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## ARISTOTLE ON PROPERTY RIGHTS

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### 1. Introduction

Aristotle discusses property in many different contexts throughout the Politics as well as in other works, most notably the Rhetoric and Nicomachean Ethics. In this paper I argue that these disconnected discussions provide the materials to construct a theory of property rights. I am self-consciously following the lead of Barker who refers to "the vindication of the right of private property which appears in the second book of the Politics" (1906, p. 248). In this as in many other instances Barker was in turn following the lead of Newman (e.g., 1887, I, pp. 167-168). This interpretation must, however, be defended anew, because many recent commentators have categorically asserted that there is no place in Aristotle's thought for rights: these include Alasdair MacIntyre, M. I. Finley, Leo Strauss, John Finnis, and T. H. Irwin. In "Are There Any Rights in Aristotle?" (read to the SAGP in October, 1984) I argued on general grounds that concepts comparable to modern concepts of rights can be attributed to Aristotle because he makes normative claims which closely approximate Hohfeldian rights claims, and I have further contended that the theoretical objections against interpreting Aristotle in terms of rights rely upon tendentiously narrow construals of rights. I shall not attempt to rehearse those arguments here but want instead to take up the case for rights to property specifically.

I shall begin by indicating in quite general terms how I am using the expression "property rights" in this paper. Property rights are legal or moral relationships involving individuals and objects, consisting of aggregates or clusters of different sorts of rights or their correlatives (cp. Becker 1977, p. 21). For example, the right to an object such as a jar of olives typically involves both a liberty to possess it and to put it to various uses as well as a claim right imposing duties of noninterference on the part of others with its possession or use. This typically implies the right to compensation or restitution if there is interference or harm to the object by others. It also typically involves the power to offer the object for sale or to give it away, which changes the legal or moral relationships of others. And it typically involves an immunity against others putting the object up for sale or giving it away without the owner's consent. My repeated use of "typically" is deliberate. The various elements into which the relations of ownership and property have been analyzed are not all necessarily present in all cases. Thus, although A. M. Honore (1961) distinguishes eleven such elements -- the right to possess, to use, to manage, the right to the income, to the capital, to security, to transmissibility, the absence of term, the prohibition of harmful use, the liability to execution, and the residual character of property -- he contends that while all of these elements are required for full ownership,

none is a necessary condition for "owning" something. In ascribing a concept of property rights to Aristotle I am claiming that elements play an important role in his normative assertions about property and wealth in the Politics and other works. In the following section I shall suggest a working concept of property rights in Aristotle's own terms.

A theory of property rights should provide answers to a number of questions about property rights: (1) What individuals can properly hold rights to property? (2) To what objects can they have property rights? (3) What form is taken by exercise of property rights? (4) What is the general moral justification for the thesis that individuals should have property rights? (5) Under what circumstances do individuals justly acquire title to specific objects and under what circumstances do they come to possess them unjustly? (6) Under what circumstances, if any, may property rights be alienable, defeasible, or qualifiable? (7) what specific social policies are implied by property rights: i.e. in what way should property rights be protected and what constraints, if any, do individual property rights place upon the conduct of government? In ascribing to Aristotle a theory of property rights I should be understood as ambitiously claiming that Aristotle offers answers to questions such as these.

The test of this interpretation is whether it does indeed provide a way of connecting Aristotle's scattered claims about property into a more comprehensible whole and of critically examining the merits of these claims within Aristotle's broader philosophical framework. I shall return to this in the final section.

## 2. A Working Concept of Property Rights

The ancient Greeks recognize a distinction which is fundamental to the conception of property right: the distinction between the mere possession of an object and the legal ownership of it. Plato recognizes this juridical distinction when he makes Socrates say that the goal of the rulers in conducting law suits will be "that individuals should neither have (*echosi*) another's things (*tallotria*) nor be deprived of their own things (*ton hauton*)" (Republic IV, 433e6-8). Similarly, the orator Hegesippos states that "it is possible to have (*echein*) another's things and not all those who have, have their own things, but many have acquired (*kekentai*) another's things" ([Dem.] 7.26) Again, Theophrastus asserts that even if goods for sale have changed hands, the seller remains the owner of the property (*kurion tou ktematos*) until he receives the payment (Stobaeus, Florileg. 44.22; cf. Harrison 1968, I, p. 204)

There were elaborate legal procedures through which property owners could seek protection and compensation; this is especially evident in the Athenian legal system, about which the most is known (cf. Harrison 1968; MacDowell 1978). Nevertheless, the Greeks do not have an abstract term which unambiguously stands for legal ownership as such (cf. Finley 1951, pp. 53 ff.; Jones 1956, p. 201 n. 4; Harrison 1968, I, p. 201; MacDowell 1978, p. 133). *Ousia*, for example, is used for the concrete property which an individual owns (cf. Plato Republic VIII, 551b3;

Antiphon Tetr. A(b)12 rather than to designate ownership as such. The verbs *echein*, *kratein* and *kekteshai* do not have special legal or moral implications. This underscores, I think, the importance of Aristotle's attempt in Rhetoric I, 5, 1361a12-24 to offer a general treatment of the notion of wealth. (I shall discuss the argument of which this passage is a part in the following section.) This may be the earliest such attempt by a Greek thinker, and it is of special interest here because it mentions central elements of the concept of property rights.

The discussion begins with an enumeration of the parts (*mere*) of wealth: plenty of money; possession (*ktesis*) of land and estates; possession of movable objects, animals, and slaves. Since the Greeks included with land ownership the buildings and crops on it (cf. Harrison 1968, I, p. 202), Aristotle has enumerated the main types of property recognized by Greek law (cf. MacDowell 1978, p. 133). In this passage Aristotle states a number of conditions which must be met if one is to fully qualify as being wealthy (*ploutein*):

- (1) the properties are numerous, large, and beautiful;
- (2) the properties are liberal (*eleutheria*) or useful (*chresima*);
- (3) the properties are secure (*asphale*);
- (4) the properties are one's own (*oikeia*);
- (5) one is actually using the property rather than merely owning it.

