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**"WE THE PEOPLE": AN ANTHROPOLOGICAL ANALYSIS OF PROPERTY RIGHTS
DISCOURSE AND PRACTICE**

An honors paper submitted to the Department of Sociology and Anthropology
of the University of Mary Washington
in partial fulfillment of the requirements for Departmental Honors

Eniola Afolayan

April 2016

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Eniola Afolayan



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“We the People”: An Anthropological Analysis of Property Rights Discourse and Practice

By
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Presented to the Department of Sociology and Anthropology
Of University of Mary Washington

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“WE THE PEOPLE”: AN ANTHROPOLOGICAL ANALYSIS OF PROPERTY RIGHTS DISCOURSE AND PRACTICE

In the United States, rhetoric about property and property rights often alludes to land ownership and the right an owner has to a certain land. However, land is just one form of property; anything that can be owned can be considered property and the owner has or can attain property rights to whatever the object is. This is evidenced by the concept of intellectual property rights where even ideas can be owned. Yet, when people talk about things that belong to them, they do not often say “this is my property.” In the case of land, however, it is this very rhetoric that is called on by Americans, illustrated by the phrase “get off my property” or “get of my land”. In fact, the use of the words ‘property’ and ‘property rights’ themselves are peculiar because they are often used interchangeably. This, according to Chris Hann (1998:4), is due to the fact that property in western discourse alludes not only to an object, but also to the ownership rights attached to an object. For the purposes of this essay, these two terms will also be used interchangeably.

Discourse surrounding property rights itself is extremely prevalent and common in western society, whether it be about who has the right to own guns or at the center of the debate about citizenship. In other words, property rights can determine who gets to have protection of the state and who does not. The concept of property rights itself is ingrained in the history of North America and the United States from the Louisiana Purchase with Mexico to conflict with indigenous groups over land—as well as foundational documents that shape the country such as the constitution. It is not an exaggeration to assert that the United States would not be what it is today without the concept of property rights as the right to own things as an individual lies at the heart of liberalism. This concept is so engrained in how we, of the western liberal tradition, experience our daily lives that people are willing to go so far as to die for it.

Yet still, the everyday western rhetoric about property often fails to consider the intimate involvement of notions of personhood. In other words, people often do not equate this rhetoric to its contribution to the making of social persons. The purpose of this research is to demonstrate what anthropology can contribute in bringing notions of personhood back to a more central place in the discourse on property. While the everyday rhetoric around property rights tends to focus on land and land rights, here I assert that beneath that rhetoric is the set of ideas about what it means to be a person by normative American standards. I look to anthropology to specify what these standards are, as well as review the discipline's other contributions to the concept of property rights.

Many anthropologists, like Hann, have warned against using property rights as an analytical concept in non-western societies because the concept is relative and may not warrant its application in other cities, at least in the same way it does in western societies. Instead, Hann has suggested that cross cultural studies done by anthropologists can show and provide alternatives to the hegemonic western liberal paradigm's concept and understanding of property rights (Hann 1998: 9). This suggestion has its influence in historical debates held in anthropology about how anthropologists explain what they are learning in the different societies that they study. These debates were known as the relativists vs universalists debates which later formally became the Formalist versus Substantivists debates. I will discuss these debates extensively later in the essay.

Following Maurer (2003), I will suggest that property is an interesting topic for anthropology to study because of the duality of the concept: it is both ideology and jurisprudence. These two functions reinforce each other in that as an ideology, property "recapitulate[s] the legal categories of person, thing, and relation implicated in liberal orders"

(Maurer 2003: 777). Ideology, in this sense, is the set of ideas or discourse about property rights that people subscribe to while jurisprudence, or the law of property rights, is the avenue through which the ideology of property rights is expressed. This dual role of property rights produces social categories of persons and shapes social relations between people.

In building off of these ideas about ideology and jurisprudence, it seems to me that this dualistic relation is reminiscent of that between two very long standing concepts in anthropology: ritual and myth. Drawing from my general understanding of French Structuralism, society has an order which is organized in varied ways. The explanation behind why a certain society is structured in the way it is can be found in the structure of collective thought or the logic behind the social structure of that society. The social structure is made up of different kinds of institutions, relative to each society, which dictates to people how they relate to each other. Some examples of these institutions include marital, economic, and religious institutions. In order to better understand these institutions and how they influence social relationships, anthropologists study the patterns and behaviors of their subjects expressed in their discourse and practice. Further, anthropologists also study the structure of human thought which provides the logic behind the social structure. In this structure of human thought, myth details what people are supposed to believe which is then further expressed through ritual. Essentially, myth and ritual are the objectified forms of thoughts and ideas. These two components of the structure of human thought turn ideologies into social institutions that people actually live by. In the same way as myth and ritual, I am suggesting the duality of property—ideology and jurisprudence—makes property a social institution in and of itself. In other words, while property is part of both economic and political social institutions where it deals with exclusion, power, and “the distribution of social entitlements”, it also structures social life and produces social

categories of persons (Hann 1998:7). It is in this sense that property as a social institution deals with notions of personhood.

Of course, even as part of the economic, political social institutions, property deals with social relations between people. In both of these social institutions, property rights can be at the center of inclusion and exclusion. Take, for example, the concept of citizenship. It is a concept that is about how inclusion yields exclusion. According to Immanuel Wallerstein, the term “citizen” was the symbolic result of the French revolution and attempts in trying to move away from titles used in monarchy that furthered social inequality; although the titles were kept, the term “citizen” also remained. The title of citizen was meant to be inclusive of everyone who was a part of a state, eventually giving birth to the concept of statelessness—people who were not part of a state (Wallerstein 2003: 650-1). The problem with this social category was just how inclusive it was—people who were citizens and part of the state could be part of the collective decision making and also get benefits—it’s inclusion of everyone was too much at least according to the privileged population who were the ones interested in narrowing the definition of citizenship. This led different people to adopt much narrower definitions of what it means to be a citizen which excluded others based on class, gender, race, and more (ibid, 2003: 651). One such narrower definition that people used to determine citizenship was based on whether a person owned property or not. This was the case in England.

In his work, James W. Ely Jr. provides a chronological look at the transformation of property rights in United States history where he explains that during the early beginnings of America, English laws influenced the American value of property; parts of documents like the Magna Carta and English common law were used to make laws about property ownership (1998:11). The value that American’s held toward land ownership was also influenced by the

relationship between the English and their land; the English thought of owning land as being indicative of wealth and also afforded land owners with social status (ibid, 11). That said, only a few had access to the wealth and social status gained through owning land because property in England was concentrated in but a few hands (ibid.,11). Colonialism is another illustrative example of how power and exclusion are both embodied by the concept of property rights. In Australia, colonizers used *terra nullius*, a kind of property rights rhetoric and law which allowed colonizers to settle in areas that were supposedly unoccupied— basically a “finders, keepers” approach to land further legitimized by law (Asch 2005: 431). Perhaps, if it’s not too much to infer, the colonizers were themselves aware of their own trickery as they used laws, treaties, and ‘science’ to justify their theft when the areas that were supposedly unoccupied were indeed occupied by aboriginals. In order to take these lands from aboriginals, their reasoning was that these indigenous peoples were far too primitive to own these lands because they did not have a government that protected their land (ibid, 432). The main point of this example is not only that these colonizers used this law to justify the appropriation of land while demeaning the aboriginals, but they were able to do so because of ethnocentrism fueled by their understanding of savagery and barbarianism (supported by evolutionary anthropology). They thought the way these aboriginal peoples lived was unsophisticated because their land was not protected by a government, a concept that was foreign to the aboriginals. Thus the colonizers decided it made sense to take the land by forcing indigenous people to sign treaties they did not necessarily understand (ibid, 431). In the taking of their land, aboriginal peoples of Australia were made to be the subordinate to their colonizers.

