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Abstract: *This article introduces the idea of ‘dependence subtexts’ to explain how the stories that we encounter in property theory and public rhetoric function to make some actors appear ‘independent’, and thus capable of acquiring property in their own right, while making other actors appear ‘dependent’ and thus incapable of acquiring property. The argument develops the idea of ‘dependence subtexts’ out of the work of legal scholar Carol Rose and political theorist Carole Pateman, before using it as a tool for contrasting the canonical property stories of John Locke and Pierre-Joseph Proudhon. We argue that the link between property and dependence provides a useful starting point for understanding issues of economic justice which share a common political problem: how do we choose to govern the relation between dependence and independence through the institution of property?*

Keywords: property, ownership, dependency, justice, subtext, Carole Pateman, Carol Rose, John Locke, Joseph-Pierre Proudhon

Proprietors and parasites: dependence and the power to accumulate

It has been one of the enduring tasks of political theory to produce a story about property that could account for the justice or injustice of property rights. In these stories we learn why one person’s labour produces property and wealth for themselves, while another person’s labour produces property and wealth for someone else. We learn, too, which kinds of actions are appropriate to making and keeping property, and which kinds of actions don’t have this power.

Taking our starting point in legal and philosophical theory, we argue that the ways that we imagine and institutionalise economic dependency still very much structure who gets to possess or accumulate what. Dependency was one of the conditions that modern society actively and explicitly sought to leave behind.¹ Because of this discursive development strongly valorizing individual autonomy and self-dependence, however, modernity has a blind spot when it comes to current dependencies, as is made clear in feminist and post-colonial social critique. This is because part of what structures modern discourses of legitimacy is the ideal of independent persons acting in their own right. By excavating what we call ‘dependence subtexts’ embedded in both political theory and

in the socio-economic institutions of modern societies, we aim to show that implicit stories about dependency often structure and limit the proprietary possibilities of different groups of people.

In these stories, as in real life, there are a range of normative implications that may be attached to the idea of dependence. First of all, one's actions may, in an important sense, not be counted as one's 'own'. As we will see in John Locke's property story below, the labour of the dependent servant may be subsumed under that of an independent master. To give an historical example of this logic, laws of coverture (transferring women's property to their husband upon marriage) meant that women's resources and labour were put under the control of their husbands who were treated legally as the independent actors in the family unit. Secondly, however, the badge of dependence may mean something even more drastic: not just disempowerment, but condemnation as parasitical. Political rhetoric is full of charges of parasitism: from the 'unproductive' finance capitalist to the 'unproductive' welfare recipient. Dependence framed as parasitism places some social actors outside of the healthy productive life of the community. With this logic in mind Rosa Luxemburg described married and economically dependent bourgeois women as 'parasites of the parasites of the social body'.²

Both normative connotations of dependence – disempowerment and parasitism – are important in the normative discourses that frame public debates about property and justice in many societies today.

In order to develop the link between dependence and property, we begin (in section 2) by introducing the work of two theorists whose respective insights put us in an excellent position from which to view the canonical property stories of political theory. The first is the legal scholar Carol Rose who has done more than anyone to develop the idea that the institution of property needs story-telling and persuasion in order to function at all.³ Her work has shown that whether in the form of simple visual markers in the material world, or in the form of winding legal and philosophical accounts of property, people attempt to persuade one another of various versions of property entitlements. The second line of argument comes from political theorist Carole Pateman whose work brilliantly excavates the contractarian tradition of political thought to reveal the sexual contract implied in the social contract: the subordination of women taken for granted as the counterpart to the tale of independent and voluntary contractors.⁴

Bringing the lessons of these theorists together, we argue that the *subtext* that we need to identify in property stories is a *dependence subtext*. Our suggestion will be that dependence subtexts structure our view of different actors' powers in the field of property relations: while some actors are attributed with a moment of independence from which to build their claims to property rights, others remain caught in webs of dependence in which their productive energies are not fully their own. However similar their actions at any one moment, property 'insiders' and property 'outsiders'⁵ act out their roles in *sequences* of actions that remain separated: the one in which accumulation is possible; the other in which it is not. Our question taken forward into section 3 is this: through what kind of dependence subtexts do we meet this difference between 'insiders' and 'outsider' in the canonical property stories of the political theory?

Thus in section 3 we analyse two seminal property stories from the tradition of political theory to illustrate both what kind of issues our interpretive lens brings to the fore, and what radical contrasts become apparent between different property stories when we look for the dependence subtexts that underpin their respective arguments. The first that we examine, and probably the most famous of all property stories, is John Locke's account of the origins of property. As has often been pointed out there is a strange asymmetry between the actors depicted in the chapter on property in the *Second Treatise*.⁶ By setting the story of the origins of property in a world in which property relations already exist, Locke's story inserts us mid-way into a world in which some actors have already initiated the 'correct' sequences of property-related actions, 'the proprietors', while others have missed their chance and now find themselves forever on the 'wrong' side of property, as property 'outsiders'. We contrast the dependence subtext in Locke's story with that of Pierre-Joseph Proudhon in *What is Property?* Here the property story is structured so differently that it is the *proprietor* who is cast in the role of parasite: the key to the rhetorical reversal lies in the suggestion that the proprietor's legal independence covers over a more basic practical dependence. Here property begins not in industry but in dispossession.

Finally (in section 4) we argue that the simplified world of political theory holds lessons that can help us to understand the complex world of social and political reality. In particular, we suggest that the squatting of housing and the public and political responses to it illustrate how different sets of dependencies can be foregrounded and backgrounded in our normative discourses on property today.

2.0. Property subtexts and dependence subtexts

In order for our strategy for reading property stories to appear plausible we need to explain first of all why property theorists should be interested in persuasion at all; second we need to explain the idea of ‘subtext’ – a narrative behind the narrative – that we will take forward into our readings of Locke and Proudhon; and thirdly we need to explain why *dependence* is such an important theme to bring to debates in political theory. On persuasion and subtexts we turn to Carol Rose (below) and on dependence we turn to Carole Pateman (section 2.2).

