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978-0-521-64001-5 - New Essays in the Legal and Political Theory of Property

Edited by Stephen R. Munzer

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New Essays in the Legal and Political Theory of Property

There has always been much controversy surrounding property rights in legal and political philosophy. Thinkers such as Plato, Locke, Kant, Hegel, and Marx have all offered different views on the idea of property. This collection of new essays, written by some of the most eminent scholars in the field, examines the most central issues of property theory using markedly different techniques and perspectives.

The essays discuss whether property may be dissipated or used imprudently with impunity and analyze how a person's property should be distributed after death. They survey the current economic landscape of intellectual property and show that Locke's celebrated justification for private property falters when it comes to copyrights and patents. They also demonstrate how important it is that institutions of property be carefully justified.

The variety and originality of these essays are evidence that the theory of property is now one of the most exciting areas of intellectual inquiry in the humanities and social sciences. This volume will be of interest to students of philosophy, law, social policy, political theory, and critical legal studies. Its lucidity makes it accessible to general readers as well.

Stephen R. Munzer is Professor of Law at the UCLA School of Law. He has written widely on legal and political theory, biotechnology, and the philosophy of religion. He is the author of *A Theory of Property* (Cambridge University Press, 1990).

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University of California, Los Angeles



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Preface and Acknowledgments

This book collects new work in the legal and political theory of property. No volume of this length could be representative of recent developments in this field. Yet I hope that these essays will give some idea of the variety and vitality of recent work on property. The contributors to this collection range in age from their early thirties to their late fifties, represent many institutions, and have varied moral and political points of view.

Some who started this project had to leave for one reason or another, but the stalwarts who remain helped me and each other. I did not ask the contributors to write on any particular topic but rather invited them to prepare an essay on a topic in the theory of property that interested them. From the start this was a collaborative project. Each contributor was asked to comment on the drafts of their comrades at two different stages. In a procedure that may be unusual for a collection of this sort, I circulated the penultimate drafts of my fellow authors for blind review. Gerald J. Postema, the General Editor of Cambridge Studies in Philosophy and Law, sent out my contribution for blind review. If the essays of my comrades bear the marks of responses to objections, this quality derives not from my modest editorial skills but in significant part from the detailed comments of outside readers. Anonymous reviewers contributed enormously to the improvement of my own essay; any remaining defects are my sole responsibility. I am deeply grateful for the time that all of the outside readers put into preparing careful criticisms and suggestions.

Of those whom I am permitted to name, I wish to thank Jules Coleman, who invited me to assemble this collection, and his successor, Gerald J. Postema, who saw it through to completion. Emily Mah helped immensely with production and indexing. Above all I thank my secretary, Margaret Kiever, who brought these essays together and handled more correspondence than she or I care to contemplate. For material support I am indebted to the Dean's Fund in the School of Law and to the Academic Senate at UCLA.

STEPHEN R. MUNZER
Los Angeles, California
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