These are just some examples of how property rights has been used as a form of control over power, and because of that, those who did not own property or those who did not have

property rights logic were excluded from having the same kinds of powers and entitlements afforded to those who did own property and have a concept of property rights. The ability of property to be its own institution as well as part of other social institution is what makes it such a salient subject for anthropology to reconsider in the western context. While property rights as part of these other institution is important to look at, the goal of this essay is to look at property as an institution on its own and its contributions to the notions of personhood. As its own institution, the social thought that provides the logic to it in western societies must be considered in order to understand the role it plays in making social persons as well as influencing how social persons relate to each other.

While anthropology has always stressed the study of “the non-Western Other”, it has recently begun to stress the study of Western sociality too, especially as the demographics of anthropology continue to be more inclusive of non-hegemonic voices. The kind of anthropologists who study themselves are those that Jessica Winegar and Lara Deeb (2016) call “region-related” anthropologists who are also known as repatriated anthropologists in other discourses. These scholars more often than not study their own cultural backgrounds instead of others (ibid, 2016: 28). In the case of property rights, I propose anthropologists take on the role of the “region-related” anthropologists. Specifically, what I’m suggesting is using anthropological theory normally used in other—most often small scale—societies be used to understand the western liberal discourse and practice surrounding property rights in its own terms on its own turf. I am proposing that cross cultural studies in anthropology—especially economic anthropology —has provided us with various alternatives to property rights (as a distribution of wealth among other things), it is now time for anthropologists to use these various alternatives to reflect back on to their own society. Since these other ethnographic accounts have

made anthropologist more aware of their own societies, perhaps these new eyes can further reexamine what has been perceived as mundane in American society and be used to further our self-understanding in addition to doing cross-cultural analysis.

CITIZENS FOR CONSTITUTIONAL FREEDOM

As a student of anthropology, I find myself often studying societies beyond the American society that I am a part of. And while I understand that these societies are foundationally different from my own society, I find that even a concept such as property rights—which exalts the individualistic discourse of America—does indeed have aspects of it that are also apparent in such diametrically opposed societies. These aspects are the use of myth and ritual to not only make social persons but to also shape the social relations between them. It is the appearance of these commonalities that anthropology—specifically structural anthropology—can be useful in studying property rights and the people who uphold this ideology. To illustrate this assertion, I analyze the recent case of the Oregon militia standoff held in Burns, Oregon.

At the start of January 2016, Ammon Bundy, Ryan Bundy, and their supporters known as the Citizens for Constitutional Freedom, occupied the Malheur National Wildlife Refuge located in Burns, Oregon (Piven 2016). Their appearance as a group, shown in the many pictures released by the press, was uniformed as they dressed in very casual clothes; from cowboy hats to knitted beanies or caps, from dark winter jackets to camouflage jackets along with pants to match, and construction or snow boots. In some cases, the men were armed with weapons, holding their guns with their bare arms sometimes covered in tattoos that told of some other adventure. Besides Ammon Bundy, the leader of the group, none of the members particularly stood out. Their white middle aged faces, as shown in the pictures, almost seemed to

meld into each other as they all seemingly had similar physical features adorned by their similar choice in dressing.

While many had labeled them occupants, they saw themselves patriots as their main purpose was to uphold the constitution in its original form and to protest “the federal government's land-use policies [while] advocating for public property to be turned over to local ranchers and loggers” (Hammil 2016). What originally started as a peaceful protest against the reimprisonment of two cattle ranchers from the Hammond family, who were previously indicted for setting ablaze federally owned lands, turned into occupation when tensions were aggravated and weapons were brought to the site of the protest (Wilson 2016; Piven 2016). For Ammon and Ryan Bundy, the standoff against the government was not an uncommon event for them. In 2014, their father, Cliven Bundy, also held a standoff against federal agents who began to collect the family's cattle after the Bundys had refused to pay the one million dollar grazing fees that had accumulated over twenty years and failed to remove their herds from federally owned public lands (Schoenmann 2014).

The narrative of both standoffs were eerily similar: “It's tyranny in government”, “It's about freedom and liberty and our Constitution ...”, “All he's [Cliven Bundy] saying is we want liberty and freedom and you lose it if you depend on the federal government...”, “we're all oppressed because of the government telling us what we can do, how we can live” (Martinez 2014; Schoenmann 2014). Two years after, members of the Ammon Bundy's standoff were reiterating the same kinds of rhetoric: “This public land belongs to ‘we the people’”, “We're out here because the people have been abused long enough,” “We're there [Oregon] in support of ranching families who have been harassed by the federal government for years out here” (Glionna and Wilson 2016; Wilson 2016). For these citizens, these standoffs bring together like

minded people interested in taking action against what they think to be an exaggerated amount of power that the government should not wield in the first place. Not only is the rhetoric used at these standoffs anti-government but they are also very religious.

As a student of anthropology, I find myself often studying societies beyond the American society that I am a part of. And while I understand that these societies are foundationally different from my own society, I find that even a concept such as property rights—which exalts the individualistic discourse of America—does indeed have aspects of it that are also apparent in such diametrically opposed societies. These aspects are the use of myth and ritual to not only make social persons but to also shape the social relations between them. It is the appearance of these commonalities that anthropology—specifically structural anthropology—can be useful in studying property rights, the people who uphold this ideology, and the role it plays in defining what it means to be human for its adherents. My purpose for looking at this current day case study is to understand the logic behind the protests conducted by members of the Citizens for Constitutional Freedom as well as what makes land an important part of their personhood. I do so by analyzing the discourse they use to justify what they are fighting for. Such discourses, as I found, were adopted from documents like the US constitution, the Bible, and the book of Mormon which they take as sacred texts. I analyze these discourses by using French structuralism as it provides methods to understanding how these protesters interpret what they think their sacred texts are trying to say and how they try to uphold these interpretations.

Before I discuss this case study, however, I want to discuss property rights in anthropological history to look at how anthropologists have engaged with it as well as give a robust explanation as to why property—a concept that was once at the center of many discourses in anthropology—and other major concepts were eventually abandoned by the discipline during

the twentieth century. I also discuss the great debates in anthropology that contributed to the abandonment of property as a central concept. Thereafter, I look at the theoretical foundations of American history in shaping property rights and the role of myth in these discourses and ritual in putting bringing such discourses to life. I also discuss the mythic components of the sacred texts my informants used such as the bible and the US constitution. I examine how these mythological discourses become normalized through the symbolic action of protest and how they produce persons and social relationships which are integral to the institution of property rights through these actions.

