

24. Property

‘Possession, ownership, are tactical matters.’

Walter Benjamin

Synopsis: Property is control over (specific processing operations out of the many possible on) a dataset; In essence, a Being can be said to have property-like control over a dataset when it can destroy it (1); Property is an attribute of a dataset (2); Property is natural to all Beings (and, thus, is not a platform right) (3); Property is not a pursuit for its own sake (4); No property over humans (5); Property is dependent on the state (6); Property and sovereignty (7); Appropriation (8); Property in the digital world (9–11); On inequality (12);

1. Property is control over a dataset*

Property is control⁶⁷⁶ over a dataset,⁶⁷⁷ meaning a Being or a Thing.

Because total control is impossible,⁶⁷⁸ property is control over specific processing operations out of the many possible on a dataset. In other words, property is a bundle, a batch of processing operations (that have come to be known collectively under that name), that a Being can allow or prohibit to others (and which, obviously, it can itself carry out), as afforded to it by its state. Exactly which processing operations these are varies vastly. Because property is afforded to individuals by their state according to its political system at any given time,⁶⁷⁹ its content is dynamic; property has not been and is not defined in the same manner over space and time. Its definition each time depends on the particular state.

Accordingly, the right to property (ownership), is the ability of a Being⁶⁸⁰ to allow or prohibit a specific processing operation on a dataset and (if

676 See Chap. 6.

677 Immaterial information is not subject to it; see, however, Chap. 24.1 on intellectual property.

678 See Chap. 6, par. 2.

679 See par. 6.

680 Afforded to it by its state; see Chap. 21, par. 2.

appropriate) by a dataset.⁶⁸¹ Processing on it, of course, meaning by another Being, while by it, meaning by the dataset itself (only, of course, if it is another Being; Things do not process information⁶⁸²).

Although the batch of processing operations that constitute property may include any single one,⁶⁸³ because property's content is dynamic, the one universal characteristic of property is the destruction⁶⁸⁴ or deletion (in other words, consumption) of a dataset. In essence, a Being can be said to have property-like control over a dataset when it can destroy it.

2. Property is an attribute of a dataset

Property is an attribute⁶⁸⁵ of a dataset, a batch of processing operations that is possible by a specific Being on a specific Thing or (another) Being.

Property is only one among many attributes of a dataset; it is always relevant to specific processing operations, but it is never absolute, in the same way that total control is impossible.⁶⁸⁶ In other words, the restrictions over property reflect the impossibility of complete control over any dataset, even though property's existence means in practice more control over a dataset than, for example, partial ownership (lease) or no ownership (common goods⁶⁸⁷). In the same vein, this specific attribute, meaning property, may or may not exist for a specific dataset—not all Things or Beings belong to a Being.

The processing rules included in property as an attribute are state-dependent on each occasion, but the decisions behind them (whether to grant them, to whom and to what extent) are political.⁶⁸⁸

681 See also Chap. 6, par. 1.

682 See Chap. 3.

683 See Chap. 4.

684 See Chap. 1, par. 9.

685 See Chap. 6, par. 5.

686 See Chap. 6, par. 2.

687 See also Chap. 22, par. 8, on the platform right of liberty, where it is clarified that all humans have (some) control over all (Things and Beings) on the information platform that is their state.

688 See par. 6.

3. Property is natural to all Beings (and, thus, is not a platform right)*

In the analogue world property has been exercised over datasets, be they in Nature (land, trees etc.) or human-made (artefacts), since the beginning of time by humans⁶⁸⁹ and animals alike.

Can it then be claimed that property is natural to Beings, specifically to humans? The political considerations behind this question aside, property is natural to humans (in fact, to all Beings) because destruction (deletion, consumption etc.) is natural, that is, it is a processing operation among the many possible over a dataset. In other words, because destruction of a Thing by a Being is possible in Nature, property is natural to all Beings.

Exactly for this reason, because property is natural to all Beings (and not specifically to humans in spite of it stemming from their states⁶⁹⁰), property is not a platform right.

In the digital world property is (for the moment, at least) exercised in the same way as in the analogue world.⁶⁹¹

4. Property is not a pursuit for its own sake*

Although property is natural to humans, making it a primary purpose in one's life (meaning giving it primacy over other purposes that are possible) is a choice within the domain of morality⁶⁹² that is made possible by the state.

Ownership, the accumulation of wealth, is one purpose among many that certain humans choose to set for themselves if afforded to them by their states. Propelled by the constant need of humans to augment their information processing,⁶⁹³ this pursuit may never end for the humans concerned. The same (or at least similar) is true for organisations, depending on their (human-set) purpose.⁶⁹⁴

Artificial Beings are not yet able to hold property, because their states do not allow them to, although, as has been seen, property is natural to them as well.

