

Words Poorly Used #121 — Property Rights

Property is. Property rights are an abstraction. One wonders why so many reams of paper and buckets of ink have been squandered on this most evanescent of concepts. (Here refer readers to “Ozymandias” and the idea that “you can’t take it with you“.)

I just listened to Episode 1047 of the Tom Woods Show, wherein Tom kicked around the ideas of property rights with Professor Gerard Casey.

After listening intently, I’ve come to the notion that property rights cannot be defined in advance of actual cases. Whether someone owns a thing is entirely dependent on his or her ability to perfect a claim. The laws of the land have been less than utilitarian in this matter (else, for instance, eminent domain would be a dead letter). Property ownership is not an abstraction, it is made of concrete. The only principle I can abstract here is: possession is 9/10 of natural law. The converse of this is that if one claims a thing (place, thing, or event) then one must show voluntary control of that thing. For instance, if a cowperson owns a 10,000 acre ranch in Texas, abstract questions of control arise by the bushel. If he or she is managing a large number of cattle, changing locations more or less regularly, then I say the property is in control, but that opinion is subject to the facts of the case. Does anyone know of a ranch that is being overrun by interlopers?

— Kilgore Forelle