PROPERTY RIGHTS IN ANTHROPOLOGICAL HISTORY: FROM UNILINEAL EVOLUTION TO GREAT DEBATES IN ANTHROPOLOGY

In its earliest chapter, Anthropology sought to be recognized as a scientific discipline, and this arguably led to a heavy borrowing from evolutionary paradigms and the early science of racial typologies in classifying human societies. In so far as these ideas influenced the false science known as “eugenics”, some have argued that early anthropology was complicit in dehumanizing peoples (Levine 2012). In response to colonialism, anthropology tried to explain the cultural differences of the communities that were colonized. It did so through the concept of unilineal evolution or cultural evolution (Long and Chakov 2009). One of the champions of unilineal evolution was Lewis Henry Morgan. As a social theorist, Lewis Henry Morgan was one of the main philosophers on the theory of unilineal evolution in which he, along with others, argued that humanity was a lineal process in which humans evolve from being savages to barbarians and then into civilized beings; at the basis of his argument was that modern institutions, like that of family, government, and religion, that played a salient role in this progression of humans from being savages to being civilized (Morgan 1877:4). The concept of property was especially important to the unilineal evolution theory as a result of it being not only

part of these modern institutions but it also established political society--at least in the sense that political society is defined as “organized upon territorial areas and deals with property as well as persons through territorial relations” (Morgan 1877:6). Aside from that, Morgan illustrated that as human beings progressed, they also acquire more property and as such private property was often associated with being civilized. Morgan’s work echoes those of Enlightenment philosophers and scientists such as Montesquieu, Darwin, and Locke. While Montesquieu produced the foundation for unilineal evolution with his three stages of evolution, Locke argued that the need to protect property created the need for government or civil society and interpretations of Darwin’s natural selection theory were used to argue that only the fittest would be able to survive (Long and Chakov 2009). Darwin’s ideas were the basis for all social theorists during the Age of Reason in the western world, such as Morgan, who were evolutionist (ibid. 2009). Essentially, philosophers who influenced the Enlightenment period also influenced the foundations of anthropology as a discipline. Along with Lewis Henry Morgan, other philosophers who played essential roles in the foundation of anthropology and its sub disciplines were also champions of unilineal evolution including the likes of Sir Henry Maine and Karl Polanyi (ibid, 2009). Unilineal evolution was at the heart of the prototypical anthropology molded by these theorists.

Morgan’s work went on to influence prestigious social scholars such as Karl Marx and Frederick Engels who used his work to talk about class inequality and private property which painted primitive societies as utopian because there was no concept of private property (Birdal 2007: 51). What’s to be said about this influence is that Marx and Engels used Morgan’s work to champion their ideas on social/class inequality which they explained was the result of property being in the hands of a small minority. They used Morgan’s unilineal evolutionary scheme as

part of their image of the communist state that would not include private property (Birdal 2007; Lang and Chakov 2009). It is through the influence of Morgan and the expansion of the work of Marx and Engels that property rights became a central discussion in anthropology (Hann 1998: 25). That said, Morgan, along with other proponents of unilineal evolution, are rather infamous in anthropology and treated as problematic and antiquated scholars. Even then, their works gave way to crucial debates in anthropology about relativism and universalism.

These debates are formally known as the Formalist vs. Substantivists debate of the 1960s. On the one hand, relativists argued the cultures had their own knowledge systems that they must be understood through, knowledge systems that differ from one culture to the next and thus cannot be interpreted by western objective science, as opposed to universalists who argued that all human experience and knowledge systems are fundamentally the same worldwide and so western objective science could indeed be used to study them (Wilk and Cliggett 2007: 6). Morgan's work and the arguments of unilineal evolution, in my interpretation, fall under the Universalists side of the debate due to their use of western ideas influenced by the Enlightenment philosophers.

The relativists vs. universalists debates formally became the formalists vs. substantivists debate after British social anthropology, in particular anthropologist Bronislaw Malinowski's functionalism conquered the concept of unilineal evolution in anthropology. In his study of the Trobriand Islands, Malinowski found that land tenure was not simply about law but it was "central to Trobriand conceptions of personhood and citizenship" and considered things like mythology and kinship relations particular to how these people understood themselves and their modes of being in the world (Hann 1998: 25-26). Essentially, Malinowski was disputing the Universalist argument that human experience and modes of understanding were the same as the

Trobrlanders proved differently in his critique of western economics (Wilk and Cliggett 2007: 5). Due to this, his work can be understood as being relativists. The actual debate between formalists and substantivists was a conversation between social scientists about the definition of economics.

Formalists defined economics as rational decision making in which people make decisions that maximize their self-interests (ibid. 2007: 7). Substantivists defined economics is part of a larger system of cultural practices through which people meet their needs and wants without necessarily acting out of self-interests; this system is embedded in other institution (ibid. 2007: 8). For Formalists debaters, capitalism then emerges as the only plausible model for economics, a model which in itself carries deep seated assumptions about individuality and the positioning of self at the center of whatever decision the rational thinker makes (ibid. 2007: 7). The result is *homo economicus*, a hypothetical model of a person who only acts according to his or her self-interests. Substantivists argue that the *homo economicus* model is not a universal, but instead a product of its own capitalist society (ibid, 2007: 7). Although neither side of the debates necessarily “won”—the debates themselves were eventually abandoned—anthropology is often thought to have taken the substantivists side since its study of other cultural systems provides many examples that seemingly support the position that notions of self and patterns of decision-making are influenced by the particulars of cultural environments, not general laws of “human nature.”

In the years following the debates, new sub-disciplines came to be in anthropology such as Neo-Marxist anthropology, feminist anthropology, ecological anthropology, development anthropology, and peasant studies. In these new sub-fields, property became prominent in the types of discussion anthropologists were having with each other and other social scientists (Hann 1998: 29). In his own attempts to understand why property stopped being so important in

anthropology, Chris Hann suggests that this fall from grace is perhaps due to just how many subfields the subject falls under including that of economic anthropology, political anthropology, and legal anthropology (1998: 27). That said, Hann is himself leading the revival of property as a fundamental concept in anthropology, suggesting that this revival be focused on property relations--how two people relate to each other through an object. He states that the revival can “serve to integrate the separate disciplinary traditions in western scholarship” and to “shed light on our own societies and the directions in which they are changing” (1998: 9-10). In other words, Hann is suggesting that the revival of property as a fundamental concept in anthropology can benefit western studies of property through cross cultural analysis; through cross cultural analysis, it is possible for western scholarship to see that there are alternatives to the hegemonic discourse about property and property rights in western societies.

That said, my question to his suggestion—or more to relativists in anthropology—is why can’t western understanding about property and what it means in western societies be observed directly by anthropologists in western societies? I do not deny that comparative analysis is useful, as it does indeed show alternatives to how one might understand themselves and their modes of being. In this case, however, I am advocating for more anthropologists to take a substantivist approach to studying the embodiment of *homo economicus* by the people they study in their own societies. I am curious to see what kind of data presents itself when trying to understand western notions of property rights in its own context through the use of anthropological methods.

In the following discussion, I look at the mythic component of myth and its relation to the “sacred text” that members of Citizens for Constitutional Freedom use to justify their action.

