

Transcendence of Property Dualism: Nature, Relation to Model—The Philosophy Basis of Institution Unifying Social Sciences

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“Some foreign scholars have proposed that the new institutional economics can unify the social sciences.” Behind the institution is property, and the dual cognition of property is the obstacle. Property dualism comes from the thought dualism in the western rationalism tradition. The transcendence of “property dualism” has experienced the stages of “labor value” and “reasonable value”, and the new era has ushered in the opportunity of the third transcendence. In the first two stages, “abundance” and “scarcity” are the root causes of the contradiction in the transcendence of property dualism. Marx’s basic property view of production relations (property relations) unifies the property views of Locke, Hume, and Commons. The three-dimensional property system model developed on the basis of Marx’s complex property view provides a theoretical tool for the third transcendence of property dualism. We have cracked the western rationalism dualism with Marx’s historical materialism and reconciled the property dualism with three-dimensional property system model. By this, we can continue to explore the potential of “institution unifying social sciences”.

Keywords: property dualism, philosophy of property system, institutional economics, governance

Introduction

“Some foreign scholars put forward the idea that the new institutional economics can unify social science.” “And we believe that whether the system can be used to unify the world still needs to be tested by practice.” (Lu & Zhu, 2012). In fact, behind the system is property, which is closely related to political science, economics, sociology, law, history, anthropology, cognitive science, social psychology, etc. The first discovery of the secret was by Veblen and Commons, the ancestors of the institutional school. Commons’s Institutional Economics started with property, and he called his theory “ownership economics”. In 1907, Commons noted an important issue in his legal work, that is, the differential use of the “Slaughter House Case”, “corporeal property”, “Munn Case”, and “intangible property” in the court judgment around 1890 (Commons, 2017, p. 4). This is “the dualism established between material and intangible property.” Until the 20th century, “it also failed to reconcile this dualism” and eventually “completely turned to the collective control of individuals in conflicts of interest, on which institutional economics was established.” (Commons, 2017, p. 722).

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The binary cognition situation of property is complex. The situation in which the institutional school and other schools have lived together shows that the system has failed to unify the world. That is to say, “monism of system” cannot solve the problem of “dualism of property”. We can briefly list several situations: first, public property and private property. This dualism originated with Plato and Aristotle in ancient Greece and continues to this day, showing no sign of healing; Second, the right-based standard and utilitarianism. This dualism also has a long history. Different countries define one of the highest ethical dimensions either as property rights or happiness, and it is determined and constantly interpreted by the highest law; Third, China’s property dualism. According to Mei Xueqin’s textual research, “‘property’ is actually a foreign word. In ancient Chinese, there is only ‘wealth’, but not ‘property’.” (Mei, 1997). However, Jia Yi said,

When you are born, when you are dead, material strength will bend. Today, back to back and to the last, food is very many. Is the world of the great residual also? Few are born, but many are defeated. The world is property? (Sima, 2001, p. 326)

According to Jia Yi’s thinking, the term “property” here refers to wealth and agriculture.

There is also a multiple-element perception of property. Hannah Arendt believes that pre-modern property means space, “which means that a person has his place in a particular part of the world and thus belongs to a political body” (Arendt, 2009, p. 41). According to *The Times*, the western judgment on property is divided into conservatism, liberalism, and compact doctrine.

In short, the cracking of property dualism is still an ongoing work. We need to go back to its roots and put forward some new ideas to adapt to the trend of economic globalization in the new era.

Three Transcendence of Property Dualism

The dualism of property comes from the dualism of thinking, and its defects are obvious. Therefore, the scholars constantly overcome it and improve it to meet the needs of the times.

The Origin of the “Property Dualism”

The thinking dualism also originates from the western rationalism tradition. Socrates turned research from nature to man, into society, and founded ethics. Plato integrated Socrates’s conception and Parmenid’s ontology and created philosophy and epistemology, which are representative of objective idealism. Descartes is the founder of rationalism, which studied philosophy with mathematical methods, and also of the dualism of spiritual and material ontology. His book *Talking about Methods* points out that the spiritual world and the material world are completely parallel and independent worlds, and there is no intersection. Similarly, the “new mind” of thinking in Locke’s *Human Understanding* is also a “dualism” that “completely separates the inner mind from the external world.” “Separating the mind as an internal mechanism from the world it replicates as an external mechanism is a major feature of economics from Locke to the end of the nineteenth century.” (Commons, 2017, p. 21). Locke, based on his “dualism”, created the doctrine of natural rights divided into life, freedom, and property. From here, we can know that, except for life and freedom, Locke calls something else property. Thus, wealth is defined as material that can be owned but cannot be monopolized. This is the dual meaning of wealth, which governs orthodox economics from Locke’s era to the modern era.

