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HEGEL'S JUSTIFICATION OF PRIVATE PROPERTY

Alan Patten¹

I Introduction

Hegel subscribes to one of the oldest and most common justifications of private property in the history of political thought: the view that there is an intrinsic 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'.² Because property gives 'existence' to freedom, it grounds a right (*Recht*) both in Hegel's technical sense of the term,³ and in the everyday sense that it imposes various duties and obligations, e.g. of non-interference, on others.⁴

¹ A very early version of this paper was read by Jerry Cohen and Michael Inwood and several later versions were read by Michael Rosen. I am grateful to all three for their helpful comments and criticisms.

² *PR*, § 45. Throughout this paper I have used the abbreviations listed below to cite Hegel's texts. An 'A' following a paragraph number indicates that the reference is to an Addition culled from Hegel's lectures and included in standard editions of Hegel's works. Where I cite the German text only, the translation is my own.

Enc, III *Hegel's Philosophy of Mind*, trans. William Wallace and A.V. Miller (Oxford, 1971).

Enz, III *Enzyklopädie der philosophischen Wissenschaften III, Werke*, 10.

LPWH *Lectures on the Philosophy of World History: Introduction*, trans. H.B. Nisbet (Cambridge, 1975).

PR *Elements of the Philosophy of Right*, trans. H.B. Nisbet (Cambridge, 1991).

VGP, I–III *Vorlesungen über die Geschichte der Philosophie, Werke*, 18–20.

VG *Vorlesungen über die Philosophie der Geschichte, Werke*, 12.

VRP, I–IV *Vorlesungen über Rechtsphilosophie*, Vols. I–IV, ed. Karl-Heinz Ilting (Stuttgart, 1974).

VRP, 17 *Die Philosophie des Rechts: Die Mitschriften Wannemann (Heidelberg 1817–1818) und Homeyer (Berlin 1818–1819)*, ed. Karl-Heinz Ilting (Stuttgart, 1983).

VRP, 19 *Philosophies des Rechts: Die Vorlesung von 1819/1820*, ed. Dieter Henrich (Frankfurt, 1983).

Werke *Hegel: Werke: Theorie Werkausgabe* (20 vols., Frankfurt, 1970).

³ *PR*, § 29.

⁴ On the correlation between rights and duties, see *Enc*, III, § 486.

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That there is some sort of connection between freedom and private property is a thesis which 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.⁵ 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 the decentralization of power that is entailed by a system of private property acts as a check against tyranny.⁶

In this paper, 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 which make up free personality. Hegel insists that it is only in possession of property that I 'become an actual will'⁷ or 'give my will existence'.⁸ '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'.⁹ 'The rational aspect of property', he adds, 'is to be found . . . in the superseding

⁵ For critical discussion of this kind of justification of private property, see G.A. Cohen 'Capitalism, Freedom and the Proletariat', in *The Idea of Freedom: Essays in Honour of Isaiah Berlin*, ed. Alan Ryan (Oxford, 1979), pp. 9–25, especially pp. 11–17, and John Christman, *The Myth of Property* (Oxford, 1994), Ch. 4.

⁶ For a defence of this view, see Milton Friedman, *Capitalism and Freedom* (Chicago, 1962). For a good discussion, see Alan Ryan, *Property* (Milton Keynes, 1987), pp. 3–4 and Ch. 3.

⁷ *PR*, § 45.

⁸ *Ibid.*, § 46A.

⁹ *VGP*, II, 126.

of mere subjectivity of personality. Not until he has property does the person exist as reason.¹⁰

My aim in this paper is to develop a philosophical interpretation of Hegel's developmental thesis. Such an interpretation needs to address at least three different kinds of issues. The first, which is the focus of Section II, concerns what Hegel means by 'personality' and whether it is something which we should be concerned to develop today. The second issue, which I examine in Section III, 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 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? Sections IV and V 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*.¹¹ Like the present paper, 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'.¹² 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

¹⁰ *PR*, § 41A. For the claim that Hegel defends a subtle version of the social stability thesis, see Alan Ryan, *Property and Political Theory* (Oxford, 1984). Ryan's suggestion that 'Hegel is obsessed by getting rational man to feel an adequate loyalty to his own state' (*ibid.*, 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' (*ibid.*, p. 124). The main problem I see with Ryan's interesting interpretation is that it downplays the kinds of passages that I have 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 only has such consequences when everyone has some property — a point which is acknowledged by Ryan (*Property and Political Theory*, p. 124).

