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Ryan and His Domestication of Natural Law*

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Monsignor John A. Ryan (1869–1945), whom James Hastings Nichols speaks of as the chief theorist of social Catholicism in America,[1] devoted the bulk of three chapters in his great work, *Distributive Justice*, to a critique of Henry George's so-called single-tax doctrine.[2] Although Ryan, as a young man growing up amid agrarian ferment in rural Minnesota, was, if we are to give credence to Eric Goldman,[3] "electrified" by George's masterpiece, *Progress and Poverty*, his mature evaluation of George reveals no trace of this early enthusiasm.

George's system falls within the natural law tradition, and rests upon the Lockean premise that private property is ultimately justified by the right of the individual to his own person and to his labor as an extension thereof. Since land is not created by human effort but represents a fund of opportunity intended by God for the use of all, this argument for private ownership cannot apply to it. No one may justly arrogate to himself the goods of nature without fully indemnifying those who are thereby deprived of an equal chance to use them. Economic rent constitutes an exact measure of the disadvantage sustained by those who are denied the opportunity to use a given site because of its preemption by the titleholder; therefore, it should be appropriated by the community as an indemnity to it, and applied to public services that would otherwise have to be paid for largely by a levy on the income from its labor.

George characterized this as "the taking by the community for the use of the community of that value which is the creation of the community,"[4] for he contended that rent is essentially a social product—the result of the presence of population, public demand, government services, and the aggregate activity of all the individuals in a given area, not of anything the owner, as such, may do to a particular site.

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He advocated that a tax (or more precisely, a public fee) approaching 100 percent of the annual unimproved value of land be collected by the government, and that all other taxes be abolished.[5]

First Occupancy as a Basis for Land Rights

Ryan begins his analysis by addressing himself to George's attack upon the idea that first occupancy establishes a valid original title to landownership.

> Priority of occupation [says George] gives exclusive and perpetual title to the surface of a globe in which, in the order of nature, countless generations succeed each other! . . . Has the first comer at a banquet the right to turn back all the chairs, and claim that none of the other guests shall partake of the food provided, except as they make terms with him? Does the first man who presents a ticket at the door of a theater, and passes in, acquire by his priority the right to shut the doors and have the performance go on for him alone? . . . And to this manifest absurdity does the recognition of the individual right to land come when carried to its ultimate that any human being, could he concentrate in himself the individual rights to the land of any country, could expel therefrom all the rest of the inhabitants; and could he thus concentrate the individual rights to the whole surface of the globe, he alone of all the teeming population of the earth would have the right to live.[6]

Ryan seeks to destroy this argument by saying that George attributes to the title created by first occupancy qualities that it does not possess and consequences for which it is not responsible. He claims that the correct interpretation of this title does not attribute to it, as George imagined, an unlimited right of ownership either extensively or intensively.

> There seems to be no good reason to think that the first occupant is justified in claiming as his own more land than he can cultivate by his own labor, or with the assistance of those who prefer to be his employees or his tenants rather than independent proprietors. . . . Though a man should have become the rightful owner of all the land in the neighborhood, he would have no moral right to exclude therefrom those persons who could not without extreme inconvenience find a living elsewhere. He would be morally bound to let them cultivate it at a fair rental.[7]

But is there any limit to the amount of land a man can cultivate with the assistance of tenants and employees, assuming a sufficient

number? The King Ranch in Texas, the latifundia of Brazil, the estates of the Duchess of Alba—none of these would be proscribed under this rubric. Neither, in principle, would the ownership of an entire continent. So much for Ryan's "extensive" limitations. As for the "intensive" ones, we need only ask the question: What constitutes a "fair rental"? If determined by the market, in the case he gives (one in which one man owned all the land in the neighborhood) a fair rental would be so high as to reduce the tenants to the level of bare subsistence. Ryan would doubtless reject this criterion, and say that a fair rental should be determined primarily by the tenants' capacities and needs, and secondarily by the owner's right to a return on his investment. But here we enter into the realm of subjective valuations, which admit of no impartial formula for their quantification or reconciliation.

