

## *The Meaning of Property in Things*<sup>†</sup>

Bart J. Wilson\*

Smith Institute for Political Economy and Philosophy  
Economic Science Institute  
Chapman University

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*Abstract:* What is property, and why does our species happen to have it? In this article I explore how *Homo sapiens* acquires and cognizes the custom of property and why this might be relevant to understanding how property works in the 21st century. I first support the claim that property is a universal and uniquely human custom and then I argue that humans locate the meaning of property within a thing. Using philosophy of property law and actual property disputes, I also explain (a) how my theory generates a testable hypothesis, (b) how the bundle of sticks metaphor inverts how we cognize property, and (c) how social scientists, particularly economists, can no longer think about property as an external constraint imposed upon an individual.

*Key Words:* property, property rights, chattels

JEL Codes: K00, K11

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\* Email: [bartwilson@gmail.com](mailto:bartwilson@gmail.com)

## The Structure of the Argument

### Part I

#### 1. Claim and Title

*Property is a Universal and Uniquely Human Custom  
Humans Locate the Meaning of Property within a Thing*

#### 2. All Animals Use Things, Specifically Food

*Food is Unlikely to be the Original Object of Property  
Tools Have Potential Because of How We Make and Use Them  
Symbolic Thought Makes Meaning Possible  
And Meaning Makes Composite Tools Possible*

#### 3. Primates Socially Transmit Tool Practices, but Humans Share Meaning-laden Customs

*Tool Use is Embodied Knowledge  
And Property Embodies the Claim, "This is Mine!"  
Humans Socially Transmit Property with Moral Force*

#### 4. The Custom of Property is Physically Contained

*Etymology Evidences Both Custom and Containment  
And a Linguistic Convention Emerges with the Tiny Word 'In'  
The Semantics of 'In a Thing' Physically Contain Property  
Eventually the Use of 'Property in a Thing' Wanes  
But 'Property in a Thing' Conveys More Meaning Than 'X is my Property'*

### Part II

*The Language of 'Rights' Muddies the Meaning of Property  
And the Concept of 'Possession' Discards Mind and Custom*

#### 5. My Theory Unites Modern Philosophies and Shores Up their Weak Points

*The Neo-Lockean Theory Invokes Custom but Doesn't Go Far Enough  
Exclusive Use Cannot Explain Property as a Scheduling Pattern  
Kantian A Priorism Cannot Account for the Moral Significance and Transmission of Property  
And the In Rem Theory is Too Simple*

#### 6. Disputes Explicate How We Cognize Property, Out of Which a Clear Rule Emerges

*The Custom for Created Goods is First-in-Hand  
Especially if the Thing is Your Creation  
But also if the Thing is in the Common State Placed by Nature  
The Custom may Evolve to First-to-Work-Upon, if Costs are High  
Firstness doesn't Matter if Location Priorly Matters  
If You have Property in Y and X is in Y, You have Property in X in Y  
The Rule is that Simple  
And a Difficult Case Indicates How to Test the Rule*

#### 7. Economics then is about Property, not Property Rights

*The Language of 'Property Rights' Contains a Tacit Assumption  
Property is a Fundamental Principle of Economics  
Property Rights are the Expectations Defined by Property, Not the Content of Property  
Property Rights are Unidirectional but Human Action is Bidirectional*

## Part I

### 1. Claim and Title

Property is a universal and uniquely human custom.

Initial reactions to this short claim will differ. Cultural relativists will reflexively cringe at the notion of property being a human universal. Their counterclaim is that property is a modern Western hegemonic construction. Biologists will immediately search their mental databanks for a counterexample in the animal kingdom. There must be at least one other species besides *Homo sapiens*—a primate for sure, or perhaps a dolphin or a scrub jay—that exhibits, at least on occasion, some behavioral patterns of property. Legal centralists, which includes most ordinary people and social scientists, will at first take pause at, if not take issue with, the idea of property as mere custom, for governments surely institute and enforce the rules of property.<sup>1</sup> Philosophers and lawyers wouldn't first reach for the word *custom* as their substantive of choice. In philosophical and legal treatises, property rests on rights, not custom.

