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1 Introduction: the embeddedness of property

C. M. Hann

'With regard to external things, a man ought to possess them not as his own but as common, and always be ready to put them at the disposal of others who are in need' (St Thomas Aquinas; cited in Gill 1983: 126).

'In every society there are men who control more of the food, clothing and other forms of wealth produced in the society than do other men. The word *control* is used deliberately: from many points of view the control of wealth is more important than its mere possession' (Homans 1942: 339).

People, things, words

New forms of property relations have come and gone as long as human societies have existed, but one particular cluster has achieved world dominance in the last two centuries. The rigorous specification of private property rights is nowadays almost everywhere thought to be a necessary condition not only for improved economic performance but also for healthy societies founded on civil and political liberties. The other key ideas in what I term the dominant liberal paradigm are free individuals, competitive markets, pluralistic civil societies and the 'rule of law'. Most of these have attracted more scholarly attention of late than property *per se*. The liberal paradigm is often traced back to Adam Smith. It is attractive to many, and it has certainly proved more powerful than its Marxist-Leninist challenger. A standardized model of private, exclusive ownership has now been disseminated to most societies, including in recent years to the former communist societies of Eastern Europe and Asia by their Western advisers. Liberals advocate this model as more efficient and more just than rival models in which, they allege, ownership is a matter of arbitrary dictate by powerholders. Liberals also frequently allege that communal forms necessarily give rise to the overexploitation of scarce natural resources. Following global dissemination of the model, private ownership has also been vigorously revived as an ideological principle in some of the countries where it originated.

For example, in Britain major industries that had been taken into state ownership in earlier generations have been privatized, and centuries-old principles of mutuality have been abandoned as building societies have rushed to convert themselves to commercial banks.

Yet the actual preeminence of private property and of the liberal paradigm of which it forms a central element has never been as complete as either its proponents or its critics like to claim. To a large extent it is a myth. There are powerful countercurrents, in Britain no less than in post-communist Russia, since in all societies the property rights of individuals are subject to political as well as legal regulation. In many parts of the world the private property model has been resisted by indigenous peoples, sometimes covertly when any form of overt opposition seemed impossible, but sometimes through well-organized campaigns. The 1992 Mabo Judgement in Australia was a landmark which overturned the legal edifice that had hitherto denied the Aborigines title to their land. The universality of the liberal model is called into question by some of the most advanced capitalist economies themselves, notably East Asian states which have given greater priority to careful governmental support and regulation than to the pursuit of 'pure competition', and to collectivities (starting with the family) rather than the individual. The private property component of the liberal model looks increasingly suspect throughout the capitalist world, as ownership of large enterprises continues to shift away from persons to institutions, and is increasingly detached from issues of control and management.

To speak of property, then, is to engage with a range of issues of global political economy in the contemporary world. However, other aspects of property may be more significant for anthropologists. Mrs Thatcher's governments did not restrict themselves to privatizing industries (what Marxists call the 'means of production') and the promotion of shareholding by individuals. They also cut back on public housing investment, initiated the large-scale sale of council houses to their tenants, and achieved a substantial increase in the number of households which own the property in which they live. Evidently many people in Britain support these policies. Most of the academics I know also gain pleasure and fulfilment from being 'owner occupiers', just as they do from the ownership of other objects and 'personal effects'. More generally, it is evident that the ways in which people relate to the objects in their environment play a vital role in forming their social identities. Here, too, the private property model seems to have become pervasive, at least in countries like Britain. If I ask my ten-year-old son to explain the meaning of the word 'property', he answers promptly that it has to do with owning things. If a thing is your property, it belongs to you. Others cannot take it

from you. Assuming his response to be fairly typical of British children, what do his phrases reveal about property as an institution in British society and property in general? Does my son display an instinct to acquire objects and own them exclusively that is universal among humans? Or is he articulating a notion of possessive individualism that is the specific product of modern Western societies? How does a Trobriand Islander who seeks to possess items of value exchanged ceremonially in the complex system known as *kula* differ from a British entrepreneur who puts his personalized numberplates on to his new Mercedes, and aspires to own his town's football team and to pass it on in due course to his eldest son or grandson? If you have bought this book, do you write your name in it, to establish a relationship and maintain possession? Do you treat it differently if it is a library copy you have borrowed, or if you are just browsing in the bookstore? How does ownership of a book differ from the ownership of other kinds of objects, and from the relationship that is expressed when I speak of *my* son?

Most anthropologists will take it for granted that people's attitudes towards objects and the ways in which they are used to create meaning are culturally and historically variable. For example, slaves are by definition human beings who form the property of others, but they are marked off from other forms of property and although they are widely distributed in time and space it is rather difficult to make any further universal statements about this property relation (Watson 1980). At any one time within each culture concepts of ownership and possession, control and disposal, are likely to vary greatly for different categories of object. The identifications people have with the land on which a sacred shrine is located differ from their identifications with land that is just another parcel of suburban real estate – and when one enquires further into the market for this commodity, as every estate agent knows, a tremendous variety of sentiments is uncovered. Some items of personal hygiene were not taken into communal ownership in even the most extreme socialist systems, while even the most dedicated apostles of privatization generally refrain from applying their model to the national army. This point brings us back at once to questions of political economy. At the micro level, property relations form the myriad ways in which people build up their social identities through holding and using a variety of 'things' in their environment. At the macro level the anthropologist also needs to address issues of political power and control over the distribution of 'things' in society. These levels can be connected in analysis. For example, most Western countries are currently having to review their levels of welfare provision. In Britain the entitlement of single-parent families to claim welfare benefits has been called into

question by some politicians. The high costs of terminal care have left some people with no choice but to sell the greater part of the personal property they have accumulated, which they had hoped to be able to pass on to their children. Such problems show that property distribution and transmission within families are in fact intimately connected to the policies of states – which seem increasingly unable to sustain the obligations they have assumed. When British politicians talk about the need for greater social ‘inclusion’ and a ‘stakeholder society’ they are raising explicit issues about property, just as surely as academics who moan in their common-room about the local housing market and the undermining of tenure, or their students who complain about their rents and the withdrawal of their state grants. Of course our ‘nation-states’ are themselves based on an extension of the principle of exclusive ownership. Some descendants of Adam Smith today support the cause of Scots nationalism, on the grounds that oil assets which belong to Scotland should not be appropriated for the benefit of a larger British public. In other parts of the world struggles for territory and other forms of property have been more violently contested. Often these struggles focus on the language spoken by a group, and the purity of its ‘culture’, which is considered to be its exclusive property.

Although anthropologists are likely to emphasize the cultural diversity and historical contingency of property relations, it is nonetheless helpful to retain some core definition. This is more difficult than might be supposed, since neither lawyers nor philosophers have come up with conclusive, universally accepted definitions. In contemporary ordinary language usage, property commonly refers to the ‘thing’ over which a person claims more or less exclusive rights of ownership. Sometimes this thing is in fact an activity, as in statements like ‘he made his fortune from (buying and selling) property’. However, in established Western theoretical and academic usage property is not an activity or a thing at all, but the rights that people hold over things which guarantee them a future ‘income stream’. They ‘own’ only incorporeal rights, not the thing itself. Property *relations* are consequently better seen as social relations between people. A textbook anthropological definition runs as follows:

The essential nature of property is to be found in social relations rather than in any inherent attributes of the thing or object that we call *property*. Property, in other words, is not a thing, but a network of social relations that governs the conduct of people with respect to the use and disposition of things (Hoebel 1966: 424).

According to this definition, it would be incorrect to see the culturally variable ways in which people relate to ‘things’ as in themselves con-

stituting property relations.¹ Property relations can only exist between people: as John Davis has put the point, ‘you cannot sue an acre; a boundary dispute is not a dispute with a boundary. The study of property rules in general, and of land tenure in particular, is the study of relationships between people’ (1973a: 157). In any case, the things to which Hoebel refers in his definition are by no means restricted to the material objects that a society produces. Things are construed much more broadly by anthropologists to include such intangibles as names, reputation and knowledge, personal and collective identities, not to mention intangibles such as currency holdings and shares in joint-stock companies. The liberal paradigm was formed in an age when the archetypal form of property was private land ownership, but it is important to question this paradigm in a world in which most quantifiable wealth items are not material things at all, and intellectual property rights attract more legal attention than land.

Useful though it is to be warned against generalization from the ordinary language usage of modern Western society, this anthropological definition in terms of social relations versus ‘things’ may be too restrictive. Apart from the special case of slavery, people have rights in other persons, such as those shared by a married couple in each other, which are not directly connected to ‘things’. Moreover, since people everywhere do talk about the ties that bind them to all sorts of non-human entities, and since these are often crucial to social identities, these relationships need to be included in our definition. The boundaries between people and things, between human and non-human (even inanimate) persons, are not always sharply drawn. Even in Western societies people are often considered to have a special relationship with the objects they produce, and this has been the basis of many justifications for private ownership. It therefore seems desirable to stretch the definition of property beyond the conventional anthropological formula, which proclaims simply that property relations *are* social relations. The word ‘property’ is best seen as directing attention to a vast field of cultural as well as social relations, to the symbolic as well as the material contexts within which things are recognized and personal as well as collective identities made. This usage may seem abstruse and at variance with both ordinary language and academic usages. It might seem too loose and open-ended, making the study of property relations coextensive with the entire field of social anthropology. However, the main advantage of approaching property relations in this way is that it carries minimal ethnocentric baggage. It can therefore be used to facilitate comparative analysis in fields of social organization where economics, politics and law intersect.

Obviously I am here advocating the use of property as an analytic term at a high level of abstraction. It may not be readily translatable into other cultures and other eras. Nuances such as the distinction between 'own' and 'possess' are notoriously difficult to render in other languages; there may be significant difficulties even in translating between related European languages. The word 'property' itself is nowadays often used synonymously with exclusive ownership; but it seems preferable to specify ownership more precisely as 'the greatest possible interest in a thing which a mature system of law recognizes' (Honore 1961: 108; cited in Reeve 1986: 17–18). The contributors to this volume are concerned with both property and ownership. Their broad aim is to investigate both inequalities in the distribution of 'things' and historical and cultural variation in the ways that people 'hold' them and thereby create their social identities.

Some recent theoretical work in law has deconstructed the concept of property to the point where it vanishes altogether (Gray 1991). This conclusion can be averted if, parallel with cultural investigations, equal importance is attached to investigations of the realities of economic and political power and to the development of a general analytic framework. As Maurice Godelier has emphasized, 'a form of property only exists when it serves as a rule for the concrete appropriation of reality. Property only really exists when it is rendered effective in and through a process of concrete appropriation' (1986: 81). It is desirable, in the pursuit of this concreteness, to be alert to the similarities as well as the differences which exist between cultures, including the presence in most human communities of instrumental and exclusive ways of holding things that have some affinity with the dominant modern Western notions of property. Many pre-capitalist societies have allowed substantial forms of private property and ways of transferring it that resemble those used in modern market economies. Sometimes the things thus possessed are impersonal – objects that can be transacted as commodities in a market, without moral evaluation. In other cases, however, these things are treated as valuables or heirlooms, and their exchange is strictly circumscribed. Most societies provide many examples of both types of 'thing'; rather than forming two sharply opposed categories, they may be joined on a continuum.

All societies have property relations that transcend their individual members, i.e. they imply some sort of integrated collectivity. It is conventional for analysts to construct a continuum, from 'individual' (private) to 'communal' (public); again, this may be a continuum of many gradations, running from individual to family and on through various forms of cooperative or corporation to culminate in the state. A

clear distinction is sometimes drawn between that which is the property of an entire people or their state and that which belongs to the members of a specified group, such as a collective farm. Despite the importance of many 'intermediate' forms of property-holding, the dichotomy between individual and communal has acquired particular salience in the context of the dominant Western liberal paradigm. This does not mean that these are the best terms with which to capture the actual realities of modern Western societies, and many anthropologists have urged caution in the application of this dichotomy to other forms of society.