I understand (2) as disjunctive because Aristotle defines the two conditions so that they are mutually exclusive: useful properties are productive, those from which we derive income or rents; whereas liberal properties are those from which we derive pleasure but no further advantage. (This distinction resurfaces in Politics I, 4; see section 4.) The conditions especially important for my purposes are (3) and (4). Aristotle explains what he means by each at 1361a19-23: "A criterion of 'security' is possession (*kekteshai*) in a given place and in such a manner that the use of the objects is up to oneself (*aph' hauto*); and a criterion of 'being one's own (*oikeia*) or not' is when the alienation of it is up to oneself (*eph' hauto*); I mean by 'alienation' (*apallotriosin*) giving and selling." So defined, (3) and (4) differ importantly from (1) which distinguishes wealth from more modest levels of property possession; and from (5) which distinguishes leading an actually wealthy life from being materially capable of doing so. (3) and (4), in contrast, are preconditions not only of wealth but of ownership in general.

Harrison finds it "noteworthy that Aristotle should single out the power to alienate as the true sign of a thing being one's own (*oikeion*)." (1968, I, p. 202; (compare Jones 1956, p. 198 on the place of this power in ownership for Greek law generally). It is also important for my argument that (3) and (4) correspond to central elements in the modern Anglo-American concept of property rights. To wit Becker (1977, p. 20) argues that among Honore's elements the right to the capital is "the most fundamental of the elements, if only because it includes the right to destroy, consume, and alienate. (Alienation is understood to exchanges, gifts, and just 'letting go.')" In the light of this parallel, I take (3) and (4) to constitute an

Aristotelian working concept of property rights, namely:

X has a property right in P iff. X possesses P in such a way that the use of P is up to X, and the alienation of P (giving P away or selling P) is up to X.

It is reasonable to suppose that this analysis has a force comparable to following Hohfeldian assertions: X is at liberty to use P in one way or in another way, in the sense that X is under no obligation to use P in a particular way. And X has a claim against others not to be interfered with in his use of P. (Cp. 1360b16-17: the defining conditions of happiness include "the power to protect and put to use" one's possessions.) X has the power to transfer ownership of P to Y by giving it or selling it to him. And X has the liberty to do so, in the sense that X is under no obligation to refrain from alienating P. (Cp. Grimaldi who remarks that *apallotriosai* "Aristotle defines immediately as the right to give or to sell (what one possesses); 1980, p. 112.)

In the remainder of this paper I shall argue that good sense can be made of Aristotle's discussions of property in the Politics if he is understood as using the working concept of property rights just described.

### 3. The Eudaimonistic Justification

One important form of justification of property concerns its relationship to *eudaimonia* or happiness.<sup>2</sup> In the context of such a justification occurs the analysis of wealth discussed in the preceding section. Rhetoric I, 5 commences with an assertion of teleology similar to the openings of the Politics and Nicomachean Ethics. Everybody, individually and collectively, has a goal, and this is happiness and its parts. We should understand what happiness is and what its parts are, because all those who try to persuade others presuppose what I shall call the eudaimonistic principle:

One ought to do the things which provide happiness or any of its parts, or increase rather than decrease it, and ought not to do those things which destroy or hinder it or make those things that are contrary to it  
[1360b11-14].

This is clearly a consequentialist principle, which prescribes an end for public policy (1360b4) as well as for self-interested individual decision making (cp. 1360b4, 1360b31-1361a12).

Aristotle then offers an account of happiness:

Let then happiness be (A) doing well with excellence [virtue], or (B) self-sufficiency of life, or (C) the most pleasant life with security, or (D) a thriving state of possessions and bodies with the power to protect and put them into action [1360b14-17].<sup>3</sup>

Aristotle is in effect treating happiness as a "cluster concept," which includes both common beliefs about *eudaimonia* and philosophical theories. It is not clear whether these are meant to be necessary or sufficient conditions of happiness. Nevertheless, on the basis of this account, Aristotle infers that happiness has numerous parts<sup>4</sup>, including external goods, one of which is wealth (1360b20, 28).

The eudaimonistic justification is a straightforward

application of the eudaimonistic principle to wealth:

1. One should do the things which provide happiness or any of its parts, or increase rather than decrease it, and should not do those things which destroy or hinder it or make those things that are contrary to it.
2. Wealth is a part of happiness.
3. Therefore, one should do the things which provide wealth or increase rather than decrease it and should not do those things which destroy or impede its use.

Premiss (2) is based on two of the disjunctive conditions of happiness: (B) self-sufficiency of life and (D) a thriving state of possessions and bodies with the power to protect and put them into action. Moreover, as I noted in the previous section, Aristotle states that wealth must satisfy the conditions of being secure and being one's own, conditions which are central elements of property rights: the use and alienation of the possessions are up to the owner.

Admittedly care must be used with an argument from the first book of the Rhetoric which is generally regarded as early in composition (cf. Duering 1966, p. 118). Both premisses of the above argument seem to be open to objection. (1) speaks of "parts" of happiness. Aristotle also speaks in this way in the Eudemian Ethics I, 2, 1214b26-27; 5, 1216a39-40; and II, 1, 1219b11-13 and in the Magna Moralia II, 8, 1184a18-19, 26-29, 30-31, but he does not use this sort of language in the Nicomachean Ethics (cp. Cooper 1975, p. 122). Even more controversially, (2) calls wealth a part of happiness. Not only do the ethical works not treat wealth as a part of happiness, but they point out a serious mistake which (2) might be taken to commit, namely, of confusing a necessary condition of happiness with a part of happiness (Eudemian Ethics I, 2, 1214b24-27; Politics VII, 1, 1323b24-29; 13, 1332a25-27).

Nevertheless, I think that the recent work of Cooper (1985) suggests that the argument of the Rhetoric is, on the whole, consistent with Aristotle's mature conception of happiness, at least in so far as it is expressed in the first book of Nicomachean Ethics. This work does not merely claim, with the Magna Moralia that the happy person needs external goods (II, 8, 1206b33-34; cp. Politics VII, 13, 1331b41-1332a1), but, as Cooper argues, it offers a definition of happiness which includes the external goods (*ta ekta agatha*): "that person is *eudaimon* (flourishes, is happy) who is active in accordance with the external goods not for just any old period of time but for a complete life" (1985, p. 174 translating I, 10, 1101a14-16; cp. 8, 1099a31 ff.). And these "external goods" include wealth and the other items listed in Rhetoric I, 5 (Cooper 1985, p. 177). The claim that external goods are a constituent of "the best life" is similarly made in Politics VII, 1, 1323b40-1324a1. Aristotle qualifies these claims when he treats the value of external goods as derived from that of virtuous activities, as Nicomachean Ethics VII, 13, 1153b17-19 makes clear: "... no activity is perfect when it is impeded, and happiness is a perfect thing; this is why the happy man needs the

goods of the body and external goods, i.e. those of fortune, viz. in order that he may not be impeded in these ways." Nevertheless, virtuous activity essentially requires the external goods; for example, an act of generosity essentially requires the possession of wealth. Hence, on Cooper's interpretation, Aristotle is entitled to treat them as parts of *eudaimonia* because they "are circumstances and conditions reference to which is actually part of the essential characterization of the virtuous activities that constitute *eudaimonia*, on Aristotle's theory." (1985, p. 192 n. 11)

However, the Rhetoric justification needs to be qualified to the extent that wealth is a "part" of happiness only in the sense of being an essential condition of its attainment. And the justification would be restricted to property which plays an essential role in the activities of happiness, e.g. property used in acts of generosity. It would not apply to property used to maintain life, e.g. one's food, bed, or clothing, or to property used to produce other goods.

