

General observation on the origin of the right of property and its philosophical aspects

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Abstract

As a substantial aspect of social, philosophical and economic life, property rights have been assessed in Western jurisprudence literature and beyond as one of the most controversial issues and has generated controversial views regarding its origins, functions and bases. In the philosophical thought of antiquity to that of the contemporary world, there is a complex of historically conditioned attitudes regarding the nature of ownership and its role in the evolution of society.

Through the analysis of the philosophical aspects of the property right, this paper aims to conclude that, all this complex of thoughts and attitudes historically conditioned on the nature of ownership and its role in the evolution of society, but also the human conscience about the economic-political system or the development of the judicial concept on property, have had a significant influence on the essence and philosophy of law in the form and style of the codes of many nations.

Keywords: property right, ownership, private property, natural law, freedom.

The origin of property institution

Property as an important social and economic institution in the functioning and evolution of social and state life, in its initial formations is encountered in ancient political societies, where the subject of property was mainly considered the land and this is known as a collective property. The Egyptian, Jewish, and other Oriental civilizations knew ownership of land and animals, as relationships governed by basic juridical norms. Although the data is fragmented, different types of ownership, such as collective, public or individual, were known in Mesopotamia. The latter found use and began to perfection in Ancient Greece, in the polis regime. Ownership on land was the exclusive attribute of polis citizens and only exceptionally it could be recognized even by foreigners through decrees issued by the respective state-city authorities. Even in Sparta we have the first sparks of the possibility of property alienation (Engels, 1980).

Even in Greek Polis, under the influence of Oriental monarchies, the land was owned by the sovereign and individuals could only enjoy a concession that did not violate the state's superior law against which a specific tax was paid. The institute of in antiquity could not escape criticism, for example, Cicero, who, with his analysis stigmatizing greed for profit, asserted that the reason why people were organized in the community stemmed from the need to protect the property. In ancient Roman literature it is argued that in the age when people lived without knowing about the ownership and power structures, they lived in peace, calling it the "golden age". This "myth" of the harmony of human relations began to be overwhelmed by the desire

for profit and belonging.

In the Roman state were known different types of property. In addition to the civil property "*quiritaria*", created as a result of the gradual privatization process of common properties, new forms of property, such as "*provincialia*" and "*pretoria*" property, arose. The Justinian Reformist sanctioned the first legal restrictions on ownership, fading to the end the dominant character of the *dominium*. In this important period of Roman law, was consolidated the principle that ownership could be transferred only with the fulfillment of the criteria expressly provided for by legal norms. In the Roman-Hellenistic era, other restrictions on ownership were imposed, mainly constraints on building objects, which would have to be in conformity with urban planning *ante litteram*, and even the recognition of expropriation in favor of public benefit emerges as a novelty.

The path of affirmation and definitive legitimation of private ownership notion in the doctrine was opened by the most prominent representative of medieval scholasticism, Thomas Aquinas.¹ The significance of the theologian's opinion Aquinas, in the history of the philosophy of law, based on the Aristotelian stream, lies in the adaptation and the Christianization of the property right, according to which it found an adjustment not only in church law, but also in the positive law as a product of human reason. In this regard, Aquinas's philosophy turned into a school of thought, which ruled a long period of European history, which contained in essence the principle that natural law is accessible to the human intellect as it is sculpted into the human soul, undeniable component of the cosmic order (D'Akuini, 2005). According to its object, ownership consisted of a mitigation against the initial punishment, which was made to individual possession. Property was considered legitimate, as it was justified and motivated by human aspirations for a good administration of the objects donated by the Creator. The main concern expressed in classical Christian theory was related to the right to use, where as a result of the fulfillment of vital needs, led to the legitimization of the acquisition of foreign objects and consequently the spread of illegitimate possession, which for the bourgeois thought was utterly intolerable (Lisska, 1996).

In the 15th and 16th centuries, the debate on the legality of private property was of primary importance, even dominating almost the whole process of transition from feudalism to capitalism and virtually all forms of wealth accumulation from the bourgeois class to the east. The intense development of ownership has already overcome the limits of the traditional Aristotelian-Thomist concept, causing the acute need to recognize a new ownership status, *grosso modo* would largely guarantee its exclusive character and its unlimited scope, and this aim could be fulfilled only by the status of the property as a natural right. This epochal process was supported by Dutch lawyer Grotius,² whose thought was further developed by Pufendorf³ in

¹ Thomas Aquinas is known as a philosopher, saint, and doctor of the church. The ancestor of the Aquatic family was born in 1225 in the province of Caserta in Italy and passed away during his trip to Lion of France in 1272. His sanctuary was performed by Pope John XXII in 1325.

