

Property

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Definition and Framework of Analysis

The term “property” denotes the complex relations between people that regulate access to things and ideas that a society considers to be useful, valuable, or desirable. While most people agree that property relations form the backbone of any social formation, ranging from small village communities to vast global financial networks, there is considerable disagreement over *how* to define, interpret, and regulate them.

Although the common usage refers to tangible and nontangible “things” as property, strictly speaking, this is not accurate. Property is a “right,” understood as an enforceable claim to use, consume, or otherwise benefit from things. This definition can in turn be unpacked by clarifying its central terms. First, “enforceable claims” indicate the status of property as a *social institution*, whereby our claims to things are sanctioned by society or the state and thereby become legitimate and effective entitlements. Anyone whose claims to a thing are not upheld by law or social convention finds himself claiming a chimera (think of a frontiersman homesteading in American Indian territory). Second, claimants of property are rights-bearing entities that may not be individuals or even human beings. Things can be claimed by groups that hold them as collective or common property, and nonhuman entities such as corporations can be endowed with the same rights as human beings. Third, objects of property can be concrete or abstract, ranging from land and machinery to technological knowledge and products of intellectual creativity. What is definitive, however, is that they are deemed necessary or valuable in the social reproduction of society, which renders them desirable, capable of generating competing claims. Insofar as property relations adjudicate

such claims, they constitute the social infrastructure on the basis of which systematic production, circulation, and consumption of things can take place.

Another contemporary misconception about property is that it is necessarily private, that is, it grants individuals the *exclusive* right to dispose of (use, benefit from, alienate, and destroy) their possessions as they wish. Human beings have organized their lives under “common” and “collective” forms of property for millennia. *Common property* can be succinctly defined as the right of members of a group *not to be excluded* from a shared resource base, be it game and firewood in fourteenth-century common lands in England, offshore fisheries in Southeast Asia, or simply clean air. This right has led some to conclude that resources held in a common are doomed to a “tragic” end by being overused by self-interested individuals attempting to maximize their utility (Hardin 1968). The proposed solution is to privatize the commons and thereby create incentives for individuals to use resources more efficiently and conservatively (a market in carbon emissions is a striking example). Such a reading, while influential, suffers from the fallacious assumption that “common” means “unregulated,” an assumption belied by historical and contemporary research that demonstrates the stringent, if not legally codified, regulations to which common property has been subjected (Ostrom 1990). The other major form of non-private property is *collective property*, whereby not only are resources held in common but their use for fulfilling social needs is collectively decided. Allocation of tribal lands to specific households among the Trobriands of Polynesia is an example of this form of property, as are modern economic planning and state enterprise.

While the idea of private property has been in existence in the west for at least 2500 years,

its consolidation as the primary mode of regulating access to resources dates back to the seventeenth and eighteenth centuries, and it has always existed alongside or entwined with common and collective property relations (even as the latter are widely conceived today to be derivative of private property). Individuals can exclude others from their land or lawn, but right of access to public parks, squares, and streets belongs to everyone. Each person has an exclusive right to her assets, profits, and wages, yet the taxation of these revenues and their redistribution are deliberated upon by political representatives who do so on behalf of the collective.

Property is a contentious subject because it bears crucially on how the material basis of social reproduction is configured and is invariably implicated in questions of power, equality, and justice. The fact that property is a social institution dependent on collective enforcement requires that it be constantly justified with reference to a shared system of values and norms that define what constitutes good, meaningful, and desirable human life. Against this background, arguments about property can be dissected along three distinct yet tightly knit conceptual axes.

The first of these axes is the *origins of property*, which comprises the ontological presuppositions and founding narratives and fictions that offer an account of the source of property rights. Competing accounts of the origins of property can be expediently categorized under, on the one hand, naturalist arguments that deduce property rights from the will of God or the design of nature, and, on the other, conventionalist arguments that hold such rights to be artificial constructs underpinned by compact or political power. The second axis is the purported *ends or purposes of property* rights, where Alan Ryan's distinction between "instrumental" and "self-developmental" approaches to property is particularly useful (Ryan 1984: 7–11). Instrumental approaches justify property rights by emphasizing the legitimate returns of people's efforts in obtaining property for satisfying their needs and desires, whereas

self-developmental approaches maintain that there is an intimate connection between a person and her property, which is the precondition of self-realization. The substantive content of this "self" is itself variable and subject to the broader ethical premises that define "good life," which can range from civic virtue to undisturbed enjoyment of comforts. The third axis of analysis concerns the *moral and legal status* of property and is a function of how the arguments about the origins and ends of property are configured. Whether one conceives of property rights as natural or conventional, pre-political or political, immutable or malleable, absolute or conditional, a self-standing positive good or a lesser evil, a sacred value or a technical contrivance, has immense implications for ideological and political struggles that surround property rights.