#### 4. The Instrumentalist Justification of Property

Politics I, 4-10 offers an alternative to the eudaimonistic justification of property rights and places ownership and acquisition in a teleological context. Aristotle's treatment of property is, of course, bound up with the defense of slavery, but it includes arguments concerning property in general, and I shall attempt to abstract these from the reasoning exclusively concerned with slavery.

The argument of Politics I, 4 presupposes the eudaimonistic principle and also relies upon the claim (already set forth in I, 2) that the household is the social institution necessary for maintaining life and is therefore a prerequisite for the good life or happiness. I offer the following reconstruction of 1253b23-33, 1254a9-13:

1. One cannot live or live well without the necessary things.
2. [The function of household management is maintaining life.] (Tacit premiss)
3. Just as in specialized arts, the proper instruments (*ta oikeia organa*) must be present to fulfill their function (*ergon*), the household manager must have the proper instruments to fulfill his function.
4. [Property consists in instruments used in a household or state.] (cp. 8, 1254a16)
5. Therefore, a possession (*ktema*) is an instrument for life, separable from the possessor, and property (*ktesis*) is a number of such instruments.
6. A possession is spoken of as a part is spoken of; for the part is not only a part of something else, but wholly belongs to it; and this is also true of a possession.
7. Therefore, property is a part of the household.

This argument raises a number of problems. It is unclear about whom the property belongs to: It seems to shift from saying that an individual qua household manager must possess

property (clearly implied by 4 and 5) to saying that property is a part of the household. (This unclarity is also found in the case of slavery: is the slave a part of the household or of the master? cf. I, 6, 1255b11-121) Also the conclusion (7) seems to be rejected on second thought in later chapters (I, 10; VII, 8; cf. Newman 1887, II, p. 135). Further, when Aristotle defines possessions and property as practical instrument, he counterintuitively rules out productive instruments as possessions. But here it seems he is using "possession" in a narrow, technical sense, and his purpose in so doing is to underscore that the present justification is applicable only to practical property.

The instrumentalist justification differs from the eudaimonistic in that it only requires property to be a necessary condition, not a part, of the end. Moreover, the end in the case of the instrumentalist justification is more broadly conceived as well as the good life. Consequently, it can accommodate a wider range of property than the eudaimonistic justification (as narrowly construed at the end of section 3), including possessions necessary for everyday subsistence (although as noted above productive property is still left out of account). But in both cases Aristotle has argued that ought to possess certain types of property because they are necessary for well-being.

### 5. Justice and Injustice in Acquisition

A central question which a theory of property rights must answer is: how can people originally acquire property justly? Aristotle addresses a question which is closely related to this when he examines the art of acquisition (*chrematistike*) in Politics I, 8-11. The question takes the form: which of the forms of the art of acquisition are according to nature or contrary to nature? This is for Aristotle also a question of what forms are just or unjust, because he relates nature and justice by means of two fundamental principles: a positive principle according to which everything in a social context which is according to nature is just (Politics I, 5, 1255a1-3; III, 17, 1287b37-39; VII, 9, 1329a13-17), and a negative principle according to which everything in a social context which is contrary to nature is unjust (I, 3, 1253b20-23; 10, 1258a40-b2; VII, 3, 1325b7-10; both principles are stated together at I, 5, 1254a17-20; III, 16, 1287a8-18).<sup>9</sup> This implies that to establish that an art of acquisition is according to nature is to establish that one who is practicing this art is justly acquiring property; and to establish that such an art is contrary to nature is to establish that one who is practicing this art is acquiring property unjustly.

Aristotle first argues that one form of the art of acquisition is according to nature in a somewhat disjointed and difficult argument (I, 8). I offer the following reconstruction.

#### Part I (1256a19-b7)

1. There are many kinds of food.
2. It is impossible to live without food.
3. Animals have many different modes of life according to what is advantageous for food.



4. [Nature provides animals with whatever is advantageous.] (Tacit premiss; compare Physics II, 8)
5. Therefore, nature has differentiated the modes of life of animals in relation to their facilities and preferences for food.
6. Similarly, men have many different modes of life which involve industry that is self-grown (*autophuton*) and not by exchange or retail trade -- viz. the shepherd, husbandman, brigand, fisherman, and hunter.
7. [Therefore, nature has differentiated the modes of life humans in relation to their facilities and preferences for food.] (Tacit inference from 5 and 6)

Part II (1256b7-30)

8. Nature makes nothing incomplete and does nothing in vain.
  - a. [What is needed to make X complete exists for the sake of X.]
  - b. [What exists for the sake of X is given to X by nature.]
9. The yolks, milk., etc. needed by the young at birth are given to them by nature.
10. Similarly, [since animals need plants for food,] plants exist for the sake of animals.
11. Humans need animals for the food, clothing, and instruments and as beasts of burden.
12. Similarly, animals exist for the sake of man.

Conclusions (1256b7-10, 26-30)

13. Therefore, such property (*ktesis*) [i.e. needed for subsistence] is given by nature to all both a birth and when grown. (cp. 10, 1258a34-37)
14. Therefore, one kind of acquisitive art belongs by nature to household management, which must be present (or household management must provide that it be present), and this acquisitive art has to do with those storeable things which are necessary and useful for the community of the polis or household. (cf. Newman 1887, II, p. 179)

I treat (13) as following from both parts because of the *oun* at 1256b7), which indicates that it follows in some way from Part I, and because of the *gar* at b10, which implies that Part II is intended to support (13). The *oun* at b26 implies that (14) follows at least from Part II.