Another striking feature of the liberal paradigm of property is the degree to which it requires that the holding of things be rendered formal and explicit. In most pre-capitalist societies property relations seem to be inchoate, only vaguely defined in law, and leaving much scope for interpretation and manipulation in concrete cases. For example, E. P. Thompson has commented on the 'petty and particular rights and usages which were transmitted in custom as the *properties* of the poor' (1991: 184). He also reminds us of Marx's comments on the 'indeterminate aspect of property' for German peasants (Thompson 1977: 241). It is this aspect which, according to the liberal critique, is emulated in the 'property vacuum' of socialism. According to this view, the efficient organization of modern industrial economies is incompatible with such indeterminacy. I shall suggest below that the evidence on this point is less than conclusive. More generally, I argue that the focus on property must not be restricted to the formal legal codes which play a major role in our own society, but must be broadened to include the institutional and cultural contexts within which such codes operate. The concept of property has greater salience in capitalist society, but it can never be disembedded from these contexts. There is no anachronism in studying property relations in other forms of society where the economic and legal systems are very different. If we adopt a broad analytic concept of property in terms of *the distribution of social entitlements*, then it can be investigated anywhere in time and space. This usage will necessarily differ from specific local understandings of what constitutes property. For example, the right to a future stream of social security benefits may not be thought of as a property right in modern Britain, because it does not have sufficient 'thinginess'; but under the broad usage this should indeed be viewed as a property right, analogous to the rights of members of a hunting society to a share in the meat brought home by a successful hunter.

The intellectual origins of the currently hegemonic liberal paradigm of property have been the subject of many studies. Political theorists such as Macpherson (1962) have dated the rise of 'possessive individualism'

to seventeenth-century England, and specifically to the writings of Thomas Hobbes and John Locke. But Western political theory and jurisprudential traditions are themselves rich and diverse. Locke did not follow the more restrictive Roman law definition of property, in terms of absolute and exclusive rights. Both his and later justifications for private ownership in terms of the work invested in land, and the improvements thereby accomplished, may be seen as reflecting powerful popular sentiments at the same time as they modify an evolving scholarly discourse. For centuries the discourse had ultimate roots in ideas of Divine Will, and private property in land was considered to be sacred. The ground for the later anthropological usages was laid in a more secular Victorian era by lawyers, notably Sir Henry Maine, who represented property as a 'bundle of rights' and understood that it defied 'exact circumscription'. For example, the right to use a particular thing might not coincide with the right to bequeath it to others, or to sell it to a stranger. When anthropologists emphasize social relations and criticize the tacit assumptions of possessive individualism that these rights should coincide, they should realize that they are in fact continuing to weave one of the enduring threads of the Western tradition.

* The liberal (neo-classical) paradigm in economics draws selectively on several traditions, including those of the Physiocrats and the classical political economists, in adapting the logic of private property arguments for land to private ownership of the means of production more generally. This paradigm tends to emphasize the 'thinginess' of property. Yet the first country to complete the transition to capitalism and allow the liberal property paradigm to achieve its apogee was England, where the common law tradition emphasized the essentially relational, social character of property ownership. It was the continental systems which seemed to place greater weight on relationships with the *things*, rather than on the social webs within which they were held. This puzzle is explored further by Alan Macfarlane in chapter 5: it would seem that the sophisticated theory of the relational character of property expressed in the common law and upheld by intellectual elites had the flexibility that was required for the development of a uniquely individualist society, in which the dominant popular understanding of property relations came to be expressed in terms of exclusive private relations between people and things.

Of course anthropologists, like other scholars, have to be careful in distinguishing between the history of words and ideas and the history of the societies in which the ideas develop. The connections between private property as discussed by political theorists and the actual evolution of property relations in Britain, the world's first industrial

nation, are by no means self-evident. Anthropologists need to be aware that they are themselves part of an evolving intellectual tradition; but through their work with other people in other places they are well placed to mount a critique of the dominant Western intellectual tradition. They are able to explore how people outside the modern West deploy quite different ideas and concepts to explain and legitimate distribution. There are many who believe that the main currents of global political economy are leading ever more certainly to crises of poverty, inequality and unsustainability, and that modern concepts of private property are at the heart of these crises. Anthropologists may play a vital role in demonstrating that property relations do not *have* to follow the presently dominant model. They can point to alternative ways of organizing social life based on ideas of sharing, mutuality and inclusion that have prevailed in most forms of social organization in the past – and which survive in shadowy, attenuated forms in our own societies, and rather more vigorously in some others. Analyses of other cultures can help anthropologists to point out the inadequacies of the dominant private property model as a description of how their own societies are organized, and to ask about the purposes that are served by such misleading rhetoric.

My goal in this introduction is to approach property as a key category in cross-cultural analysis with a view to restoring it to its nineteenth-century role as a fundamental concept in anthropology. I suggest that it can serve to integrate the separate disciplinary traditions in Western scholarship, and also to expose the deepest problems posed by forms of social organization rooted in misleading ideas about *separability*. In the following section I review some of the ways in which property relations have changed with the spread of capitalism, a mode of production which promotes exclusive privately owned property in previously unprecedented ways. I then move on to consider the history of discussions of property in the anthropological literature and some recent developments in economic anthropology. Here I try to show that closer attention to property could reinvigorate an area which has lately been swinging between the poles of political economy and cultural studies. Karl Polanyi was one of the founders of this sub-discipline. He was also a giant among modern historians, whose mid-century assessment of 'the origins of our time' remains a classic (Polanyi 1944). Polanyi adapted the concept of 'embeddedness' to draw attention to ways in which pre-industrial economics differed from those of market capitalism: the latter had escaped from their political and social constraints. I find this metaphor of embeddedness useful in a reappraisal of property relations. The 'substantivist' school that Polanyi founded has

now faded, and his conception of industrial economies as 'disembedded' was exaggerated and perhaps largely illusory. Many historians no longer accept his view that in the course of the eighteenth century 'older, multiple use-rights to property were simply supplanted by a rise of absolute property rights' (Brewer and Staves 1995: 17). However, I shall suggest that Polanyi's notions of 'embeddedness' and a 'Great Transformation' may still prove fruitful. The modern welfare state, far from resolving the crisis that Polanyi identified, as some commentators have argued, seems to entail a new and more radical disjunction in property relations than anything witnessed in the emergence and heyday of market capitalism. In pursuing this line of thought, for us as for our predecessors a further goal in the analysis of property relations is to shed light on our own societies and the directions in which they are changing.

Property in time and space

'belonging, private property in land, is itself a concept which has had a historical evolution. The central concept of feudal custom was not that of property but of reciprocal obligations' (Thompson 1991: 127).

Most of the contributions to this volume reflect the bias of modern anthropology toward detailed studies of specific social institutions observed synchronically through fieldwork. The emphasis on fieldwork enables the anthropologist to provide fine-grained analyses of the social consequences of different property systems, and of how exclusions and inequalities are legitimated. However, the anthropologist can also draw on a range of other sources – a body of past ethnographic work, a long tradition of theorizing about property in the context of human social evolution, and the contributions of archaeologists and historians to understanding how property relations have changed in the past. The difficulty with much of this work is that it proceeds either squarely within the liberal paradigm or within some sort of anti-liberal critique which is no less completely a product of the Western intellectual tradition. Despite the consequent difficulties of interpretation, it is worth attempting to sketch some of the large-scale changes that have taken place over time in the ways in which things have been held in human societies.

Arguments about the nature of property relations in early human societies are bound to be inconclusive. It is not possible to do fieldwork in the palaeolithic, and it is now recognized that accounts of the simplest societies known to anthropologists in the nineteenth and twentieth centuries cannot be assumed to have general validity for societies of

hunters and gatherers in the distant past. They cannot be treated as isolated fossils: their contemporary property relations may well be the specific historical product of contacts with more powerful groups and economic marginalization. Having said this, archaeological evidence indicates that the picture of Hadza hunter-gatherers presented in this volume by James Woodburn has some plausibility for the hunter-gatherers of pre-history. Hadza society is characterized not by exclusive territorial rights and well-defined links between persons and specific objects, but by an emphasis upon sharing and social mechanisms to ensure that egalitarianism is maintained. A similar picture has been famously painted by Richard Lee following his fieldwork among the !Kung Bushmen of the Kalahari (1979). James Woodburn rejects Lee's use of the term 'primitive communism' on the grounds that both Hadza and !Kung also have clear notions of individual ownership. However, it does not follow from this that they can exclude others, for example from a share in the meat of an animal that has been killed. Woodburn has argued elsewhere that this egalitarianism is not characteristic of all hunter-gatherer societies, but only of those with 'immediate-return' economies (1980, 1982a). Societies with 'delayed-return' economies are those which require some investment in the production process, e.g. in the construction of traps and of storage facilities. These investments become the focus of exclusive claims, which subvert the principles of sharing and social equality within the group. Delayed-return societies are more likely to develop exclusive claims to territory (or perhaps to specific water holes). This argument suggests that patterns of structural inequality often associated with the emergence of agriculture in the neolithic actually have much earlier origins. Archaeological evidence suggests that members of palaeolithic societies did hold items of value and adornment as in some sense their personal property.²

Generalization about property relations among societies of cultivators is even more difficult. Jack Goody (e.g. 1977) has emphasized the need to distinguish between technologies based on the hoe (or digging stick), characteristic of sub-Saharan Africa and conducive to egalitarian social relations, and the technologies of the plough which predominated in Eurasia and provided a basis for more hierarchical social relations. The egalitarianism of 'tribal horticulturalists' differs sharply from that maintained by immediate-return hunter-gatherers. It is compatible with pronounced political stratification, in which offices such as that of chief or king may be inherited, and an aristocratic elite may demand deference from the mass of commoners. However, in other respects these societies remain societies of equals: there is comparatively little differentiation in terms of consumption standards, and everyone has the same

fundamental entitlement to the resources necessary to earn a livelihood. In practice this means above all the guarantee to each member of the society of sufficient land to meet subsistence needs. Land tenure has consequently been a central focus of attention in studies of cultivating societies. An example is provided in this volume by James Carrier's description of how land is held on the Melanesian island of Ponam, New Guinea. The most important social unit is the collectivity of the kin group. It is within this collectivity that people build their houses and till their gardens. However, other things which Ponam Islanders hold may be transacted impersonally as commodities, thereby resembling privately owned commodities in the modern liberal paradigm.

According to Goody's dichotomy, Eurasia demonstrates greater individuation of property, inasmuch as rights to land typically pass through individual persons, both male and female, from one generation to the next, thereby creating the potential for a type of inequality that is not generated by the more corporate landholding and transmission arrangements found in other parts of the world. But what exactly is meant by greater individuation as far as land is concerned? The popular modern sense of property may be foreshadowed in Roman law, which allowed for the ownership of slaves as private property; but in fact the great bulk of land in the ancient world was farmed by peasant smallholders and transmitted within their communities according to custom. Most historians would argue that the same was true under feudalism. In a formal, legal sense the land was ultimately owned by the king, who granted land to lords or 'tenants-in-chief' in exchange for services. These in turn granted plots to 'mesne' tenants, who might or might not be the actual cultivators. At each level the tenant acknowledged obligations to provide services in return for the rights devolved to him. The peasants had exclusive rights to use particular plots of land and to transmit them to their heirs; but did English villagers of the thirteenth century view their land as a commodity that *individuals* could own and transact on a market? According to George Homans, the concept of private property in land was not yet a central principle of social organization. Villagers were a 'social organism' rather than an agglomeration of individuals; they 'acted as a community not only in the farming of 'champion' land and in dealing with the lord of the manor; they acted as a community in many of their dealings with the great world beyond the village bounds' (Homans 1942: 328). If this is correct, the position of villagers in late medieval England was not so different from that of other European peasants, or even that of shifting cultivators in tribal societies. The land, their principal productive resource, was not yet a focus of exclusive individual ownership claims. Beyond the formal,

legal sense in which title lies with a political ruler, the substantive reality remained that land rights were exercised *inclusively*, according to the custom of the community.

