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Restoring the Commons: Toward a New Interpretation of Locke's Theory of Property

Rebecca P. Judge

ABSTRACT. *John Locke's theory of property, described in his Second Treatise on Civil Government, exerts a strong but often unacknowledged influence on environmental economics, providing justification for many of our discipline's norms and practices. This paper examines how Locke's Enlightenment-era thesis has informed our understanding of the relation of the individual and the state to environmental amenities. While Locke has been used to justify a libertarian view that treats any form of environmental regulation as a "taking," elements of Locke's original argument can be understood to subject individual rights claims to constraints requiring intra- and intergenerational sufficiency and sustainability.* (JEL K11, Q2)

The ideas of economists and political philosophers, both when they are right and when they are wrong, are more powerful than is commonly understood.

John Maynard Keynes

Writing over three hundred years ago, John Locke (1632–1704), revolutionary philosopher of the English Enlightenment, argues in his *Second Treatise of Government* for what he presumably believes to be an historically accurate account of how property was initially justly acquired. According to Locke, since “every man has a property in his own person,” a personal property right extends from “the work of his hands,” to “whatsoever [man] removes out of the state that nature” as “he hath mixed his labour with, and joined to it something that is his own.” This act of mixing labor with a natural resource “makes it [the resource] his property” (Section 27). Prior to the addition of human labor, the natural world belongs “to the children of men in common” (Section 39); it is labor that provides the means by which these commonly held goods become private property.

Thus Locke conjures up a natural world—essentially an Eden—and uses this narrative to demonstrate how private property rights came into being even before the state. The right to acquire property from the stock of goods held in common is shown by Locke to be “natural,” existing as it were, in a state of nature, as unalterable or as uncontrived as gravity. The right to private ownership of property reflects “natural” as opposed to civil law, and as such, it is a right that exists independent of the state.

Locke's agent appropriates goods from the commonly held natural world according to both his abilities to work (Section 34) and his preference for comfort (Section 44). That is, the agent exerts effort to convert common property to private property when the expected benefits of creating private property, of appropriating something from the commons, exceed the costs of expending the effort. Centuries later, Demsetz echoes Locke when he posits a theory of private appropriation, arguing that “property rights develop to internalize externalities when the gains of internalization become larger than the cost of internalization” (1967, 350). Later, Anderson and Leal offer a similar property rights theory, arguing that individuals will engage in activities to define and enforce property rights proportionate to the ratio of the benefits and costs of establishing those claims (1991, 33–34).

This particular Lockean narrative in which individual rationality motivates the acquisition of property rights, independent of state sanction or action, has exerted profound in-

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fluence over the entire discipline of economics, the field of environmental economics being no exception. Consider, for example, how environmental economics is used to decide whether to impose regulation to achieve a particular environmental outcome or standard. While the argument appears superficially to be utilitarian—calculate benefits associated with realization of the standard, net out the costs of achieving the standard, and see if the resultant adds to or subtracts from total welfare—the economic evaluation of the desirability of stricter standards can be characterized as a utilitarian-inspired redistribution of property *only* if the property rights to the environment are already fully established. If the environmental outcome exists as an *externality*, which by definition means that property rights to the outcome have not been established, there cannot be, by definition, a *redistribution* of the property right as no property right exists in the first place. The discipline's interest in performing this analysis on an environmental externality is therefore not a utilitarian inspired redistribution of property, but actually follows from Locke's, and later Coase's (1960) and Demsetz's (1967), views of the desirability of creating or asserting a private property right to a resource previously existing either in the commons or in a condition of open access or (*res nullius*). When environmental economics considers the desirability of, say, a more stringent ozone standard, it is considering the desirability of creating a property right to a particular quality of ambient air, thereby necessarily limiting others' ability to use the ambient air as a receptacle for volatized organic compounds (VOC), the precursors of ground-level ozone or smog. The Lockean heritage of environmental economics is confirmed when we see recommendations on the desirability of this standard based on a comparison of the benefits and the costs associated with granting this property right.

But does our work reflect a proper extension of Locke's narrative? And furthermore, is Locke's Enlightenment-era narrative, as it has been handed down over the centuries, sufficient to provide a vision for a discipline trying to solve resource allocation problems in these post-Modern times? To both questions, I answer: Probably not.

