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# Goldilocks, Aragorn, and the Essence of Property

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The phrase *bundle of rights* was used in connection with property as early as 1888. In his *Treatise on Eminent Domain*, John Lewis wrote, “The dullest individual among the people knows and understands that his property in anything is a bundle of rights. It is no more common for ordinary people to speak of things as property than it is for them to speak of their rights in things, as the right to dispose of a thing in this way or that, the right to use a thing in this way or that, the right to compel a neighbor to desist from doing this or that, etc.” (1888, subsection 55). Since Lewis’s time, the phrase *bundle of rights* has become the standard formulation for describing property rights in economics, law, and sociology. As a consequence of the bundle formulation, it has become common in the law and economics literature to describe property rights as merely a right between persons, only secondarily involving a thing.

In recent decades, however, a number of scholars have objected to the description of property as a bundle of rights and to the idea that property is characterized by the relationship between persons with no regard to the things owned (e.g., see Penner 1996; Merrill and Smith 2001, 2011; Mossoff 2003; Claeys 2008, 2009; Katz 2008). To illustrate an alternative perspective, many of these scholars point to Sir William Blackstone, who famously wrote that property is “that sole and despotic dominion in which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe” (1893, vol. 1, book 2, chap. 1). The critics of the bundle formulation suggest that the term *property* has traditionally been laden with more content than modern scholars presume. They argue

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that ownership is characterized by a right to exclude or by a moral claim to determine exclusively the use of some material good.

All of these theorists hold in common the idea that the bundle formulation is a wrong turn from the traditional view developed in the Western legal tradition. They argue both that ownership ought to be singled out as a unique kind of right in our scholarship and that it actually is treated as unique by the culture and even in the courts—that is, as something more than a mere bundling of contract rights (Katz 2008, 313). In the course of their arguments, many of these critics of the bundle formulation appeal to commonly understood notions of property as one component in their critiques (Claeys 2008). Likewise, the bundle theorists make an appeal to ordinary experience, as in Lewis’s appeal to the “dullest individual.” Both sides of the issue agree that common moral intuitions about ownership play some role in how the social institution operates.

Thus, the disagreement over the character of property and ownership is not merely an abstract and theoretical debate. Both ownership and property are concepts with which nonacademics are intimately concerned. The individual operates daily with an understanding, often unarticulated, of what it means for something to be his own. He is almost certain to have an idea of what property and ownership mean, and even if his idea is not the same as his neighbor’s idea or the economist’s idea, he operates with some idea in mind. Violations of our notions of ownership and property cause many of the conflicts we encounter on a regular basis. Even if an individual cannot give a precise definition of property, he will easily be able to tell you when he feels his rights of ownership have been violated.

This paper argues that an alternative method can provide useful insight into the common understanding of a concept such as property. Virgil Storr and Bridget Butkevich argue that studying cultural stories is an important way for a sociologist or economist to get greater knowledge of that culture. In a paper on entrepreneurship in the Caribbean, they write: “[E]fforts to score cultural traits must necessarily reduce cultures, which are inherently rich, dynamic and complex, to collections of measurable characteristics (e.g. indices of individualism and masculinity). The colour, the verve, the flavour of the different varieties of entrepreneurship that exist get lost in this move to come up with quantitative measures of culture” (2007, 252).

Likewise, I argue that ownership is inherently rich, dynamic, and complex and that stories can complement traditional economic and legal analysis of property rights. As Storr and Butkevich maintain, “We get at culture by reading cultural texts. To get a sense of a people’s world views and values, watch the films and television shows that they watch, read the books and poems that they read and write, listen to their folktales, examine the photographs they take and the art (paintings, sketches, and sculptures) they produce” (2007, 253).

The idea and power of ownership owe much of their rhetorical and moral legitimacy to the cultural underpinnings of ownership. To understand the shape

ownership ought to take in our theoretical work, we must understand how it is actually experienced by the owners and the nonowners in the society.