Recently this image of late feudal England has been radically challenged by Alan Macfarlane. One of his central claims in *The Origins of English Individualism* (1978) is that, at least as far back as the thirteenth century, the English were implementing essentially modern models of property, i.e. the liberal conception according to which even land, the most fundamental productive resource, was held and transacted as exclusive private property. Macfarlane argued that:

This question of ownership is central to the notion of peasantry. The crux of the matter is *who* owned the land. It would be easy to assume that it was the family group; but if we look more closely at both the *de iure* and *de facto* situation – it will appear that this is a misinterpretation. Land did *not* belong to the family group but to an individual (1978: 102–3).

In his contribution to this volume he takes his argument further, without qualifying his original boldness. Adding the case of Japan, he suggests that not one but two suitably located island societies were able under feudalism to hold on to *relational* conceptions of *indivisible* property that were necessary for the emergence of industrial society. These arguments will no doubt continue to create controversy for a long time to come.

Other historians who assign a key role to the English in the spread of new forms of property relations all over the world have identified the onset of industrialization in the late eighteenth century as the critical period of change. This was when the enclosure movement reached its climax, and moral communities lost the last vestiges of their control. In the words of E. P. Thompson, 'Enclosure (when all the sophistications are allowed for) was a plain enough case of class robbery, played according to fair rules of property and law laid down by a Parliament of property owners and lawyers' (1968: 218). Karl Polanyi (1944) thought that the Speenhamland Decision of 1795 symbolized the end of the embedded moral community. It is clear that by the eve of the industrial revolution private property relations were the focus of ever more elaborate intellectual justifications. For example, one of the maxims of the Physiocrats was '*That the ownership of landed property and movable wealth should be guaranteed to those who are their lawful possessors; FOR SECURITY OF OWNERSHIP IS THE ESSENTIAL FOUNDATION OF THE ECONOMIC ORDER OF SOCIETY*' (Quesnay 1962: 232). In spite of the difficulty in demonstrating that the rents earned by a landlord class had any bearing on that class's willingness to

invest and improve the production system, security of private ownership was given moral as well as economic justification by eloquent spokesmen for the secular liberal paradigm such as John Austin:

Without security for property there were no inducement to save. Without habitual saving on the part of proprietors, there were no accumulation of capital. Without accumulation of capital, there were no fund for the payment of wages, no division of labour, no elaborate and costly machines: there were none of those helps to labour which augment its productive power and, therefore, multiply the enjoyments of every individual in the community. Frequent invasions of property would bring the rich to poverty; and, what were a greater evil, would aggravate the poverty of the poor (1954: 325–6).

Property ownership, and in particular the private ownership of land, was considered a basic human right and a precondition for full citizenship as more democratic societies emerged in the nineteenth century, notably in the United States.

The property relations which produced rents for a landlord class that seemed unrelated to that class's readiness to invest in the land were identified as an iniquitous problem by nineteenth-century critics as diverse as Marx, Proudhon and Henry George. Occupying the central political ground as capitalism expanded and land began to lose its central role, liberals such as John Stuart Mill accepted the general arguments for private property, but were concerned to impose limits on its application. Mill himself believed that land should be used for the advantage of the whole community and not treated as just another commodity. Yet that is exactly how it has been treated in the dominant neoclassical tradition in economics, which from the 1870s began to break decisively away from integrated analyses that linked property to social and moral issues of distribution. It was left to others to raise matters such as the moral rights of workers to the tools and products of their labour. Consider for instance the views of the Catholic artist-craftsman Eric Gill, who worked out a distinctive synthesis of Locke and Marx in which he urged *private* ownership as a precondition for moral *public* use:

It is as artists, in the proper and broad sense of the word as used by the philosopher, it is as responsible workmen, that men must own; for it is only as owners that they can do to things as they should be done by, and that, and that alone, is the ground upon which it is said that men tend to look after their own property better than that which is owned in common – a very little consideration will suffice to show that it is in the order of *making* that ownership, individual appropriation, becomes necessary – while in the order of *doing*, of prudence, of service to one another, the use of things shall be in common, in the order of *making*, and for the sake of the good of the things made, ownership must be private (1937: 107–8).

This passage illustrates ideas about labour in the legitimization of private property that are deeply engrained in Western culture (cf. Schwimmer 1979).

The spread of the liberal model of property relations to other parts of the world preceded the spread of industry, but was everywhere fraught with implications for production and distribution. The chief agents were those European countries which established colonial empires and refused to recognize the rights of indigenous people where these did not expend labour on the land in the manner approved by Europeans. The manner in which Australia was claimed for the British crown by Captain Cook provides the most famous example. The appropriation of the land of American Indians, discussed in this volume by Paula Wagoner, is another. Large tracts of what is now Bennett County in the state of South Dakota were parcelled out for individualist tenure and allocated to European settlers, in flagrant contravention of the treaties which the federal authorities had signed with the native inhabitants. Later federal efforts to improve the position of the Indians have resulted in an unstable situation in which neither Indians nor settlers feel entirely secure in their property relations.

Analogous patterns of conquest were played out in most parts of the European empires. The British could not pretend that the intensively farmed territories they conquered in India were a wilderness, but they could and did try in the Bengal Permanent Settlement of 1793 to impose modern Western property relations, based on landlords and tenants, on to a much more complex structure of obligations and responsibilities (see also Neale 1962). The mistakes were not fully realized until much later. When the empire was entering its final phase C. K. Meek noted that:

a frequent source of error has been the presupposition that native conceptions of ownership must be basically the same as those of Europeans. English terms such as 'rent' or 'lease' have been employed to denote practices which bear only a superficial resemblance to those denoted by these terms. The gifts given to chiefs as administrators of land have been assumed to be 'rent' and the chiefs to be 'landlords' (1949: 11).

By this time the British colonial authorities had the benefit of anthropological advice. Meek cites the verdict of Lucy Mair on the Uganda agreement of 1900: 'A government which supposed itself to be confirming native rights turned the Chiefs by a stroke of the pen into landlords entitled to exact rent from their former subjects and to dispose of their land for cash' (1949: 13). But the alternative course sometimes followed: that of proclaiming native territories to be common land

(understood as open-access land) was no less a misrepresentation of the pre-colonial reality. In most cultivating societies, individuals and families did have exclusive rights to *use* specific tracts of land, though very seldom to *own* them in the sense of English freehold, including the right to alienate.

The extension of the principle of private ownership continued to the end of the colonial empires and beyond their formal termination. This extension was inseparable from other interventions in tribal and peasant societies, including the introduction of new tax obligations, commercial crops, new forms of money, and possibilities of migration to highly commercialized urban environments where the domination of private property was unchallenged. New forms of ownership were often a basic requirement for other social and economic changes, but they were frequently resisted. Jack Goody (1980) has documented a case from Northern Ghana where a group of strangers needed to register land as private property in order to establish the security they needed to raise loans to finance new farming initiatives, involving the technology of the 'green revolution'. This registration was resented by members of the local acephalous society, who considered that they were the ultimate owners of the land in question. In their view no individual member of the group had authority to alienate to outsiders. The strangers' rice harvests were subsequently burned. However, in other cases the new property relations were readily accepted by indigenous communities, or at least by certain enterprising elites. As Lord Hailey pointed out in his introduction to Meek's survey volume:

in certain of the territories holders of native lands have made a conscious effort to assimilate their own traditional forms of land rights to those under which alienated lands are held by grant from the Crown. However strongly the native may be attached to the traditions and association which regulate his social life, it is inevitable that many individuals in the more progressive native communities should be increasingly attracted by the possibility of acquiring the more exclusive rights of possession or of transfer offered by modern English forms of tenure, in place of those which reflect in varying measure the tradition of collective landholding (Meek 1949: xv).

Whatever the exact combination of external pressures and local responses, no part of the world has entirely escaped the extension of the private property model in the twentieth century. Of course, large parts of the world have tried to do so, occasionally with some apparent degree of success. Property issues figured very prominently in the ideologies of Marxist-Leninist states, which according to their ideologies were supposed ultimately to recreate the egalitarian conditions of primitive communism. For this reason private property was severely restricted,

and state-owned property was considered to be a 'higher' form than the collectively held property of an entity such as a small enterprise or collective farm. This approach to property relations, laying the same dogmatic emphasis on collective forms of property that the liberals laid upon private property, turned out in most variants to be far less conducive to efficient economic performance – exactly as liberals had always predicted.

However, the Marxist-Leninist regimes of the so-called Second World were no more a homogenous bloc than the capitalist societies of the First and Third Worlds. In a few places, such as Hungary after 1968, more respectable economic performances were achieved, thanks to the gradual introduction of aspects of market discipline and material incentives to economic actors at all levels. By the time I began fieldwork in Hungary in 1975, 'market socialism' was in its heyday and a new word was well established in Magyar. *Maszek* was a compound formed from *magán szektor*, meaning literally 'private sector'. *Maszek* farmers, traders and shopkeepers attracted many customers because of the quality of the goods and services they provided, though admiration for their skills was often tinged with jealousy and resentment, especially among veteran communists. Some younger people were oblivious to the origins of the term and the ideological controversies associated with it; they might use *maszek* as a synonym for 'cool', 'trendy'. The consequent widening of social inequalities in this period was largely restricted to the domain of consumption. Cars, second homes and other luxury goods became permissible items of private ownership and were the objects of feverish accumulation in the decades of 'mature socialism'. However, the means of production, the land and most urban housing remained in collective ownership.

Let me make the discussion more concrete with a brief outline of the property relations that I have investigated in fieldwork projects in Hungary and elsewhere, beginning with the Great Plain village of Tázlár (Hann 1980, 1993a, 1993b, 1996). It is widely acknowledged that Hungarian agriculture achieved notable successes in the era of market socialism. Its collective farms actually worked (Swain 1985), and they did so by promoting a symbiosis of large-scale, mechanized collective activities with the small-scale, labour-intensive activities that were focused on the 'private plot'. In Tázlár in the 1970s the collective sector was still only weakly established and most production was organized by rural households, assisted in various ways by their cooperative. Some villagers were angry when the cooperative sought to consolidate their family plots into large-scale fields, as part of the long-term strategy of collectivization. Formal title to land still lay for the most part with the

villagers, but this was an irrelevance. They accepted that their socialist cooperative was the dominant local economic institution, with the power to allocate land as its leaders saw fit. But as long as it *de facto* guaranteed villagers as much land as they wanted to farm and supported them in their production activities, with guaranteed prices for agricultural produce, most villagers were reasonably content with their lot. The great majority were much more prosperous than their parents and grandparents had been, and the diminution of their formal private property rights was seldom raised as an issue, except by a few embittered members of the former well-to-do peasantry.

Property became a very prominent issue after the collapse of communism in the Soviet bloc in 1989–91. Most post-communist governments and their Western advisers were ideologically committed to a very pure version of the liberal model. They then found themselves in the awkward situation of having to design and enforce structures that were generally supposed to evolve ‘naturally’. Ministries of Privatization were set up to expedite the transfer of ownership rights away from the state, a step seen as indispensable to ‘systemic transformation’. In Târlă as elsewhere villagers were given the opportunity to become full private owners once again. Complicated ‘points’ schemes were drawn up to compensate former owners (Julie Scott describes a comparable compensation scheme in Northern Cyprus in chapter 7). However, compared to the 1970s decollectivization has been implemented in an economic context that has been much less favourable for the farmers. Younger villagers capable of decision-taking on the basis of rational economic prognoses of the future for the agricultural sector have mostly refrained from investing in land. However, alongside those who take a rational or ‘instrumental’ approach to the land, there are some others, particularly in the oldest generation, who have felt impelled to regain ownership of land for sentimental, emotional reasons, more or less regardless of the economic consequences. Many other people have striven to ensure the survival of some vestiges of their cooperative, as a source of technical assistance and social benefits. Similar patterns have been reported from many other parts of Eastern Europe and they are explored further in chapter 8 of this volume by Katherine Verdery. They show the importance of attachments both to the land and to collective institutions for the self-identifications of rural families.

