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Owning our Understanding of Property Rights:
Coupling Marx's Critique of Capitalist Political Economy and Butler's Understanding of
Community within a Kantian Moral Framework

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"Poverty is the passive bond which causes the human being to experience the need of the greatest wealth – the *other* human being."¹ – Karl Marx, 1844 Manuscripts

Private property is an economic fact. Every day we are affected by the implications of that fact, whether we realize it or not. All of our interactions are influenced by our tacit acceptance that we have a right to own private property. In this paper, I would like to question the justification behind a right to private property. Generally speaking, there are many different ways to conceive of a right. There are legal rights that are grounded in the laws created by governments. These laws are the laws that lawyers argue about and judges make rulings on. While these are important and interesting rights, they are not the rights considered in this paper. The rights I consider are human rights, or perhaps more accurately moral rights. I am not arguing on legal grounds about the justification of a right to private property; I am arguing about the moral justification (or lack thereof) of a right to private property. Even though this is primarily a moral argument, there are still legal consequences. These consequences come in the form of normative claims about which laws should or should not be passed. This is to say, all these moral

¹ Marx, Karl, and Friedrich Engels. "Economic and Philosophic Manuscripts of 1844." *The Marx-Engels Reader*. Ed. Robert Cinnamond Tucker. New York: Norton, 1978. p91.

arguments are extremely relevant to the discourse surrounding the practice and implementation of rights.

One of the most influential documents on human rights is the United Nations' Universal Declaration of Human Rights (UDHR). The UDHR begins its preamble with this assertion: "Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."² By invoking the language of 'dignity' and 'inalienable rights' the document is not simply addressing rights created by a government. The human rights outlined in the UDHR are rights we all have *as human beings*. They are not grounded on any established government (even if their enforcement must be). Article 17 of the UDHR is the article that addresses property and ownership: "(1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property."³ Focusing on the first section of the article, it is important to note that the right is not specifically a right to private property. Also, the UDHR gives no definition of 'ownership' or 'property.' This leaves a lot up to the reader's interpretation. A better understanding of these concepts is needed before any assessment of this right can be made.

In this paper, I plan to first explain the foundation of our current conception of a right to private property, and then provide a thorough critique of it. I draw upon the moral framework of Immanuel Kant to set the stage for the moral claims I wish to make about private property. For a detailed foundation of private property, I will use the writings of both Kant and John Locke. After offering this account of private property, I will explain Karl Marx's critique of private

² UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), available at: <<http://www.un.org/en/documents/udhr>> accessed 26 July 2011.

³ Ibid.

property and capitalist political economy. Based on this critique, I will reformulate what a moral understanding of ‘property’ or ‘ownership’ might mean in light of both Kant and Marx’s arguments. This understanding will be based in part on Judith Butler’s conception of community. I will lastly show that this understanding of ownership and community is exemplified in two organizations in Memphis: Revolutions Bike Shop and Caritas Village.

The Formulation of Private Property

Freedom and autonomy of the human agent are extremely important to understanding Kant’s moral philosophy. Kant admits that ultimately freedom must be presupposed⁴; no account of what he calls pure practical reason can justify its truth or falsity. However, as an agent who experiences her actions as free, *must* conclude that her actions are in fact free: “every being that cannot act otherwise than *under the idea of freedom* is just because of that really free in a practical respect... just as if his will had been validly pronounced free also in itself and in theoretical philosophy.”⁵ It is important to recognize here that Kant is not offering a theoretical grounding for freedom. There is no ultimate, *a priori* justification that rational beings are in fact free. However, Kant argues that the practical understanding of freedom is what truly matters. Even if we are theoretically fully determined, we are determined in such a way that we can only see ourselves as freely acting agents. Practically speaking, we must base our actions on a principle of freedom.

Based on the necessity of freedom, Kant constructs a robust account of how an autonomous agent should act. Kant sets up an ethical system based not on a conception of

⁴ This question of justifying freedom is an interesting question in itself, however it goes outside the scope of the current project. However, it is fundamental to how post-Kantian thinkers conceive of human beings. As I will argue later, this Kantian notion of freedom is important to understanding the moral arguments involved.

⁵ Kant, Immanuel. *Groundwork of the Metaphysics of Morals*. Ed. Mary J. Gregor. New York: Cambridge UP, 2008. p.53.

happiness or calculation of pleasure and pain, but on duties that reason requires one to fulfill. As opposed to inclinations, duties are obligations that we all (as rational agents) have, whether we like it or not. According to the Kantian system, the moral nature of an action is found in the reason behind taking that action, or the volition involved in the action. Kant argues that “A good will is not good because of what it effects or accomplishes ...but only because of its volition, that is, it is good in itself and, regarded for itself.”⁶ What this means is that for an action to be considered moral, it must not simply conform to duty, but must also *be from* duty.

Kant famously explains this with an example about two shopkeepers.⁷ Both shopkeepers are honest about their prices and do not overcharge their customers. The first shopkeeper charges her customers fairly because it is in her self-interest to do so. While the consequences of her actions might be good, the reasoning behind her actions is not. She would also not be acting morally if she treated her customers fairly because she enjoyed it, blindly followed her boss, or any other reason that was not based on duty. The second shopkeeper, on the other hand, does not like people or treating people fairly, however he does so because he feels he has a duty to do so. This second shopkeeper is acting morally.⁸ The focus for determining a moral action is the maxim, or principle upon which the volition is made, not the consequence, or what happens as a result of the action.

Kant defines a universal principle by which one has a duty to create maxims. He calls this principle the categorical imperative. While Kant articulates the categorical imperative in three different ways, what will be most useful for our purposes will his second formulation: “*So act*

⁶ GMoM p.8.

