

Philosophical Notion of Property

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When I first discovered the idea that rights can be taken to be morally important in three different ways, in an article written by Amartya Sen, I was fascinated; only through “the goal view” of the moral judgment of rights it is possible to arrive at a practical approach to the Philosophical notion of property.

But let's start from the very beginning. I am captivated by the philosophical approach to property due to the fact that it helps explain our way of life. On the other hand, I am aware that this topic does not enjoy wide interest among philosophers probably because they consider property as belonging to the sphere of economics, politics and law. At the same time, the sciences of economics, politics and law look at property in a fragmentary way and above all as a right, without taking into consideration the entire phenomenon of property. When property is treated as a right only, it then follows that when the existing property rights are not in any way violated, there are no violations of the human and social rights of man. But this is not so, because property rights themselves do not guarantee property ownership for the individual. Something more, the existence of property ownership does not insure, by itself, the intellectual development of man, which is the essential consideration from the philosophical point of view. This consideration of philosophy is not present as a goal in any jurisprudence, which indicates that there is no connection between the philosophical idea of property and the existing practices in civil society.

In her article, Amartya Sen¹ looks at rights from the moral point of view as instruments, constraints or goals. First, rights can be considered as valuable instruments to achieve other goals. This “instrumental view” is presented in the utilitarian approach to rights. In this view, rights are of no intrinsic importance. The second view, Amartya Sen calls “constrained view” and it takes the form of seeing rights as constraints on what others can or cannot do. In this view rights are intrinsically important. ‘The third approach is to see fulfillment of rights as goals to be pursued. This “goal view” differs from the instrumental view in regarding rights to be intrinsically important, and it differs from the “constrained view” in seeing the fulfillment of rights as goals to be generally promoted, rather than taking them as demanding only (and exactly) that we refrain from violating the rights of others’.

From my point of view, if we treat property rights only from the “goal view” then we can justify the philosophical concept of property in a practical way. I would like to draw your attention to Hegel’s notion of property because I think that he has made the most significant contribution on the issue of property as one of the essential dimensions of human existence in every society. I shall begin with an analysis of one of Hegel’s statements:

If emphasis is placed on my needs, then the possession of property appears as means to their satisfaction, but the true position is that, from the standpoint of freedom, property is the first embodiment of freedom and so is in itself a substantive end.²

What Hegel has in mind here is that if possession, as power over the thing, simply aims at satisfying human needs, then possession is the means of satisfying these needs. But according to Hegel, satisfying human needs is the mediating point for the realisation of the subject as free agent. In this way the power over the thing appears as means for the development of the subject. The very necessity for self-development of the subject is in the sphere of social needs, which differ from the necessities of nature.

Still Jean-Jacques Rousseau classifies human needs into two main classes. The first comprises those goods such as food, clothing and shelter, which are of essential importance for the reproduction of life and whose significance for human beings is derived primarily from the requirements of their physical constitution. The second class is made up of needs that have their origin not in the biological nature of people, but in the nature of people as social beings; those needs which are related to the acknowledgment of the values one possesses and which are worthy of other people’s esteem. The social values which one possesses are knowledge, skills, ability to reflect on oneself and on social life, and the ability to create new environments.

The fulfillment of both types of need necessitates the inherent involvement of others, or in other words, man satisfies his needs in interaction with others. The relations through which man satisfies his physical needs could be viewed as economic relationships. Through these economic relationships man produces and acquires the necessary commodities needed for his livelihood and well-being. The economic relations arise as a result of the division of labour and the development of the production relations in society.

The social needs are of intellectual and psychological character. These needs are satisfied through the interaction of people when they exchange their social experience and knowledge. The biological and the social needs are closely intertwined and bound together. This is so because the economic relations have come to permeate and determine substantially all aspects of social life.

The economic relationships appear as a kind of paradigm for the organisation of interpersonal relationships. Even more, the universal exchange of knowledge and experience in the advanced capitalist democracies become possible due to the universal character of the economic relationships. These appear as an exchange structure for all ordinary interactions.

On the other hand, the physical needs acquire certain social characteristics, which means that these needs become more complicated and less easy to satisfy. Thus with the development of society, biologically based needs quickly cease to be purely biological in nature. In turn, the fulfillment of the psychological and intellectual needs gives rise to new economic necessities with new social characteristics. In this way biologically based needs come to be determined in part through social interactions fulfilling the intellectual needs. If one fails to achieve the minimal standard of the intellectual needs, this leads to a less than human existence, a circumstance that is incompatible with the requisite standing, that the satisfaction of intellectual needs strives to attain. Conversely, even those needs that derive most immediately from our biological nature take on psychological and intellectual significance and become essential for the achievement of self-esteem, as well as the esteem of our fellow beings.