2.1. Property and story-telling: the work of Carol Rose

Different peoples see the signals of the surroundings through very different imaginative lenses, and they put those signals together in different property stories; they persuade themselves that the things they see can yield the security of entitlement, whatever that may entail, and then they act on the visible signals as if the signified entitlements were permanent, solid, objective. And to some degree they are – so long as everyone, or most everyone, is persuaded.⁷

How do social actors communicate property claims to one another? This, in broad outline, is the question that Carol Rose has sought to answer. Such communication can take the form of long and complicated legal judgements, which will be backed up by state power, or simply the form of ephemeral markers on things (e.g. a chair in a parking space) that aim to carve out a claim to some kind of property rights – a claim that will, however, never be backed by the organized force of the state. Such communications may be verbal or they may be visual; they may be made through a special symbolic system (e.g. as entries in the Land Registry databases) or through simple everyday symbols that can be read by most members of society (e.g. a fence around a garden). In short, ‘[p]roperty is both an economic institution of great power, but also a highly sociable institution, dependent on symbolic gestures that link claimants and audiences.’⁸

There are, of course, varying degrees to which these forms of communication and persuasion take the form of narratives or stories. At one end of the spectrum are the symbols of ownership that seem to do their work (most of the time) without announcing any further narrative: fences do this kind of symbolic work. At the other end of the spectrum are the narratives of political and legal theory,

which tell stories about the development and unfolding of property relations in general: Locke's *Second Treatise* does this kind of work.⁹ But even in the absence of clear narratives, where the symbols of ownership may appear to stand alone, Rose notes that individuals and groups need to be able to *interpret* the symbols of property and grasp the broader message that these symbols are meant to convey. The audience to this message may reject it (e.g. simply take down the 'No Entry' sign that has appeared on a gate), or may even fail to perceive it (e.g. the failure of European colonisers in North America to see signs of a Native Americans' rights to the land), but if the message about entitlement *is* going to function as the basis for ongoing social interaction then it needs to be 'readable' for its intended audiences.

In line with what she calls a 'linguistic turn about property rights' Rose treats these property symbols as organized into 'texts': texts that may be read and understood; texts that may be read one way or another; texts that may fail to be understood at all.¹⁰ By thus focussing on the relation between those who communicate property claims and the audiences that receive and interpret these claims, Rose manages to shed light on the multiple layers of social life, often nested one within the other, where these processes of persuasion are played out. Her work thus provides a valuable resource for legal pluralist scholars of property who are concerned with the complex relations between the informal property claims expressed by individuals and groups, on the one hand, and the formal property rights recognized in state-supported legal systems, on the other.

If we focus on the theoretical stories that social actors develop in order to explain, justify and criticise property relations, then it becomes clear that persuasion is rarely a one-dimensional affair: within the texts of property lie subtexts that add to the force of the messages that are conveyed. Rose's own example of such a subtext is the message conveyed by governments to the citizens whose property is 'taken' in the course of governmental projects or legislative changes (e.g. property rights lost due to new environmental protection laws, the building of a new road, etc.). She suggests that the subtext here all too often reads: 'You [citizen] do not matter'¹¹ and we could add that most, if not all property systems have historically said 'You [woman, child, native, poor ...] do not matter'.

Our focus is on a different, and rather more complex, subtext that accompanies theoretical stories about property. This subtext concerns exactly *who* stands in a position to make a property claim to begin with, and who does not; whose actions produce property rights, and whose do not; who enjoys a *moment of independence* in which they can produce something for themselves, and who is

already *caught by relations of dependence* that exert claims on their efforts and their products. In social reality we all stand in intricate webs of relative dependence and independence; within the simplified world of political theory these two poles pull apart in order to give a clearer view of what puts some social actors in the right and others in the wrong (or at least some in strong positions and other in weak ones).

2.2. Dependence subtexts: the work of Carole Pateman

The sturdy figure of the ‘worker’, the artisan, in clean overalls, with a bag of tools and lunch-box, is always accompanied by the ghostly figure of his wife.¹²

Our critical strategy of investigating the dependencies that a political argument either assumes or explains is not new within political theory. Carole Pateman’s book *The Sexual Contract* was a milestone in placing what we call ‘dependence subtexts’ at the heart of critical political theory.

Pateman’s project in *The Sexual Contract* was to show that classical social contract theory (including Thomas Hobbes, John Locke, Jean-Jacques Rousseau, and Immanuel Kant) which has exerted such an enormous influence on modern political theory, presupposed the subordination of women as the hidden underside to the contractual relation that characterized the bond between men, presumed to be political and juridical equals. In short, the ‘independent’ individual capable of entering into contracts (especially employment contracts in which labour power is alienated) is a political fiction that has been constructed in contrast to another political fiction: the assumed dependency of women who are incapable of the political act of contracting with equals. What political thinkers did in theory, laws of coverture (which effectively took from married women the right to own property of their own) did in practice, until these laws were largely abolished in legal jurisdictions across the world during the 19th century.¹³ As industrial societies developed during the 19th century, married women’s dependence upon a formally employed husband was expressed in other important ways, both in the field of public administration, where censuses began to register married women by default as ‘dependent’ and in the economic and cultural norms that surrounded the employment contract and the ‘family wage’, which assumed the patriarchal structure of family relations.¹⁴

It is significant for Pateman that the origins of the differences in social status between men and women, differences lived in public life and assumed in political theory, are a *buried* part of the political discourses through which social actors reason about political relationships. That is to say that any actual historical event that might be pinpointed as an origin of this inequality is less important than the discourses and arguments that keep inequality alive while *implying* an origin, which remains, however, shrouded in the clouds of prehistory.¹⁵ In short, the establishment of relations of dependence must remain out of sight, and out of mind, if certain justificatory political discourses are going to appear persuasive; amongst classical political theorists, Pateman credits only Thomas Hobbes with the intellectual honesty and clear-sightedness to *include* what normally remains a subtext (the establishment of women's subordination) in the theory itself.¹⁶

Pateman's argument already gives special place to a specific kind of property: property in the productive capacities of *persons*, and she develops this interest in later work.¹⁷ While Pateman uses the problem of 'property in persons' as a vehicle for a broader discussion about democracy, we return to the contrasts between different possible dependence subtexts embedded in 'property texts' (in Carol Rose's sense). What we take from Pateman is thus her particular emphasis on the way property rhetoric isolates particular *events* (an original act of labour, an original contract, an original occupation) that indicate the entrance of *some* social actors into the world of property ownership, leaving others outside.

