

## MARXIAN THEORY ON PRIVATE PROPERTY

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### ABSTRACT

Karl Marx divided society into two people namely **Bourgeoisie and Proletariat**. Marx's concept emanated from the hostile capitalistic society. In his view the proletarian world outlook is the main body of the theoretical edifice of property rights. Those laws are simply a reflection of the desires of the Bourgeoisie class in his Communist Manifesto, that the will of this Bourgeoisie class made the law based on their economic conditions of their class. The property owners in order to possess the means of production they hold on possession of the labor of the workers. Employer Minority class afford partial amount as consideration to working class for the massive profit gain by selling the proletarian labor. Private property and its abolition were discussed in this article.

### INTRODUCTION

**Karl Heinrich Marx** is the German person who lived during 19<sup>th</sup> century propounded the two classes of people namely,

1. **Bourgeoisie**
2. **Proletariat**

Though his Thoughts were largely ignored during his lifetime, It made a great influence on the world. It portrays **the power of economic influences in the society rather other concepts of neutral Rule of law**. The dominance of bourgeois on the means of the production is the main factor of stratification. The core subject of his theory is that the production of the private property caused the workers alienated and their freedom gets violated.

### KARL MARX'S THOUGHTS

Marx's concept emanated from the hostile capitalistic society. In his view the proletarian world outlook is the main body of the theoretical edifice of property rights.

He sought to explain the integration and separation of powers such as ownership, right of possession, right of use, right of disposal, right of operation, right of demand and right of inheritance.

Marx studied the property relations in the law corresponding to the relations of production in the economic field and their legal rights relating to the property. Marx's conflict theory expresses the conflict among the people in the society. Accord to Marx, Those laws are simply a reflection of the desires of the Bourgeoisie class in his Communist Manifesto, that the will of this Bourgeoisie class made the law based on their economic conditions of their class. Marx's theory of property rights has stood the test of logic, history and practice which has been proved to be the first systematic theory of property rights in the history of the social sciences and the true scientific theory on property right till date and expected to be continued.

### PRIVATE PROPERTY

- Private property is the ownership of legal property by a non-governmental legal entity. It differs from public property, owned by a state entity, and collective property, owned by a group of non-governmental entities.<sup>780</sup> The Capital became the major factor of exploitation for the owners of the property. This made

<sup>780</sup> Gregory, Paul R., and Robert C. Stuart, *The global economy and its economic systems*. (Nelson Education, 2013) 30.

the socialist scholars object the private property. Marx had remarkably refused the upheaval dominating capitalistic system and motivated socialist political movements in opposition to capitalism. He strongly believe that this private property made majority of population as weak worker class (**PROLETARIAT**) of the society and the powerful minority class (**BOURGEOIS**) to rule the weaker section.

- That minority, the property owner has the process of production in his ownership and the majority who has only the labor power must work for them.<sup>781</sup> The property owners in order to possess the means of production they hold on possession of the labor of the workers. Employer Minority class afford partial amount as consideration to working class for the massive profit gain by selling the proletarian labor. That consideration helps only to survive but not to live. This act made complete injustice and devaluated proletarian labor.
- The Bourgeoisie made the gap between the power of labor and property's means of production.
- Marx describes workers labor as materialized labor, who doesn't know about the aim of production. His claim is that the worker must have control over the production and know about its aim who called to be a living labor.
- "The increase in the value of the world of things is directly proportional to the decrease in the value of the human world."<sup>782</sup> That the increase in the materialized labor eventually reduces the earning profits from the labor of the workers.
- The Humanity value decreases while the materialized labor of workers product alienated from its producer.

- This is the way, private property on the mean of production classified the society unfairly and devalued the labor.

#### **CONSEQUENCE OF PRIVATE PROPERTY**

- The Capitalistic society made a **catastrophic consequence** that drastically violated the rights and freedom of the working class. It significantly alienated their value of labor.
- **Proletariat** are meant for the work and to produce but neglected to possess either property or its process of production.
- Even the product produced by the working class no longer considered as result of his labor but become possession of the Minority class.