Together, the assumptions, arguments, and rhetoric configured around these three axes amount to an attempt to legitimize or delegitimize existing property relations. Justifications of private property are of particular interest to the discussion here, not only because private property is one of the primary social forms that govern our contemporary lives, but also because it harnesses the forces of the social totality in the service of the exclusive claims of individuals. And one must bear in mind that property is not an insular notion that exists parallel to other dimensions of social and political life. It implies and shapes a broader vision of a specific social order, complete with a normative value system, a matrix of power relations, and a specific type of social personality that embodies and reproduces these values and relations. Finally, these analytic threads form less an exhaustive grid that categorizes without remainder all that has been said on property than a heuristic guide for navigating the labyrinthine historical debate on property. A doctrinaire adherence to categorical distinctions glosses over the theoretical heterodoxy and inventiveness that characterize this debate, and obscures rather than illuminates many issues that have remained contested and unresolved down to this very day.

Classical and Christian Views

One of the earliest debates on the relative merits of private and common property took place in ancient Greece, between Plato and his student Aristotle. In the *Republic*, Plato constructed a utopian vision of a polis (city-state) that would be ruled by a naturally chosen and carefully groomed class of political elites (“guardians”) presiding over a much larger class of direct producers. The ultimate moral value for Plato was the social unity and harmony of the polis, where each person strove to best serve his naturally determined station (administration, warfare, farming, and crafts). The most radical of Plato’s prescriptions was the absence of private property and family among the rulers. “In the first place, none of them is to have any private property, except for what is indispensable” (Plato 1993: 121). Guardians would receive their subsistence from producers in return for their administrative and military services. Second, there would be no private marriages; men would share all women, and children would be raised communally. Erasure of privacy through a community of property, women, and children, coupled with the dependence on producers for subsistence, would cultivate an altruistic ethos in the rulers, who would refer to the same things as “mine” and “thine” and ensure the cohesion of the polity.

Aristotle was less sanguine about the effects of his tutor’s plan. Communal property, he maintained, would create discord, especially regarding the distribution of its products (Plato, however, prescribed communal property only for the rulers). However, Aristotle did not endorse unbridled private property either. Like all things, private property served a natural purpose, namely, to satisfy the needs of the household (*oikos*) and support the association of citizens in the polis. Accumulating property for its own sake, as with the hoarding of gold and silver, was an unnatural distortion of the art of acquisition, and found its most perverse expression in usury (Aristotle 1995: 24–8). The same natural purpose of property

that justified its acquisition also limited the extent of property by subjecting it to the pursuit of a good and virtuous life, that is, the realization of man’s nature as a political animal. To this end, Aristotle proposed a golden mean between communal and private property, which combined private tenure of land with the common use of its products. As Aristotle was staunchly against schemes of redistribution, however, the sharing of the fruits of property was to be achieved by instilling an ethos of public spirit among the citizens that would blunt the exclusionary edge of private property. Thus moderated, private property would not only promote diligence and thwart quarrels, but it would also endow property-owning citizens with independence, leisure, and conditions of generosity and friendship, which Aristotle deemed indispensable for civic virtue and political existence (meanwhile, the property of the citizens was to be worked by slaves or “barbarian serfs”) (Aristotle 1995: 45–51). Aristotle’s exaltation of the rule of moderate property owners as the best and most virtuous form of constitution was a reflection of this principle of property subservient to “good life.”