It is one of the key tasks of property texts (in narrative form) to isolate such events that mark the beginning of this process of polarization. With an original act of labour, or of contract, or of occupation, one social actor (or group) *starts a sequence* of actions that carries weight and significance for the ordering and reordering of property relations. This is also the start of other social actors' *disconnection* from property ownership. After this event, identical actions by different social actors no longer carry identical meanings or have identical effects within the field of property relations. Some sequences of actions (the master's) serve to accumulate property, and other sequences (the servant's, the wife's, the native's) only to accumulate property for others. The decision on where to locate the brave moment of independence, dividing the master from the servant, is a decision that divides one register of time from another: the time that builds ever greater independence (in the form of property and wealth acquired) is divided from the time that is forever repaying debts. Whether we try to recover the moment of division between these registers of time is one of the key issues that distinguish apologetic from critical accounts of property relations.

3. Dependence subtexts in political theories of property

Taking both Rose's and Pateman's lessons with us into our two readings of political theory, we will be focussing on what is said, and left unsaid, about the different powers to produce and use property enjoyed by various actors in the stories. Our analysis here of subtexts does not consist of claims about what authors 'really meant' with their arguments. Rather, we are suggesting that these subtexts are the assumptions that give *coherence* to what is explicitly said. In fact, part of what we are arguing is that the difference between dependent and independent actors is a difference that those who produce property arguments often draw on, but fail to account for and justify. Thus in what follows, we will see how the social distribution of powers to make and use property emerges as a set of assumptions about the difference between dependent and independent social actors.

3.1. Property relations before property: text and subtext in Locke's *Second Treatise*

3.1.1. *The time of labour: the political anthropology of acquisition*

Thus the Grass my Horse has bit; the Turfs my Servant has cut; and the Ore I have digg'd in any place where I have a right to them in common with others, become my *Property*, without the assignation or consent of any body.¹⁸

Locke begins his famous chapter on property by asking 'how any one should ever come to have a *Property* in any thing' (Locke 1988, p. 286). But this anxious question is quickly turned into an 'endeavour to shew, how Men might come to have a property in several parts of that which God gave to Mankind in common, and that without any express Compact of all the Commoners'.¹⁹ The latter, an express compact, would have established a baseline for creating and dividing property, a temporal framing of legitimate possession. But Locke aimed to tell a different story of property acquisition: one based on the property-creating self.

The chapter on property in Locke's *Second Treatise* argues that the initial appropriation of food and land, where these things lie unclaimed and in common, is rightly achieved through labour. In this world of first appropriators, property was 'fixed' or 'begun' by a person's own industry: '*Labour* was to be *his Title* to it.'²⁰ This idea can be unpacked in at least two steps. First of all, and most

famously, Locke argues that since ‘every Man has a *Property* in his own *Person*’ it follows that ‘The *Labour* of his Body, and the *Work* of his Hands...are properly his’, which leads him to the claim that ‘mixing’ this labour with things in the world, and thus taking them out of the state of nature, produces by extension property rights in the things that the labour has left its mark upon.²¹

Secondly, careful commentators on Locke have also pointed out that the rights established by labour are in fact derived from the more fundamental natural right held by persons to their own sustenance and survival. Reading Locke’s argument through this second, longer, chain of reasoning means that it no longer appears to stand or fall on the coherence of his claims about ‘mixing’ labour and the property-producing effects that this will have. Jeremy Waldron has stressed the theological dimensions of this point: not only that humans have a natural right to survival, but that they are all ultimately deeply dependent upon the God who created them.²² Nonetheless, while equality before God may be the ultimate horizon of Locke’s broader thinking, his story about the foundation of property is one that often justifies, and has often been used to justify, a ‘moral’ logic behind inequality.

Locke’s discussion of America illustrates this logic and its consequences. In the chapter on property, Locke writes that ‘in the beginning all the World was *America*’;²³ uncultivated, unowned, unregimented, state of nature. The uncultivated land meant for Locke that the European settlers had the right – almost the divine obligation – to take possession of the land. This is one version of the European dismissal of any ordering principle other than its own. Here – as so often – it served more practical purposes as well. Although God had given the world to men in common Locke is at pains to stress that ‘he gave it for their benefit, and the greatest Conveniencies of Life they were capable to draw from it, it cannot be supposed he meant it should always remain common and uncultivated. He gave it to the use of the Industrious and Rational (and *Labour* was to be *his Title* to it).’²⁴ The European mode of production is the only cultivating, rational and property-creating one. This becomes even more evident later on in the chapter when he says that ‘there are still great Tracts of Ground to be found, which (the Inhabitants thereof not having joined with the rest of Mankind, in the consent of the Use of their common Money) *lie waste*.’²⁵ Brutally put: non-Western lands lie waste and are up for grabs.²⁶ The native Americans are outside history as progression: their work on the land can’t adequately start what we might term ‘property time’, the time from where property starts getting created and divided.

The difference between European settlers and native Americans is not, however, the only status difference built into Locke's account of property. His narrative about starting property through labour contains three actors: a master, a servant, and a horse. The labour of all three can make property, but this property is made for only one of them, the Master. Picking up on this point, C. B. Macpherson has claimed that Locke's property story is an element in a broader ideological vision of a morally just capitalist social order.²⁷ Together with supporting references to other parts of Locke's work, Macpherson interprets the Master-Servant relationship as a *wage-relationship*: the servant in the example has *sold* his labour to the master, and this contractual exchange is the basis for the master's right to the products of the servant's labour.

In an account that is ostensibly concerned, at least at first, with the foundation of property rights in a world of unclaimed commons, Locke's casual introduction of the idea that one person's labour should produce property for another person does seem to require some explanation. The horse in Locke's story is already owned, and, if we follow Macpherson's interpretation, so is the labour of the servant. There seems to be a story here, a subtext, that Locke isn't telling, either because he assumed it unnecessary to do so, or because its telling would have damaged the normative simplicity of his account.