The Transcendence of “Labor Value” Over “Property Dualism”

Locke established the connection between “life, freedom, and property” through labor and established labor as the sole source of value and the basis of property ownership. He also established his “skepticism” on the basis

of labor, thus realizing the integration of law, economics, and ethics. Further, by using ideas as a copy of the inner world in the outside world, Locke injects “skepticism” and “dualism” into all science. In interpreting “the word ‘idea’ as meaning, evaluation, choice, as well as obedience and disobedience to social rules such as customs and law, he went beyond his dualism.” (Commons, 2017, p. 105). Smith, Ricardo, and Marx followed and developed the “value of labor” to its peak; the vigorous development of the socialist new China is the highest proof of this theory.

The Transcendence of the “Reasonable Value” to the “Property Dualism”

Western economists’ efforts in this regard have been very effective. First, in 1871, Menger put forward the term “diminishing utility”, which established the dependence of desire on external objects with the help of feeling. The second is that in 1888, Pang Barwick proposed the theory that the present value of future objects is reduced, which is the “future”. Although they connect their hearts with the outside world, they are still explained by Locke’s theory. As a result, Veblen’s theory of “tangible property and intangible property” will inevitably become a helpless dualism of materials and ownership. Commons defined “system” as “the collective control of individual transactions”, and he took this as a starting point to explain his theory of “reasonable value”, that is, “a theory that relies on the control, liberation, and expansion of personality to achieve social progress” (Commons, 2017, p. 922). Thus, solving the problem of intangible property, “the concept of intangible property finally becomes the concept of the reasonable value of the common law.” (Commons, 2017, p. 4).

The Opportunity for the Third Transcendence of the “Property Dualism”

Dualism needs to move on from a new starting point. First, the difference between Locke and Hume represents the difference in the development stage of capitalism, which has both some reference and historical limitations. Second, the differences between Veblen and Commons, the originators of institutional economics, represent a different scarcity. The former is the scarcity of labor, while the latter is the scarcity of external objects. That is to say, they did not emerge from the time mold of Locke and Hume; third, the new era set new demands. Artificial intelligence is the basis of the mode of production in the new era, which means that human tools have been replaced to a large extent. Even if it is not an intellectual substitution, the physical substitution alone means that scarcity is undergoing an unprecedented change. Where we determine the properties of the new era becomes a theoretical question that must be considered.

In the preemptive field of artificial intelligence, this discussion is already on the way. Dreyfus (Hubert Dreyfus), through his American appropriation of phenomenology: “Analytic philosophers and cognitive psychologists accepted Descartes’ separation of problems and regarded everything as rational, disciplined, and so on. But I argue that if that were the case, they couldn’t have gained intelligence.” (Cheng & Yao, 2013). Zizek, however, criticizes Dreyfus for “misappropriating” for missing the transcendental dimension in phenomenology. Obviously, transcendence is an inevitable topic. And the completion of transcendence is the starting point for the division of property again.

The Contradiction in the Transcendence of Property Dualism

To explore the transcendence of dualism in the new starting point, it is only possible to reveal the contradiction in the economic transcendence of dualism first and then overcome it again.

The Contradiction in the Transcendence of the “Labor Value” to the “Dualism”

First, “labor value” cannot solve the connotation problem of property. Locke so-called property and no unified words, at least include “property”, “possessions”, “estates”, “fortunes”, and “good”, including “human

life and freedom, and even includes human labor and behavior; it is the sum of all things, including body and mind and material content, or intangible and tangible two states.” (Feng, 2008). That is to say, in the actual expression, Locke’s “life, freedom, and property” are not strictly distinguished but are often expressed as “property”. In this case, the decisive role of “labor value” can only stay in the theory. Or we should actually understand the “labor value” as the basis of Locke’s “dualism”.

Second, “labor value” cannot solve the problem of exploitation. Locke said, “So the grass my horse eats, the sod my servant cuts, and the ore I mine where I share the mining rights with others are all my property.” (Locke 1996, p. 20). Obviously, Locke’s “labor value” contains the possession of others’ labor, and this possession is obviously the possession of unequal status. “The scarcity of labor value” can only be the scarcity of the ruler. There was no scarcity in the labor of the general workers, especially the slaves, at that time.

