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From Whence Do Property Titles Arise?

William Gillis

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Many market theorists take property titles as axiomatic and then develop coercive apparatuses to enforce them – justifying such coercion by appealing to notions like implicit consent and/or the justness of contracts that sell off part of one’s agency in the future. This rightfully bugs the crap out of many anarcho-communists. Left market theorists in turn tend to write off these apprehensions as a contention over differing ideal systems of property – ie differences over what constitutes abandonment and the general viability of collective property.

But this, as I’ve argued time and time again, is a profoundly limited understanding of the criticisms being lobbed against them.

First off, not every system of mediating between different people’s desires or uses for objects is describable in terms of property titles. Property titles are claims by discrete agents to absolute veto power over the use of an object; they’re a construct used for negotiating between the justness of uses by individuals with competing intentions for an object. Property titles solve the problem by deter-

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mining whether A or B then gets to personally make the decision between direction 1 or 2 for a given object. —

But this clearly isn't the only way to approach such situations.

When anarcho-communists talk of societies without the concept of property they often mean a social system where decisions over how to use any specific object or resource are never limited to a discrete body of select individuals but are rather discussions open to anyone and everyone with a stake, desire or idea to contribute. There the critical economic entities are directions rather than veto-titles, concepts rather than individuals. The mediation processes possible can be incredibly complex and dynamic. So on a protozoic level you might have simple discussion or unchallenged focus (I specialize in the use of a single toothbrush and consequently, given that toothbrushes' historical context, not many people are going to have a more useful proposal for its use). While aggregate systems of more advanced mechanisms are visible in the open source development. In short where the *most* scarce resource is personal time and the weight of one's voice is the nearest thing to currency. At the same time there are often scarcities in space (functionally identical to material) for widely varying projects and in response entire ecosystems of discussion open up. It's worth noting that under many systems of property-titles if the legal experts cannot reach consensus on who is the legitimate owner of an object nothing is done with the object in the meantime. Those involved in contending differing uses for an object in a property-less society are directly capable of far more diverse means of negotiation, but so to, if they can't reach consensus, then nothing is done with the object. Because literally everyone in the world has the capacity to veto.

To some this might appear — while a philosophically coherent counter-proposal to property, and even briefly workable on a small level — completely batshit insane. And maybe so. But in practice such external-to-property approaches are often workable *enough*. The lone immature interjecting troublemaker, or any other conceivable exploit of consensus, simply doesn't exist after a few social

iterations. Because everyone is dependent upon everyone else, no matter how distant a community they come from and thus its in their interest to maintain, develop and convey goodwill.

Obviously however, just because such differing economic approaches might make better software for a fraction of the energy Microsoft spends doesn't mean that it can do things like move goods between locations to satisfy demand efficiently or signal all the costs of one consumption versus another. Without the capacity to assign value to spatial/physical relationships (as with the realm of actors and objects) one can't concretely mediate between those relationships. And whatever the dominant dilemmas might be in primitive cultures of plenty or posthuman hives of nanobots, it shouldn't be particularly controversial to assert that the placement of material objects is the central calculational problem in the world today. *Some* form of property titles seems called for, however sticky, however collectively or individually managed.

The point is that's a debate over fitness. While it may be undesirable, it remains entirely possible to construct a society outside of property altogether.

Following the popular slogan "Everything for Everyone" the stubborn market theorist might still proclaim that such a society would still count as a system with property title expanded to everyone. While practically meaningless this wouldn't necessarily be wrong. But as a theoretical framework in such instance property titles would be missing the point. No one in that society would think in anything approaching such terms.

Which leads us to a second critique of property.

It's not hard to come to the conclusion that the very adoption of property titles in our minds leads toward a worldview of increasing compartmentalization and taxonomy. Indeed this is a popular assumption. By progressively chopping up the world around us, the notion goes, we become inclined to view the world solely as a tally sheet of ownership.

Forgive the digression to my 90s Nickelodeon childhood, but in illustration I am reminded of an episode of Angry Beavers in which the brothers suddenly discover that they each have a musk pouch capable of marking items with a colored personal stench that repels everyone but themselves. This quickly sets off a war of personal claim until the entire world is divvied up with one stench or the other, each brother more and more completely obsessed with the tally until they can think of nothing else.

This is perhaps the most classic criticism of capitalism — one of simple psychology — and yet it seems to be a critique market theorists are incapable of parsing. To many an anti-capitalist the problem with the capitalist framework is its inherent bent towards materialism, ultimately to the point of treating human beings as objects. But this is incomprehensible for Libertarians because they see respect for property titles as entirely stemming from a respect for personal agency. In practical, everyday terms respect for another person's agency often comes down to a respect for the inviolability of their body. Do not shoot them, do not rape them, do not torture them. Because humans are tool using creatures like hermit crabs there is often no clear line between our biomass and our possessions (we use clothes instead of fur, retain dead mass excreted as hair follicles, etc.), and so a respect for another's person seems to extend in some ways to a respect for things that they use. Begin to talk of Rights and these associations must be drawn more absolutely. And sure enough we already have a common sense proscription often enforced in absolutist terms that matches this intuition; do not steal.