THEORETICAL FOUNDATIONS OF AMERICAN HISTORY: THE MYTH OF PROPERTY RIGHTS AND THE US CONSTITUTION

*“The highest heavens belong to the Lord,
but the earth he has given to mankind.”- Psalms 115:16, NIV*

In this section, I want to get back to my main discussion on the duality of property rights, as it is both ideology and jurisprudence. As I previously mentioned, the dualistic relation is reminiscent of myth and ritual. In fact, ideology can be thought of as myth while jurisprudence can be thought of as ritual because like the function of myth and ritual, ideology provides a narrative for understanding property rights while jurisprudence brings that narrative to life through actions that are at once concrete and symbolic. In the case of property rights, ideology, or myth can be found in the constitution of the United States. In going forth in my assertion, I will forsake calling the duality of property rights ideology and jurisprudence, and instead replace these titles with myth and ritual. In doing so, my goal is to better illustrate the point I am trying to suggest about the relevance of an explicitly anthropological approach to the analysis of the discourse of property rights and the practice surrounding it.

As the law of the land, the constitution of the United States has taken on a sacred quality in its perceived ability to transcend time. The document is perceived by some as narrating the rags to riches, notions of upward social mobility in this country--better known as the American dream—which stands for the idea that everyone is or should be able to achieve success if they work hard enough. In a sense, this symbolic idea is further objectified by the constitution in those areas that are said to speak to issues of equal opportunity, fairness, and success through their merits as opposed to their social standing (e.g. the Bill of Rights). The constitution, according to those who ascribe to it, is the backbone of this country, a record of ancestral struggle for rights and freedoms separate from the English crown. To purport that the constitution is a myth, would likely be seen by many in our public sphere as a direct denial of what it stands for, because myth is often understood by non-anthropologists as a false narrative or fiction, as opposed to being

seen as a source of ideology. While there are such myths, or “false stories”, which are profane in content, I am proposing myth in this conversation be defined as “a ‘true story’...a story that is a most precious possession because it is sacred, exemplary, significant... [It] gives meaning and value to life” (Eliade 1963: 1-2). While false stories might be more fable like and used to teach certain moral lessons, “true stories” often deals with creation and the supernatural (Ibid., 8-9). Instead of thinking of a myth as something trivial and false, myth should be taken here as a model that refers to narratives about beginnings of the world; these kinds of myths provide logic for social institutions as it illustrates how people should relate to each other in these social institutions (Lévi-Strauss 2010[1984]; Leach 2010[1972]; Eliade 1963). Thus, I contend that the constitution should be seen as a “true story”, a myth that is seen as a sacred text or a model that helps Americans structure their lives and their relationships with other Americans and in accordance with the positions or values they consider the essence of being American.

A characteristic of myth, as explained by Lévi-Strauss, is that it is often a retelling of another myth but it is modified to match the environment that it is in (2010[1984]). As an example, he details the myth of two closely related indigenous groups called the Bella Bella Indians and the Kwakiutl; these groups share a myth about a kidnapped child (whom is either a boy or girl depending on the version of the story) by a cannibalistic supernatural being who eventually succeeds in escaping from this being (2010[1984]: 163). The main point of the myth comes when both groups, explain how the child escapes. In the Bella Bella story, the child uses siphons as claws to kill the supernatural being. Lévi-Strauss challenges readers to question why siphons were the weapon of choice for this child since they are harmless. The answer to this question, he suggests, is found in another myth told by the Chilocoton who live opposite of this groups by mountains but are often visited by the Bella Bella. Like the myth told by the Bella

Bella, the Chilocoton myth also talks about a child who is kidnapped by a supernatural being but this time the child escapes by using mountain goat-horns as claws to kill the being. To summarize, the weapons of choice in each myth are based on the geographic location of each group. While the Chilocoton live by the mountain—thus have access to mountain goat horns—the Bella Bella Indians chose siphons of clams because they—as suggested—lived by the sea. Depending on their surroundings, the myths as told by these indigenous groups are modified to match their environment but the story itself is generally the same.

Like these myths, the constitution can also be seen as a retelling of another myth that has been modified, specifically a modified version of the biblical myth. Even before retelling the myth of the bible, the constitution is a modified version of the myth of property rights as detailed by John Locke. To suggest that biblical scripture is myth perhaps sounds as blasphemous to its adherents as it does to call the constitution a myth. However, scholars like Edmund Leach, Mircea Eliade, and especially Lévi-Strauss—the father of structural anthropology—have done a great job in deconstructing what makes a myth a myth.

Myth encompasses several components. I have gathered these components from the aforementioned authors to give a general picture of what is encompassed in a mythical story. In doing so, I will draw from their work to explain how the story told in the bible can be characterized as myth and then go on to illustrate how the constitution retells this mythic story. Edmund Leach—who is especially versed in pointing out the mythical elements in the bible—characterizes myth as being redundant as well as being persistent in the sets up of binary oppositions (1969; 8). As an example, Leach himself discusses the binary opposition present in the relationship between Jesus and John:

John is a prophet living in the wilderness, that is to say on the margins of this world and the other; he dresses in animals' skins and feeds off locusts and wild

honey; he abstains from alcohol; his companions are wild animals; he is thus a man of *Nature*. Jesus is repeatedly declared to be a king; he lives on normal food in the normal world of the city; he is the son of a carpenter; he fraternizes with publicans and sinners; he is thus a man of Culture. Jesus submits to baptism by John yet at this instant John expresses verbally his subordination to Jesus (2010[1972]; 185).

This relationship is not the only present binary opposition in the bible. There is that of good and bad, life and death, heaven and earth, Adam and Eve, Cain and Abel, so on and so forth. In the case of redundancy, this happens when the myth is told over and over just like in the case presented by Lévi-Strauss' illustration of the modified myth shared between the Bella Bella, Kwakiutl, and the Chilocoton Indians.

Another characteristic of myth, according to Leach, is that “myth first discriminates between men and gods and then becomes preoccupied with the relations and intermediaries which link men and gods”. Myths, in other words, always differentiate between men and god who also live in spatially distant areas (like how the Christian God is in heaven while his subjects live on earth). In order to connect or link the two together, there is a being or an intermediary, who is both human and supernatural. In this case, Leach gives the example of Jesus, who is the son of God but given birth to by the Virgin Mary; he also gives the example of Dionysus, the son of Zeus given birth to a Semele, a mortal virgin (1962; 94-5). In summary, while gods and human are different and inhabit different spaces, they two are mediated by a character who is both human and supernatural and because of that is able to link their two worlds together.

Eliade, in his discussion on myth, characterizes myth as always being “an account of a creation” (1963; 6). This goes back to the earlier definition of myth as a “true story” that is sacred. It is a true story that tells its listeners of a sacred history and tells how (through deeds or history) reality came to be (1963; 5). This characteristic of myth is apparent in Genesis, where

the creation of the world by God is detailed. For Christians, this creation story can provide a way for them to understand how the world came to be. The characters who live in this biblical world can also provide adherents with guide lines or rules on how to relate to each other through the examples expressed in the sacred stories. This is then how myth acts as a model for human behavior. Aside from being a model, the creation story also proves that the myth is not a false story because the human reality, the world, is an objectified “form” of it.