¹¹ Jeremy Waldron, *The Right to Private Property* (Oxford, 1988), esp. Ch. 10.

¹² *Ibid.*, p. 353.

with the self-discipline required for them to be properly functioning persons.¹³ 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.¹⁴ The argument points to the need for private property, Waldron thinks, because if others were constantly intervening in the would-be carpenter's material interchange with the world then there would be no point in his engaging in discipline-inculcating long-term projects at all; others would just upset them.¹⁵

Waldron's interpretation is impressive in its attempt to put together a philosophically interesting justification of private property which 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 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.¹⁶ If anything, it is the condition of propertylessness that forces people to become resourceful, imaginative, forward-looking and so forth. At the same time, private property is not *necessary* because there are other ways of developing the abilities in question which 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 obviously presuppose a system of private property.¹⁷ Presumably a central way in which we learn self-discipline is by being told that we cannot have something we want unless we do some-

¹³ *Ibid.*, pp. 370–4.

¹⁴ *Ibid.*, p. 372.

¹⁵ *Ibid.*, pp. 373–4.

¹⁶ *Ibid.*, p. 373.

¹⁷ Hegel laments the fact that Plato denies private property to his Guardians (*PR*, § 46, *VGP*, II, pp. 125–6). But given the rigorous education that Plato subjects his Guardians to, it would be ludicrous of Hegel to deny that the Guardians have the capacities for planning and self-discipline.

thing unpleasant first (e.g. 'You can't have your pudding until you finish your peas!').¹⁸

The weakness of Waldron's account as an interpretation of Hegel lies in the way in which it sidelines two themes which 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.¹⁹ 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 that acts on the object (e.g. 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 which is downplayed by Waldron's interpretation is that of mutual recognition.²⁰ As we shall see in Section V, 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 paper I develop an alternative approach to Hegel's justification of private property, one which restores to a central place the two important themes that are marginalized by Waldron.²¹ Although I believe that the argument I end up attributing to Hegel is stronger than the one developed by Waldron, for reasons I suggest in the concluding section I am sceptical about whether it is an adequate defence of private ownership. For the most part, however, my aim throughout will be to make the most out of Hegel's argument and not to criticize it.

¹⁸ 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 (*Enc*, III, § 435A), Hegel holds that in modern European societies it occurs in the context of the family (*PR*, § 174A).

¹⁹ *PR*, § 45. I discuss this idea in Section III, below.

²⁰ Waldron argues that the need for recognition could be satisfied by *any* system of property, not just private property. See Waldron, *The Right to Private Property*, pp. 303–4, 375. I suggest why Hegel may have thought differently in Section V, below.

²¹ Two papers which are quite congenial to my position are Peter G. Stillman, 'Property, Freedom, and Individuality in Hegel's and Marx's Political Thought', in *NOMOS XXII: Property*, ed. J. Roland Pennock and John W. Chapman (New York, 1980), pp. 130–67, and Dudley Knowles, 'Hegel on Property and Personality', *Philosophical Quarterly*, Vol. 33, no. 130 (1983), pp. 45–62. Unlike these papers, but like Waldron's book, I shall focus here on how, and to what extent, the argument developed by Hegel constitutes a justification of *private* property rather than property arrangements more generally.

II 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 Right'. The central assumption of 'Abstract Right' is that the agents, or wills, who make up the social world are *persons* or possess *personality*.²² This assumption distinguishes the social world of abstract right from the worlds of morality and the ethical life, where agents are assumed not only to be persons but also subjects and members respectively; they possess not only personality, that is to say, but also subjectivity and substantiality.²³

'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.²⁴ 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 (e.g. 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 which will concern us here, for central amongst the institutions which Hegel thinks necessary for personality is private property.

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

²² PR, § 33A, § 35.

²³ *Ibid.*

²⁴ On Hegel's project as an attempt to *reconcile* modern Europeans to their social world see Michael Hardimon, *Hegel's Social Philosophy: The Project of Reconciliation* (Cambridge, 1994), esp. Ch. 3. Waldron, *The Right to Private Property*, pp. 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*, pp. 139–40.

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 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.²⁵

An agent can be said to be a person if and only if he (a) perceives that he has certain empirical features — e.g. 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.