⁷ GMoM p.11.

⁸ Furthermore, we can know that this shopkeeper is acting morally *because* she does not enjoy it. When one enjoys one’s actions, it is difficult to determine whether or not one is acting from duty or not. When one does not enjoy one’s action, yet takes them anyway, it is more clear that the person is acting from duty.

*that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means.*⁹ While Kant stipulates that one can never be used merely as a means, he also leaves room for the possibility of using others as a means in addition to treating them as ends. In our everyday lives we use many people as a means to our own ends.¹⁰ Kant has no problem doing these things as long as these people are not mere means, but that in one's interaction one always keeps in mind that they are ends in themselves and that one treats them as such. This concept of a human being as an end in itself will be very important later when I discuss the ownership of private property under a capitalist economic structure.

It is through this distinction between objects as ends in themselves and objects as mere means that Kant articulates a theory of value.¹¹ For Kant, things that are ends in themselves have dignity. Because the end in itself obeys no laws other than those it gives itself, there can be no true equivalent, thus it can have no price. What follows is that “*Autonomy* is therefore the ground of the dignity of human nature and of every rational nature.”¹² It is through the practice of autonomy that the distinction between a person and a nonperson can be made. For Kant, every person is an end in itself, however nonpersons are not, and as such can be treated as mere means. This is the Kantian foundation for looking at a theory of property. The property owner must be a rational agent as described above and the thing owned must be a nonperson object that can be used as a mere means.

⁹ GMoM p.38.

¹⁰ The barista is a means to getting coffee, the bus driver is a means to getting to and from work, the dentist is a means to keeping my teeth healthy.

¹¹ The question of value (specifically questions about the justification of value) and Kant's treatment of it is an extremely interesting question that unfortunately does not fit within the parameters of this paper. Property, as something one desires to own, must be valuable in some way, or at least employ the concept of value, whether it be positive or negative value. I hope to address questions of value in subsequent research.

¹² GMoM p.43.

In the *Metaphysics of Morals*, Kant stipulates two important points in reference to the understanding of property. He articulates that a property right “should be understood not only [as] a right to a thing (*ius in re*) but also the *sum* of all the laws having to do with things being mine or yours.”¹³ Questions about property are not simply those which involve a single owner and a single owned object. There are many complicated ways different property owners interact with each other and their owned property, all of which must be taken into account. Secondly, a property owner, strictly speaking, cannot have any obligation to any object, as a thing. As long as that other object is a mere means, the owner, as an end in herself can act towards it in any way she wishes: “What is called a right to a thing is only that right someone has against a person who is in possession of it in common with all others.”¹⁴ Because the owner in question, as a person, cannot have a duty to an object, the right to private property is actually the right to exclude all other persons. Kant emphasizes the relationship between two rational agents over and above the relationship between the owner and the thing owned.

One of the most important figures to address the question of property is John Locke. Locke uses the idea of the ‘state of nature’ as a starting point for his argument. In the state of nature, human beings are free and equal.¹⁵ From this foundation, Locke argues that initially everything is owned in common. As human beings, however, we have the ability to use resources as we see fit. By going out into nature and shaping the world around us, we engage in the activity of labor. By laboring, the laborer “removes out of the state that nature hath provided” some object that “he hath mixed his *labor* with, and joined to it something that is his own...thereby

¹³ Kant, Immanuel. *The Metaphysics of Morals*. Ed. Mary Gregor. Cambridge: Univ., 2009 p.50.

¹⁴ MoM p.50.

¹⁵ Locke, John. *Second Treatise of Government*. Ed. C. B. Macpherson. Indianapolis: Hackett, 1980. p8-9.

makes it his *property*.”¹⁶ The laborer mixes herself with nature in a way such that a part of herself remains in the object. This is what distinguishes human labor from the activity of other animals. Every human being “has a *property* in his own *person*.”¹⁷ It is because of this personhood that human beings have a right to one’s own body, and subsequently the labor one’s body engages in. The nonhuman animal is not a person in this way and simply uses parts of nature.

The consequence of investing oneself into nature is that by doing so, one “excludes the common right of other men.”¹⁸ This sets up the right to property as a negative right. A negative right is one that *restricts* the actions of others, as opposed to a positive right that *promotes* the actions of others. Locke argues that human beings have the right to stop others from using the products of her labor. Locke provides one main restriction on the acquisition of property. He stipulates that one can take from nature as long as one leaves “enough, and as good, left in common for others.”¹⁹ One cannot simply take what one pleases. In taking an object out of the state of nature, the laborer removes the possibility for someone else to take that object out of nature. One should not take so much that others are not able to obtain resources for themselves. The ‘enough and as good’ condition is an important part of the way Locke justifies the inequality in civil society. It is justified to take more or less from nature as long as others can do the same.

One conclusion that follows from leaving enough and as good is that one cannot hoard resources if those resources are perishable. It is possible for a human being to pick so many apples that she or even her entire family could not eat them before they became rotten. One can,

¹⁶ SToG p.19.

¹⁷ SToG p.19.

¹⁸ SToG p.19.

¹⁹ SToG p.19 By ‘others’ Locke surely means other human beings, although he is not explicit. Since animals are not persons and cannot own property, it would seem that we need not leave ‘enough and as good’ for them.

however, trade those apples with someone else for wheat, corn, or something even more durable like a precious metal. One can keep as much of this durable material as one pleases because “the *exceeding of the bounds of his just property*” does not involve “the largeness of his possession, but the perishing of anything uselessly in it.”²⁰ Keeping more than one can immediately use is also justified because one has done the labor to make it one’s own. Grounding this claim is the idea that one can always go out into nature and do labor so that one can survive. If someone has less property, it is because she has consumed too much or labored too little.²¹ This inequality in the ability to labor and conserve one’s resources is the origin of money. Because some people can produce outside of their ability to consume “men have agreed to a disproportionate and unequal *possession of the earth*...by a tacit and voluntary consent.”²² Overproducing can be turned into something positive because surplus can be traded to someone else who needs the resource. Human beings now no longer have to live from hand to mouth; they can now be prepared for unforeseen catastrophes like drought or famine.

