

**On the Transformation of Modern Constitutional
Functions from the Perspective of the Paradigmatic
Ideas of Property: Case-Studies of
Lochner v. New York and *Goldberg v. Kelly***

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Abstract

With the enlargement of state tasks and the transformation of constitutional functions, the concept of property has been undergoing change. This paper is designed to explore the interrelationship of the paradigm-shift in the concept of property and the transformation of constitutional functions.

According to this paper's analysis, on the one hand, the paradigmatic concept of property has changed from one of property as commodity to that of property as propriety. On the other hand, the core function of the Bill of Rights has been transformed from limiting governmental powers to integrating social consensus in order to construct a properly ordered society. Through the case studies of *Lochner v. New York* and *Goldberg v. Kelly*, the author finds that the Opinions of the Court in the two cases corroborate the interrelational evolution of the paradigm-shift in the concept of property and the transformation of constitutional functions, especially of the Bill of Rights. However, on account of the impact of the globalization of world systems and the increasing complexity of social systems on constitutional functions, the concept of

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property is sure to dialectically fluctuate between the two paradigms mentioned above.

Key Words: social change, property rights, functions of the Bill of Rights, constitutional functions, state tasks