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.²⁶

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. The fully free will, in Hegel's view, is the will which, in deliberating about what to do, does not take any of its 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.²⁷ To be free in this sense 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.

Many people shy away from full Hegelian freedom on the grounds that is too demanding. How could someone deliberate about what to do in *complete*

²⁵ *PR*, § 35.

²⁶ *Ibid.*, § 37.

²⁷ *Ibid.*, § 21.

abstraction from his given wants and desires? The same objection cannot, however, be made against Hegel's conception of free personality. 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 we subject our ends or situation to critical examination 'all the way down', nor that there is some set of rational ends to be discovered once we embark on this 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 which human beings necessarily have (in this sense, some human beings are *merely* animals).²⁸ Personality involves a set of capacities and self-understandings which are acquired only through *Bildung* — a process of education and acculturation achieved through one's social experience. 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.²⁹ 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'.³⁰

III A Puzzle

This brings us to the central problem that I want to address in this paper. 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 been initially developed? This section represents a first attempt to answer these questions. By examining some of Hegel's claims about property in the *Philosophy of Right* I shall try 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 institu-

²⁸ *Ibid.*, § 35A.

²⁹ For instance, Hegel thinks that individual personality did not develop in Asian civilizations, and did so only to a limited extent in Ancient Greece. See *PR*, § 185; *VG*, pp. 152–3, 177, 306–9, 339; *VGP*, I, p. 372.

³⁰ 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, pp. 125–6.

tion. My conclusion, therefore, will be that there is a puzzle about how Hegel might attempt to complete his argument for private ownership. The remainder of the paper then tries to solve this puzzle.

Hegel's central assertion about property is made at Paragraph 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 which need to be unpacked. The first is the claim that, in property, I, as a free will, am an object to myself. In his 1817–18 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*)³¹ and that in property 'I regard myself as free'.³² 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 his personality,³³ 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 his personality in the sense of his capacity for independent reflection and agency?

A clue to Hegel's meaning can be found in the 1822–3 Addition to Paragraph 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 which it did not have before, a configuration which 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.

³¹ *VRP*, I, p. 256.

³² *Ibid.*, p. 254.

³³ As Knowles illustrates in the opening pages of 'Hegel on Property and Personality'.

Much of Hegel's subsequent discussion of taking possession and using property returns to this theme of manifesting or demonstrating 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 a piece of property, are, Hegel thinks, simply variations on a third way of taking possession — making a sign. '[I]t 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'.³⁴ 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.³⁵

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, etc. — the person manifests or demonstrates his supremacy over his natural environment; he thus sees that 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'.³⁶

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 are prominent in his social philosophy more generally.

The first of these themes, which Hegel often returns to, is that having a conception of oneself as free is an indispensable condition of being free. As Hegel puts it in his *Lectures on the Philosophy of World History*, for instance,

everything depends on the spirit's self-awareness; if the spirit knows that it is free, it is altogether different from what it would be without this

³⁴ *PR*, § 58A.

³⁵ *Ibid.*, § 59A. Cf. *Ibid.*, § 59: 'Use is the realization of my need through the alteration, destruction, or consumption of the thing, whose selfless nature is thereby revealed . . .'.

³⁶ 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.' Waldron, *The Right to Private Property*, p. 302.

knowledge. For if it does not know that it is free, it is in the position of a slave who is content with his slavery and does not know that his condition is an improper one. It is the sensation of freedom alone which makes the spirit free.³⁷

This requirement that one take oneself to be free in order to be free becomes quite transparent when it comes to the freedom of personality, for, as 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'.³⁸ 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 that one is indeed a free and independent agent.³⁹

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 which 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 only establishes 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;⁴⁰ and surely the primary challenge faced by the defenders of private

³⁷ *LPWH*, 48. Cf. *PR*, § 21 and § 57.

³⁸ *Enc*, III, § 431A.

³⁹ This is a central theme in Hegel's account of recognition. For good discussions, see Allen W. Wood, *Hegel's Ethical Thought* (Cambridge, 1990), Ch. 4; Charles Taylor, *Hegel*, pp. 148–57; and G.A. Kelly, 'Notes on Hegel's "Lordship and Bondage"', in *Hegel's Retreat from Eleusis: Studies in Political Thought* (Princeton, 1978).

⁴⁰ 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*, § 46A). As I suggest in Section VI, 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.

