

## **Property and Propriety: Gestures towards a Politics of the Improper**

Mark Devenney

University of Brighton

The redefinition of rights of equality and liberty by radical and deliberative democrats during the last decades of the 20<sup>th</sup> century resulted in the denial that a consideration of property is integral to the thinking of the political. Theorising property as intrinsically political demands a return to Marx but on terms he may not have recognised. I outline six aspects of a politics of property in this paper. I use the recent developments of international property law in relation to genetic sequences in developing this argument.

First, there can be no universal justification for any regime of property. Property is by definition the institution of a wrong. Second, regimes of property are socially articulated, and contingent delimitations of our world(s) which come to be presented as natural. Third, the articulation of something as property establishes a border, determining what can be owned, how far ownership extends, where it is limited, as well as terms of use and terms of abuse. It establishes a set of property relations, and defines a vocabulary of the proper. Fourth, property as social and political, establishes limits to what is proper. It thus requires laws and norms of trespass. The definition of certain actions as criminal establishes (a) violation of the use of resources ‘rightfully’ limited to some, (theft) (b) establishes where bodies are entitled to be (which country, which property, which premises and the like) (trespass and immigration), and (c) establishes what one is entitled to do with one’s own body during certain times (proper behaviour). Here sovereign state power is enlisted to enforce relations of property beneficial to some, but not all. Fifth, any regime of property delimits forms of *impropriety*. The forms of impropriety are also practices for the management of the proper, or to use Ranciere’s term forms of policing. Sixth, and last, a challenge to any political regime must of necessity put in to question both the forms of proper behaviour, and the regime of property. These are intrinsically related to each other.

I conclude by arguing that democracy is always **improper**. Property, in all of its forms entails enclosure. Enclosure requires the drawing and the maintenance of boundaries of exclusion and inclusion. The sovereign determination of the proper, as well as of the exception to the proper defines trespass. Trespass is a form of democratic enactment when, and if, it destabilises enclosure. Who are the figures of the trespasser in contemporary politics: the immigrant, the squatter, the suicide bomber, and the hacker. These figures stand in for different forms of refusal of enclosure. The first violates the sovereign delimitation of citizenship rights. The second violates the laws of property which structure the earth. The third transgresses the legal, political and actuarial controls exercised over bodies, and instantiated in various forms of property law. The fourth refuses to recognise the borders distinguishing mine from thine.