I shall not attempt to recapitulate in detail the objections which have been leveled against Aristotle's argument by Newman, Susemihl and Hicks, and more recent critics. They have argued for example that the first part identifies the natural with "primitive," which cannot support the conclusion Aristotle wants. I do want to call attention to premiss (8) which occurs also in the arguments for the organic theory of the polis in Politics I, 2. I have unpacked two teleological principles, (8a) and (8b), which will, I think, make the argument go through. Unfortunately, (8a) and (8b) would support the conclusion that human beings exist for the sake of and are given by nature to lions and other carnivorous beasts. Hence Aristotle is probably assuming another principle such as that at VII, 14, 1333a21-24: "The inferior always exists for the sake of the superior, and this is manifest in matters of art as well as of nature. And the

superior is that which possesses reason." This principle would postulate a hierarchy of natural kinds along the following lines: If natural kind  $K_1$  has end  $E_1$ , and natural kind  $K_2$  has end  $E_2$  and  $E_1$  is superior to  $E_2$ , then entities of kind  $K_2$  exist for the sake of, and are given by nature to, entities of kind  $K_1$ .

These teleological principles regarding the gift of nature have a place in Aristotle's theory of natural acquisition comparable to the basic principles in Locke's theory: from the view of revelation that "God has given the earth to the children of men"; or from the view of assumption of "natural reason" that "men being once born have a right to their preservation, and consequently to meat and drink and such other things as nature affords for their subsistence." (Second Treatise 5, 26).

However, Aristotle wants to establish that the acquisitive art is natural without establishing too much: he wants to establish that it is a natural art only in so far as it provides the necessary means for the natural ends of the household art and statesmanship.

#### Part III (1256b30-39)

15. No instrument (*organon*) belonging to any art is without a limit whether in number or in size.
16. True wealth is a collection of instruments for the householder and statesman. (Compare Politics I, 4)
17. Therefore, a limit (*teraa*) of wealth has been fixed.
18. Therefore, the amount of property sufficient for good life is not unlimited (*apeiros*).
19. [The good life is the end of the polis.] (Tacit premiss; compare Politics I, 2)
20. Therefore, true wealth consists of such things [as in 14].
21. [An acquisitive art which provides true wealth is according to nature.]
22. Therefore, an acquisitive art belongs according to nature to householders and statesmen.

Natural acquisition has a limit resulting from its subordination to the household art statesmanship, for which it produces the instruments. The basis for (15) is suggested later at 9, 1257b27-28: the end of an art may be unlimited but not the means, for the the end is always the limit (*peras*). But the idea of a "limit" as used in (19) is unclear because a limit may be understood as a baseline (minimum) or a ceiling (maximum). Does the end require that a certain baseline of resources be acquired or a certain ceiling? If the end is "the good life" it would seem more reasonable to interpret the limit as a baseline, but Aristotle interprets it as a ceiling.

His reason for this become somewhat clearer in I, 9, as we shall see (cf. also VII, 4, 1326a35-40). For in Politics I, 9 Aristotle contrasts this agreeable acquisitive art with another acquisitive art which has no limit (1256b41-1257a1) and is due to experience and art rather than due to nature (1257a4-5). This other art is not according to nature (*ou kata phusin*) but is against nature (*para phusin*). It involves commerce or retail exchange, which he seeks to distinguish from another type of exchange which he finds unobjectionable. Thus the argument falls

into two parts: a defense of barter or simple exchange (*allage*) and a critique of commerce (*kapelike*).

Defense of Barter (1257a6-30)

1. Each piece of property has two uses: [one is to use it to satisfy one's wants,] the other is to exchange it.
2. The proper use of *P* is that for the sake of which *P* has come into existence.
3. A piece of property (e.g. a shoe) has two uses: e.g. to be worn and to be exchanged.
4. A piece of property did not come into existence for the sake of barter.
5. Therefore, barter is not its proper use.
6. Activities carried out in order to replenish one's natural self-sufficiency are the result of the natural and are not contrary to nature.
7. Barter is carried out in order to replenish one's natural self sufficiency.
8. Therefore, barter is not contrary to nature.

The Critique of Commerce (1257b20-1258a18)

1. Commerce is the art of producing wealth by exchanging things with money.
2. The other arts, e.g. medicine, pursue their ends without limit.
3. Similarly, this form of acquisition whose end is wealth and the possession of property pursues its end without limit.
4. For the natural acquisitive art all wealth has a limit.
5. Therefore, commerce is an unnatural acquisitive art.
6. The unlimited end of commerce is due to a false idea of the good life, viz. as unlimited gratification of desires, which requires unlimited wealth.
7. An art which pursues the unlimited gratification of desires leads human beings to use their powers in a way not according to nature [not according to the mean of moral virtue].
8. Therefore, commerce is an unnatural art.

The analogy between commerce and medicine in Aristotle's critique is both illuminating and disturbing. It provides a reason for saying that the end of commerce is unlimited, but it also raises the question: why is commerce, but not medicine, an unnatural art? It is not that commerce employs a perverted instrument, viz. filthy lucre, because it uses the same instrument as the natural art (1257b35-38). (Sinclair's suggestion that Aristotle means to contrast commerce with medicine runs afoul of the *houto kai* at b28 which he translates as "but.") Aristotle's attempt to distinguish them relies upon the claim (6) that commerce is the result of excessive desires and, implicitly, of a morally vicious disposition. It is not however entailed by the definition of commerce that it is the result of excessive desires. For the definition leaves it open that an individual could practice the art in an excessive manner but it no more entails that this must happen than does the definition of medicine. Aristotle simply dismisses without argument the possibility that one could observe the mean while engaging in commerce.

Whatever difficulties it raises, Aristotle's prescription of a limit for natural acquisition is an interesting parallel to the Lockean proviso for just acquisition, namely that there must be "enough, and as good left in common for others." (5, 27). To be sure, Aristotle's argument for a limit is based upon self-regarding considerations: excessive acquisition will prevent the agent from achieving the good life. Nevertheless, it is noteworthy that when Aristotle sums up his conclusions in II, 10 he asserts that retail exchange is justly censured "for it is not according to nature but from one another" (1258b1-2). This very brief remark does not obviously follow from the critique and would require extensive and speculative unpacking. But one way of reconstructing his argument is that commercial acquisition is a zero-sum game in which for every gainer there is a loser, so that if any person exceeds his limit, he can do so only by taking something away from someone else. In this sense one would be making a unnatural, hence unjust gain "from one another." Moreover, since Aristotle evidently assumes that nature provides a fixed supply of goods just sufficient for individuals to satisfy their natural ends (cf. 10, 1258a34-37), he would regard an individual who significantly exceeded the natural limit of acquisition as depriving others of what they need.