Like Locke, Kant makes the distinction between human beings in a ‘state of nature’ uncivilized living situation, and a social, civilized living situation. Kant articulates the difference between first or original acquisition as opposed to acquisition within a civil constitution. As might be suspected, Kant argues that only in civil society can one have conclusive property rights: “a unilateral will cannot put others under an obligation they would not otherwise have. – But the condition in which the will of all is actually united for giving law is the civil condition.”²³ In the state of nature, a rational agent cannot conclusively impose any kind of right on a fellow rational agent. One can expect other rational agents to follow the same laws you give

²⁰ SToG p.28.

²¹ I have written a paper critiquing this position as relying on the superabundance of nature that, while perhaps existing in Locke’s time period, does not exist today.

²² SToG p.29.

²³ MoM p.52.

to yourself (because both of your laws follow from *a priori* reason), but not to follow rules imposed on you externally, even by another rational agent. This is why “*original* acquisition can only be *provisional*. – *Conclusive* acquisition takes place only in the civil condition.”²⁴

Essentially, there must be some kind of ‘civil condition’²⁵ that guarantees a right to property. This condition includes government to enforce laws and protect contracts between consenting rational agents. If these contracts include the ownership or trade of private property, the government is obliged to uphold and defend them.

Kant, in agreement with Locke, argues that all uncivilized land is “originally in *common possession*” and that every rational agent “has by nature the *will* to use it.”²⁶ This claim to common ownership, however, is of the provisional, unilateral nature described as the original acquisition mentioned above. Publically owned property is still possible in the civil condition, however there can ever only be one owner. Parks are a good example of this. There is only one owner (the government or a private company), however the use of the park is for everyone. This relationship can be complicated by the introduction of different civil contracts. Logging rights to the park, for example, can be sold to others while ownership of the park remains with its original owner. In such cases, there is someone who is using the property who is not the owner of that property.

In addition to distinction between a user of property and an owner of property is the more theoretical question about the distinction between the term ‘external to me’ and ‘distinct from me.’ Kant very importantly acknowledges that within the conception of a right to private

²⁴ MoM p.52.

²⁵ Incidentally, Kant also argues that creating such a condition is necessitated by reason. He argues that “A civil constitution, though its realization is subjectively contingent, is still objectively necessary, that is, necessary as a duty” (MoM p. 51) and that “leaving the state of nature is based upon duty” (MoM p.54).

²⁶ MoM p.54.

property, one can only make a claim to something distinct from me. The idea of an object being external to me is essentially a spatial claim, meaning that the object is in a different *place* than me. Basically, ‘external to me’ is a practical distinction, whereas ‘distinct from me’ is a theoretical or rational distinction. One can ‘empirically possess’ an object insofar as that object is external to me, but what Kant focuses on (and is ultimately more interesting and important to my project) is ‘having an object under my control’. This kind of possession “is nothing other than a relation of a person to persons, all of whom are *bound*, with regard to the use of the thing, by the *will*, of the first person.”²⁷ As mentioned earlier, the persons involved are ‘bound’ not by each other as autonomous agents, but as members of a ‘civil condition’. While the justification for being bound is grounded in the nature of the autonomy of these individuals, the bond can only be *a priori* and ‘lawgiving’ if it is within the civil condition. This is what Kant calls “intelligible possession” and defines it as the “possession by mere right, even though the object (the thing I possess) is a sensible object.”²⁸ This kind of ‘intelligible possession’ within the civil condition is the closest thing Kant comes to a right to private property.

The Critique of Private Property

This idea that one should own the fruits of one’s labor is the general defense of a right to private property. As rational agents, we ought to have a right to appropriate that which we take from nature. The main critique of this position comes from Karl Marx. Marx takes a very different approach in addressing property rights than Kant or Locke. First of all, Marx insists that his critique is materialist (as opposed to idealist) in nature. Instead of grounding his arguments on concepts or ideas, Marx takes as his starting point the material conditions of the historical

²⁷ MoM p.55.

²⁸ MoM p.55.

time period. While over one hundred and fifty years have elapsed since Marx's writings, the economic conditions are eerily similar. The capitalist political economy Marx describes is very similar to our contemporary economic structure. Marx's critique of capitalist political economy is vital to understanding, and deciding what should be done about private property.

Marx's understanding of private property must be contextualized within his critique of capitalistic political economy as a whole. In accordance with his materialist approach, Marx begins not with an abstract concept (of a human being, of the state, etc.), but rather with the economic fact of capitalism. The mere existence of capitalism, Marx argues, does not provide a basis or justification for private property. Political economy simply "expresses in general, abstract formulae the *material* process through which private property actually passes, and the formulae it then takes for *laws*. It does not *comprehend* these."²⁹ The political economist simply assumes the right to private property and expects one to agree with it because of the 'benefits' that come with the capitalist system.³⁰

In looking at the science of political economy, Marx comments on the phenomenon of wage labor. Labor *qua* labor is the essence of human activity; it is the manner in which we interact, and (in a fashion similar to labor as described by Locke) insert ourselves into the world around us. Marx argues, that through our interaction with nature, human beings objectify ourselves in our work: "The product of labor is labor which has been congealed in an object, which has become material: it is the *objectification* of labor. Labor's realization is its

²⁹ Marx, Karl, and Friedrich Engels. "Economic and Philosophic Manuscripts of 1844." *The Marx-Engels Reader*. Ed. Robert Cinnamond Tucker. New York: Norton, 1978. p.70.