689 Regardless of whether by a single individual or collectively by a family, a tribe etc. (see also Chap. 1.1, par. 5).

690 See Chap. 22, par. 6.

691 See, however, par. 9.

692 See note 5/2/2.

693 See Chap. 5.1.

694 See Chap. 2, par. 7.

Accordingly, because Things have no purpose (purpose being the result of need⁶⁹⁵), no Thing's purpose is to become the property of a Being. Similarly, even after a Thing becomes the property of a Being (for any period of time), and even though the Being will certainly process it in a way that serves its purposes, the Thing itself does not acquire a purpose (the purpose being imposed on it by the Being who happens to be its proprietor), meaning Things have no purpose, or rather their short-term purpose depends on their short-term use.⁶⁹⁶

5. No property over humans*

Although one Being can be the property of another (organisations are owned, for example, by their shareholders or by whoever created them⁶⁹⁷), this does not apply to humans. A human cannot, logically, be the property of another human (or in the same context, of another Being), notwithstanding centuries of human slavery. Why is that?

In short, because of the platform right to liberty.⁶⁹⁸ Because all humans receive a name and a citizenship directly from their state, all humans are born free from control by other humans, that is, all humans are born at liberty from other humans.

Of course, whether the platform right of liberty materialises (and to what extent) on any information platform that is a state at any moment in human history (and whether for all or only for a few) is a matter of politics—as can be seen by the issue of property over artificial Beings (specifically, computer programs) that remains undecided today.

6. Property is dependent on the state*

Property is inconceivable without a state, because only through the state is the identification of Beings and Things possible. It is only through a state that the designation of an owner (the Being exercising property) or a dataset to be owned can be carried out. This, however, has nothing to do

695 See Chap. 5, par. 2.

696 See also Chap. 3, par. 4.

697 See Chap. 2, par. 7.

698 See Chap. 22, par. 8.

with acknowledging a right to property within a state for all or some of its citizens. This is a political decision made by a state's government.⁶⁹⁹

Throughout practically all of human history the right to property has been acknowledged within states (regardless of how many of their citizens this applied to) to such an extent that states are frequently depicted as effectively protecting property. However, it is important to clarify how and why they do this. States are able to protect property first and foremost because it is through them that both the owner and whatever the attribute of property applies to exist. States have full control over all information processing concerning property.⁷⁰⁰ States can therefore protect property, but it is not necessary the case that they will do so. Protection can be provided but whether it is actually provided and on what terms is a matter for the political system and the government. In other words, it is not the state's purpose to protect property (states have no specific purpose anyway⁷⁰¹), rather it is the role of the government, if under the political system applicable at the time⁷⁰² this is considered a worthy cause.

Therefore, the reason that states in practice appear to protect property is because their political systems and governments ask them to—and the state obliges, being uniquely in the position to do so because property is entirely dependent on it.

Consequently, the way in which we have experienced property, and the human right to property, over history varies greatly depending on the political systems and governments in place, not on states or individuals' property-relevant processing.

7. Property and sovereignty*

As has been established,⁷⁰³ sovereignty means total control; in the context of a state it means control over all information processing carried out within the territory of a state. The state is by definition sovereign on the information platform that is, after all, its own creation (i.e. its territory); however, for the government that controls the state, sovereignty, although

699 See Chap. 12.

700 As is the case for any information processing happening on their information platform; see Chap. 16, par. 2.

701 See Chap. 11, par. 7.

702 See Chap. 12.1.

703 In Chap. 16, par. 1.

factual and material in each state, is an unattainable objective, because total control is impossible.⁷⁰⁴

In practice, sovereignty and property are quite similar, but not identical. Property allows for control over a batch of processing operations that may seem wide-ranging (wider-ranging, at least, than any other control usually exercised by a Being over another Being or a Thing), and includes its destruction. From this point of view it resembles sovereignty (i.e. total control) because (especially in property-favouring political systems) it seems to cover every processing imaginable.⁷⁰⁵ Nevertheless, this is not actually the case. Property grants practical control over pre-known, pre-described, and thus pre-assessed, so as to be permitted, processing operations.

In other words, property is not open-ended; most notably, it does not allow for processing operations not foreseen by regulation at the time of the creation of new information;⁷⁰⁶ if any new types of processing are made available to citizens on the information platform that is the state, the government has the last word on whether they will be allowed under property rights and on which terms.