St. Thomas Aquinas planted Aristotelian precepts on property in the theological soil of Christian natural law. He parted ways with the Augustinian view of private property as the embodiment of avarice and the mark of man’s fallen nature. For Aquinas, possession of external things was natural and decreed by providential design, whereby God had created imperfect things in the service of man, his perfect creation. Aquinas’s treatment of private property followed Aristotle in justifying it on grounds of diligence, order, and peace, and limiting it by the principle of use. What distinguished Aquinas’s position was his notion of justice, which rendered the boundary between common and private property fluid and circumstantial. Under the natural law, the earth was the common inheritance of all human beings, who had irrevocable use rights to it. Private property was a human convention that was grafted onto the law of nature, and as a mere convenience it complemented rather

than displaced the original common. One had to hold property “in such a way that he is ready to share [it] with others in the event of need ... he sins if he excludes others indiscriminately from making use of it” (Aquinas 2002: 208–9). While in times of relative plenty it was the moral duty of the wealthy to support the indigent, in situations of urgent necessity, the original use rights to the earth abrogated property rights, such that taking another’s property ceased to be a crime: “If, however, there is a necessity so urgent and clear ... anyone can then lawfully supply his own need from the property of another by taking it either openly or in secret; nor, properly speaking, does this have the character of theft or robbery” (Aquinas 2002: 216–17).

Early Modern Debates

If classical and Christian thinkers prioritized noneconomic purposes (harmony, virtue, piety) to which property was subservient, then early modern political thought valorized the idea of secure enjoyment of property as a purpose in its own right. Natural jurisprudence theorists Hugo Grotius and Samuel von Pufendorf, and early liberal thinkers Thomas Hobbes and John Locke, were the most influential representatives of this strand of theory. They were all influenced by the post-Renaissance reception of the writings of Cicero, Roman lawyer and statesman, the earliest notable intellectual to argue that even though property rights were conventional, they were essential to peace and prosperity. The principal duty of government, Cicero maintained, was to ensure that “everyone holds on to what is his” because “safeguarding possessions” was the reason “political communities and citizenships were constituted” (Cicero 1991: 92–3). Holding this premise constant, early modern theorists focused their arguments on the origins of private property, which they elaborated in tandem with a distinctly modern conception of sovereignty that also made its appearance in this period.

There is a discernible set of themes and tropes common to the early modern narratives

of private property. Each narrative begins with a state of nature characterized by the common tenure of the earth. Human beings are endowed with natural rights of use of the common for satisfying their needs. The exercise of these rights is subject to a system of natural law that permits, though not necessarily dictates, the appropriation of the common. In the course of using the common for satisfying their needs, human beings gradually depart from the natural state and develop individual possessions. Typically, this takes place when they are not content with the coarse and “spontaneous” products of nature and begin to transform nature through industry and labor. Value of industry, population growth, growing scarcity of resources, and increasing complexity of social and economic life engender conflicting claims to possessions. The inconvenient ambiguity of natural rights is then resolved by a form of social compact that establishes a governmental structure to regulate natural rights, enforce the exclusive boundaries of private property, and thereby institutionalize socio-economic complexity.

Grotius contended that the transition from common to private tenure was effectuated “either by express agreement, as by division, or by tacit consent, as by occupancy” (Grotius 1901: 89). The notion of “first occupancy” played a central role in Grotius’s theory, according to which anyone could rightfully claim property in empty things (*res nullius*) or empty lands (*terra nullius*). There was no secondary condition attached to prior occupation; for example, one was not obliged to cultivate one’s land to maintain his title. Sovereigns as well as individuals could claim land by prior occupancy, and sovereign claims categorically preempted property claims by individuals. Finally, in times of extreme necessity, “the original right of using things, as if they had remained in common, must be revived,” though Grotius was much more circumspect than Aquinas in granting this right (Grotius 1901: 92). Pufendorf’s account, though theoretically more refined, closely followed that of Grotius. His signature move was to distinguish “negative

common,” in which the legal status of things was uncertain (*res in medio*) and everybody had nonexcludable use rights, from “positive common” that was created by agreement and excluded nonmembers. Building on this distinction, Pufendorf contended that the earth was originally negative common, and *pace* Grotius, private division of lands was much less a necessity than a tenuous and reversible consequence of human judgment that could be justified only insofar as it promoted peaceful coexistence of human beings, as dictated by the law of nature.