² Hugo Grotius, (1583-1645) lawyer and humanist, a great figure of philosophy, law and political theory, one of the founders of international law, Dutch playwright and poet. He is known for his valuable contribution to the normative theories of the 17th century natural law. In his treaty "Free Sea and Prolegomena on the Right to War and Peace", he gives a glimpse of the modern ideas of natural law, freedom of trade, sovereignty and property at the beginning of the new era.

³ Samuel von Pufendorf, (1632-1694) German lawyer, philosopher of natural and international law,

the 17th century. As a supporter of the conventional theory of the origin of private property, he argues that the original invasion and separation of the earth lie in the same plane and as such they are presented as rational actions stemming from natural law for the common use of nature⁴ (Grotius, 2005, 112-114; Pufendorf, 2005, 59-65).

In the modern period ownership retrieves its sheer character, characteristic of the ancient Roman *dominium*.⁵ The first socialist Utopian theories, with representatives of More⁶ and Campanella,⁷ began to be outlined, influenced by Platonian ideas of private ownership, also individual ownership was already conceived as a legitimate natural right (More, 2007; Campanella, 2009).

Modern thought on property law and ownership culminates with the French revolution, which enabled the consolidation of the absolute and individual character of property, by changing the structure of human existence, as the individual begins to be autonomous in his own life.

The beginnings of the twentieth century are mainly characterized by the process of ownership concentration in various forms that make up innovation, because individual ownership often competes or is replaced by monopolies or *trusts*. But the creation of property in large economic groups began to produce frustrating effects on society and the economy itself, hence the anti-trust legislation of many capitalist countries were positioned against the formation of monopolies, arguing that they compromised free competition, the very essence of the fundamental principles of society and the liberal state. In addition to the countries that, as the basis of political-social organization have the socialist economy, capitalist societies were influenced by Keynes policies, which rationally propagate the need for the intervention of state machinery in the economy, enabling the opening of one of the most important forms of ownership, public or mixed on the means of production, through the application of the nationalization process or other legitimate forms (Keynes, 2007).

economist and historian, forerunner of the German Enlightenment. He developed original concepts for society and natural law, sovereignty and social contract; author of the treaty "De iure naturae et gentium", 1672.

⁴ The items passed on to property not in virtue of a simple act of will, but in the virtue of a pact, expressed as in the case of separation or silence as in the case of invasion.

⁵ It belongs to Jacques Cujas, a profound humanist lawyer known in the years 1522-1590, the definition of property as "ius de re corporali perfecte disponendi aut vindicandi nisi quid lege prohibeatur". Among his best-known works are the "Observations and Emendations" and "I Commentarii" of Pandectae and Codex, the constituent parts of Corpus Juris Civilis.

⁶ Sir Thomas More, (1478-1535) english lawyer, philosopher, author, statesman and humanist. In his work "Utopia", published in 1516, he describes the political system of an imaginary, ideal island nation, in which there is no private property, with goods being stored in warehouses and people requesting what they need.

⁷ Tommaso Campanella, (1568-1639) Italian philosopher, theologian and poet. In his well-known work, "Civitas Solis idea republicae philosophica", published in 1602, he describes the ideal, utopian city and governed by metaphysics (power, knowledge and love), in which there is no private property but only the concept of common ownership over the items. In this work, Campanella is inspired by the concept of traditional society based on the principles of freedom and justice in respect of the role played by individuals in this context. His utopia was based on the fact that the state model that reflects justice and equality was unrealizable and could only be hypothesized, just as Plato had previously acted.

Ownership and its basics in the main philosophical and legal theories

As a substantial aspect of social, philosophical and economic life, property rights have been assessed in Western jurisprudence literature and beyond as one of the most controversial issues and has generated controversial views regarding its origins, functions and bases. In the philosophical thought of antiquity to that of the contemporary world, there is a complex of historically conditioned attitudes regarding the nature of ownership and its role in the evolution of society. In this complex of attitudes there are two main opposing tendencies on private ownership. One considers it as the foundation of human conflicts and therefore seeks to have a full resize of it. On the other hand, ownership is considered to be the main component of economic development, and it is judged to be a guarantee of freedom, and therefore affirms its legitimacy and primacy in the perfection of the Rule of Law itself.