Missing from the neo-Lockean narrative is Locke's notion of a providential God, a creator who provided the commons in the first place in order to accomplish a particular purpose or *telos*. Locke's commons was created by God for the enjoyment of humankind (Section 31). This *telos* of enjoyment in turn informs the *conditional* right of extraction granted humankind in the state of nature. Specifically, Locke's human agent faces two constraints regarding his appropriation from the commons. First, he is prohibited from wasting the resource. As Locke's natural world was created by God for humankind "to enjoy" (Section 31), no one is allowed to take from the natural world more than can be put to advantage before it spoils (Section 31). Taking so much as to create waste and spoilage, Locke asserts, "is more than his share, and belongs to others" (Section 31). Furthermore, and again as a logical consequence of the purpose of creation, the agent's right to take resources from the commons is contingent on there being "enough, and as good, left in common for others," (Section 27). That is, Locke imposes a sustainability constraint on extraction from the commons.¹

The constraints on waste and sustainability follow as logical extensions of the *telos* of creation, and as such, both constraints on private acquisition continue to hold even after the state of nature has been replaced by civil society. Thus Locke writes that "amongst those who are counted the civilized part of mankind, who have made and multiplied positive laws to determine property, this original law of nature, for the beginning of property, in what was before common, *still takes place*; and by virtue thereof, what fish any one catches in the ocean . . . or what ambergris any one takes up here, is by the labor that removes it out of that com-

¹ Locke's sustainability constraint limits property acquisition to the point that such actions result in no "prejudice to any other man" (Section 33). Whether this constraint can be met by some utilitarian consideration of net benefits (see, for example, Daly 1996, 76–77), or whether it might be met, as suggested by Locke (Section 37) and echoed later by Nozick (1974, 177), through the increased productivity of privately owned resources, for the purposes of this paper it is sufficient to note that Locke perceived that such a constraint existed and that it was binding and enforceable on those who would appropriate goods from the commons.

mon state nature left it in, made his property," (Section 30). Yet immediately after asserting in Section 30 the continued importance, even in civilized society, of labor in establishing justice in acquisition, Locke continues in Section 31 to state the constraint prohibiting waste, and to repeat in Section 33 the sustainability constraint. Thus, while Locke allows that property rights might be altered by civil society, the just private acquisition of goods previously held in common continues in civilized society to be constrained by the same rules as those existing in the state of nature.

The existence of God in Locke's narrative introduces a form of government to this state of nature. God is an activist presence, issuing commands and dispensing authority (Section 35), imposing constraints regarding waste and sustainability, and exercising discretion when awarding rights to "the industrious and rational" (Section 34). In Locke's state of nature, the commons exists as a true common property resource, as characterized by Bromley (1991, 1998). The state of nature is not a lawless wilderness or an open access free-for-all; the state of nature is utilized and governed to achieve a particular set of objectives by following certain rules assigning rights and duties.

The neo-Lockean narrative, stripped of a providential God as creator and ruler of the commons, is fundamentally different from that described in Locke's *Second Treatise*. Removing God from the narrative, without comment or replacement, reflects what Alasdair MacIntyre calls our "persistently unhistorical treatment of moral philosophy," which has led to an abstraction in which the "history of . . . thought acquires a false independence from the rest of the culture," (1984, 11). In Locke's time, it would have been preposterous to propose a theory of property that, by ignoring the acknowledged creator and ruler of the commons, liberated humankind from its duties relative to the commons and its creator. Locke's theory, absent God, offers no guidance, neither as to outcome nor procedure, on how to award previously undecided property claims. Without settling the original acquisition questions, that is, how much can one take from the commons, and how might one rightfully acquire

commonly held resources, notions of procedural justice based on a Lockean notion of property rights lack a legitimate point of origin. Absent a theory of acquisition and a rule-defining *telos*, the prevalent neo-Lockean tradition is not a proper extension of Locke's narrative.