Hobbes’s state of nature is best known for its abjection and misery. Natural rights of everyone to everything did not merely “inconvenience” people; they created a “war of all against all,” in which individuals could possess things only as long as they could protect them with their strength and cunning. “It is consequent also to the same condition, that there be no Propriety, no Dominion, no *Mine* and *Thine* distinct” (Hobbes 1997: 71). The absence of enforceable property rights left “no place for industry; because the fruit thereof is uncertain: and consequently no Culture of the Earth ... no commodious Building ... no Arts; no Letters; no Society ... And the life of man, solitary, poore, nasty, brutish, and short” (Hobbes 1997: 70). Human beings, naturally seeking peace and “commodious living,” discovered through prudential reason that the only way they could secure life, liberty, and possessions was to renounce their natural rights and subject themselves, by a covenant, to a common power. The ensuing original covenant founded the sovereignty of the commonwealth and, as its corollary, individual property. With this theoretical move, Hobbes made the most radical case for understanding property (*dominium*) as the effect of political power (*imperium*). The property–sovereignty nexus also inflected Hobbes’s view of the state. While the commonwealth protected its subjects’ properties from each other, it exercised unlimited powers of pre-emption, taxation, and confiscation: “in one word *Propriety* ... belongeth in all kinds of Common-wealth to

the Sovereign power” (Hobbes 1997: 123). Hobbes went so far as to include absolute individual property rights among the reasons of the dissolution of commonwealth.

Locke’s was perhaps the most ingenious of the early modern theories of property. He explicitly set out to demonstrate how private property could rightfully precede not just government (contrary to Hobbes) but any express compact or tacit consent (unlike Grotius and Pufendorf) (Locke 1960: 303–4). The key to this demonstration was his “labor theory of property,” embedded in a teleological interpretation of natural law. God had commanded man to make use of the common of the earth for the benefit of mankind, and to use it specifically by subduing and cultivating it through his industry. Locke’s labor theory of property rested on two presuppositions: first, man’s labor was his exclusive property, and second, labor was the sole agency that rendered the original common useful to man. On these two counts, he who “mixed” his labor with land thereby removed the land from the common state and established his private property in it, not by the consent of others, but by divine authorization: “God, by commanding man to subdue, gave Authority so far to *appropriate*. And the condition of Humane Life ... necessarily introduces private possessions” (Locke 1960: 310). The moral buttresses of private property (labor and use principles) also marked the moral limits to property: land that was neglected returned to the original common, prior occupancy notwithstanding, as did its fruits that perished uselessly. At this juncture, Locke performed a second theoretical feat by introducing the use of money by mankind’s tacit consent, which allowed individuals to enclose and cultivate more resources than they could immediately use, and exchange the surplus for durable precious metals. The use of money made it possible to unleash the productive powers of labor for improving the common waste, not only rewarding hardworking individuals (thereby rendering property inequality just), but also increasing the “common Stock of Mankind” (Locke 1960: 311, 317). Locke’s

achievement was, in effect, to recast the accumulation of wealth through monetary exchange as the pivot of a new moral economy, in which the expansion of private property was hallowed as a fount of universal benefit. Subjective values were accordingly trans-valued, as “the Rational and the Industrious” supplanted the leisurely citizens of antiquity as the embodiment of virtue. This intimate connection between moral and material progress in Locke’s narrative would become a fundamental trope in eighteenth- and nineteenth-century Enlightenment thinking on property. Equally importantly, while most early modern natural law theories were conceived with an eye toward justifying the European colonization of the Americas, Locke’s labor theory of property would prove to be the most systematic and influential theory for representing America as “empty land” (*terra nullius*) still residing in the state of nature and open to free appropriation by European colonists (Tully 1993).

Enlightenment, 1750–1850

Eighteenth-century Enlightenment thought displayed a curious paradox as it exalted private property rights while admonishing aristocratic landowners. The key to understanding this inconsistency is the ethos of productivity that swept the intellectual landscape in this period, which condemned aristocrats as social parasites living off and squandering the rent extracted from the labor and enterprise of other classes. The Physiocratic School in France effectively classified the “proprietary class” as sterile, even when it was advocating robust private property rights, coupled with laissez-faire policies and an agenda of wealth accumulation. Adam Smith, the prodigy of the Scottish Enlightenment and the pioneer of classical political economy, was similarly disdainful of great landlords. Such disdain rose to a crescendo with David Ricardo and utilitarian philosophers Jeremy Bentham and John Stuart Mill, who proclaimed an antagonism of interest between the landed classes and the rest of the society. Labor and capital

increasingly overshadowed land in property debates. Private property was sacred but some of its forms were more sacred than others.

