PROPERTY

Leif Wenar

In *The New Dictionary of the History of Ideas*
Charles Scribner's Sons (2004)

"There is nothing which so generally strikes the imagination, and engages the affections of mankind, as the right of property; or that sole and despotic dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe." (Blackstone, p. 2)

So said Blackstone, the great English jurist. Blackstone exaggerated: romantic love, sexual desire, and spiritual purity engage human creative attention as much as ownership of things. Yet Blackstone does not exaggerate the importance of property among human institutions. Property joins the family, the state, and the church as the most basic and universal structures of human society; and among these four, it is likely the most indispensable. A society might persist without kinship, kings, or priests, but it will not survive without distributing to its members stable control over its resources.

The significance of property can be appreciated by considering whether there is anything around you that is not owned by someone. This book, certainly (although the owner of the paper and ink—or the computer screen—will not be same person as the copyright holder). The chair on which you are sitting, all of the objects around you, the walls of the room, the surrounding building and the land on which it rests. Even the mineral deposits deep below you, and the airspace high above you, are owned by someone. Human beings themselves might be exceptions to this universal rule of ownership—although many think that there is a sense in which each person owns himself. And perhaps no one now owns the heavens. Yet if it is true that no one owns the planets and the stars, one feels that this is merely because humans have not reached them yet.

THE NATURE OF PROPERTY

What is property? One will search in vain for its essence. Our modern ideas of property are the product of millennia of change, their boundaries being stretched and cut to fit a long series of ideologies and social forms. We are today left not with one definition of the term but rather with a variety of usages, some overlapping and some aloof. The sadistic boss uses the language of property when he says to the employee "I own you," as does the plaintive lover who cries "You belong to me."

We can demonstrate the variety of meanings of the term by considering cases where it is not certain whether some thing is property or not. Is your passport your property? What of your vote, your entitlement to social security payments, or your lungs? Do you own your appearance, or your reputation? People will disagree on these cases; most will say that there is a "sense in which" each is property. This is the point that is being emphasized here. There are many "senses" of property, each of them attracting us with its own gravitational pull.

Thomas Grey has alleged that the dispersal of meanings has gone so far that we should say that the concept of property has disintegrated completely. Not only are there a range of concepts in ordinary speech, but specialists like lawyers and economists have defined their own discontinuous usages. Grey is partially correct, but he goes too far. There is a core of meaning to the idea of property, and at this core we find a prototype against which all other instances are measured.

The vital first insight into the nature of property distinguishes property from mere physical possession. Being in contact with an object is neither necessary nor sufficient for ownership. As Jeremy Bentham said: “A piece of stuff which is actually in the Indies may belong to me while the dress I wear may not.” (Bentham, p. 133) The ownership relation is not a physical relation between a person and the property, but a moral or legal relation among persons with respect to the property. Property is to possession as marriage is to mating.

As Bentham said the relation of ownership is not material, but metaphysical. What then is that relation? In all instances of ownership there are three variables: some *owner* has certain *rights* over the *property* that is owned.

Any number of entities can fill in the third, *property*, variable. Houses, steel factories, palaces, oil deposits, and interplanetary exploration vehicles can all be property, as can taxi medallions, dividends, parts of the broadcast spectrum, works of fiction, and even forms of life themselves. The things that are property have almost infinite variety.

The types of *owners* of property sort themselves into familiar categories. The public owns public property, the government owns government property, and private persons—either individuals or “artificial” persons such as corporations—own private property. There are also sometimes special rules for certain kinds of owners: for example, couples share rights over joint property, and in some countries church property is exempt from tax. Since the past five hundred years have seen the torturous rise of private property to predominance, private property will be our particular focus here.

It is the *rights* that define the relation between owner and owned that show the most variation. The most basic rights that define property are the rights of *exclusive use*. An owner has the right to use the property, and others may not use that property without the owner's permission. Beyond these rights of exclusive use, there are other rights that define some senses of "property" related either to the owner's control or to the property's value. An owner may have the right to transfer the property (if so, the property is alienable). An owner may have the right to sell the property (if so, the property is a commodity). An owner may have the right to receive a stream of income from the property (if so, the property is an asset).