In order to further justify my assertion about the bible being a myth, I juxtapose it with Guayaki myth interpreted by Pierre Clastres’ in *Chronicle of the Guayaki Indians* in order to illustrate the mythic similarities:

The first ancestors of the Guyaki lived in the huge and terrible earth. The first ancestors of the Guayaki came out of the huge and terrible earth, they all left it. To come out, to leave the earth, the first ancestors of the Guyaki scratched with their nails like armadillos.’ To transform themselves into humans, into inhabitants of the world, the original Atchei had to leave their underground dwelling. To reach the outside they rose up the length of a vertical tunnel they had dug with their nails, like armadillos, who hollow out their out their burrows deep under the soil. The progress, clearly indicated in the myth, from animality to humanity, therefore involves abandoning the prehuman dwelling, the burrow, and overcoming the obstacle which separates the inferior animal world (the lower) from the human world of the surface (the higher): the act of ‘birth’ of the first Guayaki was an ascension that separated them from the earth (Clastres 1998: 24).

As shown, this particular myth has the components that have previously been mentioned when explaining what makes a myth a myth. For instance, the myth provides an account of creation in that it talks about how the first humans came to be (“to transform themselves into humans, into inhabitants of the world, the original Atchei had to leave their underground dwelling”). Secondly, there are many binary oppositions present in the myth which includes for example: animality as opposed to humanity, underground as opposed to the surface, supernatural beings as opposed to humans. Another component evident in this myth as in other myth is redundancy. As it is presented here, the excerpt itself has been taken out of a larger context in

which Clastres is explaining the myth while he is watching the birth of a child. The redundancy of the myth is found in the ritual of the birth. Just like how the original ancestors transformed themselves into humans by leaving their underground dwelling, by rising up, the baby is raised which marks the beginning of the baby's social life (1998: 24). Unique to this myth, Clastres suggests that water acts as the mediator or the link between the original ancestors and their descendants; immediately after the ritual of birth, the bath ritual takes place. Not only is the water meant to clean the baby but "water is preliminary to the separating of child and earth" which is a reenactment of the original act where "the mythological Atchei had to pass through water: 'the path of the first ancestors of the Guayaki for leaving and going out upon the huge earth was through lovely water' (1998: 25). For the Guayaki, according to Clastres, the myth provides the guideline as to how the birth is supposed to take place and it is also the reiteration of the first birth discussed in the myth. Further, the bathing ritual after birth also reiterates the relationship between water, the original ancestors, and their descendants.

In juxtaposing two myths, my purpose was to showcase the similarities between the two to further support my assertion that the biblical narrative is a mythological narrative. That said, only one of these myths, in the sense of this discussion, is thought of as a legitimate story by people all over the world while the other is regarded a false narrative, a trivial and perhaps silly story by those who do not subscribe to it. These stories of the Other is thought of as false to each group. In the case of the modern world, Peter Fitzpatrick argues the reason for this is because "in modern times, from at least the 18th century, mythology has been relegated to the fabulous and the false in contrast to reality and to its forms in science and history" (1992: 27). The search for reason in western societies meant abandoning myth because it was unobservable and not objective. Instead, it was replaced by history--or as Fitzpatrick explains--it was "absorbed into

the western tradition as part of the progressive story” (1992: 28). History takes the place of myth because its adherents in the modern world were concerned with being more objective as opposed to depending on a spiritual story to give reasoning. The progressive story, as told by the Enlightenment period, is one of human progress made through reasoning. In accepting the biblical story as myth, modernity would be denying its modernity and it would be a reference back to pre-modernity or supposed primitiveness which these societies have attempted to separate themselves from. Instead of forsaking it completely however, it seems to become history—myth, that is not a sacred story but an objective story.

However, this denial of myth is not completely gone in the modern societies. As Fitzpatrick suggests, myth, in such societies, can be found in remnants as exemplified by “the dress and rituals of the law court” or it can be located in disguise, as an ideology (1992: 31). This is the case when it comes to tracing the mythical components of the constitution and the property rights ideology of America as it was reinforced by John Locke’s work on property. The biblical myth, disguised as reasoning, is used to support this enlightenment philosopher’s theory on property rights. In other words, Locke’s theory of property rights —well known, studied, and applied in the western world—also has mythic qualities as it can be seen as a modified version of the biblical myth.

In *Two Treatises of Government*, John Locke was essentially arguing that property gave birth to civil society. His first treatise comes as a response to another philosopher by the name of Robert Filmer who argued about the paternal relationship between a king and his subjects which thus gave the king the right to give his subjects individual property; he reasoned, according to Locke, God had given Adam “dominion...over all creatures [and] was thereby the monarch of the whole world” (2003[1690]: 19). The dominion over all creatures was taken to mean over all

the earth by Filmer, as Locke interprets, and that is what gave the monarchs divine right to absolute power since they were descendants of Adam, the first monarch. Not only did this divine right to absolute power give monarchs power over property, but it also denied the rest of mankind “natural freedom” (2003[1690]: 19). This argument, about the monarch’s having sovereignty over all of humankind and thus legitimately controlling their subject’s access to property, is what John Locke was arguing against in his second treatise.

In response, Locke argues that all men were created by God equally and independently and thus were in the perfect state of nature where they didn’t have to depend on any other man; the purpose of the law of nature then, was to govern this state of nature in teaching all men that they should not harm each other, whether it be another’s life, health, liberty, possessions, nor should they impede on another’s right (2003[1690]:101). In order to protect themselves from the impending chaos caused by impeding on each other’s rights due to their freedom, they entered into a social contract with the state, which meant giving up certain rights in exchange for that guaranteed protection (McDowell 2008: 28-9). This is one interpretation of what Locke means when he argues that property is the basis of civil society: the purpose of the government is to make sure that people do not hurt each other nor impede on each other’s natural rights which includes property rights. Without this need for protection, it is implied that there would be no need for the state.

In his discussion on property, Locke cites Psalms 115:16 which says God “has given the earth to the children of men” as well as 1 Timothy 6:17— “God has given us all things richly” -- in order to show that earth was given by God to men so they could use it to their advantage to take care of and support themselves. He takes the assertion further, arguing that because no one else has control over another man, they all then have property in themselves and thus whatever

they mix their labor with automatically became theirs (2003[1690]:111). So for example, if the man in Locke's theory were to plant a seed which grew into whatever plant, the property on which this seed was planted as well as the products of this seed would belong to him as long as no one else already had claim to the property. This is because he made the land useful and productive through his own work.

According to Locke, man has to take advantage of the land through his labor in order to take care of himself. This is because, as he explains, God has given man land specifically for that reason, to be used to its fullest capacity. In fact, if the land given by God is left unused, it becomes wasteful since man has not taken advantage of it to use it to support his wellbeing (2003[1690]:113). This particular assertion is important to consider because it is here that Locke's theory explicitly displays its mythic character. As previously mentioned, two components of myth are that it is redundant, told over and over again through both narrative and the ritual act, and is always an account of creation. When Locke cites the bible as the reasoning for his argument, he is reiterating the mythic story that tells of a creation account about what land was *originally* created for—to be taken advantage of by man. Reiterating and recalling or *knowing* this origin myth, according to Eliade, “is equivalent to acquiring magical power over [it] by which [it] can be controlled, multiplied, or reproduced at will (1963:15). As I've stated, myth provides a model for humans that helps structure their lives. Locke, in this instance, is thus using the biblical myth, as an example or a model of how of how to deal with the abundance in land during his time period. He uses it to justify the exploitation of land which would go to waste, according to him, if it were left unused. Not only is his retelling of the biblical myth modified account of an original myth, but it also presents binary oppositions such as being in nature as opposed to being governed and exploiting the land as opposed to wasting the land.