But while Locke moves swiftly on in *The Second Treatise*, political theorists have made much of this subtext, and Macpherson's version, which sets up Locke as a capitalist ideologue, has not gone unchallenged. Peter Laslett has complained that Macpherson misunderstands what Locke means by a master-servant relationship because he (Macpherson) assumes that such a relationship necessarily involves the contractual alienation of labour (and so looks proto-capitalist). A more adequate reading of the subtext here would, according to Laslett, see this relationship in continuation of early modern patriarchal ties between master and servant, rather than as a prototype for modern capitalist contracts between capitalists and workers.²⁸ Likewise James Tully²⁹ has attacked Macpherson's reading of the master-servant relationship in capitalist terms, and Jeremy Waldron has moderated the debate by suggesting that while the capitalist reading may be unwarranted, Locke doesn't give us any 'moral basis'³⁰ in his theory of property that we might use to *criticise* the wage-relationship and its ills, once it does exist (and it did in England at the time of writing the *Second Treatise*).³¹

What kind of social world Locke was assuming is thus important for understanding the normative lessons implied by his narrative. Alongside the broader story in the *Treatises* of the social contract, is a second story that is sometimes made explicit and sometimes not (sometimes is part of the text

and sometimes the subtext): this is the *political anthropology* built into Locke's narrative and arguments.³² This is a political anthropology in which social actors are not equal. We do not wish to argue that all of these actors are unequal in the same way. The Servant's inequality with the Master is different from the Native Americans' inequality with the European colonists. The former, like the inequality of men and women uncovered by Pateman, is more obviously explained in terms of dependence relationships; the latter in terms of the European and Christian bias of Locke's representation of colonialism. But what we would like to stress is that whatever the basis of the inequality inherent in this first part of Locke's story, it is converted into a form of inequality more acceptable to liberal morality in the second part of the story: inequalities in wealth rather than status. That this latter 'liberal' inequality should be examined through the lens of dependence, is the claim that we develop in the second half of this article.

3.1.2. *The time of exchange: the erasure of primordial debt and labour as a means of acquisition*

What is clear from the debates about the political anthropology in Locke's *Second Treatise* is that the implicit story about social relationships *matters* for our understanding of the explicit story about property. Whether on the capitalism-centred reading or the patriarchy-centred reading, the different actors in Locke's story have different powers to make property for themselves. But what is really crucial for Locke's story is that having presented this primordial scene in which status determines property-powers, we move quickly on to a world on which both status and labour are eclipsed by a story about *exchange*.

The divisions between the propertied and the property-less, are, as it were, ratified by an institution that 'Men' have *agreed to*: money. "It is plain," writes Locke,

that Men have agreed to disproportionate and unequal Possession of the Earth, they having by a tacit and voluntary consent found out a way, how a man may fairly possess more land than he himself can use the product of, by receiving in exchange for the overplus, Gold and Silver³³

Money is a practical means of bypassing the restrictions that the initial appropriator at first faced: the limitation set by the immorality of letting things spoil in one's possession, and the limitation set by the immorality of leaving others with little or nothing to appropriate themselves (i.e. not leaving 'enough, and as good left in common for others').³⁴ While the provisos may still apply as moral principles, *to the extent that* money helps human society avoid waste the spoliation proviso has become redundant. Exchange thus eclipses labour in the property story: the world in which appropriation was possible through labour must be kept in its place as the *prehistory* of property. This prehistory unfolded around status – mastery and servitude – while the time of exchange (which we should read as the present) can appear to rest on a form of legitimacy proper to liberal political thought: the fiction of social contract. Money, as Georg Simmel would point out, dissolves the importance of status. 'Money is really that form of property that most effectively liberates the individual from the unifying bonds that extend from other objects of possession.'³⁵ Thus by the time we get to money in Locke's story, we no longer need a hierarchical political anthropology to explain inequality: this has just become a matter of contingent fact, of who owns what.

There has been much debate amongst Locke scholars regarding the two major leaps in his property story: first into the monetary economy and then into positive law created by governments.³⁶ It remains an important issue of Locke interpretation, whether the advent of the monetary economy and civil society in fact shifts the moral framework of Locke's arguments from a focus on labour to a focus on consent.³⁷ However, at least regarding the monetary economy, most modern commentators who want to make philosophical *use* of Locke have either rejected Locke's story about a tacit contract on money and inequality,³⁸ or simply abandoned the point completely to focus on original appropriation as a just basis for property rights.³⁹ The latter strategy is even more problematic than Locke's own shaky argument about money. While the contrast between what we have called the 'time of labour' and the 'time of exchange' is at least made clear by Locke, squarely posing for us the problem of the relation between status inequality and wealth inequality, modern proponents of original appropriation have not seen it as their task to think about this relation. Thus, we would argue that contemporary uses of Locke on original acquisition tend to miss the importance of dependence on two levels: first the dependence subtext (dividing Master and Servant) in Locke's labour myth, and then the reality of dependence in monetary economies. While Locke quickly buried the dependence subtext inherent in his political anthropology, modern discussions of first possession, original acquisition, and labour have often simply assumed that in liberal democracies there was no dependence subtext to bury: *in principle* everyone can acquire in the

same way because everyone enjoys equal rights. By contrast, part of our reason for returning to Locke and his 'dependence subtext' is to suggest that the dependence *produced by* inequalities of property ownership should be thought in analogy with the dependence that Locke built into his political anthropology to begin with.

Locke's story is about the origins of property in appropriation and labour, and yet it is set in a world in which property relations already exist; it is also a story about the acquisition of property in a state of nature, and yet it carries its normative conclusions into a monetary economy of vastly unequal entitlements (assuming that the explanation of money can bridge the worlds of first appropriators and a market society where land is scarce and unequally held). These positions determine what distributive effects each actor's actions will have on the field of property relations: the actions by which a hired farm-hand nurtures crops on a piece of land will not establish the same property rights to the crop as the similar actions carried out by a tenant farmer, or an outright owner. These actors are, as it were, *out of sync* with one another: their respective property-related actions belong to separate sequences that run parallel to one another, and are regarded as strictly separate. In Locke's story this is very clear: the one sequence of actions (the master's) 'counts' to make property for the actor, the other sequences (the servant's, and the horse's) make property only for another person. The exact same physical labour produces property for the one, but not for the other actor, depending on their prior subject positions. The real rhetorical achievement of a property story such as Locke's is to make us take for granted a moment of unproblematic independence for one actor in the story (theological points about our dependence on God aside). Around this independent actor property relations can grow in an orderly manner. Others may be in debt to, or dependent upon, this actor, but the relation is not mutual. And the moment that founded these differences between people in society, sorting them into independent and dependent actors, is already in the past (and left to historians of ideas to dig up and speculate over).