³⁰ This is the reason that I have not included the arguments of any contemporary economists. Fundamentally, the economist is not interested in a *philosophical* (moral) justification of private property. I will not address *economic* arguments that justify private property because they already presuppose the capitalist paradigm of the human being as self-interested and egocentric.

objectification.”³¹ This process of the objectification of labor is similar to the process Locke describes. The laborer encounters something in nature as other and invests a part of herself into that other. She recognizes that she has put herself into the object, and thus understands herself as a part of that object. This part of her is *objectified*. It is only through this process that labor recognizes itself as labor. This recognition is good because it leads to a greater understanding of oneself as laborer. After the objectification, however, there needs to be some kind of resolution. The self must reconcile the fact that it sees itself outside of itself. Under capitalism, however, this resolution never happens. Capitalism dictates that the laborer sees “objectification as *loss of the object* and *object-bondage*; appropriation as *estrangement*, as *alienation*.”³² Objectified labor is not necessarily alienated labor. However under the capitalist system labor *is* always alienated labor because labor is for a wage.

Wage labor is labor that can be bought and sold for a given price. Under the capitalist system, labor is conceived only as wage labor. Labor for a wage is necessarily alienated labor. Alienated labor is objectified labor that is not just “*external* existence,” but also “exists *outside of him*[the laborer]...that becomes a power of its own confronting him.”³³ Under capitalism the alien power of the worker’s labor becomes a negating force against her. She cannot reconcile herself with herself in the object. This is how the laborer becomes alienated from her product. This alienation from the product of one’s labor is the first of four types of alienation that occur under the capitalist economic structure.

The second way the laborer is alienated is that she is alienated from the activity of production: “the estrangement is manifested not only in the result but in the *act of production* –

³¹ 1844 p.71.

³² 1844 p.72.

³³ 1844 p.72.

within the *producing activity* itself.”³⁴ Production itself (at least within a capitalist paradigm) is an alienating force that transforms the worker into a commodity. A commodity is simply something that can be bought or sold. It only has an instrumental value.³⁵ Wage labor under the capitalist system is necessarily commodified labor because it is not seen as the special activity of the laborer, but something to be traded. By “*increasing* [the] *value* of the world of things” there is necessarily a “*devaluation* of the world of men.”³⁶ The more one puts into a thing, the less one has for oneself. A laborer is only important to the capitalist system insofar as she produces something. Since she no longer owns the object of production, she loses herself in the object.

The consequence of this commodification is that “the worker therefore only feels himself outside of his work, and in his work feels outside himself... His labor is therefore not voluntary, but coerced; it is *forced labor*.”³⁷ Even though no one is physically keeping a worker in the factory, she is still essentially forced to be there. She depends on her wages to continue her existence. She does not have the means (i.e. capital) to go or do anything else. She may be able to get a different wage labor job, but it would just be more of the same. This means that wage labor is different than other forms of labor in that it is not, and perhaps more importantly cannot, be voluntary.

This coerced labor leads to the exploitation of the worker. When the laborer works for a wage, she is compensated for her time spent. However, this compensation cannot be of the same value that the capitalist gets out of it.³⁸ For the capitalist to survive, he must get more value out of the laborer than he puts in. If he did not, there would be no surplus value, or profit upon which

³⁴ 1844 p.73.

³⁵ What Kant would call having a ‘price’ (as opposed to ‘dignity’).

³⁶ 1844 p.71.

³⁷ 1844 p.74.

³⁸ Marx, Karl, and Friedrich Engels. "The *Grundrisse*." *The Marx-Engels Reader*. Ed. Robert Cinnamond Tucker. New York: Norton, 1978. p.248.

he could survive. He is able to do this because of the alienation inherent within the system. Historically capitalists have been quite good at creating “*surplus labor*” as profit and surviving on it.³⁹

So far, the human being as a wage laborer can be described as being alienated in two ways: She is alienated from the product she creates as well as from the activity of production. Marx argues that the human laborer is also alienated from what he calls species being. Alienating labor takes “*Man’s species being*, both nature and his spiritual species property” and changes it “into a being *alien* to him, into a *means* to his *individual existence*.”⁴⁰ The ‘species being’ involves the species collectively, not individually. The laborer’s “Spiritual essence, his *human being*” is alienated because he is separated from the thing that unifies us as a species.⁴¹

Marx (along with Locke and Kant) conceives of human beings as fundamentally different from nonhuman animals. Nonhuman animals do not have the ability to freely and creatively express themselves, whereas human animals do. Marx argues that under capitalism “labor, *life-activity*, *productive life* itself, appears to man merely as a *means* of satisfying a need – the need to maintain the physical existence... [L]ife itself appears only as a *means to life*.”⁴² This goes directly against what Marx describes as the human life-activity. Because human beings have the capacity to make one’s own life-activity an object of thought, Marx argues that human beings are conscious. He defends the idea that “it is only because he [the human laborer] is a species being that he is a Conscious Being, i.e., that his own life is an object for him. Only because of that is his activity free activity.”⁴³ Under capitalism, this relationship is reversed. Since the wage

³⁹ Grundrisse p.249.

⁴⁰ 1844 p.77.

⁴¹ 1844 p.77.

⁴² 1844 p.76.

⁴³ 1844 p.76.

laborer is alienated from her product and from herself, she can no longer engage in this free activity. She labors not from her own freedom, but for the sake of some other.