Fairy tales explicitly deal with a world that is not the one we live in, but that does not mean they do not communicate important information about how individuals in a culture perceive the world. Stories, especially fairy tales, J. R. R. Tolkien tells us, are “not primarily concerned with possibility, but with desirability” ([1947] 2008, 353). And the communication of the desirable is not limited completely to the impossible. The people who participate in telling and listening to stories reveal beliefs not only about what the world should be but also implicitly about the world as it is (see Dundes 1971 and Wongthet 1989).

This paper considers some of the classic fairy tales from French and German collections as well as a few tales that are longer and more explicitly concerned with ownership than some of the older stories. J. R. R. Tolkien, in particular, wrote in the fairy tale tradition, and his works are especially useful for illustrating how these stories treat ownership and property.<sup>1</sup> Stories by Tolkien, Oscar Wilde, and George MacDonald; the stories collected by Joseph Jacobs; and even tales with no singular author, such as the Arthurian legends, all speak to the concept of ownership.

Through an examination of folklore and fairytales—mostly those that originated in or were filtered through the United Kingdom in the past two centuries—I attempt in this paper to provide some insight into how property is experienced and thought of specifically in the Anglo-American tradition. I make no claim that the stories I examine are representative of the whole Western canon or of its depiction of ownership, nor do I argue that the stories prove one way or another the validity of the *in rem* view.<sup>2</sup> The stories simply illustrate characteristics of ownership that align with the traditional view and illuminate some related insights about reciprocal influence and social responsibility that might be useful for the debate regarding how scholars ought to talk about property.

This paper considers fairy tales that speak to three claims made by the critics of the modern bundle view of property: (1) that ownership is characterized primarily by exclusivity; (2) that what owners possess is the authority to set the agenda for a resource; and (3) that the person–thing relationship is central to property. The stories also suggest a characteristic that is not well captured in the typical treatments by *in rem* theorists: that an owner’s identity is also changed by being an owner. Being an owner changes the way the individual interacts with those around him. Once we admit that the thing owned

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1. I include Tolkien’s work here for two additional reasons. First, Tolkien rose to prominence during the same time Coase’s work on the social costs, in which he popularized the bundle-of-rights description of property, was becoming widely read among economists and legal scholars. Tolkien’s works especially captured the American popular consciousness in the 1960s and have been popular ever since. Second, the growth of literature in the fantasy and fairy-tale genres is deeply indebted to Tolkien’s creation. Similarly, Coase is recognized as one of the founders of the law and economics discipline. The simultaneous rise of these two men, one very much the father of a new academic tradition and the other wildly popular and widely imitated, provides motivation enough to examine their concepts side by side. I make an effort to show that the relevant concepts were not unique or even new to Tolkien but were simply expanded versions of older themes and ideas.

2. The traditional—or in *rem*—view, emphasized the uniqueness of property as having to do with things, rather than simply with other people.

influences the owner, we easily understand that it also affects the owner's moral duty toward those around him.

Indeed, if the things you own affect your identity, they also affect your social responsibilities. These responsibilities are a component of distributive justice, or, as Adam Smith defines it, "the becoming use of what is our own" (Smith [1776] 1981, 398). In some mundane ways, we can see how property ownership might influence a person's identity in society: a landowner will be called generous under different circumstances than a nonowner, and, likewise, industriousness will manifest differently if I own tools. Some duties, in the stories at least, are entirely dependent on the objects we own.

### Ownership and Exclusivity: Goldilocks

"Goldilocks and the Three Bears" is a whimsical tale of a young woman's misadventures in a home belonging to a family of three bears. Goldilocks breaks into the bears' house while they are out on a walk and makes a mess of the bears' food, furniture, and beds. In an earlier version of the story from the late nineteenth century, the trespasser is not a young girl but instead an old woman described as an impudent vagrant. The children's story expresses poetically the moral norms surrounding ownership and, in particular, nonownership.