Plato was among the philosophers who argued that ownership is the origin of human conflicts. He emphasized that the purpose of human being for ownership led not only to disputes between individuals but also between states themselves.⁸ So, it seems that in essence of Platonian theory lies the idea that ownership is not in the function of justice, but rather, it is the origin of the shadows of human coexistence, and as such should be deprived (Waterfield, 1993). Plato modeled the ideal state or Politea, as a *polis* where "unity in the limits of perfection" would prevail, in the essence of which the common ownership was known as the aristocratic class domain. But Plato's disciple, Aristotle, disagreed with the Platonian property theory, as he judged that people tend to devote more to objects they consider theirs, despite those objects subject to a common regime. In his monumental work, *Politics*, he sees the lack of private property in society as an unjustifiable handicap and with negative consequences for social harmony. Aristotle judges, among other things, that the elimination of private property leads to the disappearance of individual differences, which are indispensable for a political society, such as chords and tonalities that are variable for musical harmony, only in this way society does not risk being conformist. Private ownership is the key to economic, social, and moral life, as its roots have the origin of natural and positive feelings, which can never be confused with egoism. So, for Aristotle, the harmony of individuals sought as their basic condition their status as owner. Sigmund Freud also criticizes the communist system that human aggressiveness does not stem from property, but it has also dominated even in primitive times when the concept of property was elementary or almost non-existent (Freud, 2010). In other words, aggressiveness has accompanied mankind long ago that the property took its initial form.

Liberals advance even further in their argument, claiming that private ownership is not only a condition and a guarantee of freedom, but it can not be independent of the freedoms exchange system. Hayek argues that the system based on private

⁸ In his work "Republic", Plato designates the ideal state in which ruling classes (rulers and warriors) live in a common regime, while inferior classes (villagers and artisans) possess only the right of usufruct, thus a limited property. Leading classes, unrelated to special interests, devote exclusively to the public interest, giving the state the opportunity to achieve its "perfect unity".

ownership is the most important guarantee of freedom, not only for those who own property rights but also for those who are not possessory, in other words, ownership is considered as freedom, the spread of which strengthens the limits of individual freedom. The history of various legal systems proves that in all cases when private ownership is suppressed or damaged by the use of coercive means of state structures, the freedom of exchange "ceases" to exist.

One of the deficiencies of liberal theories about the property institution is that their representatives are not pragmatic. However, what is worth highlighting is that when different representatives of liberal theories try to legitimize the legal institution of possession exclusively, they seem to narrow the space of freedom. It is therefore imperative that the actions of the objects owners do not create barriers or restrictions on the freedom of other members of the society, only in that way ownership can be expressed as an expression of individual freedom. In this context, the American economist Rothbard argues that the occupation of a territory is not enough to be called an "owner", but you must "work" it at least once, and usurpation is needed for this (Rothbard, 1998). From the standpoint of this author, who is considered anarcho-capitalist, logically follows that occupation is presented as the fruit of the market choice of property titles, so for the "occupation" of a certain property, social consensus is imperatively required, the consent of other members.

Despite this almost metaphysical reasoning, classical representatives of empiricism with the concept of ownership imply that for a fairer distribution should be respected criteria, who do not allow the monopoly on natural resources, with emphasis on the assessment of the essential elements of the market, and not merely on those of a protective nature, a mistake in which anarcho-capitalism often falls. If only exclusive elements, such as property protection, would be evaluated, then it would result in a "robbery" that generates systematic episodes of usurpation, violence and lawlessness. For the utopist More, where it has private ownership and everything is valued in money, it is not possible for everything to do justice and flourish for the state. In his analysis, it is emphasized that, in order to build an ideal state, is required the abolition of ownership, as it falls openly contrary to the state mission, justice (More, 2007, 68). Proudhon⁹, which is focused in detail in the study of ownership, specifically in its ethical and philosophical terms, argues that ownership under natural law is a "theft", but it is important that it "should not exist for itself"¹⁰. He accepts that every member of a society enjoys the right to settle according to his will and interests, but always subjective activity should not violate the boundary that separates it from others. So what is deduced from this logical reasoning is that the instrument of consensus gets a substantial role in the justice of a certain order. Proudhon remembers the fact

⁹ Pierre Joseph Proudhon, a French politician, economist and philosopher of the nineteenth century, often regarded as the "father of anarchism," is particularly concerned with the study of property in his work titled "What is Property? An Inquiry into the Principle of Right and of Government", first published in 1840.