At the time John Locke wrote *Two Treatises*, colonial America was flourishing. During this time in American history, there was an abundance of land as this was when colonies were first being settled. Due to this abundance, different trading companies lured settlers by giving them land; one system that was used was the headright system where land was given to each person just for immigrating to the new colonies (Ely Jr. 1998:11). As colonial America continued to develop economically, class stratification was starting to become a miniscule problem. For the most part, however, the settlers in colonial America owned property and were part of the emerging middle class; here, class mobility was achievable for those who were interested (1998: 16). The access to land ownership created an attachment to land that was further reinforced by enlightenment works like that of John Locke's (1998: 17). Locke's argument that the state's main purpose was to protect their subjects from those impeding on their rights was the same attitude held by the Whig political party who also shaped colonial America's public attitudes as the Whigs themselves were strongly influenced by Locke (1998: 17). In colonial America, then, John Locke's modified myth was performed by their way of life. Their way of life was the ritual enactment of the ideas in the myth. Like the biblical myth and Locke's theory had suggested, taking advantage of the abundant land that god had given them was allowing them to prosper in this moment of time. This prosperity would soon become null as American settlers were soon forced to protect their property rights from the English Crown in the Revolutionary war which would then lead to the United States Constitution and the Bill of Rights. Along with Locke's theory, settlement in colonial America gave precedence to the constitution as it was written by the American founding fathers.

Through this history, the United States Constitution and the Bill of Rights become the law of the land. What Locke had proposed as the law of nature in his own "true story" has then

become real, literal, tangible, because now it has been made into the US Constitution, law that orders how people relate to each other. Through this written narrative, the original biblical myth, modified by Locke's own theory of Property and colonial America's own enactment for the reality of this myth, the abundance in land that they experience in America, has become legitimized in both the US Constitution and the Bill of Rights. Like the bible, and Locke's law of nature, the US constitution, to its adherents, has come to take on the role of sacred text.

In the succeeding discussion, I will talk about how this myth is expressed through ritual. Specifically, I use ethnographic accounts to support my assertion about the role of myth and ritual in producing American social persons and social relations which together produces the institution of Property Rights. I discuss the cattle ranchers of Western America, their relationship with the federal government, and their relationship with their land in order to illustrate the usefulness of anthropology in such discussions. I also analyze why and how members of the Citizens for Constitutional Freedom bring to life the sacred texts they use to justify their actions in their symbolic action of protest.

ON RITUAL AND THE MAKING OF SOCIAL PERSONS

During their coverage of the occupation of the Malheur National Wildlife Refuge, many journalists have documented instances of praying and reciting of Mormon scripture by Citizens for Constitutional Freedom members to support their actions and others have argued religion, specifically the Mormon faith, has indeed had an important influence in shaping both the Oregon standoff and Cliven Bundy's standoff in Nevada along with the nature of the professions of protesters such as cattle ranchers, loggers, and miners (Jenkins 2016; Sepulvado 2016; Park 2016; Bowman 2016; Hernandez and Langdon 2014). As one journalist put it, "the Bundys' ideology [and by extension their supporters' ideology] derives not only from Mormon thought, but from the Western experience. It reflects how the practical ideas of Mormon theology have

developed in the context of the American West” (Bowman 2016). Indeed, the Bundy’s themselves advocate for a divinely inspired constitution, which is a philosophy of how the United States Constitution should be interpreted as taught by the Mormon Church, on their family’s website. However, before I delve further into that subject, I want to further discuss western America and its relationship to Mormonism in order to give background information to what might motivate members of Citizens for Constitutional Freedom in their goals against the federal government, especially those of the Mormon faith.

A popular image that is often evoked when talking about the American west is that of the mysterious cowboy, an image that is often romanticized as a hardworking, rugged, and masculine individual (Billington 1974; 593). Indeed, the cowboy played an important part in American western expansion, but this was due to the countless opportunities made possible by cattle ranchers at the start of western expansion after Indian Removal. American ranching itself originated in Texas after Spaniards introduced cattle into the region during the 18th century, but, it wasn’t until after Texas’ independence that the profitability of cattle, as beef, was realized (Ibid. 1974: 586-7). In addition to this realization, increase in cattle herds led to cattle distribution into different territories now known as Kansas, Colorado, Wyoming; these areas, formally known as the Great Plains along with Arizona and New Mexico, gave way to cattle industries in the 1880s (Ibid. 1974: 588). Interest in the west began to grow once the success of cattle ranching was realized by the settled eastern colonies. Many people were interested in the possibility of acquiring sudden wealth like successful cattle ranchers, as well as the access to free land which provided perfect conditions for cattle ranching (Ibid. 1974: 591). This interest in westward expansion and the possible wealth to be gained was the beginning of the end of the prosperity original settlers experienced.

As more people moved west, overcrowding began to be an issue. Since legislators were in the distant east, cattlemen made their own rules concerning land boundaries and what property belonged to whom even though none of these boundaries were legally acknowledged (Ibid. 1974: 591-592). By the end of 1887, the prosperity of the cattleman's frontier came to an end as unexpected weather conditions hurt people's herds of cattle in addition to the fact that mounting costs to maintain such herds was difficult for some ranchers (Ibid. 1974: 597). Through the Homestead Act of 1862 congress further encouraged westward expansion by allowing those interested in owning land (citizen or not) to do so as long as they paid a ten dollar fee and had lived on the land for five years (Billington 1974: 606). Congress itself expanded its presence in the West especially in the case of land distribution between 1789 and 1834 when it passed more than 370 different land laws (Roth 2002: 102).

On the other hand, The Mormon church was established in 1830 by Joseph Smith ("About Us"). Smith and his followers constantly faced religious persecution in eastern colonies and other places they tried to settle down in; because of the adversaries they faced, they thought of themselves to be chosen people (Roth 2002: 80-2). After the death of Smith, Brigham Young became the next leader and attempted to declare state hood in Utah after the US-Mexican war where he and his supporters established a sanctuary in Utah (Roth 2002: 82-83). Even though congress rejected original attempts at statehood, the entity was impressed with how the Mormons were able to settle in a territory that had been thought of as inhabitable and by 1850, in the Compromise of 1850, Young struck a deal with congress in which he was appointed governor of the territory of Utah (Roth 2002: 83). In their new territory, Mormons hoped to stay independent and self-sufficient from others but still they were constantly persecuted until finally in 1887

when the properties and assets that accumulated was confiscated by the Edmunds-Tucker Act of 1887 (Roth 2002: 87).