Scottish Enlightenment thought affirmed the conclusions of natural law theories but repudiated their contractual tenets. From the Scottish perspective, property was neither political (as Hobbes had argued) nor natural (as Locke had held) but a social institution that spontaneously evolved as human societies moved from simpler to more elaborate modes of subsistence. In this “four-stages model” of history, hunting, pasturage, agriculture, and commerce constituted a progressive sequence marked by increasing division of labor, accumulation of capital, social complexity, intricate legal codes, refined manners, and enhanced cognitive and emotional capacities. Adam Smith’s *Lectures on Jurisprudence* (1978) and the *Wealth of Nations* (1981) were representative of the Scottish perspective, in which property was the key institutional variable insofar as it underpinned the organization of subsistence and shaped political institutions. Commercial society, the apex of extant human civilization, was understood to rest on strong and exclusive private property rights, which always correlated positively with opulence (Smith 1978: 10). Smith not only designated the prospect of acquiring property as the main spur to industry, but, in Lockean fashion, declared labor itself to be private property: “The property which every man has in his own labour, as it is the original foundation of all other property, so it is the most sacred and inviolable” (Smith 1981: 146). Labor theory of value also informed Smith’s advocacy of small property and free market in land (as opposed to large holdings perpetuated by primogeniture and entail) as most conducive to industry and improvement. Large-scale commodification of land, agricultural products, manufactures, money, and even patents, assisted by an intricate yet unobtrusive legal code regulating property rights, were the distinctive features of commercial societies that Smith and other Scottish philosophers esteemed highly. True, commercial society was also marred by great inequality of property

(maintained by governments' protection of the rich from the poor), but the opulence it generated made it infinitely preferable to the primitive equality in poverty. An English day laborer, Smith contended, was furnished and fed better than a barbarous African king.

Jean-Jacques Rousseau's account of private property drew upon natural jurisprudential contract theories and Scottish Enlightenment conjectural history, only to weave a counternarrative decrying the normative conclusions of both. Rousseau told a story about man's fall from the innocent simplicity and self-sufficient freedom of an idyllic state of nature, via knowledge and domination of nature, into a state of dependency and artificial refinements, terminating in a fraudulent social contract that instituted the tyranny of the rich over the poor. Rousseau's contempt for civil (read, commercial) society concentrated on what he deemed to be its founding moment: the invention of private property (Rousseau 1987: 60). Everything that property rested on as well as brought in its wake (industry, division of labor, conveniences, accumulation of stock, polished manners) was unveiled to be yet another step toward the corruption of the human species (degeneracy, effeminacy, servility, atomization), culminating in inequality, oppression, and alienation. While Rousseau directed his criticism at property and its attendant consequences as depicted in theories of commercial society, he did not oppose the idea of property as such. In the context of a virtuous republican polity, conceived roughly along Aristotelian lines, it was the "most sacred of all the citizens' rights ... the true guarantee of citizens' commitments" (Rousseau 1987: 127). Just property was possible in a moral community established through a regenerative social contract that would change occupation and usurpation (which, to wit, also included property in commercial societies) into "true right" (Rousseau 1987: 152). Legitimacy of private property hinged on, first, its subordination to the community's right to all, and, second, its egalitarian (re)distribution so that "no citizen should be so rich as to be capable of buying another citizen, and none so poor that he is

forced to sell himself" (Rousseau 1987: 170). (A similar constitutionalist interpretation of property was propounded by Immanuel Kant, who posited "civil condition" based on the "Idea of a will of all" as the prerequisite of any notion of "right" to property beyond provisional possession. Rousseau's notion of "the community's right to all" morphed in Kant into the state's right to tax people, not only for their self-preservation, but also performing institutionalized redistributive functions of charity and welfare [Kant 1991: 81–9, 135–6].) The paramountcy of political equality for republican self-rule revived in modern guise the Aristotelian instrumentality of property as a means to a virtuous life.

Jeremy Bentham's proposed principles of legislation blazed the utilitarian trail. Natural principles of pain and pleasure, he argued, were strong enough to motivate individuals to industry; positive encouragement by government was redundant. What the latter ought to do was to secure the fruits of industry and thereby establish credible "expectations" that today's pain (labor) would be tomorrow's pleasure (property). Private property rights had nothing sacred or natural in them (Bentham dismissed natural rights as "nonsense on stilts"). Their existence issued exclusively from law and their justification rested on nothing but public utility. "There is no such thing as natural property ... it is entirely the work of law ... property and law are born together, and die together" (Bentham 1931: 111). Opulence generated by property rights rendered them, in Scottish Enlightenment fashion, the "distinctive index of civilization" (Bentham 1931: 109). Accordingly, any egalitarian scheme of redistribution portended the doom of civility by rendering property insecure and throwing society back into the primitive condition of the human race, namely, the "savagery" and "equality in misery" that characterized the condition of American Indians.

