

Viewpoint

Remember property?

It used to be that we took property in land seriously. Many scholars, from diverse backgrounds, placed it at the core of their inquiry. 'How did property work?', they asked. How was private property, in particular, to be treated? How was property made, and with what effects? This included reflections on the ethics of property. Locke's story of the privatization of the divine commons, in which an alchemical mixing of human labor with the soil created private property, was equally descriptive and prescriptive. Enclosure was not simply inevitable: as a realization of divine will, he said, it was also normatively good. Marx's story of privatization offered, not surprisingly, a very different moral inflection. The history of enclosure was written in blood and fire, he raged. Any justifications, such as Locke's, were no more than an obfuscation of class dominance. The sanctity of private property under capitalism, he argued, was clearly compromised by its history: shameless violations of the rights of property was accepted when they were necessary to lay the foundations of capitalism.

Similarly, the politics of property used to be a subject of considerable scrutiny. For Locke, property was prepolitical, given its supposed origins in a world before the state. Necessity begat property, he argued, and in order to protect that property the state was formed. As such, it was defined as a zone of individual autonomy, removed from the realm of the political: politics (that is, the state) was that which threatened property. For the legal realist Robert Hale, conversely, private property depended crucially on public power. Private property, he argued, was a form of

delegated sovereignty and, to that extent, deeply political, both in its origins and its effects.

Now, however, most of us seem much less interested in property. Property becomes simply (and, I argue here, frighteningly) taken for granted. This oversight is to be found not only inside the academy. Judges, policy-makers and others routinely sideline property and its workings. Thus it is, for example, that informed academics are obliged to note its importance to homelessness, as if this were a revelation.

Perhaps this is because property appears (though this is surely mistaken) no longer to be changing in a way that it so obviously was for earlier thinkers. Enclosure, on this account, is complete. But perhaps we seem less interested because property seems to be more definitionally certain. Property used to be a commodious category, that included related ideas of propriety, acknowledged a complex array of estates and interests, and enrolled a rich *dramatis personae*, ranging from Locke's yeoman farmer to Proudhon's murderous landlord. Now, however, property seems to signify something a lot smaller, familiar and frankly uninteresting.

This reflects, I think, the dominance within liberal societies of a particularly restricted model of property. Termed variously the ownership, Blackstonian or classical model, it exerts a powerful imaginative hold, shaping our understandings of the possibilities of social life, the ethics of human relations and the ordering of economic life. Felix Cohen neatly summarized this model thus: 'That is property to which the following can be

attached: To the world, Keep off X unless you have my permission, which I may grant or withhold. Signed: private citizen. Endorsed: The State' (quoted in Donahue, 1998: 191). More generally, the model invites us to view property in the following ways.

- It assumes a single owner identifiable by formal title rather than informal or moral claims.
- This owner enjoys all the rights associated with ownership – including the right to exclude others, to transfer or sell the property, and to use the property as he or she sees fit.
- The owner is metaphorically set against other interests, notably the state. While state intervention can occur, this is always presumptively suspect, and must be justified in relation to the prior and superior rights of the owner.
- The owner is motivated by self-interested and self-regarding behaviour – for example, he (and it is usually a man) improves the land in order to maximize productivity, or attain a higher resale price.
- Property is regarded as essentially private property. The two become synonymous, so to talk of property is to talk of private property.

It is easy to demonstrate the analytical shortcomings of this model. However, it is more important to note the political and ethical effects of viewing property through this narrow prism, particularly given the neoliberal embrace of privatization and the ownership society. For example:

- The dominant model underwrites the moral geographies of the public-private divide, with its deep-seated assumption that clear limits should be set upon the ability of states to 'intervene' (as if they were not there already) in the 'private' sphere. The private sphere is valued as a site of individuality, liberty and autonomy, while state action is a potential threat to freedom. Not only does this render collective action inherently suspect, but also it cloaks the workings of private power (including

that, of course, associated with property itself).