The fourth and final way the wage laborer is alienated is from her fellow human being. Alienation from others follows directly from the alienation of one's species being. When looking at another human being, she sees him as having the same nature as she does. Since she understands herself (as well as what it means to be human) as fundamentally alienated, she will also see the other as fundamentally alienated.⁴⁴ The relationship, then, between two wage laborers will not be the essentially human one in which both recognize each other as free, creative beings. The relationship between these two workers will be a corruption of how they are supposed to interact.

In addition to being a free, creative being, Marx argues that human beings are also essentially relational beings: "The estrangement of man, and in fact every relationship in which man stands to himself, is first realized and expressed in the relationship in which a man stands to other men."⁴⁵ The alienation from one's fellow human being is extremely damaging. Without that true human relation, one cannot be fully human. To reiterate, these are the four ways in which the human being, as a wage laborer, is alienated: (1) from her product, (2) from the activity of production, (3) from her species being, and (4) from her fellow human being.

Understanding the process of alienation is vital in the discussion of property rights because: "*Private property* is...the product, the result, the necessary consequence, of *alienated labor*, of the external relation of the worker to nature and to himself."⁴⁶ This 'external relation' is not simply the objectification of one's self, but the complete and irreconcilable disconnect of

⁴⁴ 1844 p.77.

⁴⁵ 1844 p.77.

⁴⁶ 1844 p.79.

oneself from oneself in the object. To overcome this alienation, Marx argues a new form of political economy is needed. He calls this new form communism.⁴⁷ Communism, as Marx describes it, progresses in two stages. The first step in “the *positive* expression of annulled private property” is “*universal* private property.”⁴⁸ The current capitalist system is so ingrained into our understanding of the allocation of resources that it is not possible to transition directly to communism. The intermediary step is important because it generalizes the problem of private property so that it is more recognizable.

This is, however, only the first step in the process. As such, this crude reform of political economy does not alleviate the problem of alienated labor. Labor under this system is still wage labor. Even with “equality of *wages* paid out” presumably by the state, the concept of “the *community* as the universal capitalist” would still persist.⁴⁹ Such a system is, in essence, no better than the current capitalist form. Working conditions might be better and wages might be higher, but the fundamental problem of alienated labor still exists. Workers are still not able to freely express themselves in accordance with their species being. This system is simply a stepping stone to the final form of communism.

The final form of communism is “the *positive* transcendence of *private property*, of *human self-estrangement*.”⁵⁰ This form of communism is a system of political economy in which both private property and wage labor cease to exist. It is a return of the human being to her

⁴⁷ It is important to keep in mind that this is not the political communism of Soviet Russia or Maoist China. Both are based on Marx’s conception of communism, yet neither political structure attains exactly what Marx envisions. Communism is a complex nuanced idea that is very different than the simplistic straw man that is usually refuted.

⁴⁸ 1844 p.82.

⁴⁹ 1844 p.83.

⁵⁰ 1844 p.84.

original status as a human being.⁵¹ Labor is no longer commoditized, so laborers no longer sell themselves as labor or as products of their labor. The focus is on the social nature of the human being as opposed to the individualistic or egocentric nature. Under communism, human beings labor, and are objectified by that labor. However, this objectification is not alienating because not only is her labor not commoditized, but also she understands her relationship to others. She understands that she is dependent on the other and the other is dependent on her. The worker understands “how the object, being the direct embodiment of his individuality, is simultaneously his own existence for the other man, the existence of the other man, and that existence for him.”⁵² Through this relationship between workers, each worker’s labor is unalienated.

This final form of communism will not be imposed on nations or governments, but will grow out of the struggles of the working class. Marx argues that “the working class must organize itself at home *as a class* and that its own country is the immediate arena of its struggle.”⁵³ This is not to say that each movement will be restricted to each nation. It means that out of each nation will arise a class consciousness that must be able to meld with the class consciousnesses in other nations. The effort must be an international movement that unites workers all over the world.⁵⁴ They create a world class consciousness that is in essence a world community of workers.

Marx is an important resource in articulating the problems of alienated labor and private property because he provides a descriptive account of these processes. This is not to say that he does not provide normative or ethical claims, just that his focus is on describing the capitalist

⁵¹ Concurrently, all forms of alienation are negated, including social alienation arising from institutions such as religion or the state (1844 p.85).

⁵² 1844 p.85.

⁵³ Marx, Karl, and Friedrich Engels. "Critique of the Gotha Program." *The Marx-Engels Reader*. Ed. Robert Cinnamond Tucker. New York: Norton, 1978. p.533.

⁵⁴ CotGP p.533.

system of political economy. While he does not offer any kind of overarching ethical system, there are implicit moral conclusions that can be drawn from his account. Using a Kantian framework, we can tease out some of these moral claims and better understand the normative force of Marx's arguments.

What Marx articulates about one's species being is not a normative claim about the way a human being *should* act; it is a positive description about the way a human being *is*. Kant gives us a complex and robust system by which we can judge morally the phenomenon described by Marx.⁵⁵ An alienated worker is not only treated by others as a mere means, but also views herself as a mere means to some other end. Applying the categorical imperative, any maxim that implies a system of alienated labor would be immoral. To will such a system, one must will that others be treated as a mere means to some other end. It also implies that you are willing others to treat you as a mere means, which is a contradiction. One cannot use one's moral agency to relinquish that moral agency. This is an important moral fact when determining whether or not someone has a right to private property.