John Stuart Mill had higher standards than Bentham for judging the legitimacy of private property. The passionate, almost purist, embrace of the labor theory of property guided Mill's denunciation of the property relations of

his day. Departing from the “right of producers to what they themselves have produced,” he incriminated private property in Europe as being based on “conquest and violence” that distorted principles of justice (Mill 1994: 14–15, 25). People who spent their lives laboring remained mired in poverty, while those who indulged in idleness augmented their wealth. Mill furthered the labor principle in two radical directions. First, inheritance of large fortunes granted unfair advantages in life and nursed habits of indolence and arrogance. Mill proposed an “inheritance tax” (crucially distinguished from “bequest tax”) that would curtail this injustice without impinging upon the original proprietor’s right to freely dispose of his property. The revenue thus obtained would be expended for public purposes or “distributed among a large number” (Mill 1994: 36). Second, land, unlike its fruits, was not a product of labor. Property in land was the least sacred of property rights, for the earth was the common inheritance of mankind and any exclusive division of it was a matter of expediency, revocable at the moment expediency ceased (Mill 1994: 40–1). Accordingly, ownership of land had to be subjected to a stringent test of “improvement.” Mill conceived of landowners as public functionaries holding land in a “trust” from the community, and accordingly argued for public eminent domain rights. Radicalizing Lockean labor theory of property, Mill called upon private property to live up to its self-legitimation. On the other hand, as had been the case with Locke’s theory, Mill’s close tethering of private property to public utility would also be employed by European colonizers to legitimate imperial expansion, rule, and social reform in the colonies (Zastoupil 1994).

Nineteenth-Century Left Retort

The nineteenth century was the stage for the most formidable and systematic critique that the notion of private property sustained in its history, and the main thrust came from the

political left. The sophistication of some of this critique precludes us from dismissing it as mere sentimental reaction against social inequality rampant in this period, though it certainly incorporated this element. French and Russian anarchists like Pierre-Joseph Proudhon and Mikhail Bakunin loomed large in the left’s confrontation with private property, but the most incisive and influential critic was, without doubt, Karl Marx. All three thinkers espoused a trenchant strain of the labor theory of value, emphasized the primacy of society over the individual in managing the means of production, and proposed alternative combinations of collective and common property, though the anarchist position propounded a looser federative model for regulating property relations than did the more centralizing prescriptions of Marx.

Bakunin advocated common property in the means of production and universal obligation to labor as a condition of access to them, a position that echoed Proudhon’s earlier counterposition of the idea of “usufruct” to the Roman definition of property as the “right to use and abuse” (the former guaranteed access to the means of production and subsistence without legal exclusiveness, whereas the latter granted unconditional and unjust powers of disposal at the others’ expense, rendering it a species of “theft”). Also like Proudhon, Bakunin underscored the fundamentally social nature of individual labor and defined the purpose of wealth as fulfilling human capacities and aptitudes. Bakunin’s distinctive insight was into the structural symbiosis between capitalism and the state (centralized wealth and centralized power), which led him to conclude that nationalized property under a socialist state would not destroy capitalism but appoint the state as the sole capitalist, thereby retaining exploitation and oppression intact. As an alternative to both the state and the market, he proposed “federative” institutions, such as an “industrial parliament” that would harmonize supply and demand among autonomous yet federated workers’ associations.

As for overthrowing the state–capital nexus, Bakunin held that targeting individuals or groups was ultimately futile. Revolutionary violence instead ought to target organizational privilege, principally the institution of “individual property,” whence exploitation and oppression issued. Preserving private property even in a reformist manner, as the Jacobins and Blanquists did, could only result in bloody revolutions against people while maintaining the structural breeding grounds of inequality and dictatorship (Bakunin 1980: 150–1).