¹⁰ In his work "What is Property", Proudhon describes the centralization of production tools in a few individuals, as an "act of theft" and as the destruction of freedom, because he argues that work is separate from the individual joy of its fruits and thus ownership unfairly is transformed into a parasitic gain. Evidently, Proudhon is opposed to the stateization of the means of production, adding that ownership can represent freedom only if the worker possesses the means.

that in order to understand private property, should make a distinction between the concept of "ownership" and "ownership or possession." This distinction constitutes the essence of his criticism to property and he does so in order to highlight the nature of capitalism. In his analysis, he adds that people tend to use the word "property", but what distinguishes it from "possession" is precisely the type of authoritarian relationship they generate.

Grotius's concept of property, which intertwined it in a harmonious manner with natural law, had influenced the philosophical-juridical thinking of the founder of the theory of ownership over natural law as a direct expression of the divine will in the 17th century John Locke,¹¹ formulated as a result of the progressive development of capitalist production, radical transformations in the economic and social field, the affirmation of the continental Europe's industrial and manufacturing economy, changes which should find reflection on the legal and ideological basis. From this point of view, the remodeling of the property right as well as its involvement in a juridical and institutional system, on the basis of which there are mechanisms guaranteeing security, conservation and its progress towards perfection, appeared to be a necessity.

Locke considered ownership to be a legitimate natural right and stressed that the political-juridical authorities deriving from the social contract have the duty to protect the right of property and other rights acquired in the text of the contract approved by the social consensus. Locke sought through his exhaustive analysis of the Second Treaty of Government, *inter alia*, to prove how people can have wealth in different parts of the world that the Creator has given to co-ownership of human race, without the need for any consensus or explicit contract between members of the society, arguing that the world was donated to all people and they possess the power of reason and as rational beings can use it in the benefit of fulfilling their vital interests. *When a person tears off the matter from its natural state, he unifies it with his work and through this union he places ownership of it* (Locke, 2005). Of course, in his theory it is argued that nature products in general, without being in the exclusivity of any supreme authority, automatically seek appropriate tools or modalities to adjust their *a priori* use and usefulness. What is acquired through work, therefore, is no longer in the natural state, can not be considered as a thing in common use. Locke affirms that every individual has an individual property, against which no one can claim rights except the one who enjoys it effectively and has annexed it through his work. Work is the distinctive factor between individual and common property, it makes the difference between production and common possession. His complex doctrine introduces Locke's insistence on natural law as an expression of superior will, but also the idea of scientific articulation of subjective law on clear and secure grounds, contributing to the obvious distancing of his theory from the contractualistic attitudes of Grotius or Hobbes¹². His political work is a significant achievement and

¹¹ John Locke (1632-1704), the great English philosopher of the eighteenth century, is the founder of British empiricism and one of the founders of modern political philosophy, with his monumental work "Second Treaty of Government".

¹² Thomas Hobbes, (1588-1679) philosopher, prominent intellectual of his time, is considered to be the founder of English political and moral philosophy. He has served as a bridge between methodology and classical and modern thinking. In his work "Leviathan", Hobbes decided on issues that

carries considerable value for the science of law because it puts a new emphasis on the concept of natural law and, specifically, the right to property when it claims that things are useful to man only when they are acquired by him. Deduction of the origin of private property from work, of course, represents an innovative treatment in the history of political thought, as the juridical figure of individual possession provides stability and places it away from conflicts deriving from its contractual origin. Locke in his property theory lists two barriers: the limits of use, which consist of stopping to absorb more than the need for consumption, thus allows the economy based on personal needs, as well as the obligation to leave enough stuff for the livelihoods of others. Thus Locke argues the lack of means or vital goods, the origin of which should be sought in the unfair distribution of wealth, or in its focus without criteria, affecting the idea of well-being and happiness. According to him, money brings distancing from natural law, generating poverty and wealth, as a result of inequality. Later, Locke corrected his radical attitude by arguing that work creates the greatest part of the value of things, while production and non natural resources serve as the wealth measurement unit. He would already affirm that who focuses on the earth through his work, does not diminish, but instead adds the common reserves of mankind (Hobbes, 2005, 94-110).

A distinctive feature of Locke's political philosophy is the logical-conceptual stratification, element which is also found in the system of sources of anglo-saxon law.¹³ His philosophy was based on the analysis from one particular to the general, a way of reasoning previously found in the Franciscan philosophers of the 13th and 14th centuries¹⁴ (De Libera, 1999, 386-405). Locke's property did not understand the Roman jurisprudence as the right to a thing in the juridical sense, but attached to it any interest, claim or claim of protection, giving a solid ethno-liberal nuance. In a summarized way we can say that ownership represents a legal institution and social practice.