This does not mean, however, that it becomes impossible to act morally under the capitalist paradigm. With some difficulty, it is possible to fight against one's own alienation and treat others with the dignity they inherently possess. This mere possibility does not alleviate capitalism from responsibility. Insofar as individuals decide to treat others with this type of respect, they are attempting to go outside the capitalist paradigm. According to the capitalist, our essential nature is to be a commodity. We are naturally self-interested and every action within the capitalist model is a calculated cost-benefit analysis. As Marx clearly shows, capitalism, the

⁵⁵ While Kant and Marx's conception of a human being are not identical, they are complimentary. Both understand the human being as free.

practice of wage labor, and private property all endorse and normalize dehumanizing practices. Furthermore, proponents of capitalism defend the system by arguing that people are actually benefiting from the system. While more ‘wealth’ may exist, it does not, and more importantly *cannot*, make up for the treatment of human agents as mere means.

By using Marx’s critique of capitalist political economy and Kant’s formulation of morality, a human being *should not* have a right to private property. The right to private property perpetuates the capitalistic, egocentric paradigm that involves alienation of labor, which is a fundamentally immoral system. The right to private property is a curious right because it fundamentally restricts the right of another. Properly understood, any type right to property is not truly about the object being owned. As far as a right to private property implies some kind of duty or responsibility, it cannot be a duty or responsibility to the object itself. Since the object is simply a thing, a mere means, there is no basis on which to ground a duty. The right to property, then, is actually a relationship between two human beings. It is a principle that governs how individuals interact with each other with respect to objects in the world. This right, in the context of private property, is essentially a negative right insofar as its main goal is to limit the action of the other human being in question. My right to privately own a thing is actually my right to restrict someone else from using it. When I take the object out of the state of nature or out of common ownership, I am saying that no one else can use that object in the same way that I am. Fundamentally, the right is a right *against* all others.

This argument rules out the possibility of a human or moral right to private property because no structure of political economy that includes a right to private property would treat laborers as ends in themselves. Any moral economic system (along Kantian grounds) must be one in which everyone is treated as an end in him or herself. One cannot will a system that treats

workers as mere means because universalizing that maxim would result in willing yourself to be treated as a mere means. As such, we must completely reject the concept of private property all together. However, simply discarding the concept or right to private property does not solve the problem of how to interact with objects in the world. In the absence of some principle of acquisition or ownership, there could be no regulation of use. Therefore we must retain some kind of right, some kind of principle that guides action pertaining to objects in the world and how to treat other beings that can also do labor. A theory or principle is needed because, as Marx argues, it is part of our very being to engage in freely creative labor.⁵⁶ It is also a simple biological fact that we, as human beings, need resources to survive. Whatever kind of principle to be derived must be one that forbids the possibility of commoditizing the product of one's labor. Any form of a right to property that includes a provision that one may 'sell' either oneself or one's labor will always fall under the same problems of the capitalist paradigm. The new principle must, in itself, be incorporated into a kind of paradigm shift away from wage labor and constitute a new form of labor.

Understanding or articulating this new paradigm is extremely difficult because we have all grown up in the old capitalist paradigm. It has been an economic fact since before Marx was writing and it would appear that not only is it not going to change any time soon, but that it cannot change. This is, however, not the case. The old capitalistic model of understanding human interaction is not a law of nature. They are not necessary conditions, but in fact *provide* the conditions for the paradigm. As such, there is still the possibility to change them. The process of transitioning from the old paradigm to the new paradigm will begin by distancing our thinking from that old paradigm.

⁵⁶ 1844 p.76.

To distinguish the right under the new communist paradigm as opposed to under the old capitalist paradigm, I will use the term ‘right to ownership’ or ‘ownership rights’ instead of ‘right to property’ or ‘property rights.’ Any mention of property is immediately reminiscent of the right to private property within capitalism. While a new concept of a right to ownership still involves ‘property’ or the object to be owned, the focus has shifted from the object owned to the subject doing the owning. At the heart of a new ‘right to ownership’ is not only the owner herself, but also the relationships between owners. Any right about objects to be owned is more accurately a right involving the other people in the community. Fundamentally, the new paradigm is one in which property is owned in common with others. This new right should be seen as outlining the responsibilities one has to others in the allocation of resources. The new terminology is meant to reflect this emphasis on the owner as well as distance itself from the old capitalist paradigm.

This new right to ownership is not a right to the ownership of private property. It is the right of ownership of one’s natural creative activity. It is a right to enjoy the process of laboring, that is to say, the process of being fully a human being. This right is founded on the idea that we have a basic right to freedom. This right to freedom can be seen as a right *against* inhibiting our freedom (classical liberalism’s definition of liberty); however, it is also a right *for* positive freedom. It is extremely important to shift away from the former conception of freedom as essentially negative in nature.⁵⁷ It is from this conception of freedom as negative that results in the right to private property. To avoid this, our conception of ownership must come from a view of the positive nature of freedom.

Community and Memphis

⁵⁷ Kant argues that the positive conception is “much the richer” and “more fruitful” (GMoM p.52).

The complete upheaval of the entire existing economic paradigm is an extremely difficult task to accomplish. It would require countless hours from thousands, if not millions of people. It is a process that will take a long, long time. The principles of communism, however, can be implemented on a scale smaller than the international or national level. Parents, for example, provide food, clothing, and a place to sleep for their children without charging them. No economic compensation is required. Parents (as well as children) contribute ‘according to their abilities’ and use ‘according to their need.’⁵⁸ The relational nature between children and their parents is obvious: young children are entirely dependent upon their parents to survive and parents are entirely responsible for the life (both existence and continuation) of their children. This same kind of communal relationship can also be seen in extremely tight knit friend groups, or in some fraternity or sorority settings. Often times the people with the most resources pay more than people with few to no resources. When all the members of the group understand the relational nature of the situation, there are very few hard feelings between those who pay more and those who pay less. Everyone understands the nature of the situation and would rather pay unequally than see some of the members not participate.