#### **PROLETARIAN ALIENATION**

Marx points out the four ways by which freedom of proletariat violated through alienation;

1. Proletarian separated from his product of labor and his effort creation products does not belongs to himself anymore as it belongs to the one who owns the proletarian labor.
2. The laborer is alienated from the process of production. That the process of production is the property only known to minority class relating to its purpose of produce which is abandon to majority class. The Employer knows very well what the laborer is working for mean while the working class do not aware about the production.
3. The Workers are alienated from their own species - human beings. They make use of their labor to survive. In thrive of surviving, they lost their worth and dignity to receive the meager wages for their efforts from the property owner. This Bourgeoisie system made the workers faculty to be neglected and degraded only to fulfill the basic needs to survive. **They are just striving to stay**

<sup>781</sup> KARL MARX, selected Writings. Trans. and Ed.Lawrence Simon.(Indiana: Hackett Publishing Company, 1994) 158.

<sup>782</sup> KARL MARX, selected Writings. 59

**alive but not to live as a human deserves.**<sup>783</sup>

4. The alienation of man from man. Marx believes that the proletariat measures his behavior and others with a presumption originated from mentality of a worker when he claims. "Thus, in the relation of alienated labor every man sees the others according to the standard and the relation in which he finds himself as a worker".<sup>784</sup>

  - Proletariat, just forget their identity and dignity and contribute their dedication towards the product which does not belongs to him.
  - The Minority people bourgeoisie and capitalism conducted tragedy on proletarians considered them as a **producing machine** for the property owners.

#### **PREPOSITION ON MARX'S THEORY**

1. In Marx's words, It is man's economic activity that makes the world on one hand and his production and the mode of production reflect back on the individual determining his life even his personality on the other. Thus, the right of property became a necessary concomitant to the capitalist mode of production becomes a directional force determining the quality of man's life.
2. Marx denotes "alienation" as dehumanization, that views the man as a mere **commodity**.
3. It emphasize upon the property rights relation between two wills that signifies the economic relations.
4. Used the principles of **dialectical and historical materialism** to study the relations between the socio-economic base and the superstructure and revealed the root cause of legal relation.

5. "legal relations as well as forms of state are to be grasped neither from themselves nor from the so-called general development of the human mind, but rather have their roots in the material conditions of life..."<sup>785</sup>
6. It reveal his concrete analyses of the juridical relations of the commodity market and the labor market. He pointed out that the transactions were made out based on the identity of the wills between the buyer and the seller. He mentioned that the juridical relation is the relation between the two wills and the economic relation in the following words: "This juridical relation, whose form is the contract, whether as part of developed legal system or not, is a relation between two wills which mirrors the economic relation. The content of this juridical relation (or relation of two wills) is itself determined by the economic relation."<sup>786</sup>
7. This Scientific theory of property rights laid a theoretical foundation that established the relationship of three factors namely, property rights, the economic rights and the relation between the two wills.
8. The production is legally expressed through its property relations.
9. Marx proved the property relations studied by the science of law are in essence the relations of production studied by the science of economy.
10. Property right – legal representation of ownership relations.
11. Marx studied that the ownership fall under the economic category while the property rights belong to the legal category thoroughly. He discovered that the property rights were the legal form of ownership, "the legal representation of certain property relations"<sup>787</sup> and that "a

<sup>783</sup> MARX, Selected Writings, 64.  
<sup>784</sup> *ibid.* 65.

<sup>785</sup> Karl marx and Frederick Engels, Selected works (in three volumes), p.503  
<sup>786</sup> Karl Marx, Capital, Vol.1, p.178.  
<sup>787</sup> Karl Marx and Frederick Engels, Collected Works, vol.41, p.316.

given civil law is but the expression of a certain development of property".<sup>788</sup>

**12. Property and its rights have their own history and have assumed different forms.** Marx thoroughly investigated the origin and historical changes on property rights by applying the historical materialism to research upon it.

**13.** He considered the property rights as the product of the history and recollected its own history and assumed its different forms.

**14.** He studied the three historical forms of property before Capitalism. they are:

- **Primitive land property** – community relates as owner to the natural conditions of production that includes natural primitive tools, materials and natural supply consists of basic necessities of life. There only **ownership right** exists. "The original form of this property is therefore itself **direct common property**."<sup>789</sup>
- In this form, It is marked by the ownership by the working subject of working tools, materials and necessities of life. The Natural elements developed to productive elements. It appears that the ownership, private ownership based on one's own labor.
- In this form, the worker relates as owner only to the necessities of life, without relating to the land and soil, or to the instrument and pointed out that "is at bottom the formula of slavery and bondage."<sup>790</sup>

**15.** While investigating those three historical forms of property, Marx signifies the special effort to study the capitalist form

of property. In which the worker's sole property is his **labor** and his sole ownership is the **ownership of his labor**. All the other thing as the Capitalists' property and the workers' non-property in the following Marx's words: "The formula of capital, where living labour relates to the raw material as well as to the instrument and to the means of subsistence required during labor, as negatives, as not-property."<sup>791</sup>

**16.** In his research, Marx signified the study towards the law of property rights over the products of his labor. He incisively propounded two laws that differ in nature namely, the first law and the second law of property rights.