Support for the retention of long-established collective custom and resentment of the beneficiaries of the new private property model seem to be especially prominent in rural Russia. This is unsurprising in that, compared to the rest of Eastern Europe, the Russian countryside was subjected to communism over a longer period, and had been less

exposed to capitalist market penetration in the pre-communist era. David Anderson’s contribution in chapter 3 of this volume, which concerns the Evenki of Northern Siberia, shows how cultural ideas of ‘knowing the land’, which persisted throughout the era of the collective farm and were fundamental to social identity, have been undermined by recent privatization policies. Other work among Russian peasants by Myriam Hivon (in press) confirms some of the destructive effects of what might be called, in the spirit of Polanyi, a second Great Transformation. Contrary to some popular images, the old Soviet collective farm was an integrated community, underpinned by complex notions of responsibility and reciprocal obligations. Although land was held collectively, households had a guaranteed right to a private plot for subsistence production. Their rights to use this plot were exclusive, but if they no longer needed it, perhaps because the household had grown smaller, then they were expected to give up land for the benefit of those whose needs were greater. In this sense the collective farm, in addition to functioning as an institution of state power, also served as the vehicle of an older moral community, the successor to the peasants’ commune, which had long practised periodic redistribution of plots according to household need in pre-communist days. Hivon reports on the social pressures faced by new private farmers. If an entrepreneur is sensible enough to divert some of his profits to a cause that commands popular moral support, such as refurbishing the village church, which is collective property, then his success can be accepted by his neighbours. However, if he offends against customary norms, for example by leaving good land untilled and using his new truck (obtained with cheap government credit) for other commercial purposes, then he will be branded a *spekuliant*, and his crops (if he has grown any) may be burned as a sanction. In most areas of Russia collective farming is persisting long after the formal individuation of land ownership. This is a neat reversal of the more typical situation in tribal societies, where cultivation is highly individualized but ownership is fundamentally collective.

There is, however, an alternative exit from communism which does not require a volte-face from an extreme collective property model to an equally extreme version of the liberal model. China under the leadership of Chairman Mao pursued the principle of communal property to extremes. The household ceased to be the main unit of consumption when even pots and pans were taken away to be used in collective kitchens. This policy proved on the whole to be unsuccessful economically, and China has been pursuing the course now officially described as ‘socialist market economy’ since the end of the 1970s. This has meant tremendous changes in economic organization, but the

interesting point is that these have been accomplished without major changes in formal, legal property relations. Approximately three-quarters of the population remain villagers, and so once again the question of land tenure has the strongest claim on analysts' attention. The rural household has been restored as the main unit of production and consumption, and the lands previously cultivated collectively are now farmed once again by families. However, title is retained by the collective (the unit formerly known as the 'production brigade'), while the agricultural sector is still subject to close state regulation. The restoration of a relationship between family and land through the use of long-term leases, which can be inherited in the family but not alienated, has undoubtedly been conducive to much improved economic performance. The Chinese economy as a whole is showing very impressive rates of growth achieved *without* the rigorous specification of formal legal property rights that is central to the liberal paradigm and recommended by the World Bank (cf. Nolan 1994).

This Chinese experiment seems to confound the purists on all sides. On the one hand, liberal critics deplore the absence of civil and political liberties as well as the absence of private property. On the other, socialist critics allege the betrayal of collectivist ideals and speak of a 'great reversal' (Hinton 1990). How can an anthropological focus on property contribute to these debates? First, the anthropologist can explore concepts of ownership and wealth, and culturally appropriate ways of measuring living standards. In some respects, Chinese ideas conform to a standardized, exclusive model of property, above all in attitudes that see the territory of the 'nation state' as an indivisible unity belonging to the Chinese people. Recent changes have undoubtedly promoted Western patterns of consumerism. Rich can now own Japanese cars, when a generation earlier no one could own a bicycle or a television set. But measures of wealth also reflect many specifically local characteristics, which can be investigated ethnographically. Second, the anthropologist can conduct detailed empirical investigations of all the distributional consequences of recent changes in power relations, welfare entitlements and consumption practices. There is a considerable measure of agreement between academic authorities and villagers themselves that, by most objective criteria, the great majority are now significantly better off than in the Maoist era. Some elements of welfare provision have been weakened, and in this sense we can speak of a reduction in social entitlements. But in most places, for most people, capacities have been enlarged by the reforms, and not only in the realm of private consumption. Inequalities have increased, as they did under market socialism in Hungary, and there is much talk of 'corruption'. But the policy that still

restricts private ownership of the means of production, including land, may also have limited the spread of social exclusion.

It is clear that China's present property relations create many problems.³ At village level in Xinjiang some people seem to have a clear conception that private ownership should mean exclusive rights, but most villagers are unclear about what it is exactly that they own. Some families think that they own at least the plot of land on which their house is built, but others state (correctly, in a legal sense) that this is the property of the village. Others point to what they believe to be the most important fact – regardless of the formal legal position, the state can easily appropriate any plots it likes, whenever it wishes to do so. People often do not distinguish between the state and its local representatives, the village and township cadres; as in other socialist contexts, the formal distinction between state property and cooperatively held or communal property is in practice meaningless. Most rural people are well aware of the consequences of a policy which in effect freezes land use according to a pattern that was egalitarian when land was distributed around 1980, but which as a result of normal demographic fluctuations quickly gives rise to significant inequalities. The system is both inequitable and inefficient. Families with many children have insufficient land for subsistence purposes, while others have surpluses. Both might wish to expand acreage, but because there is no official land market neither is able to do so (in practice it is usually possible to secure at least some of one's objectives through 'informal' channels, such as private leasing, to which the authorities turn a blind eye; in some other parts of the country legal transfer of contracts is allowed – see Nolan 1988).

This situation in China is exceptional in the current global context, and many observers believe it to be unsustainable. Liberal economists argue that as China enters a further stage of economic development she will be forced into greater precision of property rights for reasons of economic efficiency. From their local angles, anthropologists may find that more and more villagers also clamour for security of title, and for the opportunity to expand their farms and their businesses as private owners. Entrepreneurship probably has a stronger cultural basis in most parts of China than in Russia. The modern liberal private property model, a source of fierce discontent in some cultures, seems in the case of China to be relatively easy to graft on to existing notions of property.

In some cases, however, the affinity may be more apparent than real. In some, people may have no illusions about the contrast between the new model and their traditional notions of property, and yet still find that it is in their interests to adopt the new. The Yolngu, an Aborigine Australian hunter-gatherer people, have recognized the force of Western

notions of property in their struggle for collective social justice. They and the anthropologist who has conducted a most thorough investigation of their land tenure system have argued that, while rooted in ideas about kinship relations, myth and theology, this did amount to a system of law which gave them a 'proprietary interest' in their land (in contrast, for example, to the Hadza as documented in this volume by Woodburn). Others could use the land, but only after obtaining the permission of the Yolngu. These arguments were not accepted by an Australian judge, who was unwilling to acknowledge any system of land law that diverged from the exclusive individualist assumptions of the common law tradition (Williams 1986). In other words Aborigine claims were put forward in the courts in a language which approximated to the dominant Western idiom. Although at first rejected, a few years later the Mabo Judgement of 1992 represented a victory for this Aborigine perspective.

Meanwhile in most parts of the contemporary Western world the virtues of private property and the free market are continuously extolled by politicians of all parties. Hardly anyone questions the legitimacy of rents and the desirability of lowering taxes. Large sectors of public provision, including hospitals, schools and prisons, have been privatized, though some of the efficiency gains claimed seem open to doubt. (For example, in Britain it has been suggested that the privatization of water may have led consumers, who would have heeded calls for restraints on water use in a dry summer in the days of public ownership, to ignore such calls when they are issued by a private company.) Of course developments such as these may be good for the growth of the national economy. The logic of the liberal paradigm suggests that the manufacturers of domestic water meters will benefit from the new property relations. The makers of burglar alarms and every kind of private security equipment may also be long-term beneficiaries, for according to this paradigm it will be rational for each property owner to invest in additional protection up to the point at which the cost of doing so exceeds the value of the assets to be protected. In summary, long after the classical models of small-scale landed property have ceased to apply to all but a tiny fraction of the population, *private ownership* still seems to be central to ideals of citizenship and personal identity, and to provide the main driving force of national economies. Television soaps with global dissemination celebrate the ideal of dynastic families – and this ideal is not *entirely* divorced from realities, for despite all the trends toward impersonal bureaucratic organization in the management of large companies, families (such as the Sainsbury family in Britain) continue to figure prominently both as owners and managers, even in the largest companies of the most advanced capitalist countries (Marcus 1992).⁴

Property in anthropology

'A mere property career is not the final destiny of mankind, if progress is to be the law of the future as it has been of the past' (Morgan 1877: 552).

Any starting point for anthropological discussions of property is to some degree arbitrary. What I have pretentiously termed the anthropological tradition is, of course, in large part derivative of a shared Western tradition, to which the most influential contributions have been made by political philosophers and legal theorists. The relative merits of individual and communal forms of property were debated by Aristotle and Plato. John Locke is widely acknowledged as the original source of modern ideas of possessive individualism, while David Hume had an anthropologist's appreciation of the importance of 'a sensible transference of the object' in facilitating what he termed 'the mysterious transition of the property' (1962: 218).⁵ Adam Smith and Adam Ferguson were among the first to address property issues in a comparative anthropological way, by analysing the forms of property associated with different types of society in evolutionary ranking. In their fourfold schema, hunters formed the simplest kind of social organization, thought to be lacking any developed sense of property, though individuals might 'possess' their catch. Ownership of animals was important to pastoral peoples, and ownership of the land to agriculturalists. In what Smith and Ferguson called 'commercial society' the ownership of property was thought to be increasingly diffused, a healthy trend if one's goal was a just, non-authoritarian government. These thinkers, like most other contributors to Western intellectual debates about property, were quite clear that an ideal property system was not simply a technical matter pertaining to the maximization of economic efficiency. Property was thought to be vital to individual liberty and the health of civil society, and it depended upon good government. As we have already noted, the Western political theory tradition down to the present day contains a cacophony of voices. Those sharing the same view of liberty (whether positive or negative, in the terms of Berlin (1969)) may nonetheless differ sharply in their prescriptions for property.⁶

The writings of Marx and Engels deserve special attention, not only because of their formative influence on a twentieth-century social experiment which proved largely unsuccessful but also because of their influence on later scholarly work, including work in anthropology. In an early work, Marx and Engels endorsed the rather vague evolutionism of the great figures of the Scottish enlightenment and approached property relations in the same broad sense as we are using the term:

The various stages of development in the division of labour are just so many different forms of property; i.e. the stage reached in the division of labour also determines the relations of individuals to one another with respect to the materials, instruments and product of labour (Marx 1963: 126).

In his later work Marx is usually seen as elaborating a rigorous political economy in which all the emphasis falls on a critique of capitalism as a mode of production. The focus on production is often thought to be developed at the expense of an interest in legal and cultural forms such as ideas about property, which were part of superstructure, to be determined in all instances by the economic base. However, in a famous passage where he sums up his materialist philosophy of history, Marx makes it plain that he does not wish to separate *property relations* from *social relations of production*. These phrases for him are interchangeable:

At a certain stage of their development, the material forces of production in society come in conflict with the existing relations of production, or – what is but a legal expression for the same thing – with the property relations within which they had been at work before (1963: 67–8).