The cultural relativists have a point, but not the one they think. The evidence is clear to midcentury anthropologist George Murdock: “so far as the author’s knowledge goes, [there is property] in every culture known to history or ethnography.”<sup>2</sup> Nearly a half century later in response to widespread denial of human universals, Donald Brown reiterates the claim that all human groups “have concepts of property, distinguishing what belongs – minimal though it may be – to the individual, or group, from what belongs to others.”<sup>3</sup> But these few words are as far as they each go in positing property as a human universal. Ralph Linton is a little more concrete when he says that “all societies recognize personal property in tools, utensils, ornaments, and so forth.”<sup>4</sup>

Cultural relativists would challenge the bases for these claims.<sup>5</sup> Sure, all human groups *use* tools, utensils, ornaments, and so forth, and it might appear to modern Western observers that such patterns of use are consistent with modern Western patterns of uses for what we call property. But how do we know that the Ewe in Africa or the Cree in North America or the Longgu in the Solomon Islands think about property like Anglophones do? The word *property*, relativists would claim, is an Anglo concept with roots in Middle French and ancient Latin.

Perhaps there is something in the definition of the word that would help us apply the concept universally. Consider how the *Collins Cobuild English Language Dictionary* (for learners) defines *property*:<sup>6</sup> “Someone’s property is all the things that belong to them or something that belongs to them.” What does

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<sup>1</sup> These categories are largely, but not entirely exclusive.

<sup>2</sup> Murdock, George P. “The Common Denominator of Cultures,” in *The Science of Man in the World Crisis*, 123-142. Edited by Ralph Linton. New York: Columbia University Press, 1945, p. 124.

<sup>3</sup> Brown, Donald E. *Human Universals*. New York: McGraw-Hill, 1991, p. 140.

<sup>4</sup> Linton, Ralph. “Universal Ethical Principles: An Anthropological View.” In *Moral Principles of Action: Man’s Ethical Imperative*, 645-660. Edited by Ruth Nanda Anshen. New York: Harper & Brothers, 1952, p. 655.

<sup>5</sup> See, e.g., Bell, Duran. “The Social Relations of Property and Efficiency,” in *Property in Economic Context*, Robert C. Hunt and Antonio Gilman (eds.). Lanham, MD: University Press of America, 1998, pp. 29-45, and Neale, Walter C. “Property: Law, Cotton-pickin’ Hands, and Implicit Cultural Imperialism,” in *Property in Economic Context*, Robert C. Hunt and Antonio Gilman (eds.). Lanham, MD: University Press of America, 1998, pp. 47-64.

<sup>6</sup> Available at <http://www.collinsdictionary.com/dictionary/english-cobuild-learners>. Last accessed 2 November 2015. The Collins Dictionary is known for its definitions via the use of the word in simple sentences.

it mean for something to belong to someone? “If something belongs to you, you own it.” So what does it mean to own something? “If you own something, it is your property.” All right then, we’re right back where we started with an Anglo concept, only now defined circularly in terms of two Anglo-Germanic concepts. *Own* is a particularly problematic foundation for understanding property as a human universal.<sup>7</sup> According to the Oxford English Dictionary (OED) the transitive verb *own* is newer than the adjective *own* and has been only in use since the 16<sup>th</sup> century when it began supplanting the use of its relative *owe* in the sense ‘to possess.’

The cultural relativists are right then to be concerned if we Anglocentrically interpret tool use by the Ewe, Cree, and Longgu in terms of belonging and owning to assert that they have property like we have property. Where the relativists go wrong is to leap to the conclusion that whatever is semantically common to *property*, *own*, and *belong* cannot also be found in every other human language. On the contrary, linguists have identified such a semantic element, so primitive, so basic that two-year-olds parse it from adult conversations and readily adopt it. That concept is MINE.<sup>8</sup> But I prefigure.

If universally attributing Anglo-Germanic concepts to humans is fraught with Anglocentricism, then attributing the same concepts to other members of the animal kingdom is even more fraught with anthropocentrism, something about which biologists, and primatologists in particular, are reminded every day at work. Unfortunately, as much as we would like to be more objective and swap out our human-tinted lenses, we can’t because we are humans and not DNA changelings. So to comprehend how animals act in their environments, we must make do with our humanity when interpreting the basics of ‘property’ in nonhumans.<sup>9</sup> Besides, identifying what humans have in common with the rest of the animal kingdom is useful, if for nothing else than it keeps us humble.