Yet the anti-capitalists are clearly on to something. Even setting aside the evolutionary cognitive biases of homo sapiens, we as individuals have limited processing. We can't think everything at the same time. If some of the thought processes necessary to succeed and flourish under in a given system run out of control and take up more and more space, others — like those behind why we adopted that system in the first place — will get pushed to the periphery.

that's not reason to panic, flip the fuck out and organize shit like armed roving 'homesteaders' with ideologically precise definitions of legitimate property. Instead the market will already be ready to grind down or impede any vast swathes of accumulated wealth because it will be the market that negotiates the acceptance of said wealth. Not necessarily through malicious crime, but through higher-level market mechanisms that ultimately give rise the extent and strength of claim.

As a market it might not look much like the idealized American myth of our simplistic contemporary 'market.' But then we knew it wouldn't.

If a certain metric is set as the alpha and omega of a society, whether it be the acquisition of a specific universal currency or simply aggregate atoms, its status as the requirement or key to any pursuit or desire can end up having an effect upon those pursuits and desires.

Anti-capitalists often disingenuously blur the distinction between wealth and coercive power — wealth and/or disequilibria in wealth do not inherently have to grant any capacity for social control — but it's certainly true that direct pursuits of power and wealth share the same form. Singlemindedness is progressively rewarded, until the inertia of this approach crowds out of mind the reason we originally assigned value to wealth or power.

Consequently, rather than focus on accumulating property titles or money as a gateway to opportunity, anarcho-communists argue, we should focus on accumulating goodwill.

I don't disagree.

But once you characterize this focus on goodwill in market terms, a la something similar to Doctorow's reputation markets, the path out of all these tangles becomes apparent. It seems pretty damn clear that property titles are a tool with incredible utility in the world as it exists today and the technical challenges we face. As such it stands to reason that those within a goodwill focused anarcho-communist society stand a comparative advantage to negotiate and adopt a *second-order* system for developing and recognizing property titles. Regardless of precisely how their market ends up dynamically mediating this, goodwill would remain the primary good capable of being turned into, among other things, selective veto use titles to physical objects. As such we can clear the psychological hurdle: without a state coerced enforcement system underpinning property titles or centralized banks and currency, property titles are not as stable or universally applicable an investment as goodwill. And goodwill, as opposed to

property titles, is directly, methodologically tied to appreciating and respecting people as agents.¹

This suggests a way to tackle fringe conditions in ownership. Rothbard readily recognized, for instance, that a world in which one man held title to everything would clearly be indiscernible from tyranny. Expand the number of owners and you'd still have an oligarchy. Even granting a token amount of wealth to the rest of the populace wouldn't necessarily jump start the market and allow it to drift back in a more dynamic and egalitarian direction, because said wealth may simply be insufficient as capital.

However, if property is a second-order good derived from market institutions based in reputation/goodwill/credit, then if one class systematically fucked over their credit with all of another class the underclass would no longer have any incentive to respect their title claims because no individual within it would fear even marginal sanction or loss of goodwill for occupying and appropriating their wealth. Simply put, if before anyone else can do anything on a new colony I create robots to till the entire surface of the planet, that doesn't inherently create an incentive among the rest of the colonists to respect a veto-use claim on my part to the entire planet. If others admire and derive value from my mass-tilling project (or from the potential products of it) *then* my voice is more likely to be respected in discussion over its uses, but if I want to obtain acceptance of a veto-use claim, it would have to derive from the desire of others' desire of social conditions of respect conducive to undertaking their own projects and having their own stuff respected. One gravitates towards

¹ There is a point to be made here about the problem of manipulation, but I think it's a much broader point that no structural system can address directly, because on such a level we can't dictate intent, we can only recognize and work around biases. So it's no more a fundamental problem than it is for anarcho-communism. That said, I think intent and psychological issues of control are rightfully at the very core of the anarchist project. It just falls outside the purview of this discussion.

adopting property titles because through their exchange one can much further maximize the satiation of one's desires (agreeing to butt the hell out of other people's decisions when it comes to the use of certain objects in exchange for them butting the hell out of your decisions with other objects). Accepting my ownership of literally everything would make that impossible.

Not only does this cope with such boundary conditions, but it also addresses old marxist paranoia about the runaway accumulation of wealth through usury.

Viewed in the light of a reputation market, Jeremy Weiland's old point is even more apt: without the state the more wealth you control the more ridiculously you stand to risk having to pay through the nose to secure against theft and betrayal from those you're paying.

It's easier to steal a million dollars from the bank, or a vault, than to rob a thousand or so common people. ... It may be that in a free market there will exist a natural, mean personal wealth value, beyond which diminishing returns enter quickly, and below which one is extremely disposed towards profit and enrichment.

It's a distinction between information and objects; ultimately you can't steal good credit. People's trust, goodwill and their whole panorama of intention towards you exists within them internally. It's accessible by anyone anywhere, but they're the only ones capable of changing it. There are no banks it can be kept within, only distributed collective or institutional relay points through which it can be conveyed. And trust critically underlies all material transactions.

Incidentally this renders the entire debate over proposed systematic prohibitions of wages, rent, and interest moot. Obviously all will be, *in some contexts*, however fringe, desirably or neutrally regarded by all parties. But *even if they crop up as large phenomenon*,