These categories nest or overlap. Not everything that the owner may exclusively use may be transferred: you may not legally transfer your prescription drugs to anyone else. Not everything that can be transferred may be sold: for example, United States law allows the transfer, but not the sale, of eagle feathers. Nor is everything with economic value something that the owner has the right to sell. Trust funds and tenured professorships are assets, but they are assets that cannot be sold.

The core meaning of property is that of a commodity: that is, of an object of saleable rights of exclusive use. Commodities are prototype of property, and set the paradigm against which we measure less central senses of ownership. There is a "sense in which" one's lungs are one's property, since one has exclusive rights to use them. Yet there is also a sense in which they are not, since one cannot sell them to others. Similarly with one's reputation. One's reputation can be a financial asset, but there little sense in saying that one has rights to exclusive use of it. Reputation can be considered a type of property, but its distance from the prototype makes it property of a particularly attenuated sort. The commodity is at the core of our ideas about property, and, as we will see, debates over what should be put into this crucial category of commodities have been some of the most heated.

There are also secondary rights and liabilities that accompany ownership in most of its senses. An owner has a right to compensation should another damage his property; and an owner is liable should his property cause harm to someone else. We tend to take these secondary aspects of ownership for granted, yet as we will notice they can be of the first importance for the innovative approaches to property-related problems such as environmental protection.

GLOBAL VARIATIONS IN PROPERTY

When people discuss global variations in property, they are usually speaking either about differences in how property is distributed, or about differences in how property rules are formulated.

Inequality

The question of the distribution of property is the question of inequality. There is no one factor that explains why some countries have more equal property distributions than others, as we can see by taking income as the representative measure for all property. Some of the most egalitarian countries in the world (such as Hungary and Slovakia) have a tradition of equality that has persisted throughout large transformations in their political and economic systems. Other countries, for example those in Scandinavia, have made the limitation of inequality an explicit goal of government policy. The most remarkable recent decline in inequality was accomplished in socialist Cuba, which under Castro leveled its property holdings to a degree unparalleled in the Americas.

Among the major economic powers, Japan is the most equal nation and the United States the most unequal. Inequality has increased in the US during the period of conservative ascendancy that began in the 1970's, and the growth of inequality there appears to be related to a general strengthening of property laws. Latin America, dominated by entrenched land-owning elites, is the most consistently unequal region of the world. Many African countries, struggling with failed governments, are also highly unequal in their distributions of property—as is South Africa, which is only slowly recovering from decades of apartheid. Several nations in southeast Asia are marked by inequality that runs along ethnic lines, with the greater riches of minority ethnic Chinese communities being a perennial source of social friction.

Finally, the world itself is a very unequal place. The level of inequality across the globe is greater even than the inequality within the most unequal large country (Brazil). The richest 10% of individuals in the world control 50 times more of global income than do the poorest 10% of individuals, and the richest 1% of humankind receives more income in a year does than the poorest 50% (see Milanovic). There are lively debates over whether this global inequality is increasing or decreasing, and over the impact of globalization. The only safe conclusion to be drawn from these debates so far is that different conclusions about trends and impacts will be reached depending on the data that are used and income brackets that are examined.

The distribution of property has a profound influence on almost all aspects of human life. One window into this conclusion is the robust causal connection between levels of inequality and human health. There are good data from within the rich countries showing the influence of inequality on health outcomes. In all rich countries, the rich are much healthier than the poor. Moreover, the more unequal a country is in its property distribution, the more unequal it will be in the distribution of health. Interestingly, "middle" groups in rich countries with high inequality are less healthy than middle groups in rich countries with low inequality. Moreover, creating a more equal distribution of property makes the poor healthier without making the rich less healthy. When we consider the global correlation between inequality and health, we see the citizens of rich countries are on average much healthier than the citizens of poor countries. Further, as Paul Farmer has shown, poor individuals are much less healthy than rich individuals wherever they live. Regardless of where in the world they live, the poor tend to die younger from infectious diseases and violence, while the rich tend to die older from chronic conditions.

