from what Hegel says about the use of something. Hegel's answer, as I read him, would be two-fold. First, collective property is ineffective in embodying one's free will through the exercise of one's freedom of choice. Second, collective property is an empty concept, and in essence it is still a form of private property. Let me explain them in turn.

As previously discussed, Hegel claims that in taking possession of a thing, I endow it with my ends. If my end is the satisfaction of my particular needs and desires, then that is my property's end. But this end is only actualized in my use of the thing, since only in using the thing is my need *actually* satisfied. So, it is in using a thing for the satisfaction of my needs that I really embody my

¹⁰ And with a central decision-maker, as Waldron notes, a common property system becomes indistinguishable from a collective property system.

¹¹ It must be noted that this story applies only to common property that "may be owned by separate persons" (PR§46). There are certain kinds of resources, such as community well or park, that are unmovable and inseparable, and Hegel certainly is not in denial of the existence of such kind of common property.

will into it or possess it. Thus, as Hegel notes, “if I have the full use of the thing I am its owner” (PR§61). That is, Hegel thinks that it is the will of the person who has the full use of a thing that is really embodied in the thing.

Now, in a society with a system of collective property, I may freely choose to let my will be embodied in things by choosing to make or create them with my labor. The right to use those things I make or create, however, does not automatically belong to me, but instead is to be decided by a central institution. If the right to use a thing I created is granted to another person, then in “change, destruction and consumption of the thing”, he has the full use of it. As a result, for Hegel, that thing I created now becomes the embodiment of only his free will (PR §59). This means that when making the decision of making that thing, I simply failed to externally embody my will in the object I chose. Thus, for me, the system of collective property is ineffective in embodying my free will through the exercise of my freedom of choice.

Moreover, Hegel believes that “over and above the entirety of its use, there is nothing left of the thing which could be the property of another” (PR§61). In other words, for Hegel, he who has full use of a thing is really the owner of it, and that thing is *de facto* his private property. Hegel believes that there is a contradiction between full use of something by one person and its abstract ownership by another, as a thing would be both thoroughly penetrable and partially impenetrable by one’s will at the same time (PR§62). Thus, there is no sense in which a thing can be collectively owned if an individual is to have its full use. So, on Hegel’s view, everything that is supposed to be *collectively* owned are in fact *de facto* only privately owned, and the idea of collective property is nothing but an empty concept. The only difference between a collective property system and an ordinary private property system would, for Hegel, be that the former involves a central distributor

of private property, and it is precisely that central distributor that is ineffective at actualizing people's personal freedom of choice.

VI. Conclusion

In this essay, I argued that Hegel's argument for justifying private property rests on the strategy that private property is, as the first embodiment of our freedom, necessary for mutual recognition as persons, which in turn is necessary for development from personal to civil freedom. Compared with the developmental readings, this interpretation has the advantage of ascribing to Hegel an argument that is, at least in form, adequate as a justification for private property. The structure of my argument makes it the case that private property is not only sufficient, but also necessary, for development towards civil freedom. Moreover, when compared with the non-developmental readings, it has the advantage of focusing primarily on, rather than ignoring, later development of freedom beyond abstract right.¹²

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Bibliography

- Brooks, T. (2013). *Hegel's Political Philosophy* (2nd ed). Edinburgh: Edinburgh University Press.
- Duncan, S. (2017). Hegel on Private Property: A Contextual Reading. *Southern Journal of Philosophy*, 55(3), 263-284.
- Hegel, G. W. F. (2008). *Outlines of the Philosophy of Right*. (T. M. Knox, trans, S. Houlgate, rev). Oxford: Oxford University Press. [PR]
- Hegel, G. W. F. (1977). *Phenomenology of Spirit* (A. V. Miller, trans). Oxford: Oxford University Press. [PhG]
- Hegel, G. W. F. (2010). *The Science of Logic* (George di Giovanni, trans). Cambridge: Cambridge University Press. [SL]
- Hegel, G. W. F. (2007) *Philosophy of Mind*. (W. Wallace & A.V. Miller, trans, M.Inwood, rev). Oxford: Oxford University Press. [EG]
- Hegel, G. W. F. (2012). *Lectures on Natural Right and Political Science*. (Transcribed by P. Wannenmann; J. M. Stewart and P. C. Hodgson, trans.). Oxford: Oxford University Press. [VNS]
- Houlgate, Stephen (2017). Property, use and Value in Hegel's Philosophy of Right. In Allen Wood (ed.), *Hegel: Elements of the Philosophy of Right*. Cambridge, U.K: Cambridge University Press. pp. 37-57.
- Knowles, Dudley (2002). *Routledge Philosophy Guidebook to Hegel and the Philosophy of Right*. Routledge.
- Moyar, Dean (2021). *Hegel's Value*. New York: Oxford University Press.
- Patten, A. (1999). *Hegel's Idea of Freedom*. Oxford: Oxford University Press.
- Reeve, A. (1986). *Property*. Atlantic Highlands, NJ: Humanities Press.
- Ryan, A. (1984). *Property and Political Theory*. Oxford: Blackwell.
- Waldron, J. (1988). *The Right to Private Property*. Oxford: Oxford University Press.