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, '[s]ince 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*'.⁴¹ 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 sustain his sense of independent agency by interacting with objects which are common property.⁴²

This brings me to the puzzle which will occupy us for the remainder of this paper: 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 farther 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.

IV

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,⁴³ but also because Fichte's *Grundlage des Naturrechts* remained the single most important work of political philosophy in Germany throughout the time that Hegel was developing his mature political theory.⁴⁴ Recent work has emphasized the extent to which Hegel's account of

⁴¹ *PR*, § 46.

⁴² For further discussion of this point, see Waldron, *The Right to Private Property*, p. 373.

⁴³ See, for instance, Hegel's 1802 essay *The Difference Between Fichte's and Schelling's System of Philosophy*, trans. H.S. Harris and Walter Cerf (Albany, 1977), which includes a seven-page discussion (pp. 142–9) of Fichte's *Grundlage des Naturrechts*.

⁴⁴ For a sustained attempt to argue for the relevance of Fichte to understanding Hegel's ethical and political thought, see Andreas Wildt, *Autonomie und Anerkennung* (Stuttgart, 1982), pp. 19–23 and Part III.

recognition was influenced by Fichte's *Grundlage*.⁴⁵ Less attention has been given to the relationship between Fichte's discussion of 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',⁴⁶ Hegel does mention Fichte several more times in the corresponding sections of his various lectures on *Rechtsphilosophie*.⁴⁷ 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.⁴⁸

Second, 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.⁴⁹ 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',⁵⁰ so for Fichte, 'the final ground of property in a thing is . . . the subjection of that thing to our purposes'.⁵¹

⁴⁵ e.g. *ibid.*, and Wood, *Hegel's Ethical Thought*, Ch. 4.

⁴⁶ *PR*, § 79.

⁴⁷ e.g. *ibid.*, § 52A, *VRP*, 17, pp. 48, 55, 59 and 104.

⁴⁸ For instance, at *VRP*, 17, p. 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*. For the 1793 account, see J.G. Fichte, *Beiträge zur Berichtigung der Urteile des Publikums über die Französische Revolution*, in *Johann Gottlieb Fichtes sämtliche Werke*, Volume VI, ed. I.H. Fichte (Berlin, 1845–6), esp. pp. 117–18.

⁴⁹ See J.G. Fichte, *Grundlage des Naturrechts*, in *Johann Gottlieb Fichtes sämtliche Werke*, Volume III, ed. I.H. Fichte (Berlin, 1845–6), pp. 94, 111–13. All translations from Fichte's *Grundlage* are my own. An often unreliable translation is A.E. Kroeger, *The Science of Rights* (London, 1889). For an excellent discussion of Fichte's conception of personality, and its relationship to Fichte's understanding of right and morality, see Frederick Neuhouser, 'Fichte and the Relationship Between Right and Morality', in *Fichte: Historical Contexts/Contemporary Controversies*, ed. Daniel Breazeale and Tom Rockmore (Atlantic Highlands, NJ, 1994), pp. 158–80.

⁵⁰ *PR*, § 44A.

⁵¹ Fichte, *Grundlage*, p. 117.

Like Hegel, Fichte considers property in the context of a theory of 'right' (*Recht*) more generally.⁵² Anticipating Hegel, he uses the term to refer broadly to any kind of social institution or arrangement which is a condition of the possibility of free personality and also, more narrowly, to what we think of as rights — that is, claims which we have that place others under duties to treat, or refrain from treating, us in certain ways.⁵³ Like Hegel, Fichte hopes to establish that private property is *rechtllich* in both of these senses: it is an institution which makes personality possible; and it is therefore something which 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 which has its basis not in any positive enactments of the political community, nor in the terms of any covenant or agreement which individuals may have entered into with one another, but only in the conditions of the possibility of free personality.⁵⁴

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'.⁵⁵ 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'.⁵⁶ This is not exactly the way in which Hegel formulates his conception of free personality, but nor is it wholly different from it either. It anticipates Hegel's idea that personality involves a sense of independence from one's given situation, a sense that that situation does not dictate what one must do or be.

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.⁵⁷ 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*).⁵⁸ 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 assumes that, because *Urrechte* refer only to the *social* conditions of the possibility of free personality, they arise only with respect to the second

⁵² *Ibid.*, pp. 111–17.

⁵³ *Ibid.*, pp. 94–5.

⁵⁴ *Ibid.*, pp. 94–5, 111–13.