By the time European states began to colonize and administer native peoples they did so with one sharp dichotomy uppermost in their thinking: that between collective and private land tenure. As we noted in the preceding section, English administrators oscillated between the poles of their domestic dichotomy, identifying private landlords at one period, then recognizing communal ownership in the next. Although India in particular eventually received close attention from some fine scholars with a better awareness of the complexities of property relations in Europe, Sir Henry Maine among them, the apparent absence of private property in the Western sense led to enduring images of 'Oriental Despotism' and 'Asiatic' modes of production. It was against this backcloth that anthropology began to establish itself as an academic discipline in the second half of the nineteenth century. Concepts of property were central to much of the theorizing of this period. Lewis Henry Morgan proclaimed that 'the history of property embodies the greater part of the mental history of mankind' (1877: 7), and sought to modify the ideal types of Smith and Ferguson in the light of new ethnographic evidence and reappraisals of the Western past. The driving spirit behind the work of Morgan, like that fuelling several of his contemporaries, was one that saw the predominance of private property as a threat to civilization. The state was the instrument which made the domination of private property possible, a message that was highly congenial to Marx and Engels. The latter (1972), emphasizing the negative effects of this domination upon women, incorporated Morgan's theories into a text

which remained anthropological orthodoxy for Marxist regimes until their general demise more than a century later. More generally, the later nineteenth century saw the crystallization of the main anthropological approaches to property, above all the notion that property relations were to be understood in a social or community context. As T. E. Cliffe Leslie put it when introducing the translation of a French work:

Property has not its root in the love of possession. All living beings like and desire certain things, and if nature has armed them with any weapons are prone to use them in order to get and keep what they want. What requires explanation is not the want or desire of certain things on the part of individuals, but the fact that other individuals, with similar wants and desires, should leave them in undisturbed possession or allot them a share of such things. It is the conduct of a community, not the inclination of individuals, that needs investigation (Laveleye 1878: xi; cited in Herskovits 1965: 328).

If anthropological writing on property reached an early pinnacle with the appropriation of Morgan by Engels, this was by no means the end of anthropological interest. Attempts to relate more complex forms of property to economic activities, ecologies and political arrangements remained popular, particularly in America. Property relations (including 'incorporeal property') figured prominently in the work of Robert Lowie (1921). They formed part of the backcloth to the materialism of Leslie White and Marvin Harris. Ernest Beaglehole (1931) provided a wide-ranging classification of forms of property, though he was more interested in psychological aspects than in the sociological issues surrounding property relations. The subject was regularly allocated a chapter in textbooks. However, property gradually lost the dynamic central role assigned to it by the nineteenth-century pioneers.

In British social anthropology the evolutionist impulse was suppressed following the impact of the functionalism of Bronislaw Malinowski in the inter-war period. Malinowski made a major contribution towards taking the sub-field of economic anthropology beyond mere description of the natives' material culture, notably in his study of Trobriand exchanges, *Argonauts of the Western Pacific* (1922). (See the discussion of this and of the still more influential work of Marcel Mauss by James Carrier in chapter 4.) The new emphasis on fieldwork and grasping native categories led to the rejection of many earlier theories, including ideas about 'marriage by purchase'. Above all, the new methods contributed to a better understanding of the most salient form of property relations, land tenure. Malinowski stressed the need to move beyond 'the legal point of view' and to transcend the 'false antithesis' of the individual *versus* communal dichotomy (1935: 318–19). His discussion of Trobriand land tenure pays careful attention to webs of ideas,

'mythological foundations' and kin relations, notably the institution of *urigubu*. Far from being a narrow jural matter, the land tenure system is shown to be central to Trobriand conceptions of personhood and citizenship.

Yet Malinowski was simultaneously so preoccupied with the need to emphasize the individualistic character of Trobriand life that the very dualism he condemned intruded continuously into his analysis. Some of his students were more successful in avoiding this trap. Raymond Firth thought that tribal economies such as the one he studied on the island of Tikopia could be investigated using the concepts of modern Western economies, and that many items of production were held as individual property. However, when he came to consider vital resources such as land and canoes he found that "individual ownership" can only be expressed in degrees of responsibility for and enjoyment of the group property' (1965: 278). Max Gluckman adapted Sir Henry Maine's definition of property as a 'bundle of rights', and extended Maine's notion of 'estates of administration' in order to explain how tribal land might be farmed in highly individualist ways (in 'estates of production'), and yet subject to several nesting levels of control and ownership, the details of which would correspond to the social structure of the group. For example, among the Barotse, cultivators of fertile mounds in the Zambesi valley, land was allocated on the basis of need by the village headman to household heads. It would revert back to the headman for reallocation when no longer needed by the household. Sometimes land might revert back to a higher level and the Lozi king was the 'ultimate owner'. This did not give him the right to sell land as a commodity, nor did it qualify his subjects' entitlement to as much land as they needed (Gluckman 1965a, 1968).

This framework was sufficiently flexible to deal with a wide variety of tribal societies. It was later ingeniously adapted to explain the property relations of a Soviet collective farm (Humphrey 1983). However, the anthropological work of this period, and in particular the 'structural-functionalism' of Radcliffe-Brown, still paid relatively little attention to non-Western concepts of property. These approaches were predisposed to identifying 'corporations' as the key jural entities of pre-capitalist societies, holding land and other property exclusively, with clearly demarcated boundaries. Edmund Leach (1961) did not really challenge this view in a polemical work based on fieldwork in Ceylon in which he claimed, contrary to his Cambridge colleagues, who placed kinship at the centre of their studies of social organization, that kinship relations were in fact determined by relations of property. As the colonial period came to a close the authorities had less reason to sponsor studies of

'native land law'. Only in the work of Jack Goody (1962) do we find a fieldworker of the late colonial period linking a detailed analysis of local transmission mechanisms for different types of property back to the nineteenth-century comparative concerns, and showing how they reproduce the social structures of the groups concerned. Goody followed up this study – an exemplar of the structural-functionalist approach, though he himself has not used this label – with further historical explorations of property relations and inheritance mechanisms in a range of European and Asian societies (1977; 1983; see also his discussion in this volume, chapter 10, and that of Alan Macfarlane in chapter 5).

One possible explanation for the decline in the attention that has been paid to property in anthropology lies in the increased fragmentation of the subject into sub-disciplines, no single one of which (economic, political or legal) provides an adequate framework for a topic that so clearly straddles both disciplinary and sub-disciplinary boundaries. The revised editions of Herskovits (first published in 1940), which was the first of several works to bear the title *Economic Anthropology*, still carried a whole section on ownership and property. This was followed by the grand debate between 'formalists' (basically, those who argued that all economies could be analysed using the modern economist's toolkit, founded on assumptions of scarcity and rational utility maximization) and 'substantivists' (those followers of Karl Polanyi who argued that pre-capitalist economies were embedded in social and political contexts, and could only be analysed with their own, quite distinct set of tools – reciprocity and redistribution were put forward as alternative principles of societal integration). Paul Bohannan (e.g. 1963) was the substantivist scholar who showed most sensitivity to the dangers of imposing Western conceptions of ownership where they did not belong.

Some critics have alleged that both the formalists and the substantivists were preoccupied with analyses of *exchange*, and rather narrow analyses at that. This charge was levelled by neo-Marxists such as Godelier (1972) and Clammer (1978). Inconsistencies in the stance of the substantivists were also pointed out by Raymond Firth: for example, recognizing a wide range of valuables as a form of 'primitive money', but finding the term 'brideprice' inadmissible because of the strong market associations of 'price' (1972: 472). It is true that a large part of the formalist-substantivist controversies concerned what could or could not be counted as money, the presence or absence of markets, and the merits of the concepts of reciprocity and redistribution for understanding pre-capitalist societies. However, George Dalton, for long the most trenchant defender of the substantivist approach, pointed out with

some justification that Karl Polanyi's use of these terms was never intended to refer solely to the phenomena of exchange. They designated 'modes of integration' that, in Dalton's view, were intended to encompass productive systems and, in the broad sense that I am using the term, property relations as well (see Dalton 1981).

The neo-Marxists were explicit about the priority they attached to the study of production, but they too tended to neglect property. A major exception is Maurice Bloch's incisive article contrasting representations of property among the Merina and Zafimaniry of Madagascar (1975). Bloch locates property relations in the 'superstructure' among the Merina, who are rice cultivators with notions of exclusive ownership that resemble those of the English. In contrast, he argues that property relations are entwined with kinship and form an inseparable part of the economic 'base' among the neighbouring Zafimaniry. Bloch offers a rigorous materialist explanation for the difference he identifies, while remaining squarely within the anthropological tradition by upholding its central contention that property relations are to be understood as social relations. The Merina mystify the representation of property relations as relationships between people and things because they have invested labour in irrigated rice terraces, and they wish to exclude others from sharing the benefits of this asset. However, the Zafimaniry are shifting cultivators with a relative abundance of land who readily welcome strangers into their kin groups. They have a 'correct' representation of property relations as embedded in social relations, because their mode of production does not lead them to exclude others and reify their ties to territory. The contrast is convincingly established: property relations are fundamentally exclusive, separated out and mystified among the Merina, but they are inclusive and overtly embedded among the Zafimaniry. In this same article Bloch was dismissive of Leach's claims (1961) to the effect that kinship could ultimately be reduced to property relations – these were not seen by Bloch as advancing Marxist analysis at all (it was hardly Leach's intention to do so).

By the end of the 1970s there was increasing dissatisfaction with the imposition of a universal Marxist grid that included the concepts of alienation, exploitation, the labour theory of value, etc. The strongest trend in economic anthropology in recent decades has been to assert the importance of grasping indigenous understandings of economic life: 'local models', in the terminology of Stephen Gudeman (1986). The universalism of the Marxists, with their bias toward production, was felt to be no more satisfactory than formalist insistence on reducing all exchanges to the rational decision-taking of individual utility maximizers. Gudeman also criticized the substantivist paradigm, arguing that its

general types were of little value in grasping the insider's model, the metaphors by which economic life is structured in particular places. His is a fundamentally idealist approach which provides little material historical contextualization. For example, his interesting analysis of the models of the Physiocrats explores their Lockean epistemology, their imagery and their assumptions about agency, but it makes little reference to the concrete conditions of different social groups or to the ideological role played by this intellectual elite in justifying highly unequal entitlements on the eve of the industrial revolution.

During this most recent period, relatively few anthropologists have made property a main focus of enquiry. Of course there are some exceptions, and I would identify several partly overlapping areas where older concerns have persisted and some innovative contributions have been made. First there is land tenure, and the role that anthropologists have continued to play in the documentation of native systems of tenure. This has led some, especially in Australia and North America, into active involvement in the legal claims brought forward by indigenous peoples. Many significant successes have been achieved, though in some cases the problems of cultural translation have proved insurmountable (for an overview of the Australian situation see Maddock 1983). Nancy Williams (1986), in the work noted in the preceding section, showed how Western concepts of property impeded recognition of the nature of the Yolngu system. While allowing for flexibility and fluidity, as emphasized in other recent studies of property and territoriality among hunter-gatherers, she sought to show that this was clearly a proprietary system, expressed in precise jural rules and sanctions as well as in the domains of myth and religion. Many land tenure disputes are extremely complex and do not present a clear-cut conflict between indigenous peoples and white settlers. In some cases conflicts may arise between two or more indigenous groups and political and ethical dilemmas inevitably arise when anthropologists become drawn into the pragmatics of land claims and resettlement schemes.

In a closely related field of investigation, anthropologists have recently undertaken numerous studies into common property arrangements and shown that liberal fears about the 'tragedy of the commons' (i.e. overexploitation of resources in the absence of rigorous private property rights) are frequently exaggerated. Communal arrangements *can* be environmentally viable, indeed superior to private systems for both marine and land resources (for examples see McCay and Acheson 1987).

Another notable exception to the pattern of anthropological neglect of property is the rediscovery of Engels by feminist scholars. Hirschon

(1984) is a collection which focuses on property and gender. The editor makes some important general points about property in her introduction, but the general message of this volume is a highly relativist one: the possibilities for cross-cultural comparison seem limited, even on specific gender issues. The most radical contribution to this volume is a chapter by Marilyn Strathern that sets out to deny the applicability of a Western concept of property in the Mount Hagen area of the New Guinea Highlands. Strathern reports a situation in which women seem to exercise little or no control over the products of their labour, while only men seem to be 'acting subjects' according to Western ideas of personhood. However, though Hagen men speak of themselves as 'owners' of the land and equate women to 'wealth', Strathern denies the 'western corollary', that Hagen women are objects. If indigenous concepts are correctly understood, neither women nor wealth items can be considered as property in the sense of alienable commodities. In this cultural logic, first explored by Marcel Mauss (1925), things 'cannot be *opposed* to persons, as our own subject-object matrix postulates' (1984b: 165, emphasis in original). Strathern therefore urges caution in using a concept of property. Her argument is developed more fully in a later study (1988), in which she elaborates how the Hagen notion of the person differs from the Western notion. This material provides convincing justification for not imposing a particular 'western paradigm of property ownership which is itself so very much bound up with a special view of the person' (1984b: 178). Hageners, it seems, do not own things in anything like the Western private property sense, although they clearly do hold, use and dispose of things in other ways – as Strathern demonstrates in chapter 11 of this volume.