Third, “labor value” cannot solve the problem of the relationship between man and society. In this typical question, Locke emphasizes the “private property” of individuals, saying, “It cannot be assumed that God intended the whole world to be permanently in public ownership without cultivation.” He has given the world to the use of those who are industrious and rational (and labor gives them the right to it), and not to the plunder of those who are good and noisy and quarrelsome.” (Locke, 1996, p. 22). Even if he had to speak of “common property”, he would emphasize that it was the result of a contract, “not for all mankind”. Obviously, in Locke’s thinking, “society” is only a temporary contractual concept, and compared with “private property” and “property of all mankind”, the “common property” of “society” has only a relatively minor meaning. And since the “property of all mankind” can only exist in ideas, Locke’s “property” can only be the “private property” of individuals. For how to deal with the relationship between people and society, “labor value” does not give a reasonable answer.

The Contradiction in “Reasonable Value” to “Dualism”

First, “reasonable value” does not explain the “tangible property” issue. The research object of institutional economics is human (Commons, 2017, p. 108), which is ownership economics, and ownership economics is the relationship between people (Commons, 2017, p. 673). Ownership is the modern meaning of intangible property. This is obviously contradictory with the orthodox and happy economics of material things as the basis. The interpretation of “intangible property” emphasizes the importance of the system, but this cannot weaken the significance of “tangible property”. The judgment that “power cannot be private, property cannot be public” is still popular. The close connection between Coase, New Institutional Economics, and Neoclassical Economics and Marx’s institutional analysis confirms this.

Secondly, the “reasonable value” does not meet the requirements of fairness and justice.

It is not individualism; it is an institutionalized personality. Its implicit or customary assumption is based on the continuity of the capitalist system based on private property and profits. It is in line with the concept of human nature in Malthus. Starting from emotion, ignorance and ignorance, human action is opposite to the content stipulated by rational practice, and the result is that people worship people who become leaders due to enterprising, tenacity, adventure and obligation to others. (Commons, 2017, p. 922)

Moreover, from the perspective of the court judgment practice of the capitalist system, “reasonable value” is only the result of the system’s ability to suppress conflicts and establish order. This means that a person must be forced to or voluntarily abandon the interests that should belong to them. But no matter what kind of give-up, it means that different “feelings, ignorance, and ignorance” of people plunder or resent the system. That is why there are

“two different modern theories of intangible property: one is Veblen’s theory of exploitation; the other is the court’s theory of reasonable value.” (Commons, 2017, p. 693). On the one hand, Commons affirmed the feasibility of the reasonable idealism of the progressive minority under the existing conditions; on the other hand, he also saw the institutional limitations of class confrontation, political conflict, conformism, progress and rebound, welfare, and profit in collective action. However, human attempts at institutional experiments in fairness and justice have never been as eager as they are today.

Finally, “reasonable value” cannot solve the problem of the relationship between man and nature. “The root cause of abundance” and “scarcity” is the relationship between man and nature, and the relationship between man and nature is the leading problem of “abundance” and “scarcity”. Without the relationship between man and nature, there is no problem of “abundance” or “scarcity”. Whether nature is called “God”, “land”, or “property”, it is the fundamental problem that human beings must face. When we assume that “property” is abundant, that is Locke’s view. When we assume that “property” is scarce, that is Hume’s view. When we use the scarcity of labor to explain the “system” of labor, which is the exploitation of Veblen, we use the scarcity of “property”, which is the “reasonable value” of Commons. We can see that even under the premise of the system of unifying the world, there is still no solution to whether “labor (human) scarcity” or “property (natural) scarcity” is scarce. Although the new institutional economics criticized the old institutional school for not having a theoretical system, after all, they inherited the key concepts of the old institutional school, which explained the “institution” with the scarcity of “property” and believed that the “institution” has a cost, and the institution determines the growth of the economy (property) (makes it turn to abundance). Of course, it also continues the contradictions of the old institutional school.