In any case, says Ryan, George overestimates the historical importance of first occupancy. Most abuses of private landownership have arisen, not from the appropriation of land that nobody owned, but from "the forcible and fraudulent seizure of land which had already been occupied."[8] Nothing could be more ludicrous than to imply that George was unaware of this. "Is it not all but universally true," he asked in his *Open Letter to Pope Leo XIII*, "that existing land titles . . . come . . . from force or fraud?"[9] But landowners do not ordinarily appeal to force or fraud to justify their titles! As Ryan himself tells us, "The prevailing view among the defenders of private landownership has always been that the original title is . . . first occupancy."[10] That, therefore, is the contention that George was at pains to refute.

Ryan is not satisfied with having shattered, as he supposes, George's argument against first occupancy; he goes on to try to show that the logic of George's own position itself leads to the conclusion that first occupancy creates the original title of ownership. His reasoning on this point is subtle and ingenious but also highly artificial and legalistic. Because, in George's theory, the individual producer, Ryan says, must agree to pay rent to the community before he can begin to produce, "his right to the use of natural opportunities is not 'free,' nor can his labor alone constitute a title to that part of them that he utilizes in production."[11] Consequently, labor does not create a right to the concrete product, but merely to the value that the

producer adds to the raw material. His right to the raw material itself originates in the contract by which he is authorized to utilize it in return for rent paid to the community. So his right to the product does not spring from labor alone, but from labor plus compensation to the community. "Since the contract by which the prospective user agrees to pay this compensation or rent must precede his application of labor, it instead of labor is the original title [Ryan asserts]. Since the contract is made with a particular community for the use of a particular piece of land, the title that it conveys must derive ultimately from the occupation of that land by that community—or some previous community of which the present one is the legal heir."[12]

Now, as a matter of fact, it is not the temporal priority of the community to the individual that, in George's system, gives it the right to collect rent from him. If the individual were there before the community, that right would still obtain. It rests, rather, indirectly upon the title of labor. Only insofar as rent is publicly appropriated (or land nationalized, which George does not recommend) can the equal right of all men to the produce of their labor be assured, for otherwise a portion of that produce must be paid in tribute to the landowner.

Ryan notes that George argues against private landownership in the full sense of the term on the basis that it shuts out nonlandowners from access to the "reservoirs" of natural opportunity. He claims that in so doing, George has completely abandoned the principle that underlies the labor argument. "Instead of trying to show from the nature of the situation that there is a logical difference between the two kinds of ownership, he shifts his ground to a consideration of consequences. He makes the title of social utility instead of the title of labor the distinguishing and decisive consideration."[13] Actually, the passage in question does not represent an abandonment of the labor argument or its underlying principle; it is an indirect deduction *from* the labor argument. And justice, not social utility, is the ruling consideration (although George believes that whatever is just will always, in the long run, also be socially useful). The private appropriation of land and rent removes access to natural opportunity except upon such terms as the landowner may set, and therefore encroaches upon the title of labor—upon the equal right of every man to reap the harvest of his industry.

If the community had instituted the social appropriation of land values from the beginning, Ryan admits, it could have rightfully done so by virtue of priority of occupation. But "when it failed to take advantage of its opportunity to be the first occupant of these values, when it permitted the individual proprietor to appropriate them, it forfeited its own claim. Ever since, it has had no more right to already existing land values . . . than one person has to recover a gift or donation that he has unconditionally bestowed upon another."[14]

George would quarrel with this analogy, for he holds that, by virtue of its nature, land cannot be rightfully subject to ownership in fee simple. No more than private individuals has any community ever had a right to "own" land in the sense in which labor products may be owned; full ownership includes the right to alienate, and the estate of the community is inalienable. Thus no community ever had a right to grant to private parties absolute title to something created for the use and benefit of all—a concept dimly and imperfectly reflected in the principle of eminent domain.