In an early version of "The Story of the Three Bears," we read:<sup>3</sup>

One day, after [the three bears] had made the porridge for their breakfast, and poured it into their porridge-pots, they walked out into the woods while the porridge was cooling, that they might not burn their mouths, by beginning too soon to eat it. And while they were walking, a little old Woman came to the house. She could not have been a good, honest old Woman; for first she looked in the window, and then she peeped in at the keyhole; and seeing nobody in the house, she lifted the latch. The door was not fastened, because the Bears were good Bears, who did nobody any harm, and never suspected that anybody would harm them. (Jacobs [1890] 1984, 94)

After the old woman makes her way through the house, availing herself of the bears' food and goods, the story ends: "Out the little old Woman jumped; and whether she broke her neck in the fall; or ran into the wood and was lost there; or found her way out of the wood, and was taken up by the constable and sent to the House of Correction for a vagrant as she was, I cannot tell. But the Three Bears never say anything more of her" (Jacobs 1890, 94).

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3. The version of "The Story of the Three Bears" found in *English Fairy Tales* (Jacobs [1890] 1984) is very similar to the original printed by Robert Southey in 1837. Later versions change the old woman to Goldilocks and tame the story somewhat.

Part of the value of fairy tales is that they introduce and reinforce basic moral norms for their audience. They do not present anything like a fully developed legal or ethical catalog of behavior, but they excel at illustrating moral intuitions and describing norms. The moral intuition illustrated in the story of the three bears is the simple admonition “Do not mess with others’ stuff.” The narrator clarifies that “[i]f she had been a good little old Woman, she would have waited till the Bears came home, and then, perhaps, they would have asked her to breakfast” (Jacobs [1890] 1984, 94). The story tells us the basics of how we are to interact with things that do not belong to us by showing us an unattractive character who gets it wrong.

The story’s author presumes that the house itself is more than sufficient to communicate to the old woman all she needs to know about her relationship to that domain—it belongs to someone else and should not be messed with. Despite the fact that the meeting between the old woman and the bears occurs so late in the story, there is no question of any confusion on the part of the old woman regarding her rights to the bears’ things. She has committed a violation merely by messing with them. The physical property itself conveys enough information about the ownership that the old woman, by violating that ownership, is justifiably called a vagrant and judged as falling below common virtue.

The simplicity of the fairy tale contrasts with the sophistication of specialist accounts of property in economics, law, and political philosophy. The specialist will rightly explain that the actual relations surrounding property are far more complex in the real world. Neither the reader nor the old woman in the story has any notion of what sort of rights the bears have to their home; perhaps the bears are simply tenants. All of that complexity does nothing to change the default position of the woman with regard to the home. The story brings the reader along as it passes moral judgment on the woman, who would avail herself of those things that do not belong to her. It emphasizes the basic premise that if something does not belong to you, then you should leave it alone. But the story does not make any claim that the prohibition against messing with other people’s stuff is absolute, nor should it do so. We can imagine scenarios in which the reader would more readily sympathize with the old woman: if she were on the point of starvation or perhaps if the bears were somehow to have initiated wrongdoing in the first place. In those ways, she could trump the prohibition, but the story of the three bears focuses instead on the presumption against violations of property. It gives the reader a good rule of thumb. We are constantly surrounded by and interact with things that are not our own, and in such a world a “don’t mess with other people’s stuff” heuristic is plainly useful.

Goldilocks is not commonly read as a powerful pro-private-property tract, but the tale as a whole would be incomprehensible without a notion of property as an institution that excludes nonowners in some way from the thing owned. The moral judgment depends on shared moral norms about how to interact with things that do not belong to you, and the property alone broadcasts a message of noninterference to passers-by.

The reader must appreciate that message if he hopes to go along with the storyteller's verdict against the trespassing woman.

## Authority over Space: Aragorn and the Selfish Giant

Those scholars who advocate for an in rem view of ownership emphasize that property creates a sphere of authority for owners that bears on nonowners. In the stories, property seems to broadcast rights of exclusion and dominion to nonowners. *The Lord of the Rings* and Oscar Wilde's story "The Selfish Giant" contain narratives that fit well with this part of the in rem description of ownership. Furthermore, the two stories illustrate a connection between property and moral obligations.

*The Lord of the Rings* is a complex tale set inside an even more complex mythology. Among the many subplots is the story of Aragorn, a heroic figure whom we first meet as a sort of wild man. Over the course of the story, we discover, however, that he is the last surviving descendent of the high kings of Middle Earth and must take up the mantle of leadership and authority over his kingdom if the good people of Middle Earth hope to defeat the villain of the tale. Though he is resistant at first, he accepts that it is his responsibility to become the high king. He is responsible for leading the battle against the primary villain of the story, Sauron, in part by rallying the rest of humankind together into an alliance. As the insipient high king of men, he has a great deal of authority over other characters in the tale, and that authority is amplified by the moral urgency of his task. Authority and responsibility are key themes surrounding Aragorn's role in *The Lord of the Rings*.

