James M. Acheson  
*The Lobster Gangs of Maine*  
Perspectives, p. 129

- How do the lobster fishermen deal with the problems of the commons?
- What happens when someone doesn’t respect the boundaries?
- Why don’t the fishermen form some sort of private property regime?

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James M. Acheson  
*The Lobster Gangs of Maine*  
Cont’d

- Private and joint/communal property. What does Acheson think we’re leaving out?
- How do theses categories apply to public property?
- Are any of these properties subject to the tragedy of the commons?
- Is open-access always tragic?
Asylums: Essays on the Social Situation of Mental Patients and Other Inmates

Perspectives, p. 1

- Dispossession
- Physical Nakedness
- Coarse replacements
- Identify Kit
- Control
- Territory

Asylums: Essays on the Social Situation of Mental Patients and Other Inmates cont’d

- Extension of self
- Autonomy
- Repositories of self identification
- First Come, First Served
- Strongest Takes What He Wants
Margaret Jane Radin  
*Property and Personhood*  
Perspectives, p. 8

**Personal or Fungible Property?**

How much pain upon loss?

<table>
<thead>
<tr>
<th>Personal Attachments</th>
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</thead>
<tbody>
<tr>
<td>Wedding Ring</td>
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<td>Money</td>
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<td>Portrait</td>
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<tr>
<td>House</td>
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<td>Land</td>
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<td>Apartment</td>
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<td>Body Parts</td>
</tr>
</tbody>
</table>

**Property and Personhood cont’d**

**Personal Attachments**

- Something good or something bad in being attached to external objects?
- Moral consensus about?
  - What’s good?
  - What’s bad?
Property and Personhood cont’d

More or Less Stringent Protection?

Dichotomies of Property

• **Utilitarian** – maximization of welfare, but property rules v. liability rules

• **Personhood** – continuum from fungible to personal

• **Welfare Rights** – entitlement to property necessary for personhood, can take others fungible property if it impinges upon another’s personhood

Property and Personhood cont’d

Takings - Expectations

• If some object were close to the personal end of the continuum, there might be a prima facie case against taking it.

• Suggests an implied limitation on the power of eminent domain.

• But no such limitation has developed.
Property and Personhood cont’d

Three Propositions

1. At least some conventional property interests in society ought to be recognized and preserved as personal.

Three Propositions Cont’d

2. Where we can ascertain that a given property right is personal, there is a prima facie case that that right should be protected to some extent against invasion by government and against cancellation by conflicting fungible property claims of other people.
Property and Personhood cont’d

Three Propositions Cont’d

3. Where we can ascertain that a property right is fungible, there is a prima facie case that that right should yield to some extent in the face of conflicting recognized personhood interests.