In the atheistic, post-Enlightenment, post-Modern neo-Lockean narrative that we have inherited, humankind is alone in an ungoverned state of nature. The Edenic commons is turned into an open access resource, where property rights are established by capture and justified by nothing more compelling than first-occupancy, mixed with some labor.² All are entitled to as much as they can get hold of before someone else gets hold of it. Extraction from the commons is ours and everyone else's privilege; we are free to take and claim what unassigned assets we will, with little or no regard to our impact on others. The Lockean proviso, or sustainability constraint, is met if acquisition of resources from the commons leaves others no worse off than they would be in a state of nature (see Nozick 1974, 177). Distribution of any gains from private ownership is itself ignored. Indeed, state-ordered redistribution is roundly condemned by neo-Lockeans as a violation of the natural law which established the initial private property right. According to this argument, since states come into being after property is acquired for the convenience of the property owners, the state may not legitimately act in such a way as to inconvenience these same owners by limiting or diminishing the property right. Summing up this view, neo-Lockean Bruce Yandle concludes, "People do not have rights because the state allows them; the nation/state exists because people have rights" (1995, xi).

The neo-Lockean narrative gives no mention of the *telos* of creation that is an integral part of the Lockean narrative, positing instead a "minimal state" in which the only

² Locke's argument that labor establishes the property right makes sense if, like Locke and his contemporaries, one sees humankind as made in the image of God, and human activity as the extension of God's will on earth. Absent this religious sentiment, the labor theory of acquisition becomes nothing more than property acquisition based on first occupancy. See, for example, Becker (1977) and Christman (1994).

morally justified activities of the rule maker/rule enforcer consist of “protecting all its citizens against violence, theft and fraud, and to the enforcement of contracts” (Nozick 1974, 26). The absence of a *telos* in the neo-Lockean interpretation complicates cases of competing rights claims, even as the absence of an acknowledged ruler introduces uncertainty and debate over who has the right to decide the outcome. This makes the neo-Lockean narrative particularly problematic for environmental policy makers. Absent an organizing *telos* that establishes a social objective, a labor-theory of property is prejudiced against awarding rights to those naturally occurring goods, like biodiversity, the ozone layer, or clean air and water, which exist independent of human action. Absent a *telos*, we are left, like Amartya Sen (1995), wondering whose desires and whose ends we ought to be pursuing as we consider environmental, or any other, policy.

Stripped of both a *telos* and of a governor for the commons, the neo-Lockean tradition cannot help us arrive at consensus regarding environmental policy rules and outcomes. For while Locke can be read as viewing property, particularly that held in common, as an ethical means to an enjoyable life for humankind, there is no such objective for the commons in the neo-Lockean tradition. As a result, under the neo-Lockean tradition, neither the polluters nor those damaged by the pollution can claim a presumptive right to goods existing unclaimed in the commons. Rather, both parties enjoy what Bromley (1991, 17) calls a *privilege*, the ability to act without regard towards the interests of others. One party may use the environment as a waste receptacle, while the other prefers to use the environment to promote a certain quality of life. Both parties in this neo-Lockean world are free to pursue these interests without taking the other into account. The other has no rights. Under the neo-Lockean tradition, neither party may claim a right to the benefits they enjoy.

By turning the commons into an open access resource, the neo-Lockean tradition creates the problem of externalities. This difficulty arises directly as a result of the incompleteness of the property assignment in

the neo-Lockean narrative. Benefit-generating assets which are not explicitly assigned “to Adam and his heirs” exist in the neo-Lockean tradition as open access resources, available either to be captured and claimed if the property right is deemed sufficiently valuable, or to use as a privilege, without regard to others’ uses. Thus, any new documentation of harm caused by environmental exploitation, any new understanding of the interrelatedness of our actions, any new account of our potential to have an adverse impact on future generations or far-away neighbors, brings about a predictably acrimonious set of competing rights claims which lack a consistent resolution paradigm. The incomplete assignment of assets in the neo-Lockean tradition creates a problem of externalities not present in Locke’s original narrative in which the posited existence of a ruler/creator makes the property assignment complete. As “God gave the world to Adam and his heirs” in the Lockean narrative (Section 25), the initial property right to the commons and all therein is held by God, who transfers parts of the commons to Adam and his heirs by virtue of their application of labor, and subject to the constraints on waste and sustainability. Those parts of the commons not appropriated by human agents continue to reside with God, presumably to be put to use for humankind’s enjoyment and benefit. At all times then, in the Lockean narrative, all property rights are assigned. There are neither externalities nor privileges, but simply rights and duties. The neo-Lockean narrative, in contrast, is plagued with externalities and privileges as individuals pursue their private objectives, free to disregard the impacts of their activities on others. While an environmentalist ethic might caution one to drive less and recycle more, one is certainly privileged to drive as much as one wishes, and dispose as much as one cares to, even if one acknowledges the deleterious effects such actions have on others.