Locke's theory, the essence of which consists in the fact that man becomes the legitimate owner of what he derives from the natural state, transforming him into property rights by virtue of his work, in other words, the property right derives from human work, is opposed by David Hume's argument¹⁵, according to which an object can not necessarily belong to the one who has offered his workforce, judging as rationally that mutual consensus to respect the ownership of another, stems

still remain today at the center of the debate. Hobbes found that ownership is the key to political philosophy, and the rules governing property issues are the product of state authority, as only the latter can guarantee peace and create security for the members of the society for active participation in social or economic activities. So the "weapons" available to the state outweigh their individual defense ability.

¹³ In the scale of the hierarchy of the resources of anglo-saxon law are: in the first place Judicial precedents, the succession of integrated jurisprudential case law through equity norms; second place statutes law and acts of Parliament, which are defined in the continental legal system as laws in the proper sense; third place is the custom law, and in the last place books of authority, the maximum of jurists (Sforza, 1963, 21-25).

¹⁴ Specifically, this philosophy is found in the writings of Duns Scoto and Guglielmo di Ockham (Buzzetti & Ferriani, 1982, 215).

¹⁵ David Hume (1711-1776), Scottish philosopher of the seventeenth century, historian and scholar of the political economy.

from the importance of avoiding eventual conflicts Regarding the role of the state, he claims that the latter should only take care of the protection and security of the property, because private property generates progress in the economy and income is always greater when it is recognized and guaranteed (Hume, 1978). So what is most important to Hume is the rules that promote public interest, peace and security, the theory that was adopted by American society, sanctioning it as the foundation of the sanctity itself or the status accorded to the right of property. In 14th Amendment of the US Constitution it is stipulated, among others, that property right is not only a legal right, but also a moral right, thus enabling sufficient security space for the owner, who can not be deprived of his efforts, through coercion or violence.

The founders of the American nation are declared as the most active advocates of private property rights. The most prominent personalities of American political history such as James Madison, Alexander Hamilton and John Adams claim that one of the main functions of a government is the protection of private property. In the work *The Federalist*, James Madison articulates that the government is set up to protect property, not less than that of individuals, while Adams's reflections say that property must be secured, otherwise there can be no freedom (Madison, Hamilton & Jay, 2003). Rightly in his analysis he adds that when in a society dominates public opinion that the property has no sacred character, or is not provided the force of public right to guarantee and protect it, in this society is sown the seed of evil, anarchy and tyranny (Ferling, 2000). Thomas Jefferson and Benjamin Franklin thought that property is a creature of society, a well-defined social concept and as such should be adapted in time to social needs, subject to the general will of the society.

Other property supporters are the representatives of the Austrian school of the twentieth century, such as Menger, Mises and Hayek, where the focus of their arguments lies in the subjective theory of value, typical of marginalization. As strong opponents of socialist theories, they accuse that economies based on the overthrow of private property or the centralization of ownership in the hands of the state lead to poverty and oppression of society, and consequently to the destruction of any form of freedom. According to this school of thought, the private-owned market system allows individuals to share the items they possess by vitalizing the social intelligence process, which helps in efficiency and freedom of productivity and income (Mises, 2009). So, Von Hayek¹⁶, known as one of the strongest opponents of collectivization in the history of economic thinking, proposes that by comparing the market with a game, it can be understood how market prices transmit information and put the market in working condition, so it stimulates it to produce a satisfactory and admirable order, efficiency and rule above all (Hayek, 1948).

Rousseau has kept a fierce attitude against private ownership, which linked the moment of the birth of private property with the division and siege of the lands, considering it an illegal and arbitrary act generating inequalities in the bourgeois civil society (Rousseau, 2005, 36). At the core of his theory was the principle that the earth belongs to no one. He argues that if eventually the first individual who

¹⁶ Friedrich August von Hayek (1899-1992), Austrian economist and philosopher of the twentieth century, a supporter of classical liberalism, winner of the Nobel Prize in economics in 1974 for his pioneering work in the theory of money and economic fluctuations.

restricted a part of the land and at the same time articulated the expression that "this is mine" would replace it with the principle that "the fruits are for all and the land is not property to anyone", human being would have avoid countless wars and extreme poverty (Rousseau, 1994). Regardless of this radical attitude, Rousseau deems the disappearance of private property as impossible, projecting in the content of his theory the existence of a small proprietor harmonized with the social moral entity, which has the real ability to incite the will to the general interest (Rousseau, 1993, 84-85).