**17.** "The rights of property seemed to us to be grounded in a man's own labor....since only commodity-owners with equal rights confronted each other, and the sole means of appropriating the commodities of others was the alienation of a man's own commodities, commodities which, however, could only be produced by labor."<sup>792</sup>

**18.** Whereas in the capitalist economy, property right is of different nature and significance for capitalists and workers.

**19.** Marx quoted that, "Now, however, property turns out to be the right, on the part of the capitalist, to appropriate the unpaid labor of others or its product, and the impossibility, on the part of the worker, of appropriating his own product."<sup>793</sup>

**20.** Marx indulged to analyze the "peculiar results" of the dialectical transformation of property rights in capitalist society: "..... the right of property undergoes a dialectical inversion (dialektischer Umschlag), so that on the side of capital it becomes the right to an alien product, or the right of property over alien labour, the right to appropriate

<sup>788</sup> Karl Marx and Frederick Engels, Collected Works, vol.6, p.119.

<sup>789</sup> Karl Marx and Frederick Engels, Collected Works, vol.28, p.428.

<sup>790</sup> Karl Marx and Frederick Engels, Collected works, vol.28, p.502.

<sup>791</sup> Karl Marx and Frederick Engels, Collected works, vol.28, p.430.

<sup>792</sup> Karl Marx, Capital, vol. 1, p.730.

<sup>793</sup> Karl Marx, Capital, vol.1, p.730.

alien labour without an equivalent, and, on the side of labour, the right to appropriate alien labour without an equivalent, and, on the side of labour capacity, it becomes the duty to relate to one's own labour or to one's own product as to alien property."<sup>794</sup>

21. Marx using the political economy to analyze and reveal the opposition between the capital and wage labor, He emerged with the relation in value-added process in the economic field as a process of appropriation in the field of property rights.

22. Two laws of property emerged as result of in-depth studies. The both laws bear the distinct natures that differ from each other.

23. The First law of property rights- **concerns commodity production.** It enumerates that the worker has the property right over the products of his labor.

24. The Second law of property rights – **concerns the capitalist production.**

25. **In short, it enumerates that the product of worker's labor appears to him as a alien property, and the alien labor appears as the property of capital.**

26. Marx pointed out in the following words, "the fact that surplus labour is posited as surplus value of capital means that the worker does not appropriate the product of his own labour; that it appears to him as alien property; inversly, that alien labour appears as the property of capital. This second law of bourgeois property, the inversion of the first..becomes just as established in law as the first. The first is the identity of labour with property; the second, labour as negated property, or property as negation of the alien quality of alien labour."<sup>795</sup>

27. Similar to discovery of law of surplus value in the economic field, the Marx's discovery of property rights laws of workers and of employer class of people (bourgeoisie) is recognised as a historical achievement.

28. **Property rights embedded with various legal rights in relation to property.** Marx in-depth analysed the essence of the every right related to property that includes the proprietary right, right of possession, right of use, right of control, right of operation, right of demand, right of inheritance and right of inviolability.

29. Those rights inherent in property rights may belong to same subject or separate from one another and belong to different subjects. Marx was the first being to investigate in-depth upon the property rights and in elaborating the unity and separation of rights prior to and in capitalist society, establishing the systematic and comprehensive theories. Hence, with these results, Marx revealed the relations of production and class relations behind property relations.

30. Property rights is of two: public and private property rights. During the primitive capital accumulation period, there appeared a process of plunder in which those public property rights were drastically changed into private property rights.