To preserve our bodies and propagate our species, we must—like all animals—satisfy our basic impulses to ingest, excrete, and avoid pain, heat, and cold, and such preserving and propagating requires physical matter external to ourselves. Whether the matter is some food, a potential mate, or shelter from the elements, conflicts among conspecifics (the term in biology for members of the same species) are bound to occur when individuals simultaneously desire to satisfy the same impulse with the same rivalrous object. Not every species competes with conspecifics in the same way to satisfy such universal impulses. Conflicts over external objects vary depending upon the ecological niche and the patterns by which individuals of the species group together and move around relative to one another (what C. F. Hockett calls the dwelling and scheduling patterns of the species).<sup>10</sup>

But why are we (and all animals) not instantly combative with every conspecific with whom we are in immediate direct competition for an external object? Because there are costs as well as benefits

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<sup>7</sup> Jeremy Waldron also notes “many ambiguities in the term ‘ownership’” in different legal systems. See Waldron, Jeremy. *The Right to Private Property*. New York: Oxford University Press, 1988, p. 29.

<sup>8</sup> Goddard, Cliff and Anna Wierzbicka. 2016. “‘It’s mine!’: Re-thinking the Conceptual Semantics of ‘Possession’ through NSM,” *Language Sciences*, 56, 93-104.

<sup>9</sup> See, e.g., Brosnan, Sarah F. 2011. “Property in Nonhuman Primates,” *Origins of Ownership of Property: New Directions for Child and Adolescent Development*, 132, 9–22. See also Strassman, Joan E. and David C. Quellar. 2014. “Privatization and Property in Biology,” *Animal Behaviour*, 92, 305-311. A key word search for “ownership” in the database for *Animal Behaviour* yields results for 356 different papers.

<sup>10</sup> Hockett, C. F. *Man’s Place in Nature*. New York: McGraw-Hill, 1973.

to any fight, and any species that does not internalize these individualized costs will not remain a species for very long.<sup>11</sup> As every species evolves, it stumbles upon the many behavioral margins for the conditions under which to fight or not with conspecific competitors over food and mates. Through very slow feedback and innovation, species-wide patterns of actions form to govern how individuals engage one another. Thus, the rules and order regarding the use of external objects varies by species depending upon its ecological niche and its dwelling and scheduling patterns.

One problem with conveniently applying human rules to nonhumans is that such concepts are derived from the distinctly human experience of the last 100,000 years. Doing so also leads us to tacitly conclude that there are but minuscule differences between us and the rest of the animal kingdom, for the patterns of actions by which *Homo sapiens* satisfies its animalistic impulses can look like those of other animals. Consider the red squirrel. The biologist Brooker Klugh observes that, just like humans, the red squirrel's "sense of ownership seems to be well developed. Both of the squirrels which have made the maple in my garden their headquarters apparently regarded this tree as their private property, and drove away other squirrels which came into it. It is quite likely that in this case it was not the tree, but the stores that were arranged about it, which they were defending."<sup>12</sup>

Humans, like many birds and every other kind of mammal, have a home range, an area over which an animal travels in search of food.<sup>13</sup> A home range typically contains a dwelling within it and its boundaries may be fixed or fluctuating. The subset of the home range, proper or not, that individuals will fight to defend against conspecifics is called, we all have heard, the territory of an animal.<sup>14</sup> Territory is usually considered to be a form of property. As Klugh notes, animals fight to defend a territory, not for the sake of the territory itself, but for the food, mates, progeny, or shelter within it. Defending territory is the proximate means for satisfying the ultimate impulses to use the objects within it. Humans also fight conspecifics to defend objects within their territories. But we also fight for the sake of the territory itself. Moreover, we do not interlope *for the sake of* not interloping, even if we could use the items in a conspecific's territory. We do not interlope because do not want to think of ourselves as the kind of person who interlopes. And that is not a minuscule difference between us and the red squirrel. That discontinuity is one crucial item in what makes us human.<sup>15</sup>

The other important point to note in comparing red squirrels and humans is that "things" are logically anterior to "territories" for all animals, and things are the focus of this essay. As my argument unfolds, it will also become clear that property in things is temporally and cognitively prior to property in

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<sup>11</sup> Economics 101 and Dawkins, Richard. *The Selfish Gene*. New York: Oxford University Press, 1976, ch. 5. Notice that the answer is not that we are moral beings. Learning not to instantly fight is more the source than the result of our moral insights. See Hayek, F.A. *The Fatal Conceit: The Errors of Socialism*. Chicago: University of Chicago Press, 1988, p. 21.

<sup>12</sup> Notice the use of the terms *ownership* and *private property*. Klugh, A. Brooker. 1927. "Ecology of the Red Squirrel," *Journal of Mammalogy* 8, 1-32.

<sup>13</sup> Burt, William H. 1943. "Territoriality and the Home Range Concepts as Applied to Mammals," *Journal of Mammalogy* 24, 346-352.