A passage in the second installment of Tolkien's trilogy, *The Two Towers*, illustrates the notion of sovereignty within a physical space. Aragorn is visiting a lesser king who has been corrupted and is being held hostage by a sorcerer. Aragorn has just recently taken possession of his sword, Andúril, which is symbolic of his kingship, and upon entering the lesser king's home he is asked to surrender it to the guards. In neutral territory, his authority is greater than anyone else's, but inside another man's property he declares he would submit even to the lowest peasant's will. At first, however, Aragorn is resistant and tempted to refuse as he is confronted with conflicting moral duties: his moral duty as king and his respect for another person's property rights.

Aragorn stood a while hesitating. "It is not my will," he said, "to put aside my sword or to deliver Andúril to the hand of any other man."

"It is the will of Theoden," said Hama.

"It is not clear to me that the will of Theoden son of Thengel, even though he be lord of the Mark, should prevail over the will of Aragorn son of Arathorn, Elendil's heir of Gondor."

"This is the house of Theoden, not of Aragorn, even were he King of Gondor in the seat of Denethor," said Hama, stepping swiftly before the

doors and barring the way. His sword was now in his hand and the point towards the strangers.

“This is idle talk,” said Gandalf. “Needless is Theoden’s demand, but it is useless to refuse. *A king will have his way in his own hall, be it folly or wisdom.*”

“Truly,” said Aragorn. “And I would do as the master of the house bade me, were this only a woodman’s cot, if I bore now any sword but Andúril. . . .”

Slowly Aragorn unbuckled his belt and himself set his sword upright against the wall. (Tolkien [1954] 1994, 511, added emphasis)

Aragorn starts to challenge the authority of Theoden even though Theoden is ruler over that space. When confronted, he points out that his position as king of Gondor is greater than that of Theoden. But in the situation at hand, his relative position is irrelevant to his duty to do as the master of the house wills. Aragorn is bound to his sword by responsibility as much as ownership, yet he ultimately yields to the sovereignty of the ruler of the house. He expresses an essential aspect of ownership; the master of the property ought to be able to dictate the rules of behavior within his own domain, regardless of his guest’s relative social status. Gandalf says, “[A] king will have his own way in his own hall, be it folly or wisdom.” Authority is based not on social optimization but on ownership. Sovereignty, as a rule, allows freedom not only for noble uses of a resource but also for poor uses. Deviations from sovereignty are exceptions to the rule. And although Aragorn contemplates whether he might have a trump to Theoden’s authority over that space, he acquiesces to Theoden’s claim.

Gandalf acknowledges that dominion over property does not always pave the way to optimal outcomes. “The Selfish Giant” by Oscar Wilde illustrates this point even more dramatically. In that story, children begin to play in a giant’s garden while he is away. Upon his return, the giant expels the children and bluntly claims his absolute right of authority over the garden, saying, “I will allow nobody to play in it but myself” (Wilde [1888] n.d.). The giant’s actions are proof of his selfishness. Later in the story, after a winter that lasts a year, the children sneak back into the giant’s garden and spring returns with them. The second half of the story tells of the figurative Eden the giant enjoys with the children after he decides to share his garden with them.

Jarlath Killeen interprets the tale as a wholehearted disapproval of the type of ownership described as despotic and observes: “The problem at the heart of the story is the clash between two radically different conceptions of land and ownership. . . . Traditionally, absolute property right was combined with the principle of paternalism whereby the moral economy had to be respected. The landlord was a paternalist, as well as a property owner, and he would exercise ‘absolute’ rights and responsibility in tandem” (2007, 64).

Far from approving of the owner’s absolute right to wield his authority over his property, Wilde leads the reader to judge him for his cold heart. We pity the children, who are making such innocent use of the garden, and finally sympathize with the giant’s

decision to destroy his wall. The reader celebrates the destruction of the boundary and approves of the giant's regret at having excluded others.

