

EXECUTIVE SUMMARY

If there is one really serious intellectual and cultural problem with capitalism, it stems from the lack of a sustained and widely known, let alone accepted, moral defense of the institution of private property rights.

Few doubt, in today's world, that a society with a legal infrastructure that lacks this institution is in serious economic trouble. The failure to respect and legally protect the institution of private property—and its corollaries, such as freedom of contract and of setting the terms by the parties to the trade—has produced economic weakness across the globe. But many also believe that this institution is not founded on anything more solid than the arbitrary will of the government to grant privileges of ownership (for the latest statement of this position, see Liam Murphy and Thomas Nagel, *The Myth of Ownership* [Oxford University Press, 2002]).

Without a moral, prelegal defense, the institution of private property, which is the source of a great many benefits to us all, will forever remain vulnerable to the critics, starting with Karl Marx, who said that “the right of man to property is the right to enjoy his possessions and dispose of the same arbitrarily, without regard for other men, independently from society, the right of selfishness.”

This essay argues that, contrary to widespread academic sentiments and impressions, the institution of private property rights fully accords with a sensible conception of human morality, indeed, rests on a solid moral foundation.