Marx’s method of critiquing the capitalist mode of production was based on theorizing the deeper socioeconomic structures that at once informed and limited classical political economy’s fundamental assumptions about wages, rents, profits, prices, and property. Instead of considering private property as a self-evident legal category, Marx strove to establish its historically determinate social logic under capitalism, which revealed private property to be “the material, summary expression of alienated labor” (Marx 1978: 81). Private property was not a thing but a social relation that exploited living, dispossessed, subjugated (in short, “proletarian”) labor for accumulating more private property (congealed, dead labor). This raised a momentous question, the answer to which was Marx’s most vital contribution to the analysis of property: if dispossessed labor was the source of private property, how did such labor arise in the first place? Dismissing the “childish insipidness” of classical political economy that explained dispossession through the thrift of capital owners and profligacy of workers, Marx forwarded the notion of “primitive accumulation” as the historical process by which direct producers (peasants, artisans, and the like) were forcibly divorced from their means of production and subsistence and therefore “proletarianized” (Marx 1976: 874–5). Enclosure of the English commons, clearance of the Scottish Highlands, the plunder of India, the Atlantic slave trade, and Caribbean plantations represented historical instances of primitive accumulation. Primitive accumulation was categorically constitutive of capitalism as it turned means of reproduction

into capital at the same time it transformed direct producers into wage laborers. And here lay the crux of Marx’s analysis: *private property* based on individual labor (as theorized by Locke and Mill) and *capitalist private property* employing dispossessed labor for self-expansion were *necessarily antithetical* (Marx 1976: 927). These two forms comprised the polar ideal types of the private property spectrum. Like private property, capital was not a thing but a social relationship, and capitalist private property could emerge only by dismantling the individual private property of the small farmer or craftsman, and by reconstituting the relationship between labor and the means of production in the service of capital accumulation. Classical political economy ironically invoked individual private property for defending capitalist private property at the very moment the latter was destroying small proprietorship (Marx himself was no friend of small property, however, which he identified with “universal mediocrity” [1976: 928–31]). Equally importantly, the “private property in labor” exalted by political economists was itself the product of violent legal repression (“bloody legislation”) that forced expropriated masses to work for a wage, or else threatened them with enslavement and corporeal punishment. In short, organized political violence, governmental or otherwise, played the role of midwife in the transformation of non-capitalist social relations into capitalist private property in the means of production, subsistence, and labor. Once capitalist private property and wage labor became the dominant mode of economic organization, the “silent compulsion of the market” would replace extra-economic coercion in sustaining and expanding the domain of private property. Although Marx eulogized capitalism for raising the productive powers of humanity to the highest degree ever known, the strait-jacket of private property in which these powers developed had confined human beings to a history of expropriation and exploitation – until proletarian revolution would replace private property by collectively regulated “social property.”

Conclusion

The property debate did not, of course, end with Marx. As long as human beings inhabit this planet, the struggle over how to organize access to its resources will continue. An illustrative example is the ongoing controversy over the status of labor in creating property entitlements. Even after the labor theory of value was discredited by marginalist economics at the turn of the twentieth century (and by autonomist Marxists like Antonio Negri at the turn of the twenty-first), the idea that persons own their productive capacities and are thus entitled to the products of their labor has proven remarkably resilient. Labeled as the “workmanship ideal” by Ian Shapiro (1996), this notion has weathered a range of sophisticated critiques. Feminist Marxists, for instance, have demonstrated that “labor-power,” which for Marx was the fount of all value under the capitalist mode of production, is itself produced partly by the unpaid “reproductive labor” of women in the household (Mies 1986). In a catholic critique of the idea of self-ownership, John Rawls (1971) has argued that *all* productive human capacities are always already the product of human work, thereby mounting a challenge to neoclassical and libertarian arguments that depart from the strict autonomy of the individual. While Rawls posited personal property as a basic liberty indispensable for individual autonomy and dignity, he left open the question of ownership in the means of production, maintaining that both socialism and capitalism could satisfy the basic principles of justice (provided that they were based on a well-regulated market that thwarted the translation of economic inequality into political inequality).

Even such an orthogonal interpretation of private property as Rawls’s, however, could not escape Marxist charges of defending the capitalist status quo and libertarian accusations of espousing socialism. The question of property, as evidenced by this example, cannot be conclusively settled. Global property relations today are more complex than ever, with intellectual property rights and offshore land transactions in the

global South joining the financialization of wealth and heterodox post-crisis measures in the global North. The history of the debate on property offers a crucial conceptual framework that enables us to navigate, if not completely disentangle, this complexity.

SEE ALSO: Anarchism; Capitalism; Class; Distributive Justice; Egalitarianism; Enlightenment, Scottish; Expropriation; Greek Political Thought; Labor Theory of Value; Liberalism; Marxism; Natural Law; Republicanism; Socialism; Utilitarianism

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