However, the tale contains a moral as well as a social dimension, which allows for an alternative interpretation. At the end of the story, one of the children tells the giant: "You let me play once in your garden, to-day you shall come with me to my garden, which is Paradise" (Wilde [1888] n.d.). The giant is redeemed because he opens his garden to the children by his own choice. Presumably, he would not have been so rewarded if some higher authority were to have preemptively taken from him the option to invite the child into the garden. His dominion over the garden allows him to be selfish, but it also allows him to be generous. Virtue and property have long been seen as complementary. The eighteenth-century philosopher Francis Hutcheson wrote, "[B]y such ensurance [of private property,] labors become pleasant and honorable, friendships are cultivated, and an intercourse of kind offices among the good" ([1742] 2007, 136). Sovereignty is an aid to higher virtues.

These tales suggest a picture of ownership that emphasizes the open-endedness of ownership and the way property bears on nonowners. Within the realm of his property, the owner wields authority to freely determine whom to exclude and how nonowners may interact with his property. Even higher authorities respect the authority of the owner to set the agenda within his own domain. We see that social duties accompany ownership and bear on owners. We may admit an owner's right to exclude others from his property, but he may still fall short of higher virtues.

## Property, Identity, and the Importance of the Thing

Proponents of the *in rem* view argue that property is unique in that it concerns first the relationship between owners and the things they own and only second the relationship between owners and nonowners.<sup>4</sup> We generally presume that a person's body metaphorically belongs to him or her. An individual has authority to exclude anyone else from his or her body, and the body has a recognizable boundary. We easily understand the duty each of us has not to mess with someone else's stuff when that stuff is his or her very person. It is also easy to detect violations, such as an assault. The *in rem* view extrapolates from that plain intuition to the slightly less-obvious realm of other objects.

The story of Cinderella provides a very simple example of the bond between an owner and a thing owned. Charles Perrault first introduced the now emblematic glass slippers into this ancient tale. Although the moral of the story has little to do with property ownership, the slippers are crucial in bringing about the resolution of the story

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4. If property first concerns a relationship between the owner and the thing owned, it seems the relationship could exist prior to social relations. Even if society needs to recognize the relationship for it to mean much, its origin could still remain outside social relations. Gershom Carmichael wrote in the early eighteenth century that "even when other men do not exist, it is possible for a right to exist which would be valid against others if they did exist; hence there is no reason why one man, even if he were alone in the world, might not have ownership of certain things" ([1724] 2002, 93).

and leading to the happy ending. After Cinderella inadvertently drops one of her slippers as she escapes from the ball, the “king’s son caused a proclamation to be made by the trumpeters, that he would take for wife the owner of the foot the slipper would fit” (Lang [1889] 1965, 70). Cinderella’s foot becomes a relevant part of her identity as the future wife of the king’s son. Conversely, Cinderella’s sisters are defined by their status as nonowners of the slipper. Much of the remaining tale shows the reader the ridiculous consequences of nonowners pretending to be the owner.

Individuals in fairy tales often possess a strong connection to the material world around them. The strength of the connection suggests that people think of their property not first in terms of their relationships with other people, but in terms of the things themselves. They convey an idea that in some sense a thing can be a part of a person.<sup>5</sup> Though nobody need make that claim literally, the idea underscores the notion that violations of property feel like violations of self. Tolkien’s *The Lord of the Rings*, George MacDonald’s “The Giant’s Heart,” and the tales of King Arthur all display the kind of strong connection between an owner and a thing owned that the in rem theorists talk about.

In *The Lord of the Rings*, the One Ring is a magical item created by Sauron, the Dark Lord, which allows him to attain great power and to do evil. Of its origins, Tolkien writes, “[S]ecretly Sauron made One Ring to rule them all . . . and much of the strength and will of Sauron passed into that One Ring” ([1954] 1994, 287). Tolkien is not merely speaking poetically here; in Middle Earth, Sauron can literally imbue the ring with his strength and will. In a magical and mysterious way, he deposits some part of his soul into his creation. And although we cannot, in the real world, accomplish such a feat, we do talk of how we put our “blood, sweat, and tears” into the objects of our labor. It is not difficult for us to accept that a craftsman puts something of himself into his creations. Sauron accomplishes this on a grander scale, and so the ring really does belong to him in a way analogous to the way a person’s arm or finger belongs to him.