3.2 Critical property stories

What is the proprietor? He is a machine that does not work, or which, working for its own pleasure according to its whims, produces nothing.⁴⁰

Locke remains the pre-eminent story-teller of property in political theory, perhaps more because of than in spite of the murky parts of his reasoning and the slides in his arguments. The social contract

and natural law traditions have produced many other accounts of the origins of private property that, like Locke, combine justification of the institution with attempts to set limitations on accumulation, which may, in the end, also be bypassed.⁴¹ But the art of telling stories about property has also been developed by sharp critics of the institution. In the famous opening of the second part of Jean-Jacques Rousseau's *Dissertation on the Origins of Inequality*, he states: "The first man who, having enclosed a piece of ground, bethought himself of saying *This is mine*, and found people simple enough to believe him, was the real founder of civil society."⁴² Private property was also a crucial target for Karl Marx throughout his work, from his early account of 'alienated labour'⁴³, to his critique of bourgeois property in the *Communist Manifesto*⁴⁴, to his critiques of political economy, and in particular his exposure of 'the secret of primitive accumulation': the 'original sin' of political economy.⁴⁵ But Pierre-Joseph Proudhon stands out as a thinker using a story about the 'beginning' of property to reach conclusions that directly contradict Locke's. As he states in his *What is Property?': 'labour destroys property.'⁴⁶ What account of dependence and independence underpins such a sharply contrasting conclusion?*

Although he is perhaps most famous for the words 'property is theft!'⁴⁷ Proudhon was far from being the outright critic of property that these words might suggest. Even in *What is Property?* (where these words appear) Proudhon is targeting specifically the right to make profits on other people's labour,⁴⁸ and not at all suggesting that we should abolish the right to own things for personal use. In his later writings in the *Theory of Property* (posthumously reconstructed and published) he even heaps praise on the property as 'the greatest revolutionary force which exists and which can be opposed to power.'⁴⁹

But despite these ambiguities in his oeuvre, what is certain is that in *What is Property?* Proudhon's goal is to overturn an image of the proprietor (especially the land owner) as the responsible and productive heart of the community. In place of this brave and independent figure we are introduced to a parasite,⁵⁰ a broken machine,⁵¹ a robber,⁵² and a hostile enemy: 'The proprietor is a foreigner to society, but like a vulture watching his prey, he keeps ready to pounce on and devour it.'⁵³ Replying to the idea that labour creates property, Proudhon pointed out that the product of most people's labour belongs to capitalists and landlords, rather than the worker; replying to the idea that occupancy was the source of ownership, he noted that occupancy and ownership coincide only to a limited extent.⁵⁴ What is clear with both claims is that Proudhon is challenging the structure of property stories like Locke's that switch between justificatory logics as they proceed.

Proudhon's myth of the beginning of property starts not with an individual appropriator (perhaps with accompanying servant and horse) but with a *community* of labourers.⁵⁵ These labourers possess land in common and rely on one another's productive efforts, dividing their harvest equally. By starting with the group of labourers rather than an individual, Proudhon can then unfold his story about property in a way that is diametrically opposed to Locke's. In Proudhon's version, labour does not produce property (in the sense of the right to profits) but only rights to possess and use; what produces property is either an agreement or act of force which lifts one labourer above the others and gives him control of the land (exactly what Locke denies), on which the others will henceforth work as tenants.⁵⁶ This proprietor then claims to have a right to the products of the land, without, however, labouring himself.

The important point here is this: for Proudhon property is what happens with the *withdrawal* of a labourer from the productive process into a position of proprietorship. Far from property rights being the fountainhead of productivity, then, Proudhon's story makes the withdrawal of the proprietor look like a decrease in the productive capacity of the community as a whole: the right of property is just the right to earn without labouring (the right to profits, which is the basis for Proudhon's idea of property as theft).⁵⁷ 'The right of increase [i.e. property] is equivalent to a tax levied in advance on social production' writes Proudhon; 'What', he wonders 'is the use of this tax?'⁵⁸

Unlike in Locke's story where dependence is embedded in the background political anthropology to begin with, for Proudhon, property *is* the establishment of dependence and hierarchy. Property is a form of sovereignty over others.⁵⁹ Proudhon renders as narrative what Locke left as subtext. Proudhon's story also makes us distinguish between forms of dependence. While the tenant labourers are made (unjustly) legally dependent on the landowner, the landowner is clearly practically dependent on the labourers for his subsistence. He is a parasite and a drag on the productive life of society; a weight to be supported because he does not carry himself. Unlike Locke, Proudhon's story includes the transition from social equality to social hierarchy. Starting from the premise of equality, rather than hierarchy (Master-Servant relations) we get an idealized account of the moment at which property 'insiders' and property 'outsiders' were divided from one another, and hence an account of the moment at which all actions ceased to be equal with respect to the establishment of rights in things. This is where social actors got out of sync with one another, and their sequences of property-related actions broke apart onto parallel tracks: one for the owner

and one for the tenant. Between them stands the right to make profits from the work of others: ‘Has labor, once so fertile, also become sterile? Why does the tenant no longer acquire through his labor the land which was formerly acquired by the labor of the proprietor?’⁶⁰

Like any simple property story Proudhon’s account of the withdrawal of the proprietor from productive life is not adequate to the complexities of social reality. But by describing property as a social *system* that includes the property-less as a necessary component he forces us to ask the questions about dependence and independence that remain implicit in Locke’s story, and he presents at least a serious challenge to the Lockean social ontology that links labour, property, and productivity in a virtuous circle. Thus, when Proudhon claims that ‘labour *destroys* property’, what he means is that the moral rights of the labourer to his or her product are in conflict with the legal rights of the owner of the means of production to take that product away.⁶¹

4. Property stories today: housing, dependence, and the criminalisation of squatting

The property stories of classical political theory are useful because they serve to polarise dependent and independent social actors within a simple moral narrative: their simplicity and coherence provides a kind of template which we fill out with our experience of social reality. But this social reality itself is both less simple and less coherent. Normative ideas about the rights and wrongs of property may be expressed in public life in the form of narratives, but such narratives will overlay mythical assumptions (e.g. the labour-origin of property) with historical facts (e.g. actual forms of access to housing today from the private market to squatting). In this blend of myth and history the basic questions about the origins of property rights and relations of dependence that they create or presuppose become difficult to ask, let alone to answer. The step from the property stories of political theory to the property politics of contemporary societies is also difficult for another reason. As Rose points out, property persuasions take many forms, from symbolic physical markers, to powerful pieces of paper recognised by the state (deeds and contracts), to fragments of written and spoken rhetoric, and finally to full-blown stories of the kinds that this paper has explored in some detail. Thus, applying our central idea of dependence texts and sub-texts becomes more speculative, the more diverse and fragmented the expressions of property ideology that we look at.