An immediate and previously overlooked result of the neo-Lockean interpretation is that, given the existence of an externality, environmental regulation cannot be conceived as a “takings.” Within the neo-Lockean interpretation, there is no property right to *take*

in the presence of an externality. An environmental regulation calling for reduced pollution is no more of a taking, under the neo-Lockean tradition, than is my removal of a fish from the open sea. My open sea fishing activities might reduce the number of fish for you to catch, but you did not have a right to the benefit stream generated by those fish in the first place. Similarly, a preservationist who, by application of his labor, is able to acquire the right to the benefit stream generated by the continued existence of an endangered species has not taken anything from the land owner who is now prohibited from developing her property in a way that could harm the species. Both parties had access to that unregulated commons where development potential and species critical habitat co-existed; both were free to try to acquire and establish their rights. The preservationist just secured his right first.

Some neo-Lockeans might object to the idea that the development potential of a parcel of land continues to exist in the commons, or in some open-access limbo, even after the parcel itself is acquired as private property. Such objections stem from a neo-Lockean assertion, not Locke's own, that the property right that emerges through natural law conveys a perpetual right of full, or liberal, ownership to the property holder. And indeed, the property right in Locke's state of nature has most of the characteristics of full ownership as described by Becker (1977). That is, Locke's man has the right to exclude others from the use of benefits of the property (Section 32); he has the right to use the property for his personal enjoyment (Section 31); the right to decide how the property should be used (Section 46); the right to the income generated by the employment or sale of the property (Section 46); the right to consume the property (Section 28); and the right to security of possession (Section 34). But Locke limits these rights to justly acquired property held within the state of nature. In Locke's narrative, after civil societies formed, these communities "by law within themselves *regulated the properties* of private men of their society, and so, *by compact and agreement, settled the property* which labor and industry began" (Section 45). Locke

allows civil law to regulate and determine the characteristics of the property right to assets justly acquired from the commons. Absent the existence of civil society, one might presume that Locke envisioned a property right that conveys essentially full ownership. But Locke clearly disallows such presumption concerning the property right in civil society. In direct contrast to his self-proclaimed intellectual heirs, Locke empowers civil society to set its own bounds on private property rights. Following Locke's narrative, civil society may decide, by compact and agreement, to limit the type or the extent of sanctioned uses of private property.

Modern writers like Demsetz continue to emphasize the importance of "compact and agreement," in setting appropriate constraints on the property right, arguing that the right is an acknowledgement that the owner "possesses the consent of fellowmen to allow him to act in particular ways, (1967, 347). However, there is no consensus within the discipline concerning what compacts and agreements the state, with its monopoly on coercive force, should promote and enforce. As Furubotn and Pejovich note, "A theory of property rights cannot be truly complete without a theory of the state. And, unfortunately, no such theory exists at present," (1972, 1140). Neo-Lockeans who attempt to advance a theory of the state follow Nozick's argument that the minimal state is most consistent with the natural rights established by Locke's original argument. But this minimal state, limited as it is to the protection of private property, lacks both the theory of just acquisition and the moral organizing principle that makes Locke's own work so compelling.

Locke's original narrative does not need a "theory of the state" to derive its theory of justice in acquisition because it contains a "theory of God." Locke's theory of property is the result of a Biblical exegesis that establishes God as creator and ruler of a commons which is itself created and governed for the good and enjoyment of humankind. Even the property right is an instrument created for humankind's benefit, as it functions to reward "the industrious and the rationale" (Section 34) who improve the earth "for the

benefit of life" (Section 32) out of "obedience to this command of God" (Section 32). The property right that allows privatization of goods previously held in common is thus a means of achieving a particular end; it is not an end in itself.³ It is, following Christman (1994), a *conventional right*, in that it derives its justification with specific reference to a relationship between individuals or groups of individuals. In Locke's argument, the right of private acquisition exists as a result of the relationship between humankind and God. The argument's legitimacy is derived from the conventions stipulated in that relationship. As a dialogic argument, it loses all its persuasive moral force when God is removed from the narrative. This explains why scholars with views as divergent as Nozick (1974) and Macpherson (1962) conclude independently that Locke's argument fails at its attempt to specify a principle of justice in acquisition originating through the investment of one's labor. The argument fails in the neo-Lockean interpretation because one of the parties in the relationship establishing the conventional right is no longer present in the narrative.