Variations in Global Property Rules

Global Convergence: Capitalism. Beyond the question of the distribution of property is the question of global variations in how property rules are formulated. If we look at the world as a whole, by far the most important change in political economy since the second world war is the transition to the near-universal acceptance of the legitimacy of private property in the means of production. This is a tremendous intellectual shift. The contrast between communist and capitalist countries, which defined half a century of world history, has vanished in most places and is vanishing in the rest. Even the Chinese constitution now requires that the right of private property be secured. The fates of the many millions of people who have made (and are making) the transition from a communist to a capitalist economy have been varied. On the one hand, the rapid privatization of state property in the former Soviet Union has been accompanied by a plunge in living standards to levels that are shocking within Europe. On the other hand, the gradual introduction of private property norms into the Chinese economy since the early 1990's has resulted in what is probably the greatest aggregate increase in well-being in human history.

The explanations for this remarkable global convergence on the acceptability of private property in the means of production cluster around two poles: the political and the economic. Private property is associated with various kinds of individual political freedom. One type of explanation for the recent transitions to capitalism, emphasized by Richard Pipes, is that the central control characteristic of communist states became intolerable to those wishing more individual control over the politics and less political intrusion into private life. The other cluster of explanations is economic. Communism is simply less efficient than is capitalism at generating goods and services. The leading explanation of this inefficiency in communist economies was expounded by the Austrian economist F.A. Hayek. Hayek's central insight is that the information about how and what an economy should produce is dispersed among millions of individuals, and that it is much less efficient to attempt to move this information to a central source of economic control (as state ownership systems do) than it is to disperse economic control to the individuals who have the information (as private property systems do).

Global Variation: Inheritance. Even though private property in the means of production has emerged as the global norm, there are still major variations among countries regarding more specific property rules. One of the most revealing dimensions of variation runs through the laws of inheritance. Inheritance laws are the site of several conflicting values. Parents tend to want to pass their property along to their children, either because this property is special to the family's history or because the they wish to increase their children's economic security. Yet inheritance laws also permit or even require various forms of inequality to persist across generations, the most significant of these being inequalities between families and between the genders. The way that a society frames its laws of inheritance reveals much about its social priorities.

The Islamic law of inheritance derives from the pronouncements of the Prophet in the Koran, which have spurred highly elaborated interpretations. All of the schools of interpretation agree that Islamic law requires a daughter to be given part of an inheritance (a very progressive rule in the Prophet's day), but limits her share to one half of what a son receives (which does not satisfy liberals today). Also notable in Islamic law are the strict limitation of inheritance to blood relations, and the prohibition on Muslims either bequeathing to or inheriting from those outside the faith. In countries where Islamic law is the basis of national law, one interpretation or another of the Koranic injunctions is codified. In India, on the other hand, the Islamic law of inheritance applies within Muslim communities but not elsewhere. The inability of India to generate a uniform civil code that would bind both the Muslim minority and the Hindu majority (as well as Buddhists, Jains, and Sikhs) is a symptom of the deep social differences that still divide this vast and sometimes volatile nation.

Among the Tswana tribes of Botswana, the rules of inheritance perpetuate the prevailing economic, familial, and gender relations. Most of the tribes are patrilineal, meaning descent is traced through the males. In these tribes the wealth of the family (mostly cattle) is kept within the family by passing most of it to the eldest son. Interestingly, in some of these tribes the rule is that ownership of the family household passes to the youngest son, thereby insuring that the widowed mother will be supported even if the eldest son moves away, and that the traditional family homestead will be preserved. Other Tswana tribes are matrilineal. In these tribes it is still a male who inherits the cattle, but it is a nephew (the oldest son of the oldest sister) not the son who receives the main inheritance. Here again we see the property rules sustaining, and even defining, the most basic social relationships over time.