To fully understand this new conception of ownership, it is important to understand the relationship between the individual and the community. By conceiving of ownership as something more than the ability to restrict others, something more must be said about the relational nature of human beings. Judith Butler, in an essay about grief and mourning, outlines this nature, as well as a developed conception of community. This sense of community rests on the interdependence of each community member. In her examination of loss, she argues that “It is not as if an ‘I’ exists independently over here and then simply loses a ‘you’ over there,

⁵⁸ In reference to Marx: “From each according to his ability, to each according to his needs!” CotGP p.531.

especially if the attachment to ‘you’ is part of what composes who ‘I’ am... Who ‘am’ I, without you?”⁵⁹ By asking this rhetorical question, Butler is getting at the fundamentally relational nature of our being. Without the other, I am not, and cannot be myself. The relational nature is not one of mutual strength, but is rather one of mutual weakness. The conception of the human being is “one in which we are, from the start, given over to the other, one in which we are, from the start, even prior to individuation itself and, by virtue of bodily requirements, given over to some set of primary others.”⁶⁰ This ‘giving over to the other’ happens whether there is an actual set of primary others or not. This condition is general insofar as all human beings experience it, whether the other is supportive or detrimental.

This assessment of the human being as vulnerable (and thus always in relation to the other) means that there can be few truly private activities. This entails that “each of us is constituted politically in part by virtue of the social vulnerability of our bodies – as a site of desire and physical vulnerability, as a site of a publicity at once assertive and exposed.”⁶¹ Butler relates this to loss and grieving, however it also applies to all realms of human interaction. When discussing ownership and allocation of resources, the political nature of this ‘social vulnerability’ is very important. According to this understanding, a human being can own something not because she was strong enough to take it from the state of nature, but because she is so weak that she cannot live without it. This is not to say that labor is not an important factor, just that simply laboring on an object cannot be enough to entail ownership. The need of the individual must also be taken into account. Because the nature of the individual is dependent on the nature of the

⁵⁹ Butler, Judith. "Violence, Mourning, Politics." *Prekarious Life: the Powers of Mourning and Violence*. London: Verso, 2006 p.22.

⁶⁰ PL p.31.

⁶¹ PL p.20.

other, the need of the other must be taken into account also. This complication allows for more to be taken into account when determining justified ownership and use.

Butler also reformulates the idea of community based on this relational nature of the human being. Because of this relational nature, we are always struggling for independence and autonomy. While we see ourselves as free, autonomous agents, we also understand that there are physical as well as social limitations based on outside demands. When we all see ourselves in this way, Butler asks: “Is this not another way of imagining community, one in which we are alike only in having this condition separately and so having in common a condition that cannot be thought without difference?”⁶² To be a member of a community, members must share something in common. Butler’s point here is that it is this common understanding of ourselves as relational that *each* of us has individually that is the basis for community. While Butler tends to focus more on the relational and vulnerable nature of the human being, the individual and separate nature is also essential. It is only insofar as I can distinguish that there is another who is *distinct* from myself that I can understand that I am also dependent on that other. In the absence of this separation, we would all be the same, and thus the community would be reduced to a single individual. Both the individual nature and the relational nature of the human being must be present and understood as being interdependent. This Butlerian conception of community attempts to elaborate upon this understanding.

In Memphis, there are a couple of organizations that operate in a model similar to Marx’s paradigm of communism. One of these organizations is a ministry of First Congregational Church in Midtown called Revolutions Community Bicycle Shop.⁶³ While Revolutions calls

⁶² PL 27.

⁶³ Revolutions Community Bicycle Shop | Saving the World One Bike at a Time. Wordpress.com. Web. 26 July 2011. <<http://revolutionsmemphis.wordpress.com/>>.

itself a 'shop' they do not sell bicycles. Members of the shop are, however, allowed to assemble a bike for their own personal use, as well as to use the shop facilities and experts' knowledge in fixing that bike. To become a member, one must volunteer ten hours and make a forty dollar 'donation.' This donation can be replaced by more volunteer hours in the event that a member is unwilling or unable to make it.

On their website, Revolutions insists that "Our mission and our strength is our community."⁶⁴ This community of cyclists is consciously supported by the structure of the organization. At Revolutions, you are encouraged to learn how a bike is constructed. The point of volunteering (in addition to maintaining the facility) is to gain practical knowledge that can be used to make one's life better. In the terminology of Marx, one labors in such a way that one does not alienate herself. Volunteer work is fundamentally different than wage labor. One cannot be forced to volunteer. Also, the volunteer work endorsed by Revolutions is free creative activity. One is volunteering not just for the goal of getting a bike out of the deal, but also because one wants to learn more about bikes and bike repair. The people who volunteer at Revolutions are people who want to incorporate biking into their daily lives. Perhaps most importantly, the volunteer work is not commoditized such that it could be bought or sold, and no one is making a profit off of her. Revolutions is not exploiting the surplus value of the laborer because Revolutions does not charge for its services.

Revolutions is a great example of how a new conception of a right to ownership can be applied. One's possession and use of the object (the bike) is directly related to the *labor* one puts into the object. After serving ten volunteer hours, members sign up for time slots where they are provided all the parts to make the bike as well as access to bike experts who help them put it

⁶⁴ <http://revolutionsmemphis.wordpress.com/about/>.

together. Once the bike is finished, there is a sense of ownership over the bike. Legally one might have certain rights, or Revolutions might have certain rights over the bike; however there are a completely different set of rights within the community at Revolutions. The bike you make is yours not because you have the ability to exclude others from using it; it is yours because you made it and intend to use it. It is through your positive activity that it remains 'owned' by you. Also, for the year after you build your bike, you have access to all the tools, spare parts, and expert knowledge at Revolutions.