#### 6. Private Property, Common Use

The arguments of Politics I are concerned with the property rights of a person qua householder or statesman. But the discussion of private property in Politics II, 5 occurs within a wider context in which it is evident that Aristotle is concerned with the property of individuals (*hekastoi*). This is evident in his criticism of Socrates' alleged hypothesis that the greater the unity of the polis the better, which leads Socrates to collapse the polis into an individual and to ignore that the polis is a natural plurality (1261a15-21). Aristotle points out that Socrates' scheme involves treating property on the same footing as wives and children, namely, in common. He criticizes Socrates' claim that "everyone" should say that the same thing "mine" (1261b16-32). Socrates fallaciously moves between two senses of "everyone": Everyone can say of his own wife, child and property that it is "mine," but he does this as an individual (*hos hekastos*). This is not Socrates' meaning; he speaks of "everyone, but not as individuals" (*pantes ... ouch hos hekastos auton* b25-27).

Although II, 5 is concerned with whether property should be common or not in the best state, it is obviously an oversimplification to treat his argument simply as a "vindication of private property rights." For he only takes into account three property schemes: (i) private property, common use; (ii) common property, private use; and (iii) common property, common use. He omits from discussion another option: (iv) private property, private use. He is not defending a system of unqualified privatization. Hence, we should take careful note of the proviso he adds when he expresses a preference for the "present mode, if improved by custom and correct legal order" (1263a22-23; cp. 1, 1261a8 where there is no proviso).<sup>4</sup>

Aristotle's way of defending his preferred option is not

deductive but is deliberative (seeking the better of three options) and dialectical (appealing to accepted opinions related to property). He appeals to five different criteria for evaluating a property arrangement:

1. it does not give rise to quarrels and complaints (5, 1263a8-21, 27-28, b23-27)
2. it leads to improvement due to greater care being taken in the property (1263a28-29; 3, 1261b33-40; VII, 15, 1299a38)
3. it is consistent with friendship (1263a29-40; cp. VII, 8, 1328a25-28; 10, 1329b41-1330a2);
4. it fosters natural pleasures, especially of self-love (1263a40-b5);
5. it makes possible the exercise of virtues such as generosity or liberality (1263b5-14; 6, 1265a28-38).

Aristotle's thesis is that these criteria taken together show that mode (i) private property, common use is better than the other modes. The omitted option (iv) would no doubt be ruled out by appeal to criterion 3 (cp. Dobbs 1985, pp. 39-40). Plato's scheme (iii) is ruled out by the other four criteria in Aristotle's view. Unfortunately, Aristotle is rather unclear throughout this discussion about how these modes differ in practice and what exactly his distinction between "common property" and "common use" comes to. This has to be gathered from the criteria on which he bases his argument. For example, both (ii) and (iii) allegedly fail criterion 1 because conflict is unavoidable under these schemes; but Aristotle does not explain how his own scheme (i) does any better. Why does not the "common use" of slaves, horses, dogs, or crops lead to the same sorts of conflicts as those for which he indicts (ii) and (iii)?

A straightforward and plausible explanation of why Aristotle does not think that this problem will arise for (i) is that he takes it for granted the working concept of property rights defined in Rhetoric I, 5. In the case of object *P* and two individuals, *X*, who wants *P* put to use *U*, and *Y*, who does not want *P* put to this use, if neither has the right to decide in this matter, conflict is the predictable result. This is what happens in schemes (ii) and (iii) according to Aristotle. But in his scheme (i) for any object *P* there is some individual *X* whom it is up to to decide how *P* will be used, so that conflict can be avoided. Thus although Aristotle recognizes that conflicts occur in systems of private property, he still maintains that conflict is far more characteristic of common property arrangements.

I think that criterion 2 should be taken along similar lines. Some modern commentators find a parallel between Aristotle's argument and the economic argument that property is used more efficiently when producers have the incentives associated with private ownership.<sup>7</sup> But criterion 2 has not so much to do with economic incentives as with the assignment of authority. For what Aristotle says is: "What is common to the greatest number receives the least care; for one cares most for private things and less for common things or only in so far as he has a share in it; for in addition to the other reasons he thinks little about it on the grounds that someone else is giving heed to it, just as in the household affairs many servants sometimes provide worse

service than a few." If, as I suppose, Aristotle is tacitly assuming the property rights concept of Rhetoric I, 5, his point is that an individual X will take greater care of object P to the extent that the use of P is up to X; if its use is up to many individuals in addition to X, X will take less care of P on the grounds that other people are taking care of it. This also fits the household example, in which a master assigns particular spheres of authority to his servants.

This interpretation is also consistent with criterion 3 and can be used to explain how he can reconcile a defense of private property with the common use characteristic of friendship. Although private property implies that particular individuals have rights over particular objects, Aristotle also claims that they should place these objects at the disposal of their friends. As long as some individual has the final say over what friend uses what property criterion 3 is consistent with criterion 1. It is the function of the educational system to habituate individuals to share their property as well as to observe limits on acquisition of the sort discussed in section 5 (5, 1263a38-40; 7, 1267b5-9). Therefore, this criterion rules out a scheme of private property, private use, but it is consistent with a scheme like (i) in which educated adults retain property rights.

Criteria 4 and 5 can also be better appreciated from the standpoint of the property rights interpretation. Criterion 4 introduces a new line of teleological argument: a property scheme is according to nature to the extent that it fosters natural pleasures of self-love. The case of true self-love is the man who acts according to his own rational judgment: "the things men have done on a rational principle are thought most properly their own acts and voluntary acts. That this is the man himself, then, or is so more than anything else, is plain, and also that the good man loves most this part of him." (1168b35-1169a3) True self-love requires that men be able to act according to their own judgment, and the existence of private property provides them the sphere in which they can do so."

Criterion 5 concerns moral virtues such as generosity or liberality, the function of which is in the use of possessions (*en gar te chresei ton ktematon to tes eleutheriotetos ergon estin*, 1263b13-14). Again, I take Aristotle to be intending an argument of the following sort: A property scheme should permit the exercise of generosity, which involves the use and alienation of property (cp. Nicomachean Ethics IV, 1, 1119b23-26). Since one can act generously only if one acts voluntarily and by choice, one can act generously only if the use and alienation of property is up to oneself. And this is the case only in a system of private ownership.