Primogeniture (which vests ownership of land in the oldest son) is especially rewarding as a subject for investigation, because its presence correlates to important features in a society's economy. A Marxist thesis states that changes in political and economic rules will tend to follow developments in methods of production: as Marx said, the hand-mill gives you society with the feudal lord, the steam-mill society with the industrial capitalist. The history of primogeniture tends to bear out this hypothesis. In the English feudal period arable land was the most productive asset, yet land was quite limited and required large estates for it to be worked effectively (to divide it was to ruin it, as Adam Smith remarked). Primogeniture ensured that an estate would remain intact, instead of dissipating the land into inefficient smaller parcels by dividing it among sons. These same economic facts also obtained in Japan during the period of domination by the samurai class, and again in Japan we find that primogeniture defined the rules of inheritance. By contrast, primogeniture was never widely adopted in 18^{th} and 19^{th} century American law. This can be explained by the much greater availability of arable land in America (reducing the need to require a specific form of inheritance) and the increased importance there of industrial and financial capital (the ownership of which can be divided without similarly reducing productive efficiency).

The form of inheritance laws in a society are not only responsive to epochal trends in methods of production, they are also of first importance for explaining the specific character of that society at any time. For example, blacks in the United States currently face far greater risks of poverty, unemployment, and imprisonment than whites do. Thomas Shapiro argues that the main explanation of these phenomena is that the current generation of blacks in the US inherited much less wealth than did the current generation of whites. Because today's blacks inherited less, their opportunities are fewer and they are less likely to be able to withstand the economic shocks that are a part of life in a modern economy. Moreover, this racial disparity in wealth can be expected to increase over time, as whites build up greater capital between generations at a much faster rate. Different rules of inheritance would produce different patterns of social inequalities between the races.

THE VALUES OF PROPERTY

As we have seen, the nature of property is complex. The values that bear on property are similar complex. Indeed the long history of the debate over the legitimacy of private property can be viewed as a succession of major theorists stressing the benefits or the burdens of the institution of private property (see Ryan). The goods and the bads that these theorists have emphasized can be arranged along three dimensions: the values pertaining to individuals' relation to private property, the values arising from an owner's relation to other persons, and the values generated in a society where private property predominates.

Personal values

An owner has many advantages because of his relation to what he owns. As Bentham never tired of pointing out, owning property gives one a secure access to resources that may be essential to carrying out one's plans over time. Ownership also allows one to enjoy and preserve items of personal value, like a mother's wedding ring. A Hegelian point elaborated by Jeremy Waldron is that ownership also improves the owner. As an owner works on his property (for example, paints a picture) his self-awareness increases as he sees his personality reflected in the world, and he comes to develop prudence as he realizes that the changes he makes in his property on one day will determine what he has to work with on the next day.

The critics of private ownership have stressed the corresponding disadvantages. Marxist critics have worried that owners will fetishize what they own and come to believe that ownership of consumer goods can substitute for satisfying personal relationships or deserved self-regard. Nor do Marxists celebrate individuals' externalizing their personalities into the property on which they work, since in a capitalist system these individuals will have to sell the objects to others in order to make a living. Finally, nearly all critics of private property have made the mirror-image point to Bentham concerning the owner's security. Those who do not own property, they note, will be excluded from what they want and need, making their prospects predictably wretched.

Interpersonal values

The interpersonal benefits of private ownership are many. Property secures for an owner a protected sphere in which he is free to do as he likes. He may protect his privacy by keeping others out, and he may increase intimacy by allowing selected others to enter his private zone. Moreover as Hegel saw ownership brings with it social recognition: concerning the disposition of the object of ownership everyone must acknowledge that the owner's will is decisive. Aristotle also noticed that private ownership increases opportunities for generosity—it would be much harder to give gifts if no one owned anything that could be given.