The same attitude is shared by American scientist Luis Morgan in his judgment on civilization, where among other things he states that greed for wealth alone is not the ultimate humanity mission and that the time will come when human reason will be strengthened to rule over wealth, when it will assign the position of the state against the property it protects, as well as the boundaries of the rights of the owners, as the interests of the society stand higher than the interests of individuals and between them are to be established fair and harmonious relations (Morgan, 1964).

Whereas, Hegel¹⁷ viewed property as an expression of human will. He claimed that property is the means through which man can embody his will, so property must have the character of being "mine" (Hegel, 2003). Acquisition is an expression of the superiority of human nature, by proving that what becomes subject to property is not a purpose in itself, so an object can not have a purpose in itself and as such it is subject to the fate of expressed human will. Ownership is justified under the argument that property right allows individuals to embody their will, thus achieving self-determination. In exceptional cases, Hegel recognized in his theory the right of the state to divest the subject from the property right (Hegel, 1967).

Strong criticism has been expressed on private ownership by the supporters and numerous exponents of the socialist ranks. Karl Marx would articulate in his philosophical theory¹⁸, which massively influenced Communist movement during the 19-th and 20-th centuries, that private property in bourgeois societies is not the essence of freedom and that it is oriented towards violence and deception. Ownership in the form of money and capital has become an impersonal power, the *dominium* on which it is not perceived. In his main economic-philosophical work *The capital*, Marx analyzes how the capitalist system expropriates the worker from the production activity that pertained to the origin, which is now opposed to foreign ownership, as a process of exploitation. In appearance, workers and capitalists sign a contract as free and equal individuals, but reality completely reflects the opposite, because that freedom and equality are nothing more than pure ideology. Marx shows the conviction that capitalism is destined to collapse by the gravity of its socio-economic controversies, because they will stimulate a revolution that will result in communist society based on the collective ownership of the means of production. Only with the creation of this form of society will it become possible to eliminate private property and the division of the classes, hence the exploitation of man by man or any other

¹⁷ Georg Wilhelm Friedrich Hegel (1770-1831), German philosopher, known as the most important representative of German Idealism. His historical and idealistic vision of reality in its complexity revolutionized European thought, laying the foundations for continental philosophy and Marxism.

¹⁸ Karl Marx articulates his philosophical theory as to the bases of private property, in his major work "The Capital", first published in 1876.

form of social conflict (Marx, 1990).

The majority of liberal thinkers affirm that private property and the free market are presented as important imperatives for the conservation of individual freedom and at the same time as optimal methods for pushing human beings into the use of items and natural resources efficiently and effectively. Beginning in the late 70s of the twentieth century, the neoliberals in their detailed analysis favor the privatization process, so they supported the return of large-scale economic or productive assets previously acquired by the state to original entities (private owners). The process of privatizing the goods nowadays has included some natural resources, which are placed under the dominion of large commercial companies. In this reality of the conceptual and substantive evolution of the economic system, but also the very notion of ownership, after a relatively long period of hegemony, influenced and imposed by the ideological and neoliberal practices elaborated and established mainly after the collapse of the socialist regimes¹⁹, at the beginning of the 21st century issues related to traditional or innovative forms of public ownership²⁰, the role of the state and international institutions in the economic system, continue to have an indisputable place in the daily political and cultural debate.

Conclusions

Many authors in juridical, philosophical, political or sociological literature consider the right to property and independence to exercise it in full freedom as an important institution in establishing a fair society. Its critics argue that the state has a duty to provide the same guarantee to any citizen and in this context it must be a fair regulator and limit the limits of the inequality, which has as a primary resource ownership. What is easy to conclude from the analysis of the philosophical aspects of the property right is the fact that all this complex of thoughts and attitudes historically conditioned on the nature of ownership and its role in the evolution of society, but also the human conscience about the economic-political system or the development of the judicial concept on property, have had a significant influence on the essence and philosophy of law in the form and style of the codes of many nations. In the content of modern philosophical theories there is no doubt that the guiding spirit of the private property institution is found, which after a long journey in time, thanks to the philosophical and juridical reasoning, we can say that it entered into the era of reasoning.

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¹⁹ The first crash of monistic regimes begins with the fall of the Berlin Wall at the evening of 9 November 1989, which marks the path of all monistic systems in eastern and southeastern Europe.

²⁰ In the category of public property are included the ownership over commodities, on the main natural resources, on the "food sovereignty" of the separate countries or communities.

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