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The Right to Private Property

Jeremy Waldron

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Can the right to private property be claimed as one of the 'rights of mankind'? This is the central question of this examination of the subject of private property. This book contrasts two types of arguments about rights: those based on historical entitlement, and those based on the importance of property to freedom. It provides a detailed discussion of the theories of property found in Locke's Second Treatise and Hegel's Philosophy of Right to illustrate this contrast. The book contains original analyses of the concept of ownership, the ideas of rights, and the relation between property and equality. The book's overriding determination throughout is to follow through the arguments and values used to justify private ownership. It finds that the traditional arguments about property yield some surprisingly radical conclusions.

Libertarianism without Inequality

Michael Otsuka

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The aim of this book is to vindicate left-libertarianism, a political philosophy which combines stringent rights of control over one's own mind, body, and life with egalitarian rights of ownership of the world. The book shows how John Locke's Second Treatise of Government provides the theoretical foundations for a left-libertarianism that is both more libertarian and more egalitarian than the Kantian liberal theories of John Rawls and Thomas Nagel. The author's libertarianism is founded on a right of self-ownership. Unlike 'right-wing' libertarians such as Robert Nozick who also endorse such a right, the author argues that self-ownership is compatible with a fully egalitarian principle of

equal opportunity for welfare. In embracing this principle, his version of left-libertarianism is more strongly egalitarian than others which are well known. The author argues that an account of legitimate political authority based upon the free consent of each is strengthened by the adoption of such an egalitarian principle. He defends a pluralistic, decentralized ideal of political society as a confederation of voluntary associations.

Our Bodies, Whose Property?

Anne Phillips

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No one wants to be treated like an object, regarded as an item of property, or put up for sale. Yet many people frame personal autonomy in terms of self-ownership, representing themselves as property owners with the right to do as they wish with their bodies. Others do not use the language of property, but are similarly insistent on the rights of free individuals to decide for themselves whether to engage in commercial transactions for sex, reproduction, or organ sales. Drawing on analyses of rape, surrogacy, and markets in human organs, this book challenges notions of freedom based on ownership of our bodies and argues against the normalization of markets in bodily services and parts. The book explores the risks associated with metaphors of property and the reasons why the commodification of the body remains problematic. The book asks what is wrong with thinking of oneself as the owner of one's body? What is wrong with making our bodies available for rent or sale? What, if anything, is the difference between markets in sex, reproduction, or human body parts, and the other markets we commonly applaud? The book contends that body markets occupy the outer edges of a continuum that is, in some way, a feature of all labor markets. But it also emphasizes that we all have bodies, and considers the implications of this otherwise banal fact for equality. Bodies remind us of shared vulnerability, alerting us to the common experience of living as embodied beings in the same world. Examining the complex issue of body exceptionalism, the book demonstrates that treating the body as property makes human equality harder to comprehend.

“Our Sole Habitation”

Mathias Risse

in On Global Justice

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This chapter examines from a secular standpoint the notion that the earth belongs to humankind collectively by offering a view on the ownership status of the earth that it calls Common Ownership. It first considers collective ownership of the earth and some of its conceptions, especially Common Ownership, before describing what work Common Ownership does in an engagement with libertarianism. It then defends Common Ownership against objections in terms of the value of the environment and discusses two alternative conceptions of collective ownership. It relates the results to global justice and shows how Common Ownership enters into debates in the philosophical literature. Finally, it explores one version of left-libertarianism and one of Thomas Pogge's arguments for the claim that the global order harms the poor.

Toward a Contingent Derivation of Human Rights

Mathias Risse

in On Global Justice

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This chapter examines the role that reflection about original ownership can play in political philosophy, with particular emphasis on the interrelationships between collective ownership of the earth, membership rights in the global order, and human rights. It considers a principle associated with collective ownership: the distribution of original resources and spaces of the earth among the global population is just only if everyone's membership rights in the global order are satisfied. Collective ownership leads to a conception of associative rights for whose protection there is a global rather than merely national responsibility. The chapter first explains why certain responsibilities apply at the level of the global order to make its imposition acceptable to co-owners before discussing why such responsibilities correspond to rights of individuals against the global order. It then explores natural ownership rights and introduces the idea of membership in the global order, as well as the corresponding notion of membership rights.