Yet these benefits also have their flip-sides. The same rights that bring freedom and privacy can also foster disconnection, loneliness, lack of fellow-feeling, and anti-sociality. Further, as Rousseau bemoaned, private property makes each person dependent on others for not only their material wants but for their very self-conception. In a capitalist system one depends for the satisfaction of one's needs on others who may have no concern for one's welfare, and one comes to evaluate one's self-worth mostly by reference to the property one has accumulated.

Societal values

Finally, the bitterest battles have been over the societal values attaching to a private property system. On the one hand, private ownership is often superior to common ownership for effective stewardship of resources ("If everyone owns everything, then no one will take care of anything.") Private property economies encourage each person to work hard to satisfy the wants and needs of others, and so are likely to be more innovative and prosperous. Widespread property ownership conduces to social stability, since those "with a stake in the society" are less likely to favor revolution or war. And private ownership, as Milton Friedman argued, is the best bulwark against the overweening state power that the twentieth century gave us so much cause to fear. On the other hand, the social import of private ownership have been attacked many times. Private property economies foster competitive and exploitative relations, where each sees the other as only a rival or a master, a servant or a dupe. Private property turns intimate relations into commercial relations (as one sees at weddings and Christmas). Markets multiply false needs and a blank consumerism, wasting resources and leading to uncontrolled environmental damage. Furthermore, as we have seen, a private property economy results in inequalities in almost every important aspect of human life from political power, to opportunities for meaningful work and leisure, to life expectancy itself.

The complexity of the values surrounding private property has led all modern societies to frame commensurately complex property laws in an effort to capture the benefits of property while avoiding its burdens. For example, the law may allow the owner of a shopping mall to profit from renting space to popular stores, but also forbid him to exclude protesters peacefully handing out political pamphlets. The law may allow a homeowner complete freedom of interior decoration, but zone against his ruining his neighbors' property values by painting the exterior bright pink. Private property law has become an intricate web of regulations, as each society has struggled to balance all of the countervailing values at stake.

CONTEMPORARY DEBATES

Within the framework just presented, private property rights are *instrumental* to achieving a *variety* of diverse values. This is by far the predominant framework among those who frame national and international property rules. Within the academy, however, the period since the early 1970's has seen two alternative paradigms emerge. Both of these paradigms tend toward libertarianism, which models politics as the interactions among private property owners and argues that property rights should be robustly resistant to state interference. Although the two paradigms converge on a libertarian political program, they reach it by quite different routes.

Academic Debates: Nozick, and Law and Economics

Robert Nozick's extraordinary *Anarchy, State and Utopia* declared that property rights are not instrumental, but are rather morally fundamental. Respect for persons requires, Nozick claims, not only that one respect their rights to life and free movement, but their rights to their legitimately acquired property as well. A just social order will no more recognize an overall principle for distributing wealth than it will recognize an overall principle for distributing marriage partners. To tax someone's earnings and give them to someone else is on a par with enslaving that person for someone else's benefit—it is a fundamental violation of respect. The only justifiable state is a minimal one that protects people's property rights against encroachment; beyond this individuals must remain free to use and sell their property (including themselves) as they choose.

The brilliance of Nozick's arguments stimulated an entire generation of philosophers to respond to the idea that property rights might be fundamental (see Paul). Within the legal academy a second movement was also reaching consistently libertarian conclusions, from a different set of assumptions. This movement, known as law and economics, holds that property rights are indeed instrumental, but that they are instrumental in achieving a single value: wealth. There are actually two separate law and economics theses: one is that the laws as they exist *do* generally work to maximize wealth, and the other is that the laws *should* work to maximize wealth. The maverick leader of the law and economics movement, Richard Posner, has advanced both theses.

