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Anti-Copyright



Property

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I've written before that we could define the "owner" of a place as whoever lives there, and factor out the whole concept of "property". Last month I discovered that Pierre-Joseph Proudhon had the same idea in 1840, in his book *What Is Property?* Specifically, Proudhon noticed that our word "property" blurs together two opposite concepts: the rights of someone who actually works with a piece of land, a house, a sum of money, a tool; and the rights of someone who *does not* work with it, who might never see it, but who is said to "own" it because, well, the rules say so, and we don't question them.

Looking just at land, where do pieces of "bought" land originally come from? Usually they are violently stolen from indigenous people, or in the case of unoccupied wilderness, some central authority simply declares "ownership" out of thin air. Tribal people have the concept of *territory*, but they would think it's insane for one tribe to "own" the land that another tribe occupies. Even neolithic farmers, who have already carved fields out of the forest, would not understand how one family could work a field "owned" by another — unless they were slaves.

The concept of non-occupying ownership is like a magic spell that makes violent conquest and near-slavery seem natural. It enables ecological destruction, because people actually living on land, seeing the effects of their actions, are less willing to cut down forests and deplete topsoil than remote commanders seeing only numbers. And it enables positive feedback in wealth distribution: the two big ways the rich get richer are rent and interest, one where you pay a fee to the “owner” of land you’re occupying, and the other where you pay a fee to the “owner” of money you’re using.

So, should we make possession the whole of the law? I see two problems with this. The first is that no set of laws can make a tolerable society if people are still hyperselfish. For example, you might leave your house for a day and come back to find out that someone else has claimed it. The other problem is that even occupiers of land can abuse it, like the mining companies that are cutting tops off mountains in West Virginia, or renters who trash a house because they know they’re not staying long. In this case, it’s the absentee landlord who has a healthy relationship with the property (though not with the renters).

So I suggest a more useful distinction, not between possessing and non-possessing ownership, but between *sustaining* and *extractive* ownership. More generally, we can distinguish between sustaining and extractive relationships. An extractive relationship is what you have with an apple: you get it, you eat it, it’s gone. It’s not good to have an extractive relationship with a person, or a piece of land. Civilization as we know it has an extractive relationship with the whole planet. But as the extractable resources get used up, more and more human systems will have to develop sustaining relationships with their land. The challenge is to have good relationships and high social complexity at the same time.

I’m also thinking about this in the context of money. In the Empire money system, rich people and banks have sustaining relationships with their piles of money — they want their money to stay the same size or grow year after year. And they do this by hav-

ing extractive relationships with people and land. In a system with depreciating currency, people are forced to have an extractive relationship with their money: If they hold onto it, it will decay, like an apple, so they have to use it up by spending it. And if they’re smart, they will spend it to build sustaining relationships with people and land.