Through the merging of these social histories and environments came political figure and Mormon leader Ezra Taft Benson, who not only worked with Dwight Eisenhower as part of his cabinet but was also a spokesman for conservative American politics (Bowman 2016). As a Mormon leader, Benson championed the idea of ‘free agency’ in which humans have the power to “choose how to live their lives which...was with maximum possible individual liberty” (Jenkins 2016). Benson’s ideology was influenced by his own social history; not only had he been a land owning farmer in Idaho but his ancestors—who were part of the settlement of Western America--believed in rugged individualism which emphasized isolation and meritocracy (Bowman 2016). Not only did Benson champion ‘free agency’ in the Mormon Church, but he also gave a sermon called “Our Divine Constitution” where he discusses the divinely inspired constitution as perceived by the Mormon Church. In this sermon, he argues about the sacredness of the US constitution has been established by the Lord. It is important to explain that many of the quotations he cites in his speech are from another sacred Mormon text called the Doctrine and Covenants which “ is a collection of divine revelations and inspired declarations given for the establishment and regulation of the kingdom of God on the earth in the last days” ; in addition, the document “is unique because it is not a translation of an ancient document, but is of modern origin and was given of God through His chosen prophets for the restoration of His holy work and the establishment of the kingdom of God on the earth in these days” (“Doctrine and Covenants”). Benson uses this sacred document to support his sermon about the sacredness of the constitution. He explains the divine constitution which he argues that the Lord has established:

For centuries the Lord kept America hidden in the hollow of His hand until the time was right to unveil her for her destiny in the last days... *Our Father in Heaven planned the coming forth of the Founding Fathers and their form of government as the necessary great prologue leading to the restoration of the gospel...* America, the land of liberty, was to be the Lord's latter-day base of operations for His restored church. The Declaration of Independence affirmed the Founding Fathers' belief and trust in God... *The Doctrine and Covenants states, 'We believe that no government can exist in peace, except such laws are framed and held inviolate as will secure to each individual the free exercise of conscience, the right and control of property, and the protection of life'* (D&C 134:2). *Life, liberty, property—mankind's three great rights...* Between the critical years of 1783 and 1787, an outsider viewing the affairs of the United States would have thought that the thirteen states, different in so many ways, could never effectively unite. The world powers were confident that this nation would not last... Eventually, twelve of the states met in Philadelphia to address the problem... Four months later, the Convention delegates had completed their work... *The delegates were the recipients of heavenly inspiration.* James Madison, often referred to as the father of the Constitution, wrote: 'It is impossible for the man of pious reflection not to perceive in it a finger of that Almighty hand which has been so frequently and signally extended to our relief in the critical stages of the revolution' (The Federalist, no. 37, ed. Henry Cabot Lodge, New York: G. P. Putnam's Sons, 1983, p. 222). *Within ten months, the Constitution was ratified by nine states and was therefore in force for them. Prophecy had been fulfilled.* After he became President of the Church, President Wilford Woodruff declared that *those men who laid the foundation of this American government were the best spirits the God of heaven could find on the face of the earth. They were choice spirits ... [and] were inspired of the Lord'* (in Conference Report, Apr. 1898, p. 89)... We are fast approaching that moment prophesied by Joseph Smith when he said: *'Even this nation will be on the very verge of crumbling to pieces and tumbling to the ground, and when the Constitution is upon the brink of ruin, this people will be the staff upon which the nation shall lean, and they shall bear the Constitution away from the very verge of destruction'* (19 July 1840, as recorded by Martha Jane Knowlton Coray; ms. in Church Historian's Office, Salt Lake City). For centuries our forefathers suffered and sacrificed that we might be the recipients of the blessings of freedom. *If they were willing to sacrifice so much to establish us as a free people, should we not be willing to do the same to maintain that freedom for ourselves and for future generations?... It is our responsibility to see that this freedom is perpetuated so that the Church may more easily flourish in the future...* *John Adams said, 'Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other' ...we must learn the principles of the Constitution in the tradition of the Founding Fathers...we must make our influence felt by our vote, our letters, our teaching, and our advice...I have faith that the Constitution will be saved as prophesied by Joseph Smith. It will be saved by the righteous citizens of this nation who love and cherish freedom. I reverence the Constitution of the United States as a sacred document* (Benson 1987; italicized emphasis mine).

This sermon can perhaps provide outsiders a better understanding of the logic behind the goals of the Citizens for Constitutional Freedom and what they stand for. It can perhaps provide the underlying logic for why Cliven Bundy was once quoted as saying “If our (U.S.) Constitution is an inspired document by our Lord Jesus Christ, then isn’t it scripture...Isn’t it the same as the Book of Mormon and the Bible?” (Sepulvado 2016). Perhaps it can help us, as outsiders, to better understand why these protestors characterizes themselves as Captain Moroni, in reference to a religious hero from the Book of Mormon who was known for resisting a tyrannical government (Jenkins 2016). It is my interpretation that this sermon along with amalgamation of several of their sacred texts like that of the bible, the constitution, the book of Mormon, and Doctrine and Covenants, make up the mythic story which orders the social lives these protestors as well as helps them define who they are in relation to federal agents who work for the government and tells them what to do with their land which they believe is opposite of what their sacred documents tell them to adhere to. To outsiders like ourselves, this group might be seen as militant occupants refusing to obey the law, but these protestors, according to my own interpretation, might instead understand themselves as heroes, as the Captain Moroni of their situation simply following the sacred texts to which they adhere. In other words, what it means to be a person, for these protestors, is to maximize individual liberty through the “free exercise of conscience, the right and control of property, and the protection of life” and if these essential components of humanity are challenged, ‘righteous citizens’, must stand up against those who challenge said components as dictated in the sermon.

If, as I have asserted earlier, myth is expressed/performed/brought to life through ritual, then the mythical stories orated in these sacred documents are expressed through the protests and resistance done by the Citizens for Constitutional Freedom. As declared in the sermon, it is

important for 'righteous citizens' to protect the sacred document through their felt influence in voting and spreading of the sacred message. Through protests and resistance, members of the Citizens for Constitutional Freedom are then adhering to the instruction provided by the sacred texts. These protesters use the models provided by the mythical narratives, like that of Captain Moroni, to challenge what they think of as their own tyrannical government like the character did in their sacred texts. Through protest and resistance, they dramatize the mythical narratives they believe they must uphold. The symbolic action of protest reiterates their way of thinking through their sacred texts.

In adhering to their sacred texts by the symbolic action of protest, which I have asserted as the ritual, the members of the Citizen for Constitutional Freedom are legitimizing the narratives of those texts. For this group of people, my assertion is that these mythic narratives are no longer myth because they are made real through the use of the ritualized body. This dramatization of ritual is similar to that of the placebo effect. In the placebo effect, an unaware patient receives medication that is identical to the patient's normal medication but it does nothing at all to the patient aside from affecting how the patient feels; an unaware patient might believe the medication they are receiving is working due to change in symptoms although in reality it has done nothing ("Placebo Effect" 2016). The curative power of this placebo is that fact that the patient believed it work and because of that, they actually feel better ("Placebo Effect" 2016). It is the belief in the medicine that actually heals the patient. According to this argument then, it is the protestors' belief in their sacred texts that makes it real and legitimate and they express this belief through the use of their bodies as protesters. Catherine Bell explains that "producing a ritualized body...works to shape the sociocultural environment so that it has control" (1992: 98). By gathering together to occupy the Malheur National Wildlife Refuge in Burns, Oregon, these

protesters are shaping their environment by purposely turning this setting into a ritualized setting that brings them closer together. This constructed liminal, or ambiguous, space offers the protestors “homogeneity and comradeship” where among themselves they feel equal and undifferentiated in their status (Turner 1969: 96).