31. Marx observed the accumulation of capitalism and the role of law in converting the public and the state owned properties into private properties. This period were the expropriators **plunder those state-owned land and public land ceaselessly.** The law becomes a tool to steal the people's property and the 'Bills for Inclosure of Commons' became the **decree which granted the landowners themselves the people's land as private property and decrees of expropriation of the people.**

<sup>794</sup> Karl Marx and Frederick Engels, collected works, vol.28, p.386

<sup>795</sup> Karl Marx and Frederick Engels, collected works, vol.28, p.386

32. The Antagonistic characterised Capitalistic property relations and rights converted the forms of development of productive forces into their fetters. It will be an end to the socialist property relations and the socialist system of property rights.
33. There is a need arise to create the conditions for the public ownership of the means of production to initiate the socialist movement.
34. Marx studied the historical role of capitalism, its mode of production, relations of production compatibility. He emphasized that the capitalist relations of production and the property relations had once been a **forms of development of society's material productive forces and played a positive role in promoting the growth.** Unfortunately, it is with **antagonistic aspects** too.
35. In order to describe the antagonistic nature of capitalistic society, he quoted the famous British political activist and essayist S. Laing, "In no particular have the rights of persons been..sacrificed to the rights of property.." <sup>796</sup>
36. In the Introduction part of 'Contribution to the Critique of Hegel's Philosophy of Law', he mentioned that the proletariat demands the negation of private property as early in the year of 1843. During his first attempt to expound the concept of communism in his 'Economic and Philosophic Manuscript of 1844' highlighted that **'Communism is the positive transcendence of private property..'** <sup>797</sup> and he scientifically proved through research that 'At certain stage of their development, the material productive forces of society come in conflict with the existing relations of production, or-what is but a legal expression for the same thing – with the property relations within which they have been at work hitherto. From forms of development of the productive forces these relations turn into their fetters.' <sup>798</sup>
37. He proved the capitalist relations of production would eventually be replaced by socialist relations of production and, correspondingly, capitalist property relations would eventually be replaced by socialist property relations.
38. Socialist movement shall be initiated to socialize the means of labor of Proletariat class. Rigorous scientific expositions made Marx to prove the capitalist relations of production and consequently capitalist properties relations and its property rights were the forms of development of society's material productive forces over a quite long historical period and played a significant positive role in promoting the growth of productive forces. Consequently, the capitalist property relations and system of property rights are full of antagonisms and ultimately become fetters on the development of the productive forces. Those are compatible with the development of productive forces the capitalist economy is efficient and when it fails, it is inefficient.
39. Rather other fundamental rights, The right to property was propounded as a foundational limitation on all other rights. According to Marx, It forces the individual to view his fellowship as an enemy stood in his way of the accusation or preservation of property.
40. Private property right from the mode of production had converted equality into inequality and liberty is replaced by self interest and security means the protection of property even when it is in the ownership of human beings. Marx given several examples of alienation generated by property ownership and the capitalist mode of production. It puts one man's

<sup>796</sup> Karl Marx, Capital, vol.1, p.812.

<sup>797</sup> Karl Marx and Frederick Engels, Collected works, vol.3, p.297

<sup>798</sup> Karl Marx and Frederick Engels, Selected works, pp.503-504

labor under the domination of another man. It plays a determinant role of alienating between the worker and the capitalist that emerges as a direct consequence of the disparity in property ownership. Another is the alienation between the worker and worker competing for the limited employment opportunities. There is also between the worker and the product of his labor until it considered as an 'unfree activity' borne in the attempt to obtain and retain property.

41. Marx says, "...is on one hand that the product of alienated labor, and on the other hand the means by which labor is alienated, the realization of his alienation"<sup>799</sup>. For a man to regain his true authentic being he must get rid of the profanity of private property. He must cease characterizing himself as a private individual...(treating) other men as means"and became a self conscious being, organically united with the world "in accordance with the laws of beauty.

42. He believes that this can occur only when 'freedom of property' change as 'freedom from property' which can be attained only after a period of revolutionary dictatorship of the proletariat. There is a need of transition to **socialism** that brings property ownership including its consequences such as exploitation of labor and alienation that creates the new socioeconomic structure allowing individual to explore.

43. Marx argued that the exchange value of the product is bought and paid for, but what is actually acquired is the use value of labor that creates the surplus value. Therefore, only a certain part of worker's working day is spent in replacing the equivalent of his own value and for the remaining days he works for the capitalist. Hence, surplus value is considered as 'unpaid labor'.