If justice in acquisition is viewed as a conventional right, then for Locke's argument to have any force in these post-Modern times, some individual or group needs to take on the role God assumes in Locke's narrative. Some party needs to assume God's role of establishing an organizing objective for our acts of private appropriation and for enforcing rules constraining appropriations inconsistent with these overall goals. Furthermore, some party needs to be awarded the right to govern the commons so as to avoid the waste resulting under conditions of open access. And clearly, the state is the only agent with the power to assume such a role. Indeed, the state has *already* assumed the role Locke assigns to God, by stipulating constraints and enforcing claims made relative to the property right. As Furubotn and Pejovich write, "Property rights do not refer to relations between men and things but rather, *to the sanctioned behavioral relations among men that arise from the existence of things and pertain to their use,*" (1972, 1139). Insofar as the

state has a monopoly on coercion, it has a monopoly on sanctions. Thus, in a post-Enlightenment, post-Modern Lockean narrative, the political community of the state can logically replace God as governor of the commons. And this state, through its process of governance, creates and articulates the social objective.

If our narrative is to retain its Lockean influence, the state needs to adopt Locke's principles for justice in acquisition, and to articulate the same *telos* for the world as Locke articulates in his *Second Treatise*. That is, a proper, neo-Lockean state would sanction those private acquisitions that avoid waste, and would allow appropriation from the commons only to the point that "enough, and as good," is left for the rest of humankind. Substituting the state for Locke's God gives the state title to all yet-unclaimed, yet-discovered, and yet-invented assets. The property right to those benefit streams presently exploited under conditions of open access becomes vested in the state. Property assignment is thus complete; once again, as in Locke's narrative, there are no externalities as all goods not specifically held by individuals or groups are owned by the state. Thus pollution could be rightly governed under trespass law, as emissions constitute a form of trespass into the commons, which is the property of the state. As governor of the commons, the state could theoretically ban such trespass altogether, or permit it to the point that such action meets the social objective without compromising the constraints on waste and sustainability. This differs from the present characterization of pollution as an externality causing a third party to incur costs which cannot be relieved by appeals to the law unless harm to person or property can

³ While Macpherson (1979) argues that Locke was one of the first philosophers to view property as an end in itself and not simply a means to the achievement of an enjoyable or good life, this conclusion might be the result of making too sharp a distinction between the state of nature and civil society. Since, for Locke, private acquisition continues to be governed by rules prohibiting waste and requiring sustainability, it follows that the purpose of this activity—an enjoyable life—continues to direct the pursuit of property.

be established in court. By claiming the state's right to those assets held in common, privatization becomes unnecessary, as a clear property right exists. Individual interests could be protected through the application of something akin to the doctrine of public trust, directed as in Locke's narrative to avoid waste and assure "enough, and as good, left in common for others." This is similar to a political philosophy proposed by Cohen (1985, 1986) asserting that individuals own themselves, but act as trustees or joint owners with regard to the external world. Appropriations from the external world require the approval of the joint owners.

Adopting this version of the Lockean narrative would seem to have a profound intellectual and conceptual impact on the discipline. The decision of whether and how much to regulate would no longer be determined by forcing the state to make overly restricted choices based on the single datum of net benefit. Rather, both intra- and intertemporal distributional concerns would be restored to their role as constraints governing extraction from the commons and acquisition of private property rights. In a two-agent, static, axiomatic model of Cohen's work, where the two agents differ with respect to their skill level, Moulin and Roemer (1989) found that incorporating private ownership of self and public ownership of the external world implies a distribution that equalizes or nearly equalizes the welfare of both agents. The implications of incorporating Locke's sustainability constraint, applied intertemporally, would affect national income accounting as well as our use of discounting. We would need seriously to consider the elasticity of substitution of natural and manufactured inputs as we work to assure that "as much and as good" is left for others. We would need to consider, and reconsider, the role of international boundaries in determining what can be extracted from, and deposited back into, the global commons. Claims of national or individual autonomy could no longer trump concerns regarding sustainability. The natural rights of individuals would be constrained, as they are in Locke's original narrative, by the Lockean proviso that

prohibits actions that prejudice the opportunities of others.