## 7. Citizenship and Property

In Politics VII, 9 Aristotle argues that property should belong to the citizens of the polis. This argument is part of a discussion of "the best polis" (1328b34). After discussing "material" questions about the extent and nature of the territory and about the number and quality of the citizens (chapters 4-7), he turns to the "formal" or structural questions about the

organization of the polis (chapters 8-12). The distribution of property is one of these formal questions.

This discussion begins with an argument in chapter 8 that in the case of the polis, as in that of other natural wholes, a distinction must be made between its parts and conditions which are necessary for its existence. Aristotle argues that a part of the polis must satisfy two requirements: it must perform a necessary function of the polis (1328b3-5), and it must be capable of participating in the common end of the polis (cf. a33-37). In the best polis this end is the best life possible, *eudaimonia*, which is the perfect realization and employment of virtue, and in deviant states it will be something less than this. But in any case the parts of the polis can include only those who are capable of participating in the end of the polis. Hence, property -- including slaves, even though they are living creatures -- is a necessary means but not part of the polis (a33-35). Among the other classes (*gene*) which satisfy the first indispensability requirement are farmers, soldiers, the wealthy, priests, and judges (b5-23).

In chapter 9 Aristotle argues that only some of these classes can satisfy the participation requirement. The argument proceeds as follows (1328b33-1329a2):

1. The best constitution is that under which the polis will be most happy.
2. Happiness requires moral virtue (cp. 1, 1323b29-36; 8, 1328a37-38).
3. The best polis is best governed and possesses men who are just without qualification and not just relative to a hypothesis (cp. IV, 7, 1293b3).
4. [Those who are just without qualification fulfil the end of the best constitution.]
5. Therefore, the best polis possesses men with moral virtue.
6. Leisure is necessary for moral virtue and political activities.
7. Farmers do not have leisure.
8. The life of mechanics and tradesmen is ignoble and inimical to virtue (cp. III, 5, 1278a20-21; VIII, 2, 1333b11-15).
10. Therefore, the citizens must be men of leisure but not mechanics or husbandmen in the best state (cp. III, 5, 1278a17-20)

Aristotle next contends that the military and deliberative-juridical groups are especially parts of the best polis. Rather than treating them as two distinct classes or *gene* as Plato does, Aristotle argues that the tasks of soldier and deliberator-jurist should be carried out by the same people at different ages:

It remains therefore to assign these constitutional rights (*ten politeian tauten*) to both the same classes, not, however, at the same time but just as strength belongs to younger men by nature (*pephuken*) and practical wisdom to older men, it is expedient and just for them to be distributed; for this division is according to merit [1329a13-17].<sup>e</sup>

According to this argument the constitution should assign and distribute political rights or powers according to natural justice. The argument which immediately follows (a17-26) traces the implications of this for property: "Moreover (*alla en*), properties should also be centered around these persons ..." I reconstruct this argument as follows:

1. [The hypothesis of the best polis is that happiness is the end.] (Tacit premiss)
2. A polis should not be called happy by viewing a part of it but by viewing all of the citizens (cp. 2, 1324a23-25).
3. Happiness must exist with moral virtue.
4. [Therefore, all and only those capable of moral virtue share in the polis, i.e., are citizens of the best polis.]
4. The military and deliberative-juridical members are capable of moral virtue (see argument above).
5. Therefore, soldiers and deliberator-jurists are citizens of the best polis.
6. Citizens of the best polis must have prosperity (*euporian*).
7. [Prosperity requires property.]
8. Therefore, property must be in the hands of (*peri*) the citizens of the best polis (cp. Susemihl and Hicks 1894, p. 510).
9. Mechanics and other vulgar classes are not "demiurges of virtue." (cp. III, 9, 1280a33)
10. Therefore, mechanics and other vulgar classes are not citizens of the best polis.
11. The farmers are slaves or barbarian serfs.
12. Therefore, property will belong [exclusively?] to the military and deliberative-juridical members.

There are obvious difficulties with the argument, even if one accepts the premisses on which Aristotle bases it, for example, that farmers, mechanics, merchants, and generally all individuals in the polis who work for a living and do not belong to the leisure class are incapable of moral virtue. For if, as seems to be the case, Aristotle wants the conclusion to be that property belongs exclusively to the soldiers and councillors, this does not follow from his premisses. (12) so understood would follow only if (8) also included "exclusively," but that would not follow from (6) and (7). Hence, his premisses in fact leave open the possibility that free noncitizens might possess property as well. The issue is further complicated by the fact that the summary in chapter 10 describes the previous argument as dealing with land (*ten choron*, 1329b36-38), prompting the question of whether the earlier argument was intended to be restricted to land rather than to the movable property, including tools of the trade, which might belong to artisans and laborers (cp. Newman 1887, I, p. 198 n. 3). However, the summary may not be Aristotle's (cf. Susemihl and Hicks 1894, p. 516).

Of greater interest here are Aristotle's first two premisses. (1) which states the hypothesis of the best polis is essentially the same consequentialist, eudaimonist principle which we have seen at work in Rhetoric I, 5 and Politics I. But (2) introduces



a clearly distributive element as well: the end is not merely happiness, but happiness realized by all of the citizens. The principle is foreshadowed at 2, 1324a23-25: "It is evident that the constitution is that order under which anyone (hostisoun) may act best and live blessedly." (Cp. also II, 5, 1264b17-19, which this significantly strengthens). Aristotle applies this distributive principle in VII, 10, when he argues in favor of a proposal (adopted from Plato's Laws V, 745C) that each person's property should be divided into two lots, one near and the frontier and one near the city. "in order that two lots may be distributed to each person and everyone may have a share of both districts. For in this way there is equality (to ison) and justice (to dikaion) and greater unanimity regarding border wars" (1330a14-18). Thus, Aristotle argues that property should be distributed not only on the basis of considerations of expediency or security but also on the basis of considerations of distributive justice. (Cp. VI, 3, 1318b1-5 where to ison kai to dikaion is applied to political rights, viz. voting.) Hence, this argument adds to the preceding arguments the idea in the best polis each citizen has a right to a share of property based on a principle of distributive justice.