In contrast to property, sovereignty strives for total control—which is, of course, an unattainable objective. In essence, property is material, whereas sovereignty is an objective. Property and sovereignty may (depending on the political system) appear to coincide, but they are not the same—an individual is not sovereign over the Things or Beings it has property rights to—at least, not in the analogue world.⁷⁰⁷

8. Appropriation*

As has been seen,⁷⁰⁸ the mechanism of establishing property is simple: any time that control over a dataset is allowed by one Being to another, and processing takes place, new information is created. If this new information materialises (in the analogue or digital world) then its creator exercises control over it that may (or may not) constitute property, depending on the state (specifically, on the government and the political system) the creator lives in. In other words, whenever a human is allowed to interact with a dataset, new information is created (thoughts, feelings, wishes) in that

704 See Chap. 16, pars. 2–5.

705 On the connection of imagination with freedom, see Chap. 25.

706 As seen most visibly in intellectual property.

707 On the digital world, where total control may be possible, see Chap. 16, par. 7.

708 In Chap. 6, par. 4.

human, over which, if this leads to creation of another (i.e. a new) dataset (be it in the analogue or the digital world), that same human may have property rights (or not), depending on the state in which the human lives and its political system.

The same is true for new, previously unknown datasets (existing in Nature); the first human to discover them exercises control over them, which may amount to property depending on the state in which that human lives.

9. Property in the digital world

The gravest challenge for traditional, analogue-world notions about property in the digital world comes from the breakdown of the natural, analogue-world link between control and location. As has been seen,⁷⁰⁹ in the digital world, contrary to what has been known to humanity since its beginning, a Thing or a Being never leaves the territory of the state where it was created: it can process information, or information can be processed on it, from an analogue-world distance, from (or in, as the case may be) the (digital) territory of other states. This affects (in fact, reduces) the control of states within their own territories and thus the property rights of their citizens—in essence, their citizens have become users (instead of owners).

Of course, from the point of view of the owners, their property is strengthened, because the digital world, artificial as it is, allows for more control than the analogue.⁷¹⁰

10.

That aside, as in the analogue world, property can be exercised over digital information (including digital-born and therefore digital world-only information).⁷¹¹ Because digital information is intangible, ownership of digital information will be discussed in the context of intellectual property.⁷¹²

709 In Chap. 17, pars. 10 and 11.

710 See also par. 7.

711 See Chap. 1.1, par. 17.

712 See Chap. 24.1.

11.

Although increasing property in the digital world can be a purpose for humans, as in the analogue world,⁷¹³ in the case of digital information, wealth will unavoidably need to materialise at some point in the analogue world for the purpose to be considered (partially, as is always the case) fulfilled by humans. In other words, because humans are biological Beings, wealth can never exist for them exclusively in the digital world.

Because, however, this materialisation can be partial (a rich individual in digital assets does not have to make all of them materialise in the analogue world too), the bigger picture of information being infinite in the digital world, but finite in the analogue, is not affected.⁷¹⁴

12. On inequality*

As has been seen,⁷¹⁵ although all humans are born equal towards their state, differences among humans start to emerge as soon as they are born (in terms of abilities, health and characteristics), which are immediately accentuated after birth by circumstances (particularly, the state into which they are born) and opportunity (luck). Inequality thus being natural to humans,⁷¹⁶ this is also reflected in property accumulation, even among those born in similar circumstances in the same state—and much more so if either of the two is different. In other words, among individuals who have given primacy to wealth accumulation,⁷¹⁷ even if they live in similar conditions, some will succeed in amassing (much) greater wealth than others; even slightly different conditions may dramatically accentuate the differences.

The above unavoidably leads to inequality in property acquisition among humans; in other words, just as property is natural to humans,⁷¹⁸ inequality

713 See par. 4.

714 What is affected, however, is aesthetics, because processing (or the enjoyment of wealth) in this case is no longer carried out visibly by the individual in the analogue world but rather happens in the digital world. In other words, the traditional picture of Scrooge McDuck swimming in his vault full of golden coins is not possible to achieve with digital assets.

715 In Chaps. 2.1, par. 4, and 22, par. 7.

716 In other words, there is no inequality because there can be no equality.

717 See par. 4.

718 See par. 3.

is also natural to them. (As is the case with regard to any purpose-setting between any two different individuals.)

As has also been seen,⁷¹⁹ comparison (and not conflict) is natural to humans. Humans need to augment their information processing;⁷²⁰ augmentation, however, is always subjective and relative.⁷²¹ Consequently, inequality, in spite of being natural, will not go unnoticed.

Whether, and to what extent, such natural inequality among humans is to be reduced by states (which have the means to do it, because they control all the processing operations that make inequality possible) is a political decision of their governments.

719 In chapter 5.1, par. 9.

720 See chapter 5.1.

721 See also chapter 25, on freedom.