Nonetheless, we use this final section to argue that reconstructing the dependence subtexts of contemporary property persuasions is just as important for understanding them, as reconstructing

Locke's political anthropology is for understanding his story. We focus on squatting as a challenge to the norms of housing regimes in liberal capitalist societies, and more specifically on the property rhetoric that surrounded the criminalisation of squatting in England and Wales in 2012. While there are many ways to interpret the causes of squatting, the causes of its criminalisation, and the discourse surrounding it, the dependence subtexts open up some of the most important moral and political issues surrounding housing today.

4.1. The criminalization of squatting in residential properties in England and Wales

The criminalisation of squatting in a number of European countries in the last 20 years has been carried through by governments that have successfully managed to frame squatting as a threat to security.⁶² More specifically, however, the criminalisation of squatting in residential properties in England and Wales in 2012⁶³ was repeatedly justified by the UK government with reference to protecting the interests and rights of homeowners.⁶⁴ Then Housing Minister Grant Shapps argued that 'Hard-working homeowners need and deserve a justice system where their rights come first... We're tipping the scales of justice back in favour of the homeowner.'⁶⁵ In the mass media this hard-working home owner figure was cast in contrast to the figure of a parasitical (and often foreign) squatter.⁶⁶

Legal scholars have pointed out that this figure of the hard-working home owner as the social actor in need of protection is misleading in a number of ways. First of all, UK law already protected the rights of owner-occupiers and renters, and thus it was absentee owners who benefited from the new law. Secondly, at the time of criminalization almost 1 million properties stood empty in the UK,⁶⁷ suggesting that the displacement of occupiers would be an unlikely strategy for most squatters. Thirdly, rising house prices and rising social inequality in the UK mean that 'hard-work' is increasingly unlikely to be a means of acquiring property in housing without inherited wealth. The relationship suggested here by Shapps between property ownership and labour draws on the moral intuition that Locke developed into narrative form, but Shapps projects this intuition onto a world of property relations in which appropriation through labour is non-existent and acquisition through earned income alone is unlikely.

Issues of dependence and independence are close to the surface here. Squatters were cast as problematically dependent on the property of others, from whom they 'steal' – as then Prime

Minister David Cameron claimed in parliamentary debate⁶⁸ creating a subtext of legality and illegality distributing who legitimately owns what. At the same time, the dependencies generated in a rapidly inflating private housing market remain unarticulated: the dependence of homeowners on banks (for credit), states (for substantial tax breaks), and family (for intergenerational wealth transfers) disappear from view. The attack on squatting was part of a broader stigmatization of life-modes⁶⁹ that diverge from the political economy of debt-based private home ownership, with ‘welfare dependency’ in general, and more specifically the ‘unfair advantage’ of those living in public housing stock, being heavily criticized.⁷⁰

The dependence subtext of anti-squatting rhetoric, then, is that our stories about property should have home owners as the central actor, from whose perspective the property claims of other social actors– the private and public tenant, and the squatter – should be judged. Of course, these minor actors do not *work for* home owners, as Locke’s Servant does for his Master, but their earnings and acquisitions are culturally and legal suspect compared to the homeowner’s ‘independence’. Making this dependence subtext explicit, and challenging it, requires, as in Proudhon’s alternative property narrative, recovering the moments and processes that produce property ‘insiders’ and ‘outsiders’. This has been done by critical property scholars who highlight, for example, the erosion of housing provision outside of the market,⁷¹ or the shift from universal welfare provision to a model of asset-based welfare anchored in housing equity.⁷²

Critique of homeownership as the paradigm of property independence does not imply that homeowners are in fact always in a strong social position. Housing wealth gained through price-inflation may, in the end, be appropriated either by homeowners or by creditor institutions like banks – the difference will depend on when people became owners and their present and future housing needs. Either way, Proudhon’s question about the right of increase seems worth posing again: ‘The right of increase [i.e. property] is equivalent to a tax levied in advance on social production. What is the use of this tax?’⁷³ Put more concretely, Manuel Aalbers has noted that ‘What many labour movements have failed to understand – or failed to address – is that any monetary gains in the labour market are quickly snapped up in the housing market.’⁷⁴ This comment should remind us that while the figure of the homeowner remains the paradigm of property independence, and is defended as such on an ideological level, the practical reality of ownership is often one of deep dependence on collective social actors that can lay claim to one’s ongoing productive capacities through the charge of interest on loans.

Squatting, on the other hand, is a challenge to dominant housing and property ideology because it enacts appropriation by occupation, which is an event that justificatory discourses need to bracket and contain within the pre-history of property. Instead of returning as mere myth, as in Shapps' 'hard working homeowner', the power to claim property (or at least legitimate possession) is practically enacted. The common law of property has, in fact, historically institutionalized these interventions in the world of property through the doctrine of adverse possession, by which occupier could, under certain conditions claim legal title through occupancy against the will of the title holder.⁷⁵ Through squatting and adverse possession, the crucial event, dividing the insider and the outsider, could, as it were, be recovered and enacted in the present as a kind of zero-hour for property relations in which property powers can be won and lost. But in the UK, at least, both squatting and adverse possession has been severely restricted by both criminalization and new laws governing land registration.⁷⁶

Squatting provides an interesting example through which to understand the structure of Locke's property story because it shows how crucial it is for justifications of existing private property regimes that the *stages* in this story remain sharply distinguished. Squatters act as if we were still living in the mythical time of acquisition through occupation and labour, and not the later, and quite different, time of money, stores of value, and exchange. While squatting and its criminalization may be only a small corner of property politics today, they raise wider questions about the ownership of housing as a dividing line in societies today, with owners being divided from non-owners, and heavily indebted late-comers to the market divided from those who have benefitted from the financialisation of housing and its rapid appreciation in many countries. More broadly still, housing, is a key element in today's political economy.⁷⁷ And even more broadly and abstractly, we suggest that it is one area of economic and political life in which we can investigate the institutionalization of mastery and servitude in forms that fit a liberal political ideology that can tolerate inequality but not difference based on status: an ideology that needs to leave behind Locke's time of labour, and to understand itself through the time of exchange - letting mythical beginnings linger only at necessary justificatory moments.