The argument of VII, 9-10 also differs from the preceding arguments in the importance which it places upon citizenship as a basis for property rights. The relationship between political rights and property rights in Aristotle may be compared to Joseph Raz's distinction between core rights and derivative rights (1984, p. 198). A core right is justified directly on the basis of some aspect of a person's well being or interests, whereas the justification of a derivative right includes the assertion of some other right. In VII, 9-10 Aristotle is arguing that individuals in the polis who have the capacity for happiness and moral virtue have a core right to citizenship and a share in the government. Political rights are core rights because the exercise of these rights is constitutive of happiness and the good life. But since citizenship can be exercised only by those who have sufficient property to afford them with leisure, citizens also have a derivative right to property. When Aristotle summarily concludes in VII, 9 that property should belong exclusively to citizens he may simply be taking it for granted that if property rights cannot be justified as derivative from political rights they cannot be justified at all. This priority of political over property rights in Aristotle is fundamentally at variance with the priority of property to government in Locke (cp. Mathie 1979, p. 17) and is rooted in the basic principles of the Politics, most importantly, the principles of 1, 2 that man is a political animal and the polis is prior to the individual.

### 8. Summary and Applications

In the introduction I stated a number of questions which a theory of rights might be expected to answer. On my interpretation, I take Aristotle's theory to be offering the following answers:

(1) Who has rights to property? He offers two different answers in the Politics: it is the citizen of the best polis in

Politics VII and the householder in Book I. As a matter of justice every citizen of the best polis should be a land-holding householder (VII, 9-10). In the polity, which he regards as the best of the deviant poleis, the citizens have moderate and sufficient property (IV, 11, 1295b39-40). Moreover, in democracy he suggests that "the proceeds of the public revenues should be collected and distributed among its poor, especially, if possible, in such quantities as may enable them to acquire a small estate, or, at any rate, make a beginning in trade or farming ..." (VI, 5, 1320a35-b1). The focus in these discussions is on land. It is evidently taken for granted, but not stated, that artisans and other lower classes possess movable property (cp. Newman 1887, I, p. 198 n. 3).

(2) To what objects do they have property rights? The answer given in Rhetoric I, 5 is land (including dwellings), movable objects, animals, and slaves. Although this answer is accepted in the Politics, Aristotle assumes important distinctions between land and other forms of property.

(3) What form does the exercise of property rights take? According to Rhetoric I, 5 this consists of two elements: X possesses P in such a way that the use of P is up to X and the alienation of P (giving it away or selling it) is up to X. I have argued that this concept is presupposed throughout Aristotle's treatments of private property in the Politics.

(4) What is the general moral justification for the thesis that individuals have property rights? I have surveyed four principal stretches of argument. These rely upon a number of Aristotelian principles, for example, that happiness and its parts should be protected and promoted, that nature provides all living things with what is necessary for living and attaining their ends, and that everyone should in justice and fairness have the things necessary for the exercise of moral virtue and citizenship in the polis. I have suggested that there are two at least two sorts of tensions among the different lines of argument which Aristotle offers for private property ownership: First, some of his arguments treat property rights as core rights because the use of property is itself a part of the human end of *eudaimonia*, whereas other arguments treat the possession of property as a derivative right because it is a necessary condition for certain core rights (viz. political rights) but having and using property are not treated as constitutive elements of the good life. Second, sometimes his arguments appear to be purely consequentialist, justifying property ownership as necessary for the ends of the human being or the polis, but sometimes the arguments also introduce considerations of justice and fairness, emphasizing that all relevant persons have rights to property.

(5) Under what circumstances do individuals justly acquire title to specific objects and under what circumstances do they come to possess them unjustly? Aristotle recognizes a number of different ways in which property can be justly acquired: original acquisition from nature (hunting, farming, etc.), barter, cash exchange, gifts, inheritance, and distribution by the government. (Aristotle is often faulted for not employing a labor theory of acquisition (cf. e.g. Susemihl and Hicks 1894, p. 28), but it has

become clear in recent discussions by Nozick and others that the labor theory itself is not free of difficulty.) Aristotle like Locke attaches certain conditions to the just acquisition of property: An individual *X* can justly acquire object *P* provided that (i) the natural end of *X* is superior to the natural end of *P* (if *P* has one), (ii) in acquiring *P*, *X* does not exceed his natural limit, and (iii) *X* does not unjustly take *P* from some other person. I see no evidence, however, that Aristotle is committed to the view that *X* owns *P* only if *X* uses *P* to perform a virtuous act or puts *P* to common use (e.g. shares it with a friend). To be sure, Aristotle argues that individuals should be able to acquire property because they need it in order to perform virtuous and friendly acts; and he directs the legislators to institute public education to habituate the citizens to this end. But it does not follow from this that the just acquisition of each piece of property is contingent on the performance of a virtuous and friendly act.<sup>7</sup>

(6) Under what circumstances, if any, are property rights defeasible or qualifiable? This is a most complicated and diffculted question to which I can only sketch an answer here. Newman remarks that Aristotle's defense of private property in Politics II, 5 is not expressly coupled with qualifications (1887, I, pp. 199-200), but Aristotle in fact endorses various social policies which trench upon private property rights: he endorses public property, positive duties on the part of private property owners, limitations and equalization of land holdings, restrictions on alienation, and even ostracism against the very wealthy. Nevertheless, I believe that Aristotle's theory can be shown to be on the whole coherent.

Aristotle argues that part of the land of the best polis must be common in order to provide for common needs, including common meals and service to the gods (Politics VII, 10). He also recommends that public monies be used for the needy in deviant poleis (III, 5, 1320b1-2; cp. Constitution of Athens 49). But it should be remarked that Aristotle's arguments for private property rights do not commit him to the total privatization of the polis's resources. His position might be compared to modern political philosophers who favor private property rights on general principle, but also recognize the need for nonprivate solutions to problems of "public goods" and for the provision of a social safety net for those who cannot help themselves.

Moreover, private property owners have positive duties to the polis, especially of providing revenues both for internal needs and for the purposes of war (VII, 8, 1328b10-11; III, 12, 1283a18). But this is consistent with his position that property rights are derivative from and subordinate to political rights and responsibilities. Aristotle also prescribes that those who can afford it should provide support so that no citizen should lack the means of subsistence, both in the best polis (VII, 10, 1329b41-1330a2) and in deviant constitutions (VI, 6, 1320b2 ff.). But he perceives these as virtuous acts and as applications of his principle of "private ownership, common use."

