

# Private Property, Exclusion and the State

Any reasonable analysis of capitalist societies must include a critique of private property in the means of production. Most Marxists would agree. But it takes two to tango. The capitalist mode of production cannot be completely self-sufficient. It's ridden with prerequisites, and it is the state that introduces and maintains these prerequisites. Contracts can serve as examples: Any contract that is executed depends on the assumption that the contractors will stick to its specific terms and conditions. The state imposes sanctions for breach of contract. If it wasn't for these sanctions, contracts would not be counted as the near-guarantee that they are taken for. This is a fundamental example of how any economic activity depends on the state, mostly in cases of non-compliance.

Below are a couple of arguments about why and how capital depends on an overarching power. First of all, a nation state's primary concern is providing for the necessities of the market instead of using the market to make profit. This power, the modern or democratic state, sets the rules and makes sure that they are complied with (and thereby guarantees these rules). Without these rules capital cannot function. Private property serves here as a prime example. This text is directed against two notions. Firstly, the idea that the often denounced capital can be cleanly separated from a somewhat neutral state. Secondly against the notion, that the state becomes a right-leaning instrument of the capitalists -- but only due to bad influence of bad capitalists. Let's start with the economy. The goal of the capitalist mode of production is the production of capital itself, as an end in itself. As capital is not a real subject, it needs an agent: that is the capitalists' job. They own money. What allows them to be capitalists is the fact that they own more than they need to cover personal consumption. They have enough money to invest in order to make more of it, i.e.~a profit. Hence they use money as capital. For the capitalist to be able to place her money wherever it seems profitable, she needs to be free to make choices, i.e.~base her investment decisions on her expectation of the outcome. For that, she needs to have total control over her capital. That is the heart of power of disposal over one's own property. Power of disposal is one of the prerequisites for her to act as a capitalist and thereby to enhance the production of wealth -- more specifically, the production of abstract wealth: value in the form of money. This requirement for any capitalist activity is usually taken as a useful quality of goods themselves. But that's a delusion, since property doesn't pertain physically to the good itself. It is a social relation defined by society respectively by the rule. What characterises this social relation? Anyone can dispose of all the things which belong to him. That also implies that he can keep everybody else from using his belongings. It's all up to him what to do with his belongings. And that decision can be made without consideration of what others might need. On the other hand and usually quite unseen, this means that he does not have access to everyone else's belongings. This time he is excluded by the arbitrary decisions others make concerning their "useful things". The cynicism embedded in private property becomes more obvious on a societal level. The aim of capitalist societies is capital accumulation -- everything else is subordinate to that goal. Private property is the first precondition. The worker produces the value of all commodities, but she can only do that if the capitalist lets her use the means of production. And the capitalist employs the worker only in order to use her labour power. The means of production are a sine qua non for any production. In capitalism they are owned by a few. They are at the same time the means of enrichment for a few at the expense of the rest. For most people that means a life, which is not about accumulation of capital, but about a mere self-reproduction. By paying wage, the capitalist pays for the usage of the worker's labour power -- and thereby and thanks to private property for any products made by

the worker. Anything that has been produced by the worker during surplus labour time is the source of the growth of capital. And from that basic production of wealth, the worker is excluded. That describes the fundamental dependency of the whole working class on the capitalist class. That also explains why private property is not so much about one's toothbrush or one's books at home, but about who owns the means of production (Just looking at a world full of disparities in terms of material wealth, the satisfaction of individual needs and desires cannot possibly be the aim of this mode of production -- and even if it were: it then has miserably failed). Most of those on the left and quite a few Marxists have some knowledge about private property and do express some resentment of it when it comes to the means of production. What usually is not part of their critique is how the state established and maintains this legal and social relationship. Nevertheless they would agree that a much more reasonable option than private property seems to be common access -- in one form or another. And common access would matter most for what people are most dependent on: the means of production. But since nowadays it is primarily exclusion that characterises everyone's (It surely makes a difference if someone owns nothing, or if someone owns a place to live and a factory. But even the wealthiest capitalist does not have access to everything, i.e. he too is subject to exclusion.) relationship with private property, this raises a question: Why is this principle of referring to things implemented so successfully, universally valid, and thoroughly accepted? It's a two-part answer. On the one hand is ideology and why people stick to it. What makes so many people, especially the majority of the materially disadvantaged, support or at least accept property? Just a quick side note on this topic: most critics of capitalist society at least indirectly pose the question of workers' support as well. Ralph Miliband for instance acknowledged that in a democratic society people take part in the state's decision-making by voting. But he concentrates on the way he believes that the state helps people to make more obedient choices, to integrate, not to dissent. He does not examine though why some ideologies make so much sense to many people. At the end of the day, people do have their own minds, their own aims and interests. In the ideology they subscribe to, they must be able to find some explanation for questions or contradictions they come across. To explore the other part of the answer: if there is a social relation like property, then as social relation it implies that implies that people act in accordance with it, i.e. generally accept it. This again presupposes its own existence: If there is the question of why people seem to have little to criticise about property, then it has to be in existence already. It is not just there by nature. It is rather the state, that sets the rules in the form of laws. In order to find out more about the role the state plays in reference to private property, the impact of private property on society in general has to be looked at again (The following does not refer to some playful exchange in an exchange ratio that is incidental. It rather implies exchange (and private property) as the one and only form of getting access to almost anything useful.). Any satisfaction of material needs within capitalist societies presupposes exchange. For anything that is needed, there must be something that can be given in order to get what is wanted. Since most people, i.e. ~workers, in the modern world do not own enough, this something to swap is nothing but their labour power. For most people there is a lack of access to almost anything: thanks to private property and exclusion. And a lack of resources to trade with: thanks to the results of private property. One more thing should be noted in terms of the impact of exchange. Anything that Debbie gives, she then cannot swap for anything else. The best deal for her would be to get as much as she wants for as little as possible -- i.e. all she wants for nothing in return. That is to say, this ideal exchange for each person in a transaction is within the logic of exchange itself. At the same time it is true that if both sides were to try to realise their ideal version, exchange would not work for very long. The winner takes it all and the losing side will soon have nothing left to exchange. This is just one example to show that this way of organising reproduction on a societal level implies (at least the threat of) violence. It requires everyone to see everyone else as competitor. Exchange turns the other person into a means for someone to get to the commodities that she wants. It is a permanent conflict. And if there wasn't