The law is and should be framed, Posner argues, so as to maintain an efficient allocation of resources—meaning an allocation wherein those who are most willing and able to pay for resources have control of them. For most resources, it is most efficient for the law to assign strong property rights to owners. If someone else values that resource more, they can then simply buy it from that owner. The main role of the state is again simply to enforce these strong rights. However, there are some cases in which it is more efficient for the law to assign somewhat weaker property rights. For example, if a public use of a resource would bring more wealth than does a private use (e.g., building a highway through private ranches), then the state may simply take the land without entering into expensive negotiations with each private owner.

This wealth-maximizing paradigm has proved a powerful framework for explaining why the law is as it is within capitalistic economies. Yet, clearly, not all laws work to maximize wealth, and legal economists have advocated a gamut of reforms that they believe would increase social wealth. They have generally argued that efficiency would be increased with stronger property rights, a less redistributive state, and, most notoriously, with a wider application of property rules. For example, it has been claimed that treating body parts, votes, and even babies as saleable property would increase total social wealth. This last argument is one that leads us out of the academy, and into the more general public debate over commodification.

Commodification, and Progressive Property-Based Arguments

The question of commodification is: What should be for sale? Disputes have focused on objects and activities that are particularly sensitive for human identity and contemporary morality: blood, organs, psychoactive drugs, sexual services (prostitution) and gestational labor (surrogate motherhood contracts). The debates over whether these things should be commodities have had a certain structure. On the pro-commodification side, it is often said that commodification often allows those who want something (sex, or a baby) to get what they otherwise couldn't. Moreover, commodification tends to increase the supply of scarce goods (there would be few waiting lists for organ transplants if there were a market for organs). Many pro-commodification arguments simply assert that restrictions on sales (of, for example, drugs) are insultingly paternalistic restrictions on harmless personal freedom. Some also argue that commodification allows the renegotiation of outdated cultural norms: for example, that legalizing surrogacy would show that women are in control of their own reproductive lives. Moreover it is hard to limit anti-commodification arguments to their intended targets: why is it wrong to sell one's services as a prostitute, but not as a nurse, a cellist, or a priest?

Anti-commodification arguments have revolved around harms to health, status, and community cohesiveness. It is said that allowing markets in, for example, organs would inevitably lead to exploitation of the poor and the desperate, and so exacerbate existing social inequalities. Moreover, legalized prostitution and surrogacy only reinforce the stereotypes of women as properly sexually subordinate, or as baby-factories. More subtly, it is argued that commodifying our bodies, or our sexual or reproductive lives, would instill in us a degraded self-image as we came to view ourselves as repositories of economic value instead of beings of dignity. Finally, as Richard Titmuss found with blood donation, a society that gives gifts instead of making sales fosters the kind of altruism that is crucial for holding a community together.

Anti-commodification arguments have been one standard of the political left during a period in which the political right has eliminated everything from the state ownership of industry to rent control. The collapse of Marxist ideology, and a new popular presumption traditional taxation and redistribution schemes, has disrupted leftist politics. Only slowly is the left learning to deploy property arguments toward progressive causes. One example is in environmental regulation, where it is argued that "dirty" industries should be held liable for the harms that their property (the pollution) causes.

Another example is in the pioneering work of Hernando de Soto, who argues that strengthening the property laws in developing countries would allow the many poor who work in the "shadow" economy to take advantage of the resources (houses, land) that they now control but cannot use as legal assets.

INTELLECTUAL PROPERTY

Intellectual property brings together many of our themes: conceptual complexity, global variation and convergence, and lively debates over values. Intellectual property rights are rights to control the use or transmission of intellectual creations. There are three basic categories. Copyright covers "expressive" works (such as books, musical compositions, films, paintings, computer programs) as well as performances, sound recordings, and broadcasts. Industrial rights protect inventions (with patent law), industrial designs and trade secrets, as well as trademarks and marks of geographical origin (e.g., "Champagne"). The wide historical variation in, and sometimes absence of, intellectual property law across the globe narrowed in the 1990s when intellectual property standards (e.g., a copyright endures for 50 years after the death of the author, and patent protection lasts for 20 years) were build into the treaties establishing the World Trade Organization.