A fourth area of research which has been opened up in recent years marks a return to the study of incorporeal property. Another Melanesianist, Simon Harrison, has followed up some of Strathern's ideas in the context of 'ritual as intellectual property'. His general perspective is that the study of property necessarily combines the study of the production and consumption of goods with the study of cultural meanings; consequently 'property is actually a form of sociality' (1992: 235). (Some recent work by Harrison on the ownership and management of knowledge is discussed by Strathern in chapter 11.) From a rather different angle, Darrell Posey has pursued the theme of intellectual property rights in environmental knowledge (e.g. 1990; Posey and Dutfield 1996). He argues that anthropologists should play a role in ensuring that knowledge which has commercial applications, e.g. of rainforest vegetation, should generate commercial benefits for the original 'owners' of that knowledge. Posey seems to assume that such knowledge

will be widely shared in a group. However, the work of Harrison and others suggests that in practice it will sometimes be the exclusive property of a small minority, a fact which seems certain to complicate the political and ethical agenda for applied anthropology in this field.⁷

These recent contributions to the study of property must be set in the context of more general trends in economic anthropology. The most important loss consequent upon the jettisoning of the substantivist and neo-Marxist approaches is the loss of their attention to historical transformation. Each of these approaches saw a 'great divide' between traditional and modern, market-integrated societies. Many of their critics can see no gulf at all. The emphasis has come to rest once again on exchanges, corresponding to the dominant emphasis in neoclassical economics over the last 130 years. There is also a renewed interest in material culture, in the things which people make and then circulate, which provides an echo of the first descriptive phase in the emergence of economic anthropology, except that nowadays this is combined with a sophisticated interest in consumption, in how the things consumed contribute to identities, personal and social. A key concept is once again that of *value*; a primary task of the anthropologist is to document and explore the preferences that motivate economic action, which most economists simply take as given (Douglas and Isherwood 1978; Appadurai 1986; Humphrey and Hugh-Jones 1992). In his introduction to perhaps the most influential volume of recent years, Arjun Appadurai returns to Malinowski's *kula* material and reinterprets the competitive struggle to raise one's reputation as a 'tournament of value'. The art market is said to present a comparable tournament in our own societies. Appadurai is concerned with how commodities, loosely defined, pass between spheres and between cultures, in patterns governed by social knowledge and the criteria of good taste. Although he and most followers of these new approaches also emphasize the need to attend to power relations, it seems that the most consistent outcome of these recent approaches is the privileging of ideas and metaphors about the economy, rather than material constraints on consumption choices. The stress is placed on questions of 'authenticity', symbolic codes and the 'politics of culture', rather than on changing divisions of labour and the politics of class struggle. These new interests in commodities may be a reflection of increasing 'globalization'. But in focusing on forms of circulation and consumption, there is a danger that anthropologists may overlook the fact that many things (notably land – 'real property' as it is termed by the lawyers) do not circulate so readily. Many patterns of ownership demonstrate important continuities which provide effective stabilizing anchors in even the most rapidly changing, 'post-modern' societies.

If all people transact and consume according to their specific cultural repertoires, then it is hardly surprising that some anthropologists have reached the conclusion that exchanges have basically the same rich levels of meaning involved whatever the social context. For example, John Davis rejects Mauss's postulated evolutionary trajectory from the 'total prestation' of archaic Oceania to the impersonal, contract-dominated world of our own industrial age. For Davis, the symbolic content of gifting in contemporary Britain is no less rich than that of any primitive society: 'the amount of meaning carried by exchanges is a constant, is uniformly thick' (1992: 79). Such conclusions, denying the contrasts drawn by Mauss, Polanyi and other 'great divide' theorists, seem inevitable as long as economic anthropologists continue to approach value with an excessive emphasis on symbols and meaning, as revealed in exchange and consumption practices, rather than on the sociological factors and power relations which are necessarily foregrounded in investigations of property. We may agree that value is a critical concept, but the analysis of value cannot be an end in itself: it must lead on to analyses of the political and social conditions which determine access to scarce goods – in other words to the analysis of distribution and property relations.

A partial exception and notable milestone in the recent development of economic anthropology is the collection on money edited by Jonathan Parry and Maurice Bloch (1989). Popular attitudes to money offer an interesting parallel to perceptions of private property. Like property, money is seen in Western thought both negatively, as 'the root of all evil', and positively, as a source of autonomy and liberty. Most of the contributors to the Parry and Bloch volume tend to follow a particularizing approach, looking at the significance of various forms of money in the locations of their fieldwork. In their introduction the editors explicitly reject Paul Bohannan's well-known substantivist argument, which attributed the dislocation of a Central Nigerian economy in the late colonial period to the impact of Western money. They argue persuasively that money cannot in itself be the cause of radical social changes: it must be placed in a wider context of expanding market opportunities and colonial administrative and tax policies (all of which I would prefer to see as facets of changing property relations). Parry and Bloch go on to outline a general framework for analysis. They suggest that the older notion of a great divide must be rejected, since many pre-industrial societies, such as those of South Asia, were characterized by intensive forms of monetized, marketized exchange well before the impact of capitalism and industrialism. Instead, they propose that all societies are characterized by an *internal* divide between a short-term

transactional order, in which impersonal, competitive individualistic behaviour is the norm, and a long-term order in which the stakes are the reproduction of the moral values of the society. Parry and Bloch have little to say about the relative importance of the two transactional orders in modern capitalist society. They do, however, raise the Polanyi-like possibility that we may inhabit a unique form of human society, in which the values of the short-term order have expanded to colonize and efface the long-term order (1989: 29). This possibility is apparently rejected, but the authors do not probe it very far. The notion of a 'great divide' between traditional and modern societies seems as unacceptable to them as it does to most other contemporary anthropologists.

In terms of property relations, it may be similarly useful to see a general divide pertaining *within* societies, rather than *between* them. This, in effect, is what James Carrier does in chapter 4 of this volume. According to this view, alienable and inalienable things, gifts and commodities, are to be found in all societies. But have the discontinuity arguments been given sufficient consideration? The most frequently cited theorists of discontinuity in the recent economic anthropology literature are Marx and Mauss (cf. Hart 1982). However, Polanyi's original analysis of *The Great Transformation* (1944), which pre-dated his direct engagement with economic anthropology and his launching of the 'substantivist' school, may still have something to offer. Both Marx and Polanyi saw capitalism as a radical force that destroyed embedded social forms, including the established forms of property. If the breakthrough to 'possessive individualism' took place in the seventeenth century, as Macpherson and others argue, or much earlier still if Alan Macfarlane is correct, then new ideas about private property can hardly be a consequence of the industrial revolution. They might instead be seen as one of its causes, which would introduce an awkward idealist element into materialist philosophies of history. Indeed, Marx does seem inconsistent in the role he attaches to property, which would seem to be fully 'superstructural' under capitalism, yet a part of the economic base in explaining the transition from feudalism to capitalism. Polanyi, however, is less committed to materialist modes of explanation. Consequently, he has no difficulty in allowing new attitudes to property to play an enabling role in capitalism's emergence, while institutions and moral communities only undergo radical changes ('disembedding') following the full impact of the Great Transformation. The later ideological predominance of private property in capitalist society is emblematic of 'disembedding'. Public and 'moral' aspects of property relations atrophy, and considerations of short-term gain overwhelm long-term values. Surely this train of thought retains some plausibility in our late twentieth-century world?

The reintroduction of property issues into economic anthropology that I am proposing, not in economistic or legalistic ways, but paying careful attention both to cultural sense and power relations, is perhaps consistent with the sense in which Stephen Gudeman called for greater attention to be paid to 'distribution' (1978); but this call has by and large gone unheeded on the material and sociological side. In comparison with the attention paid to money and to markets, property has not attracted the attention it deserves from economic anthropologists. A concern with property relations requires investigations into the total distribution of rights and entitlements within society, of material things and of knowledge and symbols. It requires examination of practical outcomes as well as ideals and moral discourses, and an appreciation of historical processes, both short-term and long-term. I now turn to further discussion of the ways in which the chapters in this volume contribute to these goals.

Contents of this volume

'[W]hatever absolute criteria of property may be set up, *the ultimate determinant of what is property and what is not is to be sought in the attitude of the group from whose culture a given instance of ownership is taken*' (Herskovits 1965: 326; emphasis in original).

Although theories about primitive communism have been influential in anthropology since the writings of Morgan and Engels, it is only comparatively recently that property concepts and practices in foraging societies have attracted sustained anthropological investigation (Barnard and Woodburn 1988). In chapter 2 James Woodburn focuses on the concept of sharing, which he argues to be the dominant form of property relations among hunters and gatherers with 'immediate-return' economies. Supporting his analysis primarily with data from his own work among the Hadza of Tanzania, Woodburn criticizes the view which understands sharing to be a form of 'generalised reciprocity', a term put forward by Sahlins (1974). It is not the case that Hadza share the products of their labour because they think that they may need the products of other group members in the future. On the contrary, argues Woodburn, we should move beyond the 'exchange' focus that underpins Sahlins' typology. Sharing is above all a *political* achievement that stresses the equal *entitlements* of group members. It is best seen as a pervasive ideology, a community value or ethos, which cannot be reduced either to individual maximizing behaviour or to group ecological adaptation. Sharing does not mean generosity, and ideal forms of property relations are by no means consistently respected in practice.

The principal mechanism for reinforcing the ideal of sharing is gambling. Hadza put great pressure on all group members to share, and very few of their possessions are exempted from what Woodburn terms 'demand sharing'. The items that are 'ring fenced' are those essential for life, yet these are not given high cultural valuation. In terms of the substantivist categories, Woodburn follows Polanyi in seeing sharing as a form of redistribution rather than of reciprocity: it is analogous to the tax and welfare system of a modern industrial society, a kind of public, political regulation. However, it does not seem to afford the Hadza much protection against the outsiders who are encroaching on to their land, and whose incursions are now forcing Hadza to adopt new concepts of exclusive ownership hitherto entirely foreign to them.

Woodburn's analysis of sharing as a political achievement is conducted within the traditional anthropological framework which defines property relations as social relations. In chapter 3 David Anderson extends the cast beyond the usual range of human actors by approaching property as knowledge in terms of a 'sentient ecology' which allows no sharp distinction between humans and non-humans. As suggested by Mauss, objects too may have personalities and enter into relationships. The Evenki and their neighbours in the Taimyr Peninsula of Northern Siberia inhabit a part of the world which has held out against modern notions of private property longer than almost any other. Anderson describes how native hunters 'appropriate' their environment and demonstrate their personalized knowledge in their performances. Contrary to some models of other hunter-gatherers which emphasize a 'giving' environment, the experienced Evenki hunter is the man who knows how and when to 'take'. Evenki local knowledge differs radically from the modes of appropriation of newcomers to the region and of communist officials, based on 'intelligence-gathering' and surveillance. Evenki themselves, like Woodburn's Hadza, do not have an indigenous concept to signify the exclusive aspects of property, but the outside world has intruded dramatically upon them in two moments of twentieth-century history. The imposition of territorial boundaries and communist institutions under Stalin seems to have left the established bases of community life largely intact. It was possible to reconcile the collectivist ethic of the state farm with the cultural norms of Evenki life. In contrast, post-communist policies of decollectivization have threatened the very core of this embedded economy. Their response to the recent imposition of market economy and new, highly exclusive models of property has been fierce resistance. Evenki hunters and herders, like former collective farm members elsewhere in Russia, have placed a higher value on the substantive social entitlements they enjoyed under communism than on

the formal property rights they now enjoy as sovereign individual citizens of a post-communist state.