any authority to regulate this constant competition, there would indeed be a situation where “A man is a wolf to man”. But not because humans are really wolf-like, but because this social order is more than just “an invitation” to behave that way. By being doomed to depend on exchanging everything, one needs to be acting permanently against others by using their neediness in order to get what one needs. And the other way around. To maintain this society with all its prerequisites, quite a powerful instance is necessary. It is an instance that unlike all other subjects in that society is not a competing one. This third party, i.e.~the state, not only implements the existing conditions and makes sure they are applied. And by introducing a means like private property, the state at the same time introduces antagonistic interests. And thereby, the state creates the need for a state itself. The state makes sure that the wolves it socially creates do not kill each other (at least not without state authorisation). By declaring everything property, the state organises exclusion on a societal level in order to maintain this society. Similarly, by making everyone a free person, yet introducing the separation from the means of production, the state at the same time introduces freedom and economic constraint on everyone. Because one part of the content of freedom is essentially that of one's own body. Everybody belongs to himself, nobody can claim ownership over anybody else. So the first meaning of freedom in a capitalist society is private property in persons -- each person in oneself. Marx underlined the ironic double-character of that freedom. People are also “free” of the means of production. In order to stay alive, workers therefore have to sell themselves -- in form of their labour power. That is the economic constraint that is inherent in the freedom of a democratic state. Freedom as it is usually understood implies that being part of the capitalist game would be just one possibility for people to enrich themselves if they desired to do so. But since the state makes everybody compete, it's not the freedom to choose between being a competitor and not being one. Everybody is a competitor by default. That is because private property is not just one form of access. Everything that is somehow saleable is declared property (One less obvious example is intellectual property: it was a discovery that something immaterial could be turned into property -- and was converted by the state by simply introducing a legal status to it). Anything that can be possessed has a price. And once ownership of everything is established, no one has a choice, but to own and to compete with everyone else for ownership. The economic constraint that people are confronted with has quite useful consequences for the state: it does not have to use force to make the worker go to work. The state usually does not have to intervene by force into the mode of production, since the worker with all her freedom is free (and left) to die if no one can be found to exploit her labour power (In the democratic state, there sure is a social system, so that no one dies right away after losing a job. It would yet be another argument, that the purpose of this activity of the state is again to maintain a class society. It's the state's task to maintain the labour power of the working class by organising payment for the reproduction of the worker during times of unemployment, sickness etc.). From a critique of the ownership of the means of production, a critique of the state and of its characteristics follows logically. And that includes an analysis of how the state creates the owners of the means of production, i.e. the capitalists -- not as concrete persons, but as agents of capital that form the capitalist class. Many on the left have formulated a critique of what they presume to be an unfair distribution of goods. They might mean well, but miss the point: the demand for a more just management of poverty does not mean the abolition of poverty. It just means it is administered differently, with slightly better material outcome for the poor (To avoid any misunderstandings: more money means less constraint. Though the cynicism is obvious: The fight for a better wage is the demand for a better payment for your exploitation from your exploiter). If the aim was to get rid of poverty, there is no way around a critique of poverty as a whole -- and of its objective reasons: those bearers and structures who set up the conditions for it. The basis for its accumulation is competition and competition not only creates a few winners, but also many losers. And capitalism is very successful in that category: it manages to even mass-produce poverty. It is indeed the state that creates the ones on the winning and the ones on the losing side:

again, not specific people (the state is generally not interested in individuals as such), but classes. And it is the state that creates the legal means by which the organisation of production can develop a life of its own and becomes a constraint instead of an aid to an easier life. The very principles the state has established and continues to uphold create the ground for a capitalist society, create the capitalist character of the mode of production and create the capitalist character of the state. And the state implements that with all its power -- in the end it has the monopoly on force. Equipped with the monopoly on force, the state has it as the last resort to implement its laws. And in having to obey the law, everybody is subject to the state and needs to practice her own subjugation. The state, by setting these and some other rules, installs itself as the one to provide the best conditions for capital accumulation. That is where its character as an entity in support of the capitalist class originates from.