The changes proposed here for the Lockean narrative are consistent with those proposed by Sen (1995), when he calls for developments in social choice theory that allow us to make social welfare judgments that reflect our concerns regarding income distribution, poverty, and deprivation — concerns that call for interpersonal utility comparisons. The Lockean proviso of "enough, and as good, left in common for others" provides the direction for these comparisons. These changes are also consistent with Sen's call in the same paper to pay attention to value formation through social interactions. Sustainability is a social concern or sentiment likely to affect values and therefore social choice.

Post-Enlightenment revisions to Locke's original narrative have changed it from one describing a providentially provided commons, ruled by a God who requires humankind to consider the welfare of others, to a narrative describing a libertarian state of social contractarians united only insofar as unity increases individual welfare. Post-Enlightenment revision to Locke's original narrative has diminished the ability of economists to speak with authority on the social good, or to evaluate alternative outcomes. It is hard to view these changes as perfectly salutary.

Three hundred years ago, Locke wrote that "he that encloses land, and has a greater plenty of the conveniences of life from ten acres than he could have from a hundred left to nature, may truly be said to give ninety acres to mankind" (Section 37). Since Locke wrote these words, the received narrative containing them has been transformed to reflect a political philosophy radically different from that originally proposed by Locke himself. The transformation, brought about largely by a post-Enlightenment liberalism stressing individual autonomy, releases the property that was once in the commons like cattle escaping from a pen. Reclaiming the commons in Locke's narrative, with its rules governing the acquisitive behavior of the human occupants, restores the cattle to the

pen, and like the enclosure described by Locke, holds the potential to increase our conveniences.

References

- Anderson, Terry, and Donald Leal. 1991. *Free Market Environmentalism*. Boulder: Westview Press.
- Becker, Lawrence. 1977. *Property Rights: Philosophic Foundations*. Boston: Routledge & Kegan Paul Ltd.
- Bromley, Daniel. 1991. *Environment and Economy: Property Rights and Public Policy*. Oxford: Basil Blackwell.
- . 1998. "Property Regimes in Economic Development: Lessons and Policy Implications." In *Agriculture and the Environment: Perspectives on Sustainable Rural Development*, ed. Ernst Lust. Washington D.C.: World Bank.
- Coase, Ronald. 1960. "The Problem of Social Cost." *Journal of Law and Economics* 3 (Oct.): 1–40.
- Cohen, G. A. 1985. "Nozick on Appropriation." *New Left Review* 150:89–107.
- Cohen, G. A. 1986. "Self-Ownership, World Ownership, and Equality." *Social Philosophy and Policy* 3:77–96.
- Christman, John. 1994. *The Myth of Property*. New York: Oxford University Press.
- Daly, Herman. 1996. *Beyond Growth: The Economics of Sustainable Development*. Boston: Beacon Press.
- Demsetz, Harold. 1967. "Toward a Theory of Property Rights." *American Economic Review* 57 (2): 347–59.
- Furubotn, Eirik, and Svetozar Pejovich. 1972. "Property Rights and Economic Theory: A Survey of Recent Literature." *Journal of Economic Literature* 10 (4): 1137–62.
- Locke, John. 1996. "Two Treatises of Government." In *Classics of Moral and Political Theory*. 2nd ed., ed. Michael L. Morgan. Indianapolis: Hackett Publishing Co.
- MacIntyre, Alisdair. 1984. *After Virtue*. 2nd ed. Notre Dame: University of Notre Dame Press.
- Macpherson, C. B. 1962. *The Political Theory of Possessive Individualism: Hobbes to Locke*. London: Oxford University Press.
- . 1979. "Property As Means or End." In *Theories of Property: Aristotle to the Present*, ed. Anthony Parel and Thomas Flanagan. Waterloo, Ontario: Wilfred Laurier University Press.
- Moulin, Hervé, and John Roemer. 1989. "Public Ownership of the External World and Private Ownership of Self." *Journal of Political Economy* 97 (2): 347–67.
- Nozick, Robert. 1974. *Anarchy, State and Utopia*. New York: Basic Books.
- Sen, Amartya. 1995. "Rationality and Social Choice." *American Economic Review* 85 (1): 1–24.
- Yandle, Bruce. 1995. *Land Rights*. Lanham, Md.: Rowman and Littlefield Publishers.