<sup>14</sup> Burt (1943).

<sup>15</sup> My thinking on this has evolved considerably since my early forays into property in DeScioli, Peter and Bart J. Wilson. 2011. "The Territorial Foundations of Human Property," *Evolution and Human Behavior*, 32, 297-304, but much less so from Kimbrough, Erik O., Vernon L. Smith, and Bart J. Wilson. 2010. "Exchange, Theft, and the Social Formation of Property," *Journal of Economic Behavior and Organization*, 74, 206-229.

land. Rather than starting with the more difficult cases of land, effluents, and riparian zones, I aim to develop an uncontentious core for how we cognize property in things that gives the more contentious cases the significance they have.

As with territories, there is a gulf between humans and other animals in how we regard the property of things as we go about satisfying our impulses. The source of that gulf is symbolic thought.<sup>16</sup> Symbolic thought is what makes many uniquely human capabilities possible: language, creativity and innovation, art, and trade, and symbolic thought is likewise what makes property a uniquely human custom.<sup>17</sup> But I again prefigure.

If there is a gulf that separates nonhumans from humans regarding property of things, the chasm need not extend all the way from nonhuman patterns on the one side to government-instituted and -enforced property on the human other side. Some birds, many mammals, most primates, and all humans pass on patterns of actions to successive generations of progeny.<sup>18</sup> When the patterns of actions are not acquired from the genes of the parent, but handed down from teachers who were likewise habituated to the same actions by their teachers, different social groups within a species will have different patterns of actions because the learning of the practices is social and not genetic. The brown-headed cowbird, a brood parasite, passes along different courtship songs that cannot have been transmitted genetically; bottlenose dolphin cows pass along different foraging techniques to their calves; and orangutans in certain locations manufacture and use tools to extract food that orangutans in other locations do not make and use, despite living in the same ecological conditions.<sup>19</sup> The common feature to all nonhuman practices regarding food and mates is that the practice consists in learning how to acquire something. Only human practices regarding things consist in learning from a mentor how *not* to acquire something from someone else. Thou shalt *not* steal. Play nice, Johnny.

All human groups use the logical concept of NOT; no linguist has ever studied a language that does not contain the grammar to negate.<sup>20</sup> The other side of the symbolic threshold is not simply the capability to negate how we go about acquiring things to use. Our acts to acquire things are also judged, for their own sakes, to be good or bad. Every language can express the simple, indefinable-except-of-themselves concepts of GOOD and BAD.<sup>21</sup> In other words, another discontinuity with nonhumans regarding things is that human practices are moral practices. Tens of millennia before there were governments, humans

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<sup>16</sup> Deacon, Terrence W. *The Symbolic Species: The Co-evolution of Language and the Brain*. New York: W.W Norton & Company, 1998. For my purposes, it is sufficient to use symbolic thought and abstract thought interchangeably.

<sup>17</sup> Brown (1991); Bickerton, Derek. *Adam's Tongue: How Humans Made Language, How Language Made Humans*. New York: Hill and Wang, 2009; Ridley, Matt. *The Rational Optimist: How Prosperity Evolves*. New York: Harper, 2010; Dutton, Denis. *The Art Instinct: Beauty, Pleasure, and Human Evolution*. New York: Bloomsbury Press, 2010; and Wilson, Bart J. 2015. "Humankind in Civilization's Extended Order: A Tragedy, The First Part," *Supreme Court Economic Review*, 23(1), 35-58.

<sup>18</sup> Hockett (1973).

<sup>19</sup> Fragaszy, Dorothy M. and Susan Perry. *The Biology of Traditions: Models and Evidence*, New York: Cambridge University Press, 2008.

<sup>20</sup> Brown (1991) and Wierzbicka, Anna. *Semantics: Primes and Universals*. New York: Oxford University Press, 1996.

<sup>21</sup> Goddard, Cliff and Anna Wierzbicka. *Meaning and Universal Grammar: Theory and Empirical Findings, Volume 2*. Philadelphia: John Benjamins Publishing Company, 2002.

were teaching each other what not to do regarding the use of things. No human is born good; all must be taught by their mentors the customs to become so.

The central question of this paper is how we comprehend the meaning of property as a custom. One consequence of this project is that it dispels the modernocentric myth that “governments must *grant* rights before it can enforce them.”<sup>22</sup> If we think of property as a custom tens of millennia in the making, then I think a judge can adjudicate a concrete conflict regarding the content of the custom without a legislature positively granting anything. But I prefigure anew.