James Carrier's analysis in chapter 4 takes us to Melanesia, a location of special interest for economic anthropology ever since Malinowski's studies among the Trobriand Islanders, which epitomized the achievements of his functionalist school. These studies presented real, flesh-and-blood human beings in their 'coral gardens', and the declared aim was to understand the 'native point of view'. However, later scholars have tended to see Malinowski as wedded to the 'individualist' pole of a dichotomy with 'communal' that is inappropriate to Melanesian thought. The point has been driven home in recent years in what Carrier sees as the exaggerated adoption of a model derived from Mauss. According to this 'essentialist' model, Melanesia can be understood only through an understanding of the Melanesian person and Melanesian categories, which do not include the idea of alienable things. Yet Carrier's Melanesians turn out not to be so alien after all. In his careful analysis, which builds on the arguments of his earlier work on exchange (1995a, b) and also on the work of Parry and Bloch (1989), Carrier argues that some aspects of property relations on the island of Ponam are effectively identical to the exclusive rights of private property in modern Western societies. Other aspects, however, are very different. The land on this island, which is of poor quality and formed a sort of wilderness until its recent settlement from the mainland, is held and used according to a complex pattern determined by kinship and relations to original owners, periodically brought to the fore in ceremonial exchanges that highlight and reinforce a 'web of social relations'. Carrier suggests that we see property relations of this latter kind as 'inclusive', while other property relations (by no means all of them associated with commodities transacted in modern markets) are preeminently 'exclusive'. In the latter cases, people do not identify with objects: they transact them as impersonal commodities for maximum advantage, much as any liberal neoclassical economist would predict. Carrier illustrates this with an example of how a man can engage in 'free trade' for sago.

Exclusive private property, it seems to me, corresponds quite closely to the notion of a short-term transactional order, as outlined by Parry and Bloch in their edited volume on money discussed in the preceding section, while an analysis of inclusive social relations is the equivalent of an enquiry into what Parry and Bloch call the long-term order. The analogy with money is not exact: property is a broader concept which requires that more attention be paid to political and legal dimensions, alongside the economic. But, as with money, people may wax eloquent

on the inclusive, relational aspects of their social arrangements, and yet *behave* in ways that indicate the force of more exclusive, pragmatic considerations. Carrier's contribution suggests that this may well be the case for Melanesians. He is critical of 'Orientalist' constructions of Melanesia, and also of their counterparts, 'Occidental' views of the modern West. An idealist preoccupation with the seductive logic of Mauss's model of 'the gift' has prevented some anthropologists from recognizing that, in terms of their material practices, Melanesian property relations are not, after all, so radically different from those found in modern Western societies. The practical outcomes on Ponam depend very heavily on political skill and power. As Carrier concludes (p. 103), 'Melanesians have commodities and exclusive property just as surely as Westerners have gifts and inclusive property'.

Alan Macfarlane's complex historical argument in chapter 5 contrasts sharply with Carrier's implication of equivalence across time and space. His primary puzzle is how far the property concept in England's common law tradition can be seen as one of the causes of industrial capitalism. Private property is vital to the legitimating ideology of capitalism, and yet there is a paradox here which the liberal paradigm has been unable to explain. The English tradition emphasizes the indivisible and *relational* character of property, which would seem close to what Carrier terms its *inclusive* aspect. It is the derived forms of Roman law found elsewhere in continental Europe that approach property in terms of the *exclusive* ownership of things, rather than social relations between people. These, rather than the English conception, which also resembles the general anthropological definition of property, would seem at first sight to have a greater affinity with the capitalist mode of production. However, Macfarlane suggests that, thanks to its unique development of a state that was strong enough to avoid fragmentation and a property vacuum, but not so strong as to undermine the rights of a highly egalitarian citizenry, England was successful in preserving an older, Germanic notion of property. England's property system evolved organically, in the common law, from its Germanic origins. In contrast, absolutist governments on the continent were able to reimpose key elements of Roman law, including notions of property as a divisible 'thing'. These notions were antithetical to an ethos of alienability and capitalist accumulation, whereas English ideas of individual ownership remained very strong until eventually, under the secure protection of a state that was effective without being oppressive, they proved conducive to the emergence of the world's first industrial society.

Macfarlane has long argued that the crucial indicators of modernity, as specified by the classical social theorists, were present in England as

far back as records allow us to delve. His contribution to this volume extends the argument in two main ways. First, he inserts legal concepts of property at the centre of his analysis, documents them in the history of ideas, and assesses what causal weight they can bear. Second, he introduces a fascinating comparison with Japan, seen as the other prime example of a successful, original path to industrialization. At the heart of the comparison lies an element of geographical determinism: both these island societies were relatively protected from the depredations of foreign armies and the threat of a large standing army at home. Although Tokugawa authoritarianism provided a less optimal framework than the balance achieved in England, he argues that the countries developed similar structures for holding and transmitting property. These included primogeniture, the location of the 'controlling interest' in a lord rather than in a family, and the widespread use of adoption to emphasize that the family is, in any case, an artificial corporation rather than a descent group. The argument will surprise those who associate Japan with a collectivist ethic that stands sharply opposed to the individualism of the English: but Macfarlane seeks to show that in the actual workings of their property relations, the Japanese structures were in fact highly individualistic in very much the English sense. Contract was more important than birth, and the 'nexus between family and land' was broken. Like Carrier, Macfarlane stresses the need to distinguish the level of practices from an ideal legal or cultural logic. Like Marx, he emphasizes that property relations are necessarily *political* relations, and that the liberal individualist paradigm can only function when the state provides the stable framework for it to do so.

Whatever the continuities in the English legal tradition, by the eighteenth century England was exporting a modern conception of private property all over the world. Lands were appropriated from native peoples who, because they did not work the soil as farmers, were not considered to have sustainable claims of ownership. Paula Wagoner in chapter 6 chronicles the crucial phases of the history of land appropriation in one county of South Dakota, where the natives have to this day failed to find a secure place for themselves in the American Dream. European settlers had a radically different relationship to the land from the spiritual bonds which were vital to Indian identities. Since the end of the nineteenth century people's legal relationships to the land on which they lived have undergone numerous changes as a result of changing state policies. Wagoner describes the factors which have caused economic conflicts to be perceived in terms of blood and race. Nowadays 'mixedbloods' are in the best situation to strategize, claiming Indian identity as, for tax reasons, they remove their land from deeded status

into trust. 'Fullbloods' fear losing control of their reservation to wealthy mixedbloods who are phenotypically and culturally non-Indian. However, non-Indian farmers and ranchers also fear losing their land as a result of government policies that have moved away from assimilationist thinking to endorse ideas of self-determination for indigenous people.

The British colonization of Cyprus after 1878 undermined the complex indigenous system of property relations that had developed while the island was part of the Ottoman empire. Land was increasingly commodified in the colonial period, and modern English notions of proprietorship were introduced in 1945 through legislation that was designed to promote the consolidation of private landholdings by independent farmers according to the standard precepts of the liberal property paradigm. Yet, as Polanyi argued in general terms and as many other ethnographers of Cyprus have confirmed, land is always more than just another commodity, its 'markets' rather more complicated than the market for lemons (one of Cyprus's principal contemporary exports). Migrants frequently hang on to the village plots they have left behind, or inherited from parents and grandparents, because they see them not as parcels of real estate but as their patrimony – an essential part of their personal and familial identities. Julie Scott's analysis of property issues in chapter 7 focuses on the dislocation caused by the *de facto* partition of the island in 1974. Many members of both the Turkish and the Greek communities were obliged to flee their homes and move to the other side of the island following military action which is presented by the Turkish side as a 'peace operation' and by the Greeks as an invasion. The government of the Turkish Republic of Northern Cyprus has drawn up complicated schemes to compensate refugees as fairly as possible; but the provision of secure title is no easy task for the authorities of an internationally illegitimate state. Scott's material brings out the importance of competing ethical justifications for landed property, and also of the political context, both internationally and locally. The 'legitimizing systems' include a macro level where Turkish and Greek historiographies of the island highlight different phases of the past, and micro levels where rights earned through labour may clash with the realities of political clout. Property claims in Northern Cyprus can be taken to legal tribunals for resolution, but access to informal social and political networks (*torpil*) is often more effective. The operation of the land markets (including the related markets for 'points', and payments for 'goodwill') is largely consistent with the predictions of a modern economist (or, for that matter, a pre-modern philosopher): for example, it is confirmed that people who do not hold secure title are less

likely to invest in their property to improve it. But this logic tells us little about how the meanings of land in the context of previous social relations, together with ideas about 'the other world', continue to affect economic behaviour in ways that cannot be reduced to an economist's 'rational choice' model.

In chapter 8, Katherine Verdery examines new forms of property relations in a Transylvanian village that she has been studying since the 1970s. Her data show that, in the chaos and confusion that exist at local level, members of the old communist elite are in a good position to maintain their dominance. Their former political power, as leaders of collective farms and local councils, now has to be converted into economic power based on the ownership of land. The extent to which they can succeed in this conversion of power depends to some extent on their ability to hijack the moral sentiments of villagers in debates over the legitimacy of competing property claims. When Verdery suggested to a Romanian judge (in classic liberal fashion) that further 'disambiguating' of property would be in the overall interest of society, she was told that, while this might be true in theory, in practice the conditions for this liberal blueprint were not met. Legal decisions inhibiting the emergence of exclusive private property have strong support in popular opinion, which does not approve of resources that were accumulated by the collective labour of large numbers of villagers passing into private ownership. These are the moral debates that have raged throughout Eastern Europe. Verdery finds that sharper definitions of private property rights are favoured by some of the less powerful as well as the powerful. There is a strong aspiration to private ownership, but at the same time most villagers seem to favour maintaining the security and social entitlements of the old regime. The eventual outcomes will be the result of complex local social relations and political processes, and Verdery emphasizes the futility of legislating exclusive private property rights in land when almost everything in the political environment mitigates against the effective exercising of such rights.

In chapter 9 William Howarth contributes a valuable non-anthropological perspective to this volume. He is a specialist in environmental law who, like Verdery, has worked recently in Romania. He begins, however, by offering intriguing glimpses of how the law operated in environmental cases in earlier periods of English history and in contemporary East Anglia. The historical precedents for environmental protection in the English common law tradition are based on the demonstration of private property interests. The continuous development of civil law remedies has been impressive, but Howarth argues that this tradition has been insufficient and is incapable of meeting the challenges posed by

environmental protection today. This deficiency can be made good only through supplementing *private* remedies, for which it is necessary to establish a 'property interest', with effective *public* regulation. If remedies require the establishment of a property interest and take only quantifiable private liabilities into account, then the wider public interest will not be served. Preventability can be achieved only through proactive regulation, the use of licences and the criminalization of offences. In modern European legislation the '*activity* orientation of the criminal law is in marked contrast to the *property* qualification of the civil law of nuisance' (p. 193).

Howarth then reaches a similar conclusion, namely the desirability of some combination of private rights and public regulation, from a consideration of the very different case of Romania. Here a system ostensibly committed to public regulation through state ownership, along with all its other deficiencies, did little to avert serious pollution of the natural environment. It is therefore understandable that many Romanians, enthusiastic about land privatization, should look to a strong system of private rights as the effective antidote. But Howarth's analysis of England persuades him that the private, civil law tradition does not have all the answers. Ideas of 'ecological proprietorship', based on extreme doctrines of private ownership, are unhelpful in practice. Some convergence to achieve an appropriate balance of public, political regulation and private, individual rights is the best strategy for improved environmental protection. This need to strike the right balance between statutory intervention and 'freedom of contract' can also be understood as a modern variant of the balance between the inclusive and the exclusive aspects of property, as these terms are used by Carrier.