While this use of political theory to interpret contemporary social action is speculative, it is important to try to recover the elements of myth that give momentary life and normative force to property persuasions. *Both* Locke's and Proudhon's stories are mythical, but their difference lies in how they tell the story of property insiders and outsiders. There remain in public discourse today,

enormous differences in how that story is told, or if it is told at all. Which relationships of dependence we normalize and forget, and which we foreground and problematize, is crucially important for the normative light in which different social actors will appear in the stories that we tell about property in public life. The problem of what happened ‘in the beginning’ of property is alive for us today because it provides the interpretive lens on the massively more complex problems of property justice in actual societies.

¹ Nancy Fraser & Linda Gordon, “A Genealogy of ‘Dependency’: Tracing a Keyword of the US Welfare State,” in Nancy Fraser, *Fortunes of Feminism: From State-Managed Capitalism to Neoliberal Crisis* (London & New York: Verso, 2013), 83-110.

² Rosa Luxemburg, “Women’s Suffrage and Class Struggle,” in *Socialism or Barbarism: The Selected Writings of Rosa Luxemburg*, eds. Paul LeBlanc and Helen C. Scott (London: Pluto Press, 2010), 166-172 (170).

³ Carol Rose, *Property and Persuasion: essays on the history theory and rhetoric of ownership* (Boulder, CO: Westview Press, 1994).

⁴ Carole Pateman, *The Sexual Contract* (Stanford: Stanford University Press, 1988).

⁵ The term comes from Lorna Fox O’Mahony, “Property Outsiders and the Hidden Politics of Doctrinalism,” *Current Legal Problems* 67 (2014): 409-445.

⁶ See for example C.B. Macpherson, *The Political Theory of Possessive Individualism* (Oxford: Oxford University Press, 1962), 215.

⁷ Rose, *Property and Persuasion*, 296.

⁸ Carol Rose, “Introduction: Property and language, or, the ghost of the fifth panel,” *Yale Journal of Law and the Humanities* 1 (2006): 1-28 (28).

⁹ Rose, *Property and Persuasion*, 11.

¹⁰ Rose, “Introduction: Property and language,” 25.

¹¹ Rose, “Introduction: Property and language,” 23.

¹² Pateman, *The Sexual Contract*, 131.

¹³ Pateman, *The Sexual Contract*, 119-120; Viviana Zelizer, *The Social Meaning of Money* (New York: Basic Books, 1994), chap. 2.

¹⁴ Pateman, *The Sexual Contract*, 137.

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- ¹⁵ Pateman, *The Sexual Contract*, 220.
- ¹⁶ Pateman, *The Sexual Contract*, 6.
- ¹⁷ Carole Pateman, "Self-ownership and Property in the Person: Democratization and a Tale of Two Concepts," *The Journal of political Philosophy* 10(2002): 20-53.
- ¹⁸ John Locke, *Two Treatises of Government* (Cambridge: Cambridge University Press, 1988), 289.
- ¹⁹ Locke, *Two Treatises of Government*, 286.
- ²⁰ Locke, *Two Treatises of Government*, 289, 290 and 291.
- ²¹ Locke, *Two Treatises of Government*, 287-288. For probably the most famous objection to this line of reasoning see Robert Nozick, *Anarchy, State, and Utopia* (Oxford & Cambridge: Blackwell, 1974), 174-175. More recent debate on the concept of 'self-ownership' has centred on G. A. Cohen's *Self-Ownership, Freedom, and Equality* (Cambridge: Cambridge University Press, 1995).
- ²² Jeremy Waldron, *The Right to Private Property* (Oxford: Clarendon Press, 1988), 155; Jeremy Waldron, "Nozick and Locke: Filling the Space of Rights," *Social Philosophy and Policy* 22 (2005), 94 – 95; Jeremy Waldron, *God, Locke and Equality* (Cambridge: Cambridge University Press, 2002), chp. 6.
- ²³ Locke, *Two Treatises of Government*, 301, his italics. On Locke and colonialism see James Farr, "'So vile and miserable an estate'. The problem of slavery in Locke's political thought," *Political Theory* 14 (1986): 263-289; Wayne Glasser, "Three Approaches to Locke and the Slave Trade," *Journal of the History of Ideas* 51 (1990): 199-216; Barbara Arneil, "Trade, Plantations, and Property: John Locke and the Economic Defense of Colonialism," *Journal of the History of Ideas* 55 (1994): 591-609; David Armitage, *Foundations of Modern International Thought* (Cambridge: Cambridge University Press, 2013).
- ²⁴ Locke, *Two Treatises of Government*, 291, his italics.
- ²⁵ Locke, *Two Treatises of Government*, 299, his italics.
- ²⁶ The same goes for the enclosures of the commons, see Lebovis (1986).
- ²⁷ 'Locke has justified the specifically capitalist appropriation of land and money', Macpherson, *The Political Theory of Possessive Individualism*, 208.
- ²⁸ Peter Laslett, "Market Society and Political Theory," *The Historical Journal* 7 (1964): 150-154 (153).
- ²⁹ James Tully, *A Discourse on Property* (Cambridge: Cambridge University Press, 1980), 135-154.
- ³⁰ Jeremy Waldron, *The Right to Private Property* (Oxford: Clarendon Press, 1988), 231.

³¹ Macpherson, *The Political Theory of Possessive Individualism*, 222-229) shows that Locke was aware that this was the case.

³² Jeremy Waldron, “John Locke: Social Contract Versus Political Anthropology” in David Boucher and Paul Kelly (eds.) *The Social Contract from Hobbes to Rawls* (London & New York: Routledge, 1994), 51 – 72; Torrey Shanks, *Authority Figures: Rhetoric and Experience in John Locke’s Political Thought* (University Park, PA: Penn State University Press, 2014), 88 – 94.

³³ Locke, *Two Treatises of Government*, 301-302.

³⁴ Locke, *Two Treatises of Government*, 288. For a concise critique of the claims about money, equality and consent in Locke’s argument, see Jeremy Waldron, “Property, Justification and Need,” *Canadian Journal of Law and Jurisprudence* 7(1993): 185-215 (198-202).

³⁵ Georg Simmel, *The Philosophy of Money* (London & New York: Routledge, 2011), 309-310.

³⁶ Chris Pierson, *Just Property* (Oxford: Oxford University Press, 2013), pp. 240 – 245.