“Abundance” and “Scarcity” Are the Root of Contradictions in the Transcendence of Property Dualism

“Abundance” and “scarcity” are the root causes of different ways to transcend “dualism”. Locke’s system of thought is based on “abundance”, and he believes that it is not inconvenient for others to distinguish the common things of nature as their own property by their own labor. Hume put forward the proposition that “no property is no injustice,” and the word “property” became the exclusive name of all objects of scarcity. That is, Locke’s premise is the abundance of natural resources, while Hume’s premise is the scarcity of natural resources. According to William Petty’s famous saying, “land is the mother of wealth, labor is the father of wealth, and labor is the active factor to create wealth,” (Petty, 2013, p. 97), it can be seen that Locke’s abundance of natural resources corresponds to the scarcity of labor, and Hume’s scarcity of external goods corresponds to the abundance of labor. Different from Smith, Ricardo, and Marx who took the scarcity of labor as the starting point, Malthus, Commons, and others accepted Hume’s view and started their theoretical system from the scarcity of external objects. Therefore, for the concept of intangible property, from the perspective of institutions, Commons ascribes it to “reasonable value”, while Veblen interprets it as a pure exploitation. This striking difference should not be surprising.

To sum up: The achievement of the Lockean school is to establish the right to “property (nature)” on the basis of “labor (human) scarcity”, the credit of the Hume school is to establish the connection between institutions and happiness on the basis of “property (nature) scarcity”. On the basis of the old institutional school, the new institutional economics regards “institution (society)” as an effective tool to solve the “scarcity of property (nature)”. In fact, as Commons shows, the human experiment with different types of institutions for fairness, justice, and progress has become more dramatic.

Fourth, the Transcendence of the Dualism of Property From Marx

Marx's Basic Property View of Production Relations

"Labor value" assumes the abundance of property (nature), determines the ownership based on the labor characteristics of individuals, and emphasizes the important position of individuals. "Reasonable value" assumes the scarcity of property (nature) and determines ownership from the perspective of collective adjustment of individual conflicts of interest, highlighting the important role of the collective. These two are essentially the opposition between "individual" and "collective", "abundance of property (nature)" and "scarcity of property (nature)". If we want to achieve the transcendence of "labor value" and "reasonable value", we need to reconcile the above two opposites. This task requires standing on Marx's shoulders. Indeed, North speaks highly of Marx, saying, "The power of Marx's analysis lies in his emphasis on structural change and the contradiction between the productive potential of society and the structure of property rights." This is what we call "productive forces determine relations of production." However, Marx can rely on more than this to achieve transcendent things.

Obviously, Locke, Hume, and Commons all focused on a certain aspect of property when they used the concept of property. On different occasions, they often defined property as some essence, such as right, power, ability, labor, external object, population, relationship, system, utility, function, and so on. Because of this, Marx did not put forward a clear concept of property in the process of criticizing capitalism. This provides an opportunity for us to develop Marx's idea of property. We can proceed on the basis of his attribution of property to relations of production.

Marx Unified the View of Property of Locke, Hume, and Commons

It is based on Marx's attribution of property to relations of production (property relations). Marx's earlier discussion of property can be found in the *Introduction to the Critique of Hegel's Philosophy of Law*, where he criticized the exclusive rights of the German king (Marx & Engels, 1996a, p. 467), stating that in the new world, the rights of the proletariat and the German king were the same (Marx & Engels, 1996a, pp. 466-467). This negated the sanctity of the king's property rights. Later, in "On the Jewish Question", he pointed out the restriction of capitalist private property to the original independence of human beings, and pointed the meaning of property to the necessity of nature (Marx & Engels, 1996a, pp. 438-439). The Economic and Philosophical Manuscripts of 1844 further clarified that private property originated from land possession (Marx & Engels, 1996b, pp. 260-261) and was based on segmentation (Marx & Engels, 1996b, p. 263). Ownership is simply "the restoration of a tender relationship between man and the land as an intermediary of absurd mysticism." (Marx & Engels, 1996b, pp. 262-263). The form of private property after land is industry,

which at first stood in opposition to land only as a special kind of property, or rather as a freed slave of land... And Labour appears at first only as agricultural Labour, and then is recognised as Labour in general. (Marx & Engels, 1996b, p. 293)

By this argument, we can see that property is a constantly changing relationship. In the Preface to the *Critique of Political Economy*, Marx gives a positive answer: property relations are the legal language of production relations (Marx & Engels, 1996c). "Private property", he said, "is an inevitable form of communication at a certain stage of the development of the productive forces." (Marx & Engels, 1996b, pp. 410-411). In this way, the property view of Locke, Hume, and Commons did not carry out historical investigation, but reflected the production relations of capital in different times and stages, with both consistency and substitution. But they do

not understand the relational nature of production of property. The Communist Manifesto dissects “capital” as a kind of property (Marx & Engels, 2012a). This is the transcendent of historical materialism over rationalist dualism.