Hugo Grotius Revisited

Mathias Risse

in *On Global Justice*

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This chapter examines collective ownership of the earth as a ground of justice by focusing on Hugo Grotius's *De Jure Belli ac Pacis Libri Tres* (DJB, *Three Books on the Law of War and Peace*, 1625), which addresses questions of global scope in a way that develops a standpoint of global public reason. The chapter first explains how reflection on collective ownership enters Grotius's work before discussing how Grotius introduces his views on natural law as well as the collective ownership status of the earth. It then explores how, according to DJB, a morally legitimate system of private ownership law could develop against the background of persisting natural collective ownership rights. It also describes how Grotius uses humanity's collective ownership to constrain what people may do with resources and spaces.

Climate Change and Ownership of the Atmosphere

Mathias Risse

in *On Global Justice*

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This chapter explores the implications of Common Ownership for duties resulting from climate change. It explains what we can learn from the standpoint of collective ownership of the earth about how to distribute burdens from mitigation and adaptation specifically among states. To this end, the chapter considers the ownership status of the atmosphere and ways of thinking about a fair division of burdens. It shows that, as an obligation of justice, regulating access to the absorptive capacity of the atmosphere is required to make sure the basic climate conditions of the earth are preserved. It argues that access to the absorptive capacity of the earth ought to be regulated by a fair-division scheme. It is an obligation of justice that access to that capacity be regulated, and it is a demand of reasonable conduct that such regulation be done by a fair-division scheme.

The Romantic Theory of Ownership

Alan Ryan

in The Making of Modern Liberalism

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This chapter examines the characteristic concerns and claims of the so-called "Romantic" theorists of work and ownership, arguing that what they have in common is best highlighted by a contrast with instrumental and utilitarian accounts of these matters. The chapter's main assertion is not that there were particular conclusions about the gains and losses of work, or about the legitimacy of private ownership, to which Romantics came and instrumentalists did not, but that the route by which they got to their conclusions was very different. Utilitarianism does not find the possessory relationship intrinsically interesting, either as a matter of morality or as a matter of social psychology. Here lies the heart of the contrast with Romanticism. The chapter considers Immanuel Kant's views on property rights and compares them with those of G.W.F. Hegel, Karl Marx, and Thomas Carlyle.

What is Private Property?

Jeremy Waldron

in The Right to Private Property

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This chapter argues that private property is a concept of which many different conceptions are possible, and that in each society the detailed incidents of ownership amount to a particular concrete conception of this abstract concept. It relates this approach to other difficulties: difficulties about different types of property object, split ownership, alternative property systems, corporations, and so on. It starts by distinguishing the concept of private property from the much more general concept of a property system.

Historical Prelude: Varieties of Naturalism

Jonardon Ganeri

in *The Self: Naturalism, Consciousness, and the First-Person Stance*

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The author identifies forms of naturalistic thinking in ancient India, in particular Cārvāka emergentism, early Buddhist trope dualism, and the minimal physicalism of Nyāya-Vaiśeṣika. It is from a stance grounded in liberal naturalism that the Buddha investigates the moral psychological properties of suffering and craving, which are to be understood within a manifestly normative framework of wrong belief and mistaken conception. The false move he identifies above all else is that of “taking as one's own” particular states of mind, and in so doing fabricating an idea of self. This transition to a first-person stance is a move, for the Buddha invariably a bad one, in the space of reasons. Cārvāka thinkers argue that mental properties emerge when physical elements are organised in systems of appropriate complexity, just as the power to inebriate emerges in a mixture of yeast and barley. Their conception of a human being is that of a physical body qualified by consciousness; it is the Strawsonian concept of a person, something to which both corporeal and psychological predicates are ascribed. The self in Nyāya and Vaiśeṣika, on the other hand, is best understood in terms of a unity of commitment, preference, emotion, and will, the unity of which is explained with reference to unconscious psychological mechanisms supervening on states of the physical body. What makes it a version of liberal naturalism is the account afforded of ownership: normative relations of endorsement and participation are constitutive of a thought's being “mine,” and so of the existence of a first-person stance.