⁵⁵ *Ibid.*, pp. 112–13.

⁵⁶ *Ibid.*, p. 113.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*, pp. 114–16.

way in which free personality might be thwarted, and specifically with respect to interventions by other people.⁵⁹ The main social condition of the possibility of free personality, he claims, 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 and unpreventable change in our world — that is, in the system of that which we have known and related to our purposes; then, however, would our free efficacy [*Wirksamkeit*] be disturbed.⁶⁰

From this premise, and from the premise 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 area of his known world, everything should remain just as he knew it, because he depends for his efficacy on his knowledge and would immediately be disoriented, or 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.⁶¹

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.⁶²

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

⁵⁹ *Ibid.*, pp. 113–15.

⁶¹ *Ibid.*

⁶⁰ *Ibid.*, p. 116.

⁶² *Ibid.*

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 paper; the other anticipates, but also extends in an interesting direction, the argument I attributed to Hegel in the previous section.

On the first construal 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, you can frustrate the realization of this purpose by digging up the soil for your 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 provide an opportunity to realize one's purposes by excluding others from access.

The flaw in the argument is equally familiar. Insofar 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 system.⁶³

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

⁶³ The objection sketched in this paragraph is made by Cohen, 'Capitalism, Freedom and the Proletariat', pp. 11–17.

result which will correspond to his own concept of the purpose of his activity. . . It is to be recalled 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 [*zweckmäßssigen Unterlassung*] of an activity, must be left undisturbed.⁶⁴

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

In the concept of freedom lies, first and foremost, only the capacity to formulate, through absolute spontaneity, concepts of our possible efficacy . . . But for a rational individual, or person, to find himself as free something else is required — 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.⁶⁵

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 Rechtsverhältniss*) in general.⁶⁶ 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'.⁶⁷ He claims that a subject can only constitute himself as free 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

⁶⁴ Fichte, *Grundlage*, p. 117.

⁶⁵ *Ibid.*, pp. 8–9. For discussion of this passage, see Neuhouser, 'Fichte on Right and Morality', pp. 164–5.

⁶⁶ Fichte, *Grundlage*, pp. 41–2.

⁶⁷ *Ibid.*, p. 42.

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 him and attribute his free efficacy only to himself'.⁶⁸ 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 they must take place in 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.⁶⁹

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 possibility of interventions by others affects the agent's knowledge of the situation: it introduces what he terms 'unforeseen and unpreventable changes . . . in our world'.⁷⁰ Where there are no interventions by others, changes in the object can be explained only by my purposes or by nature. If one assumes, as Fichte explicitly does, that the agent is sufficiently knowledgeable about the workings of nature⁷¹ then, where there are no interventions by others, he should be able to connect certain changes in the object with the plans and projects that were present in his will. On the other hand, where others have intervened the agent can no longer be confident that alterations in the object are due to *his* will; his perception of the object is not, as far as he knows, a perception of his own efficacy.

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

⁶⁸ *Ibid.*, pp. 41–2.

⁶⁹ *Ibid.*, p. 42.

⁷⁰ *Ibid.*, p. 116, quoted above on p. 590. See also pp. 114–15: 'Free efficacy and determinate knowledge condition one another mutually'.

⁷¹ *Ibid.*, pp. 114–16.

which 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 construal 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 which 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.

V

Property and Recognition

No doubt a number of possible objections, both interpretive 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 is in conflict with other more communitarian tendencies in his thought.⁷² For the argument implies both that an isolated individual could develop and sustain a free personality and that

⁷² For the claim that Hegel's conception of personality is 'individualistic', see Stephen R. Munzer, *A Theory of Property* (Cambridge, 1990), p. 82.

the presence of others makes it more difficult for him to do this. Elsewhere, however, Hegel argues that an individual can only develop his capacities for freedom and agency in the context of a community with others which provides for mutual recognition.⁷³

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?⁷⁴

To see how Hegel might respond to these objections we need to introduce one final element into his account, an element which is not very prominent in the published *Philosophy of Right* discussion of property, but which is central in earlier versions of the argument. These are found not only in the Heidelberg *Encyclopedia* (VRP, I), published by Hegel in 1817, but also in the transcripts of Hegel's 1817–18, 1818–19, and 1819–20 lectures on *Rechtsphilosophie* (VRP, 17, VRP, I and VRP, 19 respectively). These versions of the argument explicitly emphasize the important relationship which 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 which are integral to free personality. It is this element of recognition which can help Hegel to respond to the objections raised above.⁷⁵

⁷³ See, in particular, his *Encyclopedia* account of recognition: *Enz*, III, §§ 424–38.

