

**COMPREHENSIVE EXAMINATION PROPOSAL:
PRIVATE PROPERTY: A HISTORICAL EXAMINATION OF PRIVATE
PROPERTY**

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The ownership of genetic information was brought to the fore in March 2000 when President Bill Clinton and Prime Minister Tony Blair announced to the world that they would ensure that the research undertaken by The Human Genome Project, a public funded international consortium mapping the genetic code for humans, would be made publicly available. An American company named Celera is conducting a parallel research project with the same aim, offering a little more sophistication than the HGP, but sells this information to licensed users. Once genes are mapped and identified scientists are able to take this information, identify the function of a particular sequence of a gene, such as a gene that is linked to a specific disease, and patent that gene because of the potential development of a test for, or treatment of, the identified disease. What is clear is that the joint statement by President Clinton and Prime Minister Blair only refers to the 'raw, fundamental human DNA sequence information' being made freely available and not subject to patent but that both leaders encourage the patenting of gene sequences when a specific disease can be linked to it. This leads to the oft-asked questions: Are there limits to ownership and the concept of private property? Should anyone own genes and genetic information?

The purpose of this comprehensive examination area is to sort out the issues related to the concept of property, identify what is being constructed and how, why and where these ideas came from. This examination of property will highlight key periods in the evolution of the concept and answer the broader question: What are the most important developments in arriving at the concept of property that we have today? In order to proceed toward an answer to this question there is a need to understand the concept of property, the concept of rights, and when and how the two became entwined. More specifically, as the ideas of private property became established in institutions, an explanation of how we arrived at the present day concept of private property will be explored by understanding its legal status and at what point the law instituted it.

More specific questions include: How and why did property and rights to property begin? How did they become enshrined in law? Why do we look to the legal system to protect and grant rights? By being forced into negotiating rights, have indigenous people bought and been assimilated into the western concept of rights with the only recourse for 'justice' being the legal system (i.e. further entrenchment)? With the ongoing expansion of rights, is the European concept of law infiltrating all areas of our lives and all cultures (i.e. further globalization)? It is these questions and concerns that prompt an historical analysis of the concept of property.

The historical examination of property draws on a range of disciplines, including: history, philosophy, political theory/science, economics, legal theory, social science and combinations thereof. Similarly, a number of concepts are bound up in, and influence and impress upon, the broader meaning of property, including: the period of the enlightenment and the transition from feudalism and other pre-capitalist societies to capitalism and modernity, the conceptualization of society, community and the individual, the development of democracy, freedom and equality, ideology and moral and ethical aspects of property.

The examination of the concept of property begins in the 16th Century during which time momentous change was starting to occur in the structure of society and the lives of people. The evolution and definition of the concept of property from these early beginnings has been well documented by a number of key theorists, including: Hugo Grotius (1583-1645), Thomas Hobbes (1588-1679), John Locke (1632-1704), Samuel Pufendorf (1632-1694), David Hume (1711-1776), Jean-Jacques Rousseau (1712-1778), Immanuel Kant (1724-1804), Jeremy Bentham (1748-1832), Georg Wilhelm Friedrich Hegel (1770-1831), John Stuart Mill (1806-1873), Pierre-Joseph Proudhon (1809-1865), Karl Marx (1818-1883), Friedrich Engels (1820-1895), among many others. Secondary sources will be used to identify the key theorists and debates and map out the different positions of the authors. This examination of property concentrates on the Anglo-Western tradition. I acknowledge that in anthropological literature there are alternative concepts of property to that of the Anglo-Western tradition. However, as the Anglo-Western concept of property has spread worldwide in tandem with the reach of capitalism, the Anglo-Western tradition remains dominant.

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