Aristotle repeatedly advocates limits upon the amount of land which any individual can accumulate. This is implied in his statement in VII, 10 each citizen of the best state should have

two lots of land (cp. also II, 7, 1267b12-13). He also approves of laws in democracies which prohibit individuals from acquiring more than a certain measure (*metron*) (VI, 4, 1319a8-10). He also favors the inalienability of land: i.e. he wants to restrict the right to sell and bequeath land (*exousia didonai kai kataleipein*, II, 9, 1270a18-21). However, one of his arguments for this is suggestive: in oligarchies gifts and inheritances should be restricted so that properties are more on a level and more of the poor could establish themselves as prosperous (V, 8, 1309a23-26). Because Aristotle excessive acquisition of property by any citizen as contrary to nature and thus unjust and as depriving other citizens of the means to the good life, he would regard these restrictions upon acquisition and alienation as just as well as expedient.

Ostracism provides a more extreme and difficult case. Aristotle seems to acknowledge that there may be some political justice (*dikaion politikon*) if the citizens of a deviant polis or even of the best polis decide to ostracize one of the number who is extraordinarily wealthy (III, 13, 1284b15-34; VI, 8, 1308b19). But Aristotle defends the practice as just as well as expedient, and he could justify ostracism on the grounds that the extremely wealthy man has egregiously exceeded the natural bounds of acquisition and that he has thereby accumulated so much power that he is jeopardizing the constitution and the political rights of his fellow citizens.

In sum, these restrictions which Aristotle places upon property rights may be justified on the basis of features of the general theory mentioned above: the provisos on the acquisition of property, the subordination of property rights to political rights and duties, and the "private property, common use" doctrine.

It should, finally, not be overlooked that property rights place certain constraints upon the conduct of governments according to Aristotle. Specifically he criticizes confiscation by democratic majorities of the property of wealthier citizens (VI, 3, 1318a25-26; cp. III, 10, 1281a21).<sup>10</sup> He explicitly rejects the conventionalist argument that whatever law the majority decides to enact is just, objecting that even if the majority wants it, such confiscation is unjust (*adikesousi demeuous tes ton plousion kai elattonon*). That is the property owner has a claim of justice, a right, against other citizens which is violated by the law of confiscation.

I conclude that Aristotle addresses the questions that must be answered by a theory of property rights. His way of developing, justifying, and qualifying his views on wealth and property can be understood in terms of a property rights model. And the policies he recommends for both the best polis and for deviant constitutions are illuminated by this model. Although I have concentrated in this draft upon exegesis rather than criticism, I think that the property rights interpretation also brings to light difficulties and tensions within Aristotle's thought on property.

## Notes

<sup>1</sup>On the location of *e* see Grimaldi 1980 *ad loc.*

<sup>2</sup>Although I find persuasive John's Cooper's arguments that "flourishing" is generally the preferable translation of *eudaimonia*, I conform to the customary "happiness" in order to avoid unnecessary confusion.

<sup>3</sup>For (A) compare Politics VII, 1, 1323b21-23; 3, 1325a32, b12-16; also Plato Charmides 172a. For (B) compare Nicomachean Ethics I, 5, 1097b7-21; X, 7, 1177a27-b4; Rhetoric I, 5, 1360b23. For (C) compare Rhetoric I, 5, 1360b28.

<sup>4</sup>Aristotle's enumeration of these parts is complicated, seemingly redundant, and possibly inconsistent. On the ways of counting and classifying these parts see Grimaldi 1980, pp. 106-107.

<sup>5</sup>The importance of these principles for Aristotle's political theory is made very clear in D. Keyt's unpublished "Three Fundamental Theorems in Aristotle's Politics," to which I am also indebted for these references. As Keyt also remarks the sphere of justice is not the natural as such, but is confined to conduct involving at least two human beings (Nicomachean Ethics V, 1, 1129b25-27, 1130a10-13; 11, 1138a19-20; X, 8, 1178b8-12).

<sup>6</sup>In omitting the fourth mode of property while representing himself as defending the "present mode," Aristotle may be exhibiting what Francis Sparshott has referred to as his "subversive traditionalism." Aristotle comes forward as a defender of a traditional customs such as slavery, female inferiority, and private property, but in the course of defending radically redefines them, so that, in effect, the traditional institutions have been subverted and undermined (cp. also Barker 1906, p. 394 n. 1)

<sup>7</sup>Cp. the op-ed piece by Richard Critchfield in the Nov. 16, 1985 New York Times comparing the current economic reforms in the People's Republic of China with Aristotle's arguments in Politics II, 5. The modern commentators are, of course, principally interested in the ownership of land and capital used to produce goods for consumption, whereas Aristotle, as we have seen, is elsewhere concerned with practical property which can be directly used in the activities which constitute the good life. Nevertheless, the example which he uses to introduce the three options at Politics II, 5, 1262b40-8 includes land as well as the food grown on it, from which it is evident that Aristotle intends his argument to apply to productive as well as practical property.

<sup>8</sup>Following Dreizehnter I retain *amphoteris* in 1329a13 with the MSS. On this use of *politeia* cf. Newman III, p. 379 who notes a parallel at II, 5, 1264a38.

<sup>9</sup>Dobbs (1985, p. 40, n. 9) interprets Aristotle as here maintaining, "paradoxically, only if one shares his property with another can it be said that he has truly acquired it. This is the insight that lies beneath Aristotle's otherwise puzzling use of the verbal and substantive forms of 'possession.' In other words it is in a liberal action that it first comes to light that a possession (*ktēma*) can be one's own apart from the active possessing (*ktēsis*) or hoarding of it. Thus only the liberal man will feel genuine, natural pleasure in ownership." Aristotle would agree with the conclusion, but not, I think, with the

premisses which Dobbs attributes to him. For the uses of *kteseis* and *ktematon* indicate that liberality or generosity is concerned with both of them. Recall also the definitions at I, 4, 1253b31-32 which imply that *ktesis* is a collection of *ktemata*. Aristotle's point is not that X can acquire Y only if X shares it with Z but that X ought to share Y with Z and that in order to do so X must be able to acquire title to Y.

<sup>10</sup>Cf. Jones 1956, p. 198, who also cites Constitution of Athens 56.2 and Demosthenes 17.15 for the historical importance of this issue. Aristotle also recommends that confiscation in democracies be discouraged by limiting the uses to which the confiscated property can be put (VI, 5, 1320a5-10).

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