On February 11, 2016, the Oregon militia standoff came to a dramatic end when the last remaining members of Citizens for Constitutional Freedom turned themselves in 41 days after the armed protest had originally started (Levin 2016). The last protestor, a twenty seven year old man, shouted: “I declare war against the federal government...I’m taking a stand. A stand means you’re willing to risk your life” before he eventually surrendered his weapon and turned himself in to the hands of the police (Ibid. 2016). What had led to the defeat of these protesters who claimed they were willing to occupy federal land for as long as possible? As Victor Turner explained, it is impossible for a constructed liminal space to be forever lasting because those who are part of this constructed space “require, sooner or later, an absolute authority, whether this be a religious commandment, a divinely inspired leader, or a dictator” (Turner 1969: 129). The lack of leadership, in the case of Citizen for Constitutional Freedom, is what I presume to be the reason why their protest were dismantled just two months after they occupied the Malheur National Wildlife Refuge. Along with Cliven Bundy, who is currently facing several charges for conspiracy and assaults on a police officer among other things, both Ammon and Ryan Bundy have been arrested along with many other protestors of the group (Levin 2016). Not only have leaders been arrested, but they have also been killed as well in a faceoff with police officers. With these arrest, the 41 day protest finally came to an end.

While the forms of resistance by Citizens for Constitutional Freedom may seem abnormal to the greater nation, it falls in line with the American form of protest (Chan 2016). Like the

social movements #blacklivesmatter, Occupy Wall Street, and even the protest held by colonial Americans against the British, this form of protest has its undertone in the questions of which kinds of personhood are legitimate and which are not. It seems to me that those who often think of themselves as marginalized are consistently fighting to be thought of as social persons deserving of certain kinds of rights afforded to social persons who are not marginalized. If I may infer as to why this form of protest was essentially ineffective on the national level, I argue that it is due to the current climate in America of racial disparity. When news of this form of protest reached social media, many used these platforms to call out the double standards of how members of Citizens for Constitutional Freedom compared to, for example, #blacklivesmatter protesters (Ibid, 2016). While these protests might not be perceived as effective on a national level, members of Citizen for Constitutional Freedom may perceive it as effective simply because they feel as they are taking action by protesting; what I mean is that as their sacred scriptures have instructed, they have stood up to what they perceive as a tyrannical government.

In summary, what seems to be at the heart of these vastly different American protests seems to be the question of personhood, questions about who gets to claim it and who does not get to claim it.

CONCLUSION

As aforementioned, the purpose of this paper is to argue for the usefulness of anthropology in discussions relating to property rights discourse and practice in western societies, specifically looking at the role of property rights discourse in the Oregon Militia standoff. I argue that the underlying premises of property rights is the question of personhood—questions of what it means to be a person. I assert that property has dual components, ideology and jurisdiction, which are reminiscent of two long standing concepts in anthropology: myth and

ritual. Because of this similarity, I argue that while property is indeed part of other social institutions, like that of politics and economics, it is in itself a social institution. Like other institutions, the institution of property produces social categories of persons and shapes social relations between people. Because of this, I suggest that anthropologists not only study ‘the other’ but also take on the position of a “region-related” anthropologist and study themselves to look back concepts that have been taken as mundane and use such concepts to reexamine and better more understand ourselves.

Following such suggestions, I examined how property rights has been discussed in anthropology and why it eventually stopped being a central concept in anthropology. As an offspring of the Enlightenment era, anthropology was mainly concerned with understanding cultural difference through the philosophy of unilineal evolution. This concept was inspired by Enlightenment thinkers like Montesquieu, Charles Darwin and John Locke. Many of anthropology’s founding theorists championed this concept in their own works, including Lewis Henry Morgan who went on to write *Ancient Society*. Aside from discussing the three stages of human progress, Morgan’s work discussed the role of property in establishing civil society. His work went on to inspire thinkers like Karl Marx and Frederick Engels who used his work to discuss their own assertion about the role of property in perpetuating social inequality and for a while, property was at the center of many discussions, including anthropology. Although the conversation around property dwindled, the works of these authors gave way to debates in social science about relativism vs universalism and expanded into the formalist vs. substantivist debate. Following this debate, property was talked about less as the current events of the 1970s shifted Anthropology as a whole. It wasn’t until 1998 that the property was reintroduced into Anthropology by Chris Hann. My essay came as partly in response to his suggestion about

reconsidering the role of property in anthropology as I argue that anthropological methods could be used directly to understand property rights in American context. I illustrated this assertion by using structural anthropology to attempt to understand property rights discourse and practice. I look closely at the role of ideology and jurisprudence, titles I forsake and replace with myth and ritual, to help me to better understand the logic behind Oregon Militia Standoff.

In brief, I assert that mythical narratives helps structure people's lives through the mythical examples provided. It is of course important to distinguish between a false and true myth: true myths detail stories about origins and the sacred, while false myths are often exaggerated and nonsensical in content. This essay focuses specifically on myth as a true story. It is to my understanding that these kinds of mythical stories have four components: "true" myths are redundant, often include binary oppositions, always have an account of creation, and finally, when it is reiterated over and over, it becomes modified and relative to its new teller's environment. The biblical myth, as I have suggested through different examples, is a myth because it has these aforementioned components in it. John Locke himself drew from the biblical myth to support his theory of property rights. This then influenced and reinforced public attitudes about property in colonial America and gave way, after the revolutionary war, to the United States Constitution and the Bill of Rights. Through this process, myth becomes legitimized as law and in essence a sacred text used to help people structure their lives and define themselves in relation to others.

In my analysis of Oregon, I found that religious texts, like the constitution, played an important role for the Citizens for Constitutional Freedom because it helped them to justify their actions. Leaders of this movement advocated specifically for a divinely inspired constitution as taught by the Mormon Church. Other sacred texts instruct that this divinely inspired constitution

should be protected in order to protect the three greatest rights of mankind: the right to life, property, and liberty. Through the symbolic action of protest, I assert that these protestors express myth through the dramatization of their sacred text. This is especially evident when these protestors take on mythic personas to defend their causes which helps them define themselves in relation to those they are going against. In gathering together to stand for their cause, they construct a liminal space where solidarity is at its peak because of the lack of differentiation and hierarchy evident in the constructed space. However, liminal spaces are temporary as was the case for the standoff which eventually came to an end 41 days later due to the arrests of group leaders.

Through this symbolic action of protest, I argue that the Oregon Militia standoff is not a strange phenomenon. In fact, while this protest might seem radically religious, it is not different from other American protests like #blacklivesmatter or the Democracy Spring. At the heart of these protests is the question of personhood: who can claim it and who cannot. Whose version of personhood is legitimate and whose is not? The contribution of anthropology to this issue is the attempt made by anthropologists to understand how these people define their humanity or what makes them a person. It is to understand these protestors from their point of views and how they see themselves. Anthropology is particularly equipped to do this because as a discipline, it has always been interested in understanding what it means to be human.

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