If, as I will argue, property is a custom about as old as our species itself, then reading into the world the concept of rights to discursively describe property might give us some pause for anachronistic concern. I say this with some trepidation and fear that I might lose a key audience before I even start. Permit me to explain. I understand what philosophers, lawyers, and philosopher-lawyers mean when they say, for example, that property is “the right to determine how a particular thing will be used,” or “the right to exclude others from a valued resource,” or “a right to a thing.”<sup>23</sup> And I understand what *X* means, where *X* is a thing, excluding others from a valued resource, and determining how particular things will be used. But what is not immediately clear to me is the meaning of *the right to* in *the right to X*.

Leif Wenar in *The Stanford Encyclopedia of Philosophy* defines rights as “entitlements (not) to perform certain actions, or (not) to be in certain states; or entitlements that others (not) perform certain actions or (not) be in certain states.”<sup>24</sup> Similarly, when philosophers Douglas Rasmussen and Douglas Den Uyl refer to a right, they say it is “a claim or entitlement that individuals have for how others will treat them.”<sup>25</sup> All right, what is a claim or an entitlement? Again dictionaries like the *Collins Cobuild* are dizzyingly unhelpful:

- “A **claim** is a demand for something that you think you have a right to.”
- “If you have a right to do or to have something, you are morally or legally entitled to do it or have it.”
- “If you are entitled to something, you have the right to have it or do it.”

Yet there must be more to the meaning of *right* and *entitle* for Sir Edward Coke to say that “every right is a title, but every title is not such a right for which an action lieth.”<sup>26</sup> Jeremy Waldron says that the idea of rights is “the idea that people have certain key interests...which they are not to be required to sacrifice, and which therefore may not be overridden, for the sake of the collective welfare or other goals

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<sup>22</sup> Sened, Itai. *The Political Institution of Private Property*. New York: Cambridge University Press, 1997, p. 6.

<sup>23</sup> Penner, J.E. *The Idea of Property in Law*. New York: Oxford University Press, 1997, p. 5; Merrill, Thomas W. 1998. “Property and the Right to Exclude,” *Nebraska Law Review* 77, 730-55, p. 730; and Smith, Henry E. 2012. “Property as the Law of Things,” *Harvard Law Review* 125, 1691-1726. See also Schmidtz, David. 2012. “The Institution of Property,” Available here: <http://www.davidschmidtz.com/sites/default/files/articles/InstitutionProperty2012.pdf>. Revised from “The Institution of Property,” *Social Philosophy & Policy*, 11(1994), 42–62.

<sup>24</sup> Wenar, Leif. 2015. “Rights,” *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), <http://plato.stanford.edu/archives/fall2015/entries/rights/>. Last accessed 17 November 2015.

<sup>25</sup> Rasmussen, Douglas B. and Douglas J. Den Uyl. *Norms of Liberty*. University Park, PA: Pennsylvania State University Press, 2005, p. 77.

<sup>26</sup> Coke, Sir Edward. *The First Part of the Institutes of the Lawes of England*, 1st edition, 1628, i. 345 b.

of their society.”<sup>27</sup> J.E. Penner’s definition contains somewhat simpler constituent concepts: “an interest of sufficient importance to the person who has it to serve as an exclusionary reason guiding the action of others.”<sup>28</sup> Both of these are illuminating explanations but also, it should be noted, post-aristocratic, bourgeois notions of the rights of individual persons, hoi polloi included.<sup>29</sup>

According to the OED, the history of *right* as that which is considered consonant with aristocratic justice is much older (and cognate with Old Frisian, Old Dutch, Old Saxon, and Old High German and comparable to Old Icelandic, Old Swedish, and Old Danish) than the word *right* in having the right to do X. The latter is decidedly post-Norman invasion Middle English, which means it still does not necessarily include the masses. Furthermore, the linguist Anna Wierzbicka suggests that since the Enlightenment “it is likely that the semantic equivalents of *rights* in languages other than English (e.g., *les droits* in French, *prava* in Russian) do not have the same passionate moral connotations as the English word *rights*, associated by the speakers of English with ‘what is the right thing to do.’”<sup>30</sup> The point of this is to simply say that the concepts of entitlement and the right to do X, and the reasons why our species has them, are too modern, too complex, and possibly too Anglo to serve as our species’ mass modest foundation for the emergence of property on the Pleistocene plain. Moreover, it matters for how social scientists theorize, philosophers philosophize, and judges opinionize about property in the 21<sup>st</sup> century that we comprehend its meaning in a way that is consistent with how our species acquires and cognizes, by which I mean perceives and knows, the custom. And with that I desist with the prefiguring.