In conclusion, this blurring of the distinction between the physical and intellectual needs shows that we cannot find some objective quality of needs that gives us certain criteria for the distinction between possessions and property. Therefore, we should examine the subjective character of need, that is, the way need presents itself to and influences the behavior of the subject to whom it belongs.

The subjective character of human needs could be examined through the character of the activity by which one satisfies these needs with reference to the way the subject is determined. If the activities of the subject make him dependent on the conditions of his existence, then this activity satisfies his biological needs. If this activity makes man a self-determined subject, who

uses the conditions of his existence to realize his inner goals, then this activity satisfies his social needs. Here is the general plan of Hegel's argument, which must be discussed in detail.

Human needs are not fulfilled by mere instinct but through man's ability to think or more precisely through the power of his will. Very often the will is described as the intermediate element between thought and action but in practice the will embodies both as planned action.

Hegel asserts that willing involves the pure thought of oneself, which is absolutely abstract, absolutely universal, by which he may mean that this thought is free of all content. Willing also involves a content which can be given by nature or produced out of the content of the mind. Depending on which type of content predominates in the will, the will exists as free in itself or as free for itself. When the will is free in itself, the willing action is determined from outside the subject, and the opposite, when the will is free for itself, the willing action determines the subject as such. This is so because in the first case the will reflects on its needs immediately. In the immediate will its content is given by nature. Impulses, desires and inclinations get in each other's way and the satisfaction of one impulse demands the suppression of another by the contingent decision of the will. In this case man does not act in accordance with any general principle, but he does as he pleases. The will is free to decide what it wants or prefers (in other words the will is free in itself), and as far as impulses come from outside, the actions satisfying its needs are determined from outside.

In the first case, the will does not reflect on its needs in an immediate manner, and thus, man does not act as he pleases. The will reflects on the impulses posed by nature, in other words its desires, through the comparison with the totality of satisfaction and the consequences related to it.

This way of reflection is possible when man takes into account not only what pleases him but also what pleases others. This kind of reflection invests material with abstract universality, due to the fact that the will reflects on itself through universal knowledge and norms accumulated into the social relationships. In this way thought takes charge over the natural force of the impulses and the will is free for itself because the actions of the will are self-determined.

The difference between determined, and self-determined actions of the will is in the degree of the development of the subject. In the first case, the subject uses the formal powers of his subjective mind, which enables him to plan his actions. Irrespective of his ability for planned

actions, these actions are nevertheless determined by nature (conditions of existence) and in this way they satisfy primarily natural needs, irrespective of their social form.

In the second case, the subject has developed his formal powers of his subjective mind into the social relationships, which function as objective mind. Through this social relationship man acquires knowledge and skills and again through these social relationships man objectifies himself, creating conditions for his self-development. The will is self-determined by the content of its universal thought, and its actions satisfy primarily social needs irrespective of their biological form. Hegel's view on free will seems to be that, free will is the will of a man who knows that the objects of his will are themselves forms of mind and not alien to it. And property is not means satisfying physical needs but rather means for intellectual development.

The things of the objective world become property only in relation to one's will; they are not property by themselves. Only through the mastery and transformation of the world can the will be actualized and personality made concrete. To be realized the will needs to possess and appropriate the external world and in so doing transform it for its own use. In this process the mind is developed because "personality is that which struggles to lift itself above the restrictions of the external world in order to give itself reality or, in other words, to claim the external world as its own."³

In this way this relationship-process between the human personality and the external world immediately generates a social dimensions – the object, which when appropriated and transformed into mind dependence becomes property. Therefore, for Hegel property is the embodiment of the person's attempt to develop his own powers and come to self-consciousness by the appropriation of his environment. Because of this the philosopher's task is not to provide some justification for property but rather to understand it and comprehend it as a phase in the development of the human mind. Due to the fact that the will as made concrete in property is a way in which self-consciousness is developed, it follows that the central characteristic of property is that it is private. Any attempt to justify the common ownership of property on the grounds of some revisionary political and social theory will not do for Hegel because it ignores the role which property has in the development of the self-awareness of individuals. Since property is the embodiment of one's will, it is necessary to make clear that the actual relationship

between the willing subject and what it claims to be his property is a process where the subject develops himself through self-determining activity.

When man relates to the means of existence as belonging to him, he becomes an object of self-reflection. In Hegel's words: "To have power over a thing *ab extra* constitutes possession. The particular aspect of the matter, the fact that I make something my own as a result of my natural needs, impulse, and caprice, is the particular interest satisfied by possession. But I as free will I am an object to myself in what I possess and thereby for the first time an actual will, and this is the aspect which constitutes the category of property, the true and right factor in possession."