⁷⁴ I am indebted to G.A. Cohen for suggesting this example to me.

⁷⁵ For other commentaries emphasizing the importance of recognition for Hegel's account of property, see J. Ritter, 'Person and Property: On Hegel's *Philosophy of Right*, Paragraphs 34–81', in *Hegel and the French Revolution*, trans. Richard Dien Winfield (Cambridge, Mass., 1982), p. 137; Stillman, 'Property, Freedom and Individuality in Hegel and Marx', pp. 137, 148; Knowles, 'Hegel on Property and Personality', pp. 56–7; Seyla Benhabib, 'Obligation, Contract and Exchange: On the Significance of Hegel's Abstract Right', in *State and Civil Society: Studies in Hegel's Political Philosophy*, ed. Z. Pelczynski (Cambridge, 1984), p. 172.

An initial worry is that the problem of recognition has already been dealt with by Hegel in an earlier section of his philosophical system, a section which the *Philosophy of Right* explicitly presupposes.⁷⁶ Nevertheless the *Philosophy of Right* does often return to the theme of recognition⁷⁷ and it is important to see why. The reason, I suggest, can be traced back to an unresolved problem that remains from Hegel's initial treatment of the topic.

In the struggle for recognition, agents are led by a need to affirm their own sense of agency to attempt, through force, to extract the recognition of their fellows. This attempt involves the risking of life in a deadly combat with the other. This combat arises, in part of course, because *both* agents are concerned to achieve the desired sense of their own agency: neither is willing to give up the goal of liberation without putting up a fight.

But the risking of life in combat is important for Hegel's account for another reason as well. In order to *attract* the recognition of the other, the agent needs to do something to *show* the other that he is free: each self-consciousness has, as Hegel puts it, the 'drive to *show* [*zeigen*] itself as a free self, and to be as such for the other'.⁷⁸ The other's recognition that I am free needs to be *mediated* by some demonstration by me of my freedom and independence.⁷⁹ Risking my life in combat is this kind of demonstration: it shows that I am indifferent to, and not dependent on, my natural existence. 'At this stage', Hegel explains, 'man demonstrates his capacity for freedom only by risking his own life and that of others'.⁸⁰

The violent struggle between agents is clearly of limited duration. It leads eventually either to the death or to the surrender of one of the combatants. The latter case sets up the master/slave relationship. This relationship raises an important problem: now that the combat is in the past, what mediates the recognition of the master by the slave? Now that he is no longer risking his life, what *existence* does the master give his freedom such that the slave can recognize him as free? How does he *demonstrate* his freedom to the slave?

The answer of course is that the master does *not* adequately demonstrate his freedom and this is exactly the defect of the master/slave relationship: having won the battle he slips back into a passive life of consumption and sensuous pleasure. The slave recognizes the master because he is forced to, not because there is something indicative of free agency in the master's activity. It is the

⁷⁶ *PR*, §§ 35, 57 and 71.

⁷⁷ See, for example, *ibid.*, §§ 40, 48, 51, 71, 86, 112, 113, 177, 207, 217A, 218, 238, 253, 260.

⁷⁸ *Enc*, III, § 430.

⁷⁹ As Hegel puts it in his 1819–20 lectures: 'In order to become recognised as free, I must also show myself to be free in my existence' (*VRP*, 19, pp. 73–4).

⁸⁰ *Enc*, III, § 421A.

slave, if anyone, who gives objective existence to his agency through his disciplined activity of formative work.