³⁷ The most radical argument that the advent of civil society actually changes the moral basis of property ownership completely is voiced by James Tully in *A Discourse on Property* (Cambridge: Cambridge University Press, 1980)

³⁸ Waldron, *The Right to Private Property*, 218 – 225.

³⁹ See, for example, A. John Simmons “Original-Acquisition Justifications of Private Property,” *Social Philosophy and Policy* 63 – 84; Bas van der Vossen, “Imposing Duties and Original Appropriation,” *The Journal of Political Philosophy* 23, 1 (2015), 64 – 85.

⁴⁰ Pierre-Joseph Proudhon, *What is Property?* Trans. Donald R. Kelley and Bonnie G. Smith (Cambridge: Cambridge University Press, 1994), 159.

⁴¹ For a broad overview of property theory in Western political thought from Ancient Greece until Locke, see Chris Pierson, *Just Property* (Oxford: Oxford University Press, 2013).

⁴² Jean-Jacques Rousseau, *Discourse on the Origin of Inequality* (Indianapolis: Hackett Publishing, 1992), 44.

⁴³ Karl Marx “Estranged Labour” in *Economic and Philosophical Manuscripts of 1844* trans.

Martin Mulligan (Moscow: Progress Publishers, 1959), Available at:

<https://www.marxists.org/archive/marx/works/1844/manuscripts/labour.htm> [accessed 20 October 2016]

⁴⁴ Karl Marx and Friedrich Engels, *The Communist Manifesto* trans. Samuel Moore in Marx’ and Engels’ Selected Works, Vol. One (Moscow: Progress Publishers, 1969), pp. 98-137, Available at

<https://www.marxists.org/archive/marx/works/1848/communist-manifesto/> [accessed 20 October 2016]

⁴⁵ Karl Marx, *Capital Vol. 1.*, trans. Ben Fowkes (London: Penguin, 1990), 873.

⁴⁶ Proudhon, *What is Property?*, 81.

⁴⁷ Proudhon, *What is Property?*, 14.

⁴⁸ Proudhon specifies throughout the book that he is targeting what he calls ‘the right of increase’.

⁴⁹ Pierre-Joseph Proudhon, *The Theory of Property*, Available at: <http://library.libertarian-labyrinth.org/items/show/2677> [accessed 15 October 2016].

⁵⁰ Proudhon, *What is Property?*, 177.

⁵¹ Proudhon, *What is Property?*, 159.

⁵² Proudhon, *What is Property?*, 159-160.

⁵³ Proudhon, *What is Property?*, 140.

⁵⁴ Iain McKay “Laying the Foundations: Proudhon’s Contribution to Anarchist Economics” in Deric Shannon, Anthony Nocella and John Asimakopoulos (eds.) *The Accumulation of Freedom: Writings on Anarchist Economics* (Oakland: AK Press, 2012), 64 – 78 (65)

⁵⁵ Proudhon’s short narratives about the origins of property are scattered throughout *What is Property?*, but he develops this most clearly in chapter 3.

⁵⁶ Proudhon, *What is Property?*, 89.

⁵⁷ ‘Property is the right of increase, that is, the power to produce without labour’ (Proudhon 1994, p. 120).

⁵⁸ Proudhon, *What is Property?*, 130.

⁵⁹ McKay “Laying the Foundations”, 66.

⁶⁰ Proudhon, *What is Property?*, 86.

⁶¹ For similar arguments that contrast labour as the basis of ownership with ownership as a right not to labour, see Thorstein Veblen, “The Natural Right of Investment,” in *Property: Mainstream and Critical Positions* Ed. C. B. Macpherson (Toronto: University of Toronto Press, 1978), 121 – 132.

⁶² Mary Manjikian, *The Securitization of Property Squatting in Europe* (New York and London: Routledge, 2013).

⁶³ Legal Aid and Sentencing Act 2012, section 144.

⁶⁴ See for example Ministry of Justice *Options for Dealing with Squatting: A Consultation Paper* (Ministry of Justice, 2011)

⁶⁵ Quoted in Wesley Johnson, “New Law Shuts Door on Squatters,” *The Independent* (Online edition), 31 August. Available at: <http://www.independent.co.uk/news/uk/home-news/new-law-shuts-door-on-squatters-8098848.html> [Accessed 19 October 2016].

⁶⁶ Deanna Dadusc and E.T.C. Dee (2015). “The criminalisation of squatting: discourses, moral panics and resistances in the Netherlands and England and Wales,” in *Moral Rhetoric and the Criminalisation of Squatting: vulnerable demons?* Eds. Lorna Fox O’Mahony, David O’Mahony and Robin Hickey (Oxon and New York: Routledge, 2015), 109-132.

⁶⁷ SQUASH, *The case against section 144. Report, Squatters’ Action for Secure Homes*. Available at: <http://www.squashcampaign.org/peal-law/the-case-against-section-144-2/> (Accessed 19 October 2016), 7-8.

⁶⁸ HC Deb. 2010-12. 545 col. 1130 [online] [viewed 11th February 2015]. Available from: <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm120523/debtext/120523-0001.htm#12052368001071>

⁶⁹ On the concept of life-modes as a way of conceiving the linkages between cultural and economic practices see Thomas Højrup, *State, Culture, and Life-Modes* (Aldershot: Ashgate, 2003).

⁷⁰ Neil Cobb, “The political economy of trespass: revisiting Marxist analysis of the law’s response to squatting,” in *Moral Rhetoric and the Criminalisation of Squatting: vulnerable demons?* Eds. Lorna Fox O’Mahony, David O’Mahony and Robin Hickey (Oxon and New York: Routledge, 2015), 13-37 (33-34)

⁷¹ Cobb, “The political economy of trespass”.

⁷² O’Mahony, “Property Outsiders”.

⁷³ Proudhon, *What is Property?*, 130.

⁷⁴ Manuel Aalbers *The Financialization of Housing: A Political Economy Approach* (London and New York: Routledge, 2016), 138.

⁷⁵ Property scholars have thus rightly seen adverse possession as symbolically important for our understanding of property law and ideology, to an extent that outweighs its significance as an actual route to ownership.

⁷⁶ Neil Cobb and Lorna Fox, “Living outside the system? The (Im)morality of Urban Squatting after the Land Registration Act 2002,” *Legal Studies* 27(2007): 236-260.

⁷⁷ Aalbers, *The Financialization of Housing*, 148.