When Sauron loses his ring in the midst of battle, he loses a great deal of his power, to the point where for centuries the world at large forgets he existed. Yet Sauron continues to exercise exclusivity over the ring even without possession; we see that even though others physically possess it, they cannot claim it for themselves in any real way, and any use of the ring immediately seems like a precarious interruption of its rightful owner’s dominion over it. The connection between Sauron and his creation is a key element of the entire adventure; it is a bond that cannot be broken easily and that, if broken, destroys Sauron. The ring belongs to Sauron in a sense that cannot be overridden by any external mandate. Ownership in this case begins at the creation of the object and ends with its destruction. This depiction of property falls in line with

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5. Scholars dealing with ownership are not unfamiliar with the notion of incorporating external things into what properly belongs to oneself. Stephen Buckle writes extensively about the concept of the *sumum*, which are those things that are proper to oneself, starting with one’s own person. Of property, he writes, “Private property (as we know it) is the set of extensions to the *sumum*, and for this reason private property laws become an essential part of the system of natural justice” (1991, 30).

Gershom Carmichael's ([1724] 2002) assertion that ownership particularly concerns the relationship between a person and a thing rather than between persons. All other beings in Middle Earth are excluded from ownership of the ring because it belongs to Sauron.

Tolkien addresses the ancient origin of the motif of the crucial connection between a person and an object that exists in the external world. He points to an ancient Egyptian folktale in which a boy says, "I shall enchant my heart, and I shall place it upon the top of the flower of the cedar. . . . [W]hen thou hast found it, put it into a vase of cold water, and in very truth I shall live" (Tolkien [1947] 2008, 330). The motif has often been illustrated as a heart kept outside of the body.

George MacDonald makes use of the idea in his story "The Giant's Heart." In that story, an evil giant is concerned that he may have hidden his heart in an unsafe location. MacDonald writes, "It was quite a common thing for a giant to put his heart out to nurse, because he did not like the trouble and responsibility of doing it himself; although I must confess it was a dangerous sort of plan to take, especially with such a delicate viscus as the heart" (1999, 85).

The protagonists of the story discover where the giant's heart is hidden and discuss what they ought to do with it. At the end of the tale, the confrontation between the giant and the protagonists ends when the giant's heart, still outside of his body, is stabbed, and he is killed. Similarly, in the final books of J. K. Rowling's *Harry Potter* series, we learn that the villain, Voldemort, has split his soul into pieces and stored them in a number of relics. As with Sauron and the evil giant, Voldemort dies when the last of these relics is destroyed. Perhaps the recurring theme suggests a common warning against attaching oneself too fully to material objects and suggests a moral limit to claims to external things.

These stories suggest a feeling of connectedness to the material world that is underemphasized in modern economic analysis of property. Ronald Coase's claim that "what the land-owner in fact possesses is the right to carry out a circumscribed list of actions" (1960, 44) explicitly puts that connectedness to the side in analyzing the practical import of ownership. A connection to the material world informs our relations with other persons, and any description of property that marginalizes the importance of the things we own will fall short of describing ownership as we tend to experience it.

These fairy tales also suggest a second way in which there is a tie between a person and a material object: that objects cannot be rightly used unless property owners have possession of them. In *The Lord of the Rings*, the character Aragorn is the heir to the throne of the high king. Only the rightful heir can use the sword of his ancestors, and the sword remains broken until remade specifically for Aragorn's use. The sword is made significant because it belongs to the high king, and Aragorn's identity is shaped by the object that belongs to him. The sword is symbolic of his calling and position in reference to those around him; their reverence of his position and their reverence of the sword are linked. Aragorn plays no role in creating the sword, but we see that no other person can

rightfully wield it. Simultaneously, Aragorn cannot fulfill his purpose until he decides to claim his right to the sword.