- In fixing on the detached owner, separate from others, the crucial relation at the core of property appears to be that between the owner and the things owned. In popular language, we talk about something being 'my property'. As a result, property becomes depoliticized. Obscured is the fact that property centrally concerns relations between owners and nonowners: my rights to 'my things' are meaningless without my power to exclude you from the use and benefit of those things. Those exclusionary powers, sustained by the state, are socially differentiated, advancing the interests of those who have private property against those who do not. Given that a minority owns the bulk of productive property, this creates a dependence of nonowners upon owners, and thus a power relation that produces systemic inequality.
- The model informs the ways in which people are given standing in the world. Even though property ownership is no longer a prerequisite for voting, private property ownership is seen as a good thing because it denotes standing, responsibility and self-control. Conversely, those who do not own (or who own in ways that don't fit the ownership model) are viewed with suspicion. Consider the ways in which renters are regarded. We are suspicious of renters not only because they are poorer, in general, than owners, but also because they rent. As such, they are incomplete owners. Our language betrays us: owners 'reside' in settled neighbourhoods; renters 'occupy' units of housing. Owners are stable and responsible; renters are mobile and untrustworthy. This gets uncritically smuggled into policy and can have insidious effects. Housing policy overwhelmingly favours owners, as against renters. Programs of urban revitalization, under the banner 'social mix', encourage property owners to move to areas dominated by renters and so 'uplift' a neighbourhood.

- Perhaps it is as a result of these effects – individualism, exclusion and suspicion – that we can begin to make sense of the recent reterritorialization of property. The upsurge in gated communities, home security and other forms of target hardening, as well as the embrace of punitive forms of control directed at those excluded from private property (that is, the homeless), suggest that the ‘quiet enjoyment’ of private property has become a good deal more paranoid and uncertain.
- The centrality given to private ownership means that other claims to land (other forms of property), if they are acknowledged at all, are viewed with suspicion, derision or indifference. The most striking case is that of indigenous claims to land, which continue to be treated either as some imperfect expression of the dominant model, or as so radically different as to be not really property at all. This creates a deep and enduring injustice within settler societies.
- The dominant view also obscures the varied and inventive ways in which property actually gets put to work in the world. Not only is ‘private property’ itself far more complicated (and, frankly, nonprivate) than we might suppose, but one can also identify many types of ownership that fall outside the terms of the dominant model. People lay claim to property in much more varied, overlapping and often collectively orientated ways. The commons, in other words, are still very much with us. We can find it within the official fold (nuisance law, for example) and without (surfing). Commoners are to be found in traditional settings, such as inshore fisheries, and in incipient settings, such as cyberspace. While common property can serve the powerful (take the gated community, for example), it can also be a site for resistance and alterity (as in the case of squatting).

Yet the persistence of the dominant model means that these diverse alternatives fail to appear on our maps of property.

One could go on. My point is that there are real costs in forgetting property, for property has not forgotten us. However, this is concealed by the desiccated model of property with which we work. In part, the purchase of the dominant model reflects its persuasive geographies. It invokes boundaries, for example, that are both real and metaphoric. It territorializes property, turning it into a discrete space. Spatial representations are at the core of property: the archetype of private property is the single-family house – when we summon up a mental image of ownership, it is probably the home we think of. Behind this banal ideological screen, with its comforting images of privacy and domesticity, hides the corporation.

For all these reasons, it is imperative that geographers take property seriously, exploring the effects of the dominant model within the world, as well as uncovering the much more interesting and complicated realities of property. It is also crucial that we think about the consequential geographies of property – the effects, for example, of its reliance upon particular spatial representations, such as the boundary; or the interesting ways in which property helps produce particular landscapes; or the often violent effects of property within public space; or the centrality of exclusion to property. Surely there can be fewer more vitally geographic concepts?

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Reference

- Donahue, C. 1998: Property law. In *The New Encyclopedia Britannica*, Volume 26 (fifth edition), London, 180–205.