In order to understand property as a form of development of the human mind we should look at the distinction Hegel makes between subjective and objective mind. In the subjective mind Hegel tries to clarify the formal powers of the human mind. These powers are developed in the social relationships, which in turn constitute the objective mind.

The development of the subjective mind is defined through the structure of S-O relationship, where the object mediates the identification of the subject in the process of its self-reflection as knowledge and as a mode of satisfaction of human needs.

In the structure of the subjective mind property appears as an object of consciousness through which consciousness relates to itself. In this self-relation, consciousness becomes self-consciousness. In turn self-consciousness does not identify itself fully with the object of consciousness, because self-consciousness needs an impulse, which supplies the object or introduces the object as means of existence by way of appetite or desire (appetite and desire are socially formed). In this way, property as an object of consciousness, and the object itself in relation to consciousness is knowledge (content of the object) and at the same time mode of relation to the object as means of existence (S – O relationship).

The development of the objective mind is defined through the objectification of consciousness into the social relationships and the transformation of these relationships into conditions for the development of the subjective mind. Through social relationships man acquires knowledge and skills and again through these social relationships man objectifies himself as knowledge and skills into material and spiritual products.

In the objective mind property appears as the institutional embodiment through which individuals relate to the means of existence as their own. If people relate to the means of existence as their own, then the means of existence become part of their subjective-objective system and through this system, they reproduce themselves physically and socially.

The transition from the subjective to the objective mind is the socialization of the individual into the productive co-operative labor activity of society, where he unconsciously cognizes himself in another. As Hegel explains, by a dialectical advance, subjective self-seeking turns into the mediation of the particular through the universal, with the result that each man in earning, producing, and enjoying on his own account is eo ipso producing and earning for the enjoyment of everyone else. "The compulsion which brings this about is rooted in the complex interdependence of each on all, and it now presents itself to each as the universal permanent capital which gives each the opportunity, by the exercise of his education and skill, to draw a share from it and so be assured of his livelihood, while what he does earn by means of his work maintains and increases the general capital."⁵

On the other hand, the transition of the objective to the subjective mind is the affirmation of singularity of the individual through self-reflection as an independent unit of society, where the self-reflection is realized as recognition of oneself by another in the process of institutional embodiment.

This reverse process is part of the necessary condition for the existence of the collective subject, which is made up of the relationships between the separate subjects. The process of self-reflection as recognition by others, satisfies the social necessity of man for the acknowledgment of the values one possesses, which are worthy of other people's esteem.

The institutional embodiment as a condition through which man relates to the things as a part of his subjective-objective system is secondary to the process of socialization. This is so because relating to the thing as his own, the individual reproduces himself as subjective-objective system but the degree of development of that system depends on the process of socialization.

Thus from philosophical point of view, property is not simply an object or a thing, neither a simple relationship between people but rather knowledge and mode of existence through which human mind is developed. However, this knowledge and mode of existence may be described as

a double relationship: relationship towards the means of existence mediated through the social relationships within society.

In order to explain this double relationship we propose to provide a simple model as to how this works: In the beginning, man identifies himself with the object of his consciousness as means of existence because he relates directly to the object as means, satisfying needs related to his physical reproduction. Then he expresses himself as knowledge about an object and the knowledge about his relation with the object into the social relationships, which then become social conditions for his existence. After that, man relates to these social conditions as an appropriation of his human essence through the acquisition of knowledge and experience. On their part, the acquired knowledge and experience become the mediating and determining moment in the relationship of man towards the means of existence. This is so because at this stage man does not identify himself with the knowledge for means of existence but with the knowledge about the mode in which he relates to the means of existence. In other words, man identifies himself with the knowledge and the experience of his relation to the means of existence and not with the means of existence themselves. As a consequence, man in the process of consumption of these means reproduces himself not only as a biological creature but also as a human being capable of acquiring knowledge. In other words, the satisfaction of the biological needs becomes the means for social reproduction. In this way, property as a relation toward the means of existence becomes social reproductive activity through which man relates to other people and to himself simultaneously.

On the other hand, collective knowledge and experience, which exists in society, sustains itself through objectification into material and spiritual products. The different modes in which people objectify themselves as knowledge and skills determine the social structure of society. In turn, the social structure sustains itself through institutional relationships which function as framework for individual consciousness through which the individual relates to others.