44. Marx's rejection over the slogan of "a fair day's wage for a fair day's work.." for the following emphasizes contrary to just or unjust exploitation made further that 'It is an extraordinarily cheap kind of sentimentality which declares this method of determining the value of labor-power, a method prescribed by the very nature of the case is brutal.'<sup>800</sup>

45. In Marxist analysis, "justice" nothing to do with the economic relations. It not ruled by juridical concepts; on the contrary these concepts arise out of economic relation. There are no absolute right in this theory. "The sphere of circulation or commodity exchange, within whose boundaries the sale and purchase of labor-power goes on, is in fact a very eden of the innate rights of man. It is the exclusive realm of Freedom, Equality, Property and Bentham...The only force bringing them together and putting them in the relation with each other, is the selfishness, the gain and the private interests of each"<sup>801</sup>

46. Marx criticizes the usage of labor theory of value to justify the private property rights under capitalism. He says that the property rights appeared to us to be based on one's own labor. At least this assumption must be made, since only commodity owners with the equal property rights confronted each other, and the only means of appropriating an alien commodity was by alienating one's own commodities, which could only be replaced by labor".

47. In a mode of production, each means of production owns by each individual producer and exchanges the commodities he produce with another individual producers make sense as the property rights would be based entirely on a man's labor. In different places, Marx calls this as '**individual property system**'. In that

<sup>799</sup> Karl Marx, 2000(1844b): 93

<sup>800</sup> Marx, 1977(1867): 277

<sup>801</sup> Marx, 1977(1867): 280

instance, the worker would appropriate the full value of his product and any act of deprived him from himself “earned property” would be considered as “unjust”.

48. In Capitalist economy, its production requires further specialization by which individual labor is replaced cooperative labor, where every worker involved in the production of certain parts of it. Secondly, Capitalism predicted through the separation of labor from the means of production, on the division of society into a class which owns the means of production and a class that owns only a labor power. It develops polarization become evident.

49. It witnessed the increase in inequalities in the socio-economic structure and many argued that the democracy requires substantial equality in the distribution of income and wealth. That the main reason is that the great inequality in economic circumstances eventually turned into political inequality. Accord to him, Capitalism has an inherent tendency to reproduce this inequality structure and it is private property that generates this inequality. Therefore, democracy is inconceivable without socialism, by which he means the public ownership and administration of all major means of production by and for the working classes.

#### **ABOLITION OF PRIVATE PROPERTY**

It is to sum up the theory of communists can assumed as the **abolition of private property**. There may be an obvious objections to the formulation on the ground of ‘personal freedom, activity and independence’, denouncing it as an act against the ‘hard won’, ‘self earned’ property.

It emphasized that the self earned property mean the property of the independent producer including the petty artisans and small peasants and there is no need to abolish that kind of property since it has already been destroyed to great extent by the development

of capitalist economy, which causes monopoly of capital. Hence, when the capital is converted into common property, it does not transform personal property into social property. It just only the social character of the property changes and loses the class character.

Therefore, “Communism deprives no man of the power to appropriate the products of society; all that it does is to deprive him of the power to subjugate the labor of others by means of such appropriations”<sup>802</sup> The Crucial step of this transformation to the socialist society is the dictatorship of the proletariat. It was the controversial definition in his writings.

Marx and Engels believed that capitalist society was founded upon division of labor between the mental and manual labor and in which one class of people **orders what should be done and the other class of people acts accordingly**. They aim to establish the participatory democracy.

Marx enumerated the democratic character in the following words in his first draft for the Civil War in France; “The commune the reabsorption of the state power by society as its own living forces instead of as forces controlling and subduing it, by the popular masses themselves, forming their own forces instead of the organized force of their suppression- the political form of their social emancipation, instead of the artificial force appropriated by their oppressors(their own force opposed to and organized against them) of society wielded for their oppression by their enemies. This form was simple like all great things”.<sup>803</sup> and further quoted the tendency of the development as, “a government of the people by the people.”<sup>804</sup>

#### **CONCLUSION**

The existence of private property in the hands of the capitalistic bourgeoisie property owner folk exploited the labor of proletariats. Hence, the proletarian’s dedication of their living labor towards the profit of bourgeoisie and in

<sup>802</sup> Engels and Marx, 2000(1848): 258

<sup>803</sup> Marx, 1966 (1871):168.

<sup>804</sup> Marx, 1966 (1871): 170.





return gets meager amount to survive. Their alienation made labor materialized and their freedom violated. Thus, the Marx developed his property rights theory into a new terms of scientific system, advancing, expounding and clarifying a series of tenets concerning those property rights. Hence, this property rights were something purely personal as an inseparable part of the human beings. Marx consistently argued to **abolish the private property in the hands of bourgeoisie folk.**