Marx Holds a Complex View of Property

Relations of production actually integrate various elements. Marx, in the Critique of Political Economy (manuscript 1857-1858), puts it in more detail:

Property at first means nothing more than the relation in which man takes the natural conditions of his production as his own, as his own, as the preconditions arising with his own being; To regard them as his own natural presuppositions, which are, as it were, mere extensions of his body. In fact, man does not relate to his own conditions of production, but he exists double: subjectively as himself, and objectively in these natural and inorganic conditions of his existence. (Marx & Engels, 2012b, p. 744)

He wisely analyzed the relativity of property, on the one hand, man as a subject can establish property relations on the natural conditions of production, on the other hand, man as an object belongs to these natural inorganic conditions. That is to say, human, property relations and these natural inorganic conditions are dialectically unified. Moreover, this existence is real rather than fake. For “actual possession, from the very beginning, does not take place in the imagined relation to these conditions, but in the active, real relation to them, the condition of the subject’s activity which these conditions actually become.” (Marx & Engels, 2012b). Marx believed that the actual possessor relationship could not exist alone, and it must be related to the activity of the subject, which in turn presupposes natural inorganic conditions. In other words, property system, right and utility, wealth and industry, space and contract can only reflect one aspect of property.

Marx’s View of Property Can Be Directly Expressed by Three-dimensional Property Model

In the above discussion, Marx studied property from the perspective of ownership, and through historical analysis, attributed private property to its production relation based on certain productive forces, and this production relation is property relation, thus integrating the property view of Locke, Hume, and Commons. With the deepening of research, especially after the source investigation of “various forms before capitalist production”, Marx completely jumped out of the rut of property essence theory. We step forward on the shoulders of Marx’s giants and propose a three-dimensional property model, which defines property as the unity of property subject, property object, and property relationship. Specifically, it consists of five links: property subject, property object, property subject relationship, property object relationship, and property subject-object relationship. Their evolution is multiple relations such as economic relationship, political relationship, legal relationship, social relationship, and ecological relationship. In this way, we overcome the opposition between the “individual” and the “collective”, between the “abundance of property (nature)” and the “scarcity of property (nature)”. As the subject of property, “individuals” can determine the property ownership of the object of property (nature) according to “labor value” or “reasonable value” in different times, which depends on the reality of property relations (production relations) at that time. The system reflects and enhances the property relations (production relations) at that time. Marx not only emphasized the subordination of the system, but also affirmed the reaction of the system. North’s view highlights the decisive role of institutions.

Through the above analysis, demonstration, and development, we have achieved the transcension of property dualism on the basis of the powerful theoretical tools provided by Marx.

Explore the Potential of “System to Unify the World” in the New Concept of Property

In brief: we use Marxist historical materialism to decode the western rationalist dualism, and use three-dimensional property model to reconcile the dualism of property. Historical materialism not only answers the reason for the existence of Western rationalist dualism property view from the historical point of view, but also surges the heroic historical view based on people’s “feelings, ignorance and unacquaintance”. The three-dimensional property model overcomes the separation between “life, freedom, and property” and can explain both “tangible property” based on “labor value” and “intangible property” based on “reasonable value”.

The current social facts prove that the rise of legal persons such as companies and enterprises shows that they can also exist as property subjects, and will form corresponding property objects and property relations, thus forming a series of institutional innovations, which is “labor value”. The existence of these systems must have costs, advocates must be willing to pay for them, opponents must evade or oppose, this is the “reasonable value”. This distinction not only has important significance in economic reality, but also puts forward a higher philosophical standard for institutional evolution to meet the requirements of economic globalization.

However, we must note that the current study of property in the East and West is difficult to meet the needs of the new era. There are many schools of research on property in the West, but they cannot be integrated, so they fall into Grey’s “disintegration theory”, which is made clearer by the setting of a world without property (Munzer, 2006, p. 16). Thus, property law becomes “a law of crisis” (Terre, 2012, p. 1). Most of the research in China comes from the spread of different western property views, such as Locke’s labor property view (Gao, 2000), Godwin’s social property view (Jin, 2001), Cicero’s space property view (He, 2009), Rousseau’s public will property view (Guo, 2012), Arendt’s modern property view (Chen, 2015), etc. Of course, some scholars have studied Marx’s view of property, which is at the application level. For example, Marx’s theory beyond philosophical communism is used to prove the rationality of the private property system (Wang & Ding, 2018). All of these studies are worth learning and contribute greatly to understanding beyond property dualism.

On this basis, we can continue to explore the potential of “institution unifying social sciences”.

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