To summarize, the process of knowledge objectification and the appropriation knowledge through the social relationships determine the content of consciousness and also mode of human existence as social reproductive activity. Hegel's classification of the forms of development of consciousness is based on the degree to which knowledge acquired by people is objectified as conditions for their own existence. This is so because the conditions of human existence

themselves become objects of consciousness and this is the way by which self-consciousness kindles itself. Thus, the process of objectification of the subjective mind, and the objective mind itself, in the form of social relationships, become essential criteria for the development of the human mind in general.

Hegel asserts that classification of the forms of consciousness should be based on the objective mind and not the subjective mine, due to the fact that individuals can be best understood in terms of their deeds rather than in terms of feeling occurrences in their inner life. These criteria are applicable to the ontogenetical and philogenetical developments of the mind because they are based on the same mechanism of development.

The assertion of the individual subjectivity through the collective subjectivity enables the individual to express himself as part of a wider rationality which Hegel calls “embodiment of one’s will”. The embodiment of one’s will, is a true and right factor in possession, which defines property as such. The development of consciousness as interrelation between the objective and subjective minds is expressed into the subject-object relationship of the subjective mind as a relation of the individual toward the thing. In *The Philosophy of Right*, Hegel outlines three basic modifications of property as the will’s relation to the thing, namely: Taking possession, Use of the thing and Alienation of property. These three are respectively the positive, negative and infinite judgements of the will on the thing.

Taking possession of the thing directly is characterised as the positive judgement of the will, because the will reflects on itself in an immediate manner and the thing is affirmed positively as the immediate satisfaction of biological needs. The will is free in itself and the content of consciousness is given by nature rather than by the mind, therefore, the actions of the subject are determined from outside. This mode of property is a direct relation of the will to the thing and to itself, because it is mediated very slightly by the social relationships. There is almost no need of socialisation in order for the will to exert its power over the thing. If it is necessary for man to be embodied into the institutions in order to relate to the thing as his own, this mode of property corresponds to the first and basic right of man to the means of life. In the ontogenetic and phylogenetic development of consciousness, this mode of property corresponds to the initial stage of the development of consciousness.

Use of the thing is a mode of property where the will exercises negative judgement on the thing. This is so because the will does not reflect on itself in an immediate manner, and the thing is negated in itself in order to become means for the satisfaction of social needs. The thing becomes the means for the satisfaction of social needs when it is used not only as particularity but also as universality.

The thing itself has two opposite aspects. The first is the substance of the thing, and this substance determines the character of the thing as particularity. The second aspect is the thing's externality i.e. its non-substantiality, which is its value derived from consciousness. This second aspect of the thing Hegel calls universality of the thing as the opposite to its particularity. In general, if grasping the thing directly is possession of its particularity, than the use of the thing is possession not only of its particularity but also of its universality.

This mode of property is not a direct relationship of the will toward the thing and toward itself because the relationship is mediated through productive labour activity, which itself establishes social relationships with universal knowledge.

In the labour activity man unconsciously cognises himself in another or in other words socialises himself. Having been socialised man consciously struggles to assert his social entity through recognition by others. Only when this recognition is achieved, is he able to relate to the thing as his own, and the thing appears as means for his social identification. This is why this mode of property corresponds to the mature stage of the development of consciousness and requires the embodiment of the will into the social relationships as socialisation, and into social institutions as appropriation of his social capabilities. In the process of socialisation man asserts his social capabilities and at the same time he struggles for their recognition. These are two aspects of the same process – I do not first attain social individuality and then assert it, but rather I attain it through its assertion and in the struggle for it.

If there is incompatibility between the process of socialisation and the embodiment in the social institutions, than I, as positive will, would be, at one and the same time, objective and not objective to myself in the thing, which according to Hegel is an absolute contradiction. Hegel further explains this phenomenon in the following way: "My merely partial or temporary use of a thing, like my partial or temporary possession of it (a possession which itself is simply the partial or temporary possibility of using it) is therefore to be distinguished from ownership of the thing

itself. If the whole and entire use of a thing were mine, while the abstract ownership was supposed to be someone else's, then the thing as mine would be penetrated through and through by my will, and at the same time there would remain in the thing something impenetrable by me, namely the will, the empty will, of another.⁶ This quotation of Hegel's elucidates the contradiction between embodiment into social relationships and the embodiment into the social institutions (when they are incompatible) as the difference in the whole and partial use of the thing. When the thing is partially used then there is a limitation of the will of the owner who uses the thing by the will of the abstract owner. This is the basis on which Hegel differentiates between the term "ownership" and the term "realisation" of ownership. From my point of view, the term, "ownership" is described by the process of socialisation, while its realisation is described by institutional embodiment.