Jack Goody opens chapter 10 with a review of the tradition of anthropological writing about property and of the paths he himself has followed in a lifetime of pioneering research. He then proceeds to explore how the intergenerational transmission of property is currently affected by a range of social changes in modern Britain where rapid increases in divorce rates and the high incidence of single parenthood are bringing a revolution in family life. People are understandably reluctant to devolve their property to their children if there is a strong likelihood that a large part of it will be lost to in-laws following the dissolution of a union. Absent parents have been notoriously unwilling to contribute to child maintenance, and the overall consequence has been to generate massive demands on public funding. The claims of single parents might be seen as a modern form of 'demand sharing', but Goody points to the strength of popular and political reaction to these claims: they are not seen as legitimate. He argues that these dilemmas

could be significantly alleviated if the property that persons brought into a union could remain attached to them, as in traditional dowry systems. He also recommends maintaining precise property inventories during a union, as a means of avoiding expensive recourse to formal litigation when unions break up. Far from reducing women to the status of 'thing', Goody suggests that sex-linked, individualized transmission of property offers women rights and entitlements superior to those they enjoy in practice in modern Western societies. He poses the question whether non-Western models of the family, in which close attention to property transmission has not been displaced (at least superficially) by an ideology of romantic love, might have more to offer the world than the contemporary Western model.

Goody has done more than any other contemporary anthropologist to draw attention to the importance of the ownership and transmission of material property in human social life. The material he presents in this chapter brings us back again to the questions of historical transformation that preoccupied Marx, Mauss and Polanyi. All of these scholars, in their different ways, drew distinctions between predominantly inclusive systems of property relations and the exclusive systems that they saw as originating in the early modern West and then spreading to the rest of the world. Whereas Karl Polanyi posited a great transformation at the onset of capitalist market societies, and published his major work just before Britain's commitment to the establishment of a welfare state, the implication of Goody's argument is that this much expanded role of the state is itself the cause of a further, more radical disembedding of economic life from previously established personal and group contexts. The problems that Goody addresses are a consequence not so much of the rise of the principle of *exclusive* private property, but of the expansion of *inclusive* property relations by the welfare state to remedy the defects of possessive individualism. To phrase the problem in concrete human terms, in a society of high divorce rates, why should I be willing to make *inter vivos* transfers of property to my children? But if I do not, my retention of one form of property may jeopardize my benefiting from another, e.g. it may limit my entitlements to welfare provision, including hospital care in my old age. The proposal to reinstate dowry payments would alleviate such dilemmas, and also the burden on the anonymous public of taxpayers. This would amount to a *reintegration of the personal*: the closer specification of exclusive, individual property would seem to be a form of re-embedding appropriate to a mature industrial society.

This argument suggests a rethinking of the theories that link the Great Transformation to the industrial revolution and to the rise of private property. Polanyi's problem was an economy that had escaped from the

social and political controls in which it had been embedded prior to the emergence of the self-regulating markets of industrial capitalism. This disembedding of the economy can be understood as the triumph of the 'short term transactional order', in the terms of Parry and Bloch (1989), or of 'exclusive' property relations, in the terms of Carrier's dichotomy. But Goody's problem is an intolerable and unsustainable form of *inclusive* property relations. The state's assumption of sweeping welfare responsibilities has neither undermined the ideological predominance of the liberal paradigm, nor led to the desired re-embedding, to the effective replication of a hunter-gatherer ideal in late capitalist society. Instead it has contributed to an erosion of fundamental interpersonal responsibilities and to the weakening of social cohesion at the micro, familial level, a level to which the earlier Great Transformation did not fully penetrate. For Goody, it would seem that a more exclusive form of property, tying material objects to particular individuals, is needed in order to bring us back to an embedded economic system. A renewed emphasis on individuation can be variously seen as a renewal of the traditions of agrarian society, as the culmination of Polanyi's Great Transformation, or as the beginning of a new trajectory of evolution.

In the final chapter, Marilyn Strathern juxtaposes some specifically modern problems of property in America with contemporary ethnography from the New Guinea Highlands and predicts a more general 'explosion of concern with ownership'. She opens with a discussion, based on a recent legal case in Tennessee, of the difficulties involved in determining whether cryopreserved embryos can be considered as property or as persons, and links this to a consideration of intellectual property rights and the ownership of knowledge. Strathern dissociates herself from the 'Maussian model' criticized by Carrier, and is in turn critical of the way her fellow Melanesianist simplifies relationships between people and objects. In her view, his story about free trade in sago does not sustain the claims he makes for it, if due attention is paid to local cultural meanings and we refrain from imposing Western ideas about exclusive possession. For Strathern, following Annette Weiner, a better place to start in developing a comparative analytic model of property is with models of reproduction and bodily procreation. Melanesian systems are 'geared to producing persons through the production of things'. Pigs are raised jointly by men and women, and only a culturally inappropriate Western preoccupation with a narrow conception of production could lead to the conclusion that female effort is exploited by men. In the story Strathern tells about a woman called Kanapa, whether a particular pig will be sold as a commodity or exchanged as a gift depends upon how local beliefs about ghosts and

sickness together with concepts of motherhood are brought into play. This then forms the basis for a comparison with the would-be mother in Tennessee.

Strathern uses this material to express a more general concern that anthropologists should be self-conscious about their vocabulary when they use terms such as 'property' and 'ownership'. It is important to historicize our conceptual tools as well as the societies we study, and selecting particular items of vocabulary from another era may prove fruitful. She finds an unlikely affinity between Melanesian ideas about persons and some of the quasi-legal tools now being developed in late twentieth-century Euro-American societies to deal with new life forms, traffic in body parts, and the management of knowledge. 'Generative' Melanesian models are more appropriate to the post-industrial Western world than outdated models of private ownership and possession. Strathern is here not merely challenging one powerful analytic construction, the Western liberal paradigm of property, with a relativist argument that the specific Hagen case does not fit this model. She moves from this case to propose an alternative analytic framework altogether. In contrast to Carrier's use of the inclusive/exclusive dichotomy, for her the term 'inclusive' refers to a radical sense of 'self-propriety'. She is also critical of those feminist responses to new reproductive technologies which remain constrained by Western dualisms. Strathern stops short, however, of rejecting the construct of property. Her work is consistent with the approach to property relations that I have followed in this introduction and her conclusions, that 'dispositional control', rights in other people, and (non-commodity) rights in one's own body are all to be considered as forms of property, are innovative extensions of the anthropological tradition. Like David Anderson in chapter 3, Strathern is drawing attention to the different ways in which things may be conceptualized, owned and used by a non-Western people in the course of constructing personal and collective identities. The argument that some aspects of contemporary property relations in the West may be better understood through a Melanesian model provides a stimulating conclusion to this volume and one which opens up many avenues for further research. I would only add that I see the concern with cultural differences and the rigorous questioning of Western models as complementing, and not invalidating, the efforts of other anthropologists to prioritize issues of distribution and political economy, and thereby to sustain traditional concerns with sharing and exclusion, equality and hierarchy, power and social justice. Whatever the languages used to express them, these are the universal concerns of property and they are shared by the people we study.

Conclusions

'A man's property is some object related to him. The relation is not natural, but moral, and founded on justice. It is very preposterous, therefore, to imagine that we can have any idea of property, without fully comprehending the nature of justice, and showing its origin in the artifice and contrivance of men' (Hume 1962, II: 196).

I have tried to argue in this introduction for the renewal of anthropological approaches to property relations. The approaches followed in this volume are wide-ranging, but they have some unifying characteristics. Above all, they show that some very powerful models of property relations in the modern world are too simplistic. This applies both to the dominant liberal paradigm, which asserts the virtues of exclusive private ownership, and its Marxist rival, which claims that state ownership can provide a viable alternative. Both paradigms elevate a property doctrine into a fundamental principle of social organization. In each case adherents of the paradigm believe that their property doctrine offers the optimum reconciliation of liberty with economic efficiency, and of both of these with 'justice' in David Hume's sense.

The liberal paradigm is predicated on a separation of political, economic and legal spheres. This is a separation which analysts must take seriously: property rights in an advanced capitalist economy with a well-developed legal system certainly differ greatly from property rights in post-colonial or post-communist societies, where the institutional context is entirely different. The arguments put forward by economists for closer specification of property rights, for the elimination of ambiguity, also demand to be taken seriously. Yet the contributions to this volume draw attention to the sense in which this separation is fictitious – a myth which has real, material consequences, but nonetheless remains a myth. Real societies are functionally diffuse, and the apparent rigor of the liberal emphasis on separation must also be seen as a thin disguise for unequal power relations. Critics of the liberal paradigm may reciprocate the call for rigor, emphasizing not separate social spheres but the need for precision and transparency in the actual distribution of social entitlements. They can argue that the rigor espoused by economists and lawyers of the 'free markets and pure private property' persuasion leads to obfuscation and blurring of these distributional issues. In any case, no matter how far a society commits itself to implementing the liberal or the communist doctrine in all their purity, some 'ambiguities' are bound to remain, because the very concept of property continues to defy exact circumscription. At the end of the day, every liberal lawyer must acknowledge that juridical concepts are

necessarily bound up with questions of embedded cultures and political economies. It is one thing (and a very significant one) to achieve a legal ruling such as the Mabo Judgement, but quite another to follow this up with concrete steps in the modern Australian polity to ensure that Aborigine claims are met across the full range of their entitlements. It is one thing to emancipate slaves and turn native Americans into allotment-holders, but quite another to create the conditions in which blacks and Indians can enjoy the conditions of democratic citizenship in the United States of America. It is one thing for post-communist states to legislate the return of collectivized farmland to private peasant ownership but quite another to implement this legislation, and something else again to empower those peasants in other domains of property in which, as they are increasingly aware, their rights and capacities were greater under the *ancien régime*.

As they have done for a long time, anthropologists will continue to trespass in neighbouring fields and to borrow ideas and vocabulary (including talk of 'rights', 'capacities' and 'entitlements') from adjacent disciplines. Perhaps in future anthropologists will come to draw more on traditions other than the Western, but most borrowings to date have been from this one broad stream. There is scope here for still more cross-fertilization. The most cogent modern contribution to debates about property to my mind remains that of the political theorist C. B. Macpherson (1962, 1978) who has argued for an updating of liberalism in terms of a 'new paradigm', based not on Locke and an individual's right to exclude others, but on the right *not to be excluded* from what he terms the 'means of labour'. This guarantee of access can be understood theoretically as a political problem of democratic control. Anthropologists can explore this problem ethnographically in terms of both concepts and practices in every type of collectivity, from families and small groups through all kinds of workplaces and associations, public and private institutions, to the 'sovereign nation-state' and beyond. Whatever the focus, the concrete empirical nature of modern anthropological research affords a closer understanding of human needs and of the property aspirations of real, flesh and blood individuals. The exact mix of inclusive and exclusive forms will continue to evolve. Calls for a 'reintegration of the personal' in contemporary societies may require the strengthening, at some levels, of exclusive links between people and things; but this need not be inconsistent with the call for democratic control at other levels.

Finally, in an elegant formulation, the historian Perry Anderson has described property as 'the nodal intersection between law and economy', linking the two in all social formations:

juridical property can never be separated either from economic production or politico-ideological power: its absolutely central position within any mode of production derives from its linkage of the two, which in precapitalist social formations becomes an outright and official fusion (1974: 404–5).

There is no doubt that the modern attempt at fusion known as Marxism-Leninism failed to achieve socially acceptable levels of economic performance or freedoms. Yet the contributions to this volume suggest that aspirations to fusion are unlikely to disappear. As the 'thinginess' of property gives way to a broader conception of the entitlements of citizens, it seems likely that there will be more pressure to abandon liberal chimeras and to recognize explicitly that the distribution of property is necessarily a function of the overall political organization. Anthropologists have always understood this and emphasized the interconnectedness of social phenomena. Linking their analyses of the political economy of property with investigations into culturally specific relationships and values, they are well placed to chart the fusions of our common, post-liberal, post-capitalist futures.