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We have traversed some extensive terrain in this introduction. If I am guilty of prolixity, it is because I wish to pique the interest of readers from several disparate tribes about a problem about which I find social scientists, and economists in particular, to be strangely incurious, viz., explaining what property is and why their species happens to have it. Moreover, I find a notable lacuna in philosophical and legal scholarship concerning how the emergence of property in our species might be relevant to understanding how property works today.<sup>31</sup> So I thought I would breach the borders of anthropology, archeology, biology, cognitive linguistics, economics, law, and philosophy, not to steal or disfigure their ideas, but to mate them à la Matt Ridley’s *The Rational Optimist*.<sup>32</sup>

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<sup>27</sup> Waldron (1988, p. 13).

<sup>28</sup> Penner, J.E. *The Idea of Property in Law*. New York: Oxford University Press, 1997, pp. 13-14.

<sup>29</sup> McCloskey, Deirdre. *Bourgeois Equality: How Ideas, Not Capital or Institutions, Enriched the World*. Chicago: University of Chicago Press, 2016.

<sup>30</sup> Wierzbicka, Anna. *English: Meaning and Culture*. New York: Oxford University Press, 2006, p. 317. See also Carbaugh, Donal. *Talking American: Cultural Discourses on Donahue*. Norwood, NJ: Ablex, 1988.

<sup>31</sup> Jeffery Stake discusses how animal behaviors resemble property in humans, but not how the custom emerged in our species. See Stake, Jeffrey E. 2004. “The Property ‘Instinct’,” *Philosophical Transactions of the Royal Society of London: Biological Sciences*, 359, 1763–74.

<sup>32</sup> This excellent book, written by a biologist, is a key motivation for this paper and one of the best introductions to economics for students. After writing several books explaining how *Homo sapiens* is like every other species on the planet, Ridley posits that routinely exchanging one thing for another is a unique human propensity. I don’t think it’s a coincidence that property in things is also unique to humans; see Wilson (2015).

Building upon the introduction, the remainder of the paper develops my claim about what property is by integrating nearly every word of the paper's title into the argument.<sup>33</sup> Claim and title go hand in hand.

Getting to meaning in a title will take a little time, for it relies on first establishing the universality and uniqueness of the custom in humans. Section 2 discusses how nonhuman animals use tools, the gulf between their uses of tools and ours, what symbolic thought is, and how symbolic thought explains this discontinuity with the rest of the animal kingdom. The next section explains how custom emerges out of the social practice of tool use in primates when symbolic thought is applied to it. Section 3 also develops the thingness of property as a custom.

The class of words most likely to be overlooked in a title is the preposition. While I will briefly touch on *of*, as well as *to* and *for*, as examples of the mighty unsung and inversely proportional work that prepositions do in language, the focus of Section 4 is on the cognitive contribution of the word *in*. My working supposition throughout this paper is that language reflects and reveals the unconscious principles of the mind.<sup>34</sup> As Wierzbicka says, "looking into the meaning of a single word, let alone a single sentence, can give one the same feeling of dizziness that can come from thinking about the distances between galaxies or about the impenetrable empty spaces hidden in a single atom."<sup>35</sup> I posit that an English language convention arose, and now has largely fallen out of use, for dealing with the formidable, yet beautiful, complexity of the meaning of property. The burden of my argument is to show that while this convention lasted for only 500 years, less than 1% of the time our modern species has roamed the planet, it provides an insight into how humans universally and uniquely cognize property. And my argument is this: humans locate the meaning of property within a thing.

In Part II I unite and critique several philosophies of property in light of this thesis. I also reconsider several prominent court cases involving property to work through how my theory can be used to think about property disputes. Out of this emerges a testable implication of the theory. Finally, I discuss the implications for economics and its treatment of property rights, not property. First of all, the bundle of sticks metaphor inverts how humans cognize property. Secondly, we can no longer think about the rules of property as mere external constraints imposed upon an individual.

*Please email me at [bartwilson@gmail.com](mailto:bartwilson@gmail.com) to request the rest of the paper.*

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<sup>33</sup> The sole exception is the initial definite article, which I obligatorily include to conform to the English grammar convention of connoting the uniqueness of the noun phrase that follows.

<sup>34</sup> Pinker, Steven. *How the Mind Works*. New York: W.W. Norton & Company, 1999.

<sup>35</sup> Wierzbicka (1996, p. 233).