If society denies the right to private property, as was the practice in the former socialist camp, state ownership as institutionalised property has been penetrated by outside will. The attitude of the individual toward this mode of property is as to something foreign because one cannot realize one's own will upon it. This is the reason why the individual expresses his creative powers outside the common activity conducted under the domination of the state. This in practice means that participating in the common labour process the individual reproduces himself, reproducing the functions of the institutions but not the productive labour activity in society. Since they don't participate in the productive activity in society they realize their intellectual development within their private lives and sphere of existence where they give expression to their knowledge and abilities. This is the main reason for the failure of the socialist economy, where because of lack of interest and motivation for productive work the economy collapsed.

This is another proof of Hegel's position that the owner's will, in accordance with which a thing is his, is the primary substantive basis of property. Hegel explains: "since my will, as the will of a person, and so as a single will, becomes objective to me in property, property acquires the character of private property; and common property of such a nature that it may be owned by separate persons acquires the character of inherently dissoluble partnership in which the retention of my share is explicitly a matter of my arbitrary preference."⁷ The nature of the elements of common property makes it impossible for the use of them to become so particularized as to be

the private possession of anyone. One example given by Hegel is the Roman agrarian laws where there was a clash between public and private ownership of land. Hegel thinks that private ownership is the more rational and therefore has been given preference even at the expense of other rights. He further states that Plato's general principles for the ideal state, violates the right of personality by forbidding the holding of private property. The idea that everything could be held in common and rejecting the principle of private property mistakes the true nature of the freedom of the mind. As for the moral or religious view behind this idea, when Epicurus' friends proposed to form such an association holding goods in common, he forbade them, precisely on the ground that their proposal betrayed distrust and implied that those who distrusted each other were not friends.

If taking possession reproduces man mainly physically and he becomes aware of his biological needs and if the use of the thing reproduces man socially and he becomes aware of his social needs, then the alienation of the thing reproduces man as free agent because he comes to the awareness of his capability as a creative being. Thus, in the mode of alienation of property, man does not identify himself with the things he possesses; neither does he identify himself with the universal way of the use of the thing, but rather with the method in which the things are created. Due to man's identification with this method, the will has infinite judgement on the thing. This mode of property enables man to alienate the particular product created through man's labour without alienating himself, because he comes to self-consciousness not through objectified knowledge but rather through the knowledge, which is objectified in the product. This kind of self-consciousness as knowledge about the knowledge constitutes man's personality and according to Hegel some of the substantive characteristics of that personality are unalienable, such as the universal freedom of the will, ethical norms and religious beliefs. Another reason for this inalienability is the mode of man's externalisation into society, where the externalisation of man's personality as a creative person builds new relationships, due to the fact that the new products he creates contain new modes of use. These new modes of use transform my knowledge and skills into external relations, which in turn are the actuality of the totality and the universality of my being. Being simultaneously universal for myself and for others, man realises himself as free agent because he is able to express and externalise himself into a wider rationality.

These forms of historic development of property correspond to three principles on which individual property is based in contemporary society:

1. The rights to the means of life,
2. The rights to the fruit of one's labour, which requires access to the means of labour,
3. The rights to free life, which means access on equal terms to the means of labour that, are now for the most part corporately or socially owned.⁸

The property of the means of existence is the main form of property because it is historically the first form of property and survives to the present. In fact, the right to the means of life is included into the right of the fruit of one's labour and these two rights are included into the right of free life. Thus all three rights represent the right to the means of existence according to the way in which they were acquired in the varying degrees of development of social relationships.

In conclusion, I would like to refer to the beginning of this paper, which deals with the question of why "goal view" on property rights is the practical approach to the Philosophical notion of property. Only if we look at property relations as goal for the development of human intellect, than property rights overcome their abstract and formal mode, and become real actuality. This is so because through the embodiment of property rights as actuality, we can distinguish between the process, where property relationships play the role of human sustenance as opposed to the role property relationships play in human development.

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Notes

1. Amartya Sen, "Property and Hunger," in *Twenty Questions*, ed. C.P.Klien (Fort Worth, TX: Ted Buchholz, 1996).
2. G.W.F. Hegel, *The Philosophy of Right*. (Chicago Illinois: William Benton) 23.
3. *Ibid.*, 21.
4. *Ibid.*, 23.
5. *Ibid.*, 67.
6. *Ibid.*, 27.
7. *Ibid.*, 23.
8. C. B. Macpherson, "Capitalism and the Changing Concept of Property," in *Capitalism and the Changing Concept of Property*, ed. E. Kamenka (Cambera, Australia: Australian National University Press, 1975).