The origins of copyright law lie in the desire of the English crown in the 17th and 18th centuries to censor publications by granting printing monopolies to selected publishers; while patent monopolies over inventions existed in Renaissance Italy. In the modern era the main justifications for intellectual property rights have been three. By far the dominant justification (enshrined, for example, in the US Constitution) is that the prospect of exclusive control gives creators *incentives* to create works that will be pleasing and useful for others. A secondary justification, usually associated with continental Europe, is that intellectual property rights *protect* the "personality" interests of artists in the integrity of their expressions. A third justification, relating mostly to trademarks and geographical marks, is that these rights *assure* consumers by associating a product with known producers.

Global intellectual property law has become extraordinarily elaborate as its framers have tried to balance all of the values at stake. Many disputes remain. For example, many have argued for weakening the patent protection of pharmaceuticals so that sick people in poor countries can get the medicines they need. The pharmaceutical industry has countered that such weakening would lessen the incentives they have to create new life-saving drugs in the future. Another dispute has been over emerging technologies such as the internet, whose potential, Lawrence Lessig maintains, is shackled by the current rules. Given that many lives, the rate of economic progress, and huge profits drive controversies such as these, it is not surprising that they have moved from the legal into the political arenas. On these issues, as with so many other issues concerning property, the most basic human values and interests are at stake.

BIBLIOGRAPHY

Bentham, Jeremy. *Theory of Legislation*. New York: Oceana Publications, 1976.

Blackstone, William. *Commentaries on the Laws of England* vol. 2. Oxford: Clarendon Press, 1766.

De Soto, Hernando. *The Mystery of Capital : Why Capitalism Triumphs in the West and Fails Everywhere Else*. New York: Basic Books, 2000.

Farmer, Paul. *Infections and Inequalities: The Modern Plagues*. Berkeley: University of California Press, 2001.

Friedman, Milton. *Capitalism and Freedom*. Chicago: University of Chicago Press, 1963.

Grey, Thomas. "The Disintegration of Property." In *Property*. Edited by J.R. Pennock and J. Chapman. New York: New York University Press, 1980.

Hayek, F.A. *The Essence of Hayek*. Edited by Chiaka Nishiyama and Kurt Leube. Stanford, CA: Hoover Institution Press, 1984.

Hughes, Justin. "The Philosophy of Intellectual Property." *Georgetown Law Review* 77 (1988): 287-366.

Lessig, Lawrence. *The Future of Ideas : The Fate of the Commons in a Connected World*. New York: Vintage, 2002.

Marx, Karl. *The Poverty of Philosophy*. Amherst, New York: Prometheus Press, 1995.

Marx, Karl and Friedrich Engels. *The Communist Manifesto*. New York: Signet Press, 1988.

Nozick, Robert. *Anarchy, State, and Utopia*. New York: Basic Books, 1974.

Milanovic, Branko. "True World Income Distributions, 1988 and 1993: First Calculation Based on Household Surveys Alone" *The Economic Journal* 112 (2002): 51-92.

Paul, Jeffrey, ed. *Reading Nozick: Essays on Anarchy, State, and Utopia*. Totowa, NJ: Rowman and Littlefield, 1981.

Pipes, Richard. *Property and Freedom*. New York: Vintage Press, 2000.

Posner, Richard. *The Economics of Justice*. Cambridge, MA: Harvard University Press, 1981.

Rousseau, Jean-Jacques. *A Discourse on Inequality*. New York: Penguin Classics, 1985.

Ryan, Alan. *Property*. Minneapolis: University of Minnesota Press, 1988.

Shapiro, Thomas M. *The Hidden Cost of Being African American: How Wealth Perpetuates Inequality*. Oxford: Oxford University Press, 2004.

Titmuss, Richard M. *The Gift Relationship: From Human Blood to Social Policy*. New York: New Press, 1997.

Waldron, Jeremy. *The Right to Private Property*. Oxford: Oxford University Press, 1990.