



James Madison and Property

Directions: Read the following excerpts and answer the questions that follow.

Excerpts from *Property* (1792), by James Madison

Madison's Words

This term [property] ... means "that dominion which one man claims and exercises over the external things of the world, in exclusion of every other individual."

In its larger and juster meaning, it embraces every thing to which a man may attach a value and have a right; and which leaves to every one else the like advantage.

In the former sense, a man's land, or merchandise, or money is called property.

In the latter sense, a man has property in his opinions and the free communication of them.

He has a property of a peculiar value in his religious opinions, and in the profession and practice dictated by them.

He has a property very dear to him in the safety and liberty of his person.

He has an equal property in the free use of his faculties and free choice of the objects on which to employ them.

For Understanding

Property is something a person rightfully owns or controls, and may rightfully exclude other people from using or controlling.

Property also includes things people value and have rights to, so long as they don't take away the rights of others.

By the first definition, a man's property is his land, merchandise, or money.

By the second definition, a person's opinions and the right to express them are his property.

A person's religion and the right to follow it are especially important examples of his property.

The right to be safe and free is also a very important part of a person's property.

A person's ability to use his rights (freedom of speech, religion, etc.) is a type of property equally important as his ability to use his physical property (a horse, a home, etc.)

In a word, as a man is said to have a right to his property, he may be equally said to have a property in his rights...

Conscience is the most sacred of all property...

While people have rights to their property, their property also includes their rights.

The most important property a person has is conscience, or the sense that allows people to decide what is right and what is wrong.



Critical Thinking Questions

1. What does James Madison mean by “property”?
2. Madison talks about two different kinds of property—one is physical or tangible [something one can touch] property, like land. What is the difference between tangible property and the other kind of property? Are these what you normally think of as “property”?
3. List at least three things which fall under each type of property.

Physical (tangible): _____

Other: _____