The failure of the master/slave relationship is resolved by the transition to 'universal self-consciousness', which is Hegel's term for a community of mutually recognizing free agents.⁸¹ It is important to note, however, that even in this community the need for recognition to be mediated still arises. Given that agents are no longer risking their lives in battles with one another, they need to find some alternative means of demonstrating to one another that they are free. They need to manifest their agency in ways that can attract the recognition of the other. Hegel acknowledges this problem and gestures at the solution in a lecture version of his account of recognition. The individual, he claims, 'makes himself worthy of . . . recognition' by showing himself to be a rational being: he does this by obeying the law, by filling a post, by following a trade, and by other kinds of working activity.⁸²

The interesting claim which Hegel makes in many of the pre-*Philosophy of Right* versions of his account of property is that private property mediates recognition in the sense I have been outlining. In the Heidelberg *Encyclopedia* of 1817, for example, he argues: 'As a person . . . I have my realization only in the being of other persons, and only through them do I become an actual person for myself'.⁸³ The object of property is the 'medium' (*Mitte*) which makes this recognition possible. Through property my will has, for others, a 'determinate recognizable existence'.⁸⁴ In his 1817–18 lectures he argues:

Possession is essentially the externalization of the will: through the sphere of existence, I externalize my personality. Through its existence, the

⁸¹ *Ibid.*, § 436.

⁸² *Ibid.*, § 432A. Recognition needs to be mediated in a second way as well, since individuals must find ways of *expressing* their recognition of the other — something which may also require various institutions and practices. It is perhaps for this reason that Hegel associates recognition with contract (*PR*, § 71). It is implicit in the contractual relation that each party expects the other party to fulfil his commitment because it was freely and voluntarily entered into. If one party fails to carry out his obligations the other can complain: 'But nothing forced you to agree in the first place; you did so out of your own free will.' By entering into a contract with you I am expressing a recognition that you are the kind of being to whom it would be appropriate to direct this kind of complaint. I am, in effect, offering my recognition that you are a free and responsible person, capable of making choices for yourself.

⁸³ *VRP*, I, p. 146.

⁸⁴ *Ibid.* The claim that property mediates recognition is made even more explicitly in the 1827 and 1830 editions of the *Encyclopedia*; see *Enc*, III, §§ 490–1.

external being of the will creates being for another; through it, my will becomes recognizable by another.⁸⁵

In 1818–19 he notes: ‘Property only contains existence when the person becomes for another, that is to say, is recognized.’⁸⁶

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:

My inner idea and will that something should be *mine* is not enough to constitute property, which is the *existence* of personality; on the 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.⁸⁷

He also says: ‘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.’⁸⁸

Once recognizability is seen as central to the ‘existence’ which 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 which 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 which 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 which it has undergone and believe that it was his agency which 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 which 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

⁸⁵ *VRP*, 17, p. 48. See also *ibid.*, pp. 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 the rightful, absolute side [of personality], and this is that, in property, persons recognize one another . . .’, and then: ‘My existence in my property is a relation to other persons; here mutual recognition is created; the free is for the free.’

⁸⁶ *VRP*, I, p. 265.

⁸⁷ *PR*, § 51.

⁸⁸ *Ibid.*, § 40.

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 mutual recognizing free agents is to be possible.⁸⁹ 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 is evidence of somebody's purposive activity (e.g. 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. Insofar 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.

VI

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. Let me conclude then on a rather sceptical note by mentioning two important problems I see with the argument.

The first 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

⁸⁹ cf. Benhabib's comment that Hegel 'proceeds from the standpoint of a community of individuals who come to recognise one another as persons to specify the forms of social interaction through which such recognition is concretized as a practice'. Benhabib, 'Obligation, Contract and Exchange', p. 173.

which make reference to the collective interest.⁹⁰ It seems possible that some such system could be devised which allocated to individuals the degree of exclusive access that they require to manifest their agency but which, in other respects, falls short of a system of private property. 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.

The second more serious problem with Hegel's argument is that it seems vulnerable to the objection that there are likely to be situations in which agents can be confident that the transformation of some object is due to some particular individual's agency, even where that individual does not have exclusive access and control over the object: it might, for instance, have been transformed with the characteristic style and flourish of that individual. More generally, the argument seems insensitive to what is probably the great variety of ways in which people actually develop and sustain their capacities for agency and signal these capacities to other people. Whereas Hegel is making a priori philosophical claims about the ways in which people develop certain self-understandings and abilities, what really seems appropriate here is empirical psychological investigation.⁹¹

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⁹⁰ For the distinction between private, common and collective property systems, see Waldron, *The Right to Private Property*, pp. 37–46.

⁹¹ This is not to assume that empirical research will falsify Hegel's claims. For a discussion of recent psychological studies supporting the contention that property works to reinforce a person's sense of agency, see John Christman, 'Distributive Justice and the Complex Structure of Ownership', *Philosophy and Public Affairs*, Vol. 23, no. 3 (1994), pp. 225–50, pp. 235–8.