The same theme arises in the legend of the sword in the stone and in many of the stories surrounding King Arthur. There are many versions of the Arthurian legend, but the sword plays an important role in all. The legend tells of a sword stuck in a stone that can be removed and recovered only by the rightful king. The relationship between the owner of a thing and the thing itself is enforced by magic. In both the Arthurian legend and *The Lord of the Rings*, it is not the sword that makes the man worthy to be king, but the sword is central to the man's journey to kingship. Here, too, the relationship between a person and an object is exaggerated, and it is not precisely ownership that we see. We cannot say for certain, but it seems that if either man were to try to sell his sword, we would likely be horrified by the impropriety of his action. Though the parallels to ownership are imperfect, the stories still hint at the potential of a strong bond between a person and a thing. They suggest the notion that the objects over which we have authority also place moral responsibilities upon us.

These stories exaggerate the characteristics of ownership in degree, but not in kind, from the way people often think of our property. Although we do not often find people claiming that their soul is literally stored in a material object, it is not entirely uncommon for an individual to express his love of a thing by using a similar metaphor. In reference to, say, a lost or destroyed family heirloom, we might hear someone say, "I lost a part of my soul," meaning that she felt a special tie to the object and that it hurt her deeply to lose it. That sort of expression aligns with the fairy tale motif wherein the destruction of an object can actually destroy a character's soul. The bond in these cases is like the bond between a self and his body. We recognize that an individual has clear dominion over his own physical person; he has a moral claim to his own limbs as much as to his own thoughts. These fairy tales suggest the idea that this dominion can be extended out into the physical world.

Furthermore, the illustrations of ownership and property in these stories highlight the reciprocal influence in ownership. The objects themselves oblige their owners to act in particular ways. The objects containing the souls of the owners call on those owners for protection, and the swords point to their owner's responsibility. Aragorn and Arthur experience the call to lead not merely as an option but as a duty. Not only is ownership the source of a moral claim, but it also communicates duties in a concrete expression to the world. Far from being incidental, the relationships between owners and the things they own help define the owners' role within society. The connection strengthens the arguments of the in rem theorists by indicating that the objects themselves are an important part of informing the identity of the owners and thereby the owners' relation to the rest of society.

## Conclusion

The current debate over conceptual property theory is in many ways a debate over semantics. But semantics are vitally important. The formulations we use to describe property matter in that they influence the legal and political conversation about property rights and ownership. The critics of the bundle formulation argue that it obscures key attributes of property that serve to protect the coherence of the institution against infringement by the state. The modern bundle formulation suggests that when an owner says to another, “This belongs to me,” he says virtually nothing. Because the bundle can contain or exclude any number of individual rights, the nonowner knows nothing for certain about how he ought to interact with the things he does not own.

In this paper, I have attempted to show how stories can illuminate property as a social institution. Folktales and fairy stories can help to inform a debate that fundamentally relies on metaphors to communicate our actual experience. Stories allow us to get at the more elusive facets of social life. These fairy tales emphasize the connections between man and the material world. And in these tales, the connection between owners and things owned is of a mystical quality. Things owned receive their nature in part from the owners, and owners are characterized by the things they own. Indeed, *ownership* is too bare a phrase to capture the content that these stories illustrate. The relationship between an owner and a thing owned in the stories highlights both ownership, with its emphasis on dominion, and stewardship, with connotations of responsibilities and duties to others. The folktales suggest the idea of a relationship between person and thing such that the thing or the relationship to it influences the person. The things that belong to us influence our identity and our relationship to society. The stories suggest that, far from being incidental to our relations with others, things owned are central. If we take this suggestion seriously, we see that property is a unique and important area of human interaction. Certain attributes of property—dominion, sovereignty—are essential not only to its operation as a social institution but also to its ennobling potentialities.

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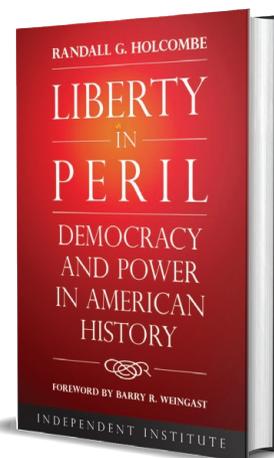
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