

Title: Paradoxical Property and the Foundations for Development and Finance

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Abstract

The concept of property has had a complex history, from signifying human bondage, as in the institution of slavery, to the utmost human freedom, as the rights of the individual property owner. Property ownership has often been the basis for justifying income distribution as well as rights of citizenship (Locke, Hegel). While property has been defended as the foundation of freedom in the U.S. constitutional thought, that one-sidedness has been the subject of considerable critique among recent scholarship (Nedelsky). The concept has been the topic of much discussion among feminist, race, and legal scholars, as to whether the notion of property has a consistent meaning at all (Schroeder, Radin). While individual private property symbolizes the bastion of personal independence, a form of protection against government, the practices and protection of property are inherently governmental and social (Singer). That is, property is the creature of the very government against which it would presume to protect its owner.

This paper will trace the historical transformation of the notion of human labor as property, from John Locke and Adam Smith, to the notion that property is an inanimate thing, the ownership to which is protected by government. Beginning with a royal charter in 1319, guild membership, apprenticeship, and citizenship in a town or city were linked. The Statute of Laborers was passed in England in 1349 (Marx, Vol. I., p. 738). From the Statute of Artificers in 1563 in England to its repeal in 1815 and to the Poor Law Reform in 1834, labor was considered a property right, with guaranteed membership in a community and means of support.

The question will be raised as to whether social relationships, such as production and circulation, are reified when property is considered an object or a thing, instead of a social process. One could even apply Marx's notion of "commodity fetishism" to some of his own concepts, such as "means of production," as well as to "reproductive capacity" as an object of exchange (Rubin, Levi-Strauss, Lerner, Pateman). Further, once the notion of property is seen as historically constructed and varying, the definitions, legal enforcement mechanisms, and even the foundations for credit which are proposed for developing countries, as well as underdeveloped neighborhoods in industrial countries, are much more open to variation and innovation.