In a very different way than your claim to the bike, you have some claim to ownership over the tools and parts in the shop. However this claim is predicated on some justified need. If I, as a member of Revolutions, walk in and ask for a new wheel, I only have a justified claim to ownership of that new wheel if my old wheel is broken. I cannot go in demanding new parts simply because I want to. In addition to assessing one's own needs, one also must take into account the needs of the other community members. There may be others who also have a broken wheel and one must respect their right to use the facility. However within the community at Revolutions, the idea is not to get as much out of the relationship as one possibly can; the idea is to create a community where everyone's needs can be met.

The mission at Revolutions understands community in a way similar to Butler. They insist that their "shop, like our communities or families, is only as strong as the least among us."⁶⁵ This is a recognition that while we are all vulnerable, some of us are more vulnerable than others. The reasons for this vulnerability (whether it be social, physical, or of any other) is not a reason to neglect or overlook it. Revolutions is attempting to overcome this vulnerability by providing the facilities where one can acquire and maintain a bicycle. Through their style of

⁶⁵ <http://revolutionsmemphis.wordpress.com/about/>.

ownership that is not about exploitation and alienation, they are making a difference in people's lives.

Another great example of a community that operates within a Marxist paradigm is Caritas Village, which is located in Binghampton neighborhood.⁶⁶ According to their website, the word 'Caritas' translated from Latin means 'love for all people.'⁶⁷ This love for all people is the driving force behind what goes on at Caritas Village. It is mainly a coffee shop that serves lunch, but it also doubles as a community center. As a community center, Caritas Village also provides children a safe alternative to the streets. Their overall mission is to "break down walls of hostility between and among neighboring cultures, and build bridges of love and trust between the rich and those made poor."⁶⁸ These bridges of 'love and trust' are the kind of relationships necessary for a flourishing community.

Just like Revolutions, Caritas Village provides a service; they function as a coffee shop and serve hot meals at lunch time. While they do charge for these services, they also feed people regardless of one's ability to pay. If you have enough money you are expected to pay full price, but those who do not have enough are not turned away. This is an example of the community moving away from the capitalistic paradigm. Caritas Village realizes that feeding people is more important than making a profit. As a part of our mutual vulnerability, we all need to eat. Those of us who do not have the resources to pay for food are in no less need of food than those of us who do have the resources. The coffee shop at Caritas Village is quite successful and despite its (non-capitalist) willingness to feed everyone, it manages to make money. However, this 'surplus value' is not exploited by the owners but is reinvested into the community by means of

⁶⁶ *Caritas Village*. N.p., n.d. Web. 26 July 2011. <<http://www.caritasvillage.org/>>.

⁶⁷ <http://www.caritasvillage.org/about/>.

⁶⁸ <http://www.caritasvillage.org/about/>.

affordable housing. Caritas rents out five apartments and again uses a ‘pay as you can’ kind of sliding scale to determine rent prices.

One of the reasons Caritas Village is so successful is because of the large number of volunteers that staff the coffee shop. Like at Revolutions, the volunteers at Caritas Village become a part of the community when they volunteer. Part of the volunteer work is help in the kitchen, but part of it is to engage in the community and talk to people in the coffee shop. Since the volunteers are not making money or being forced to be there, the labor is not alienated. What they get out of the experience is not a wage, but a better appreciation and understanding of the community. Volunteers are provided with a free meal; however this is not as much ‘payment’ as a ‘thank you’ for their hard work. The situation is not conceived of as trading labor for food, but that if everyone pulls his or her share, then everyone can enjoy the benefits.

In addition to being a coffee shop, Caritas Village is a community center that promotes the arts. The second floor of the building is a space designed to use “art, music, hospitality, theatre, classes, and connections to creatively join people together in common goals from many different ethnic, racial, and socioeconomic backgrounds.”⁶⁹ Connecting people from diverse backgrounds is an important step to understanding the nature of community. All people are vulnerable, no matter where they came from. Using the arts is a creative medium through which we can learn about one another and begin to understand our commonality. The arts are also not specifically intended to make money. They allow us to express our creative activity in a way very similar to the way Marx describes our species being. Engaging in artistic activities gives the artist more freedom to express herself than she would normally in everyday, capitalistic life. This allows her to grow and better understand herself as a human being.

⁶⁹ <http://www.caritasvillage.org/about/>.

Memphis, either despite or because of its economic problems, has numerous applications of Marx's argument for the rejection of private property. Referring back the Universal Declaration of Human Rights, one immediate change that needs to be made is the removal of the term 'alone' from Article 17. The new section of the article would read "Everyone has the right to own property *only in association with others*."⁷⁰ This reformulation takes into account the Marxist critique of private property. Using a Kantian ethical framework, it becomes even clearer that any system that involves alienation is an immoral system. By denying human beings the right to own property alone, we take a step toward the paradigm shift discussed earlier in the paper. This paradigm shift will be towards a better understanding of how community as well as a better articulation of our duties and responsibilities to that community. Simply making this change in the UDHR will not solve the overarching problem. The abolishment of private property is not something that can be implemented through the will of the government or any other organization; the sentiment must come from the people who are being oppressed. It is through community organizations like Revolutions and Caritas Village that change will continue.

The brilliance of the logic of capitalism is that it suppresses the people who would rise against it. It relies on and perpetuates the system of alienated labor. Changing all of this will not be easy or quick, but this change will ultimately lead to a better system where human beings are treated as human beings. No matter how powerful you are politically or economically, you are still vulnerable in the way that Butler describes. Each of us has a responsibility to understand ourselves as such and treat others as such. Communities such as Revolutions or Caritas Village go a long way in taking the necessary steps to change, but the ultimate responsibility lies with us to demand change.

⁷⁰ Emphasis added,