But what of present owners who hold deeds to land innocently bought with the proceeds of honest labor on the assumption that both the land and its rent would be theirs in perpetuity? Here, according to the Georgist view, the land is comparable to a stolen watch that some unsuspecting person has purchased in good faith. Those who are deprived of their proper shares of land benefits have the same right to recover them from the existing owners that the watch owner has to recover his property from the innocent purchaser. To the objection that the laws of many countries would permit the innocent purchaser of the watch to retain it as long as enough time had elapsed to create a "title" of prescription, the Georgist would reply that the passage of time cannot turn a wrong into a right, and that furthermore the natural heritage of the race is both inalienable and too basic to human welfare to fall under the title of prescription. The argument based upon prescription was anticipated by George when he wrote: "Because I was robbed yesterday, and the day before, and the day before that, is it any reason that I should suffer myself to be robbed today and tomorrow? Any reason that I should conclude that the robber has acquired a vested right to rob me?"[15]

Ryan objects that the present private owners of land differ from the

innocent purchaser of the stolen watch in that they have never been warned by society that the land might have been virtually stolen, or that the rightful claimants might some day be empowered by law to recover possession. This line of reasoning, if applied generally, would preclude any kind of legislation that might cause losses to some vested interest. Think, for example, of all the innocent investors who were never "warned by society" that strip mining or industrial pollution, the employment of child labor or the combination in restraint of trade, the indiscriminate sale of narcotics or the production of noxious foodstuffs might be prohibited by law!

Practical Justice in Land Rights

As a general and abstract proposition, Ryan recognizes the equal right of all men to the use of nature, and he concedes that "private ownership of land can never bring about ideal justice in distribution" of natural opportunities.[16] But he claims that the institution is "not necessarily out of harmony with the demands of *practical* justice," because a community may lack the knowledge or the power to establish the ideal system. This observation is not so much faulty as irrelevant. Who would deny that practical justice is represented by whatever *situationally possible* course of action most closely approximates the ideal? As applied to the land question, all Ryan's point amounts to when analyzed is the truism that private landownership is just, as long as there is no possibility of replacing it with anything more just.

But, says Ryan, suppose that the Georgist system were instituted, and the rent of land appropriated by the community. This, he claims, would work an *injustice* on existing landowners, who, if not compensated, would be "deprived, in varying amounts, of the conditions of material well-being to which they have become accustomed, and . . . thereby subjected to varying degrees of positive inconvenience and hardship."[17] It does not seem to occur to Ryan that the same argument could be used to oppose the abolition of protective tariffs, to which he was himself committed.[18]

Actually, of course, few if any Georgists advocate the immediate appropriation of all rent, but rather the gradual implementation of the system in such a way as to militate against the likelihood of severe

individual hardship. In his entire discussion, furthermore, Ryan virtually ignores the fact that under George's system the increase of the tax on land values would be accompanied by a corresponding decrease in other taxes, particularly in taxes on improvements. Hence any landowner who made efficient use of his land would actually benefit from the reform. In the state of South Australia, three-fifths of the landowners in a locality must approve any change from the old taxing system to land-value taxation; the law permits reversion to the old system if voted by a bare majority. Yet more and more localities have been switching to land-value taxation for a long time, and (as of this writing) not one reversion poll has been successful.[19] Similar instances could be adduced from the experience of New Zealand and other places to show that, inasmuch as most landowners are also land *users*, the majority find themselves better off wherever an approach to George's system has been made.[20]

Ryan warns that the social consequences of the confiscation of rent would be "even more injurious than those falling upon the individuals despoiled."[21] The opposition of the landowners would threaten social peace and order, while the popular respect for all property rights would be greatly weakened if not destroyed, since the average man would not grasp George's distinction between land and other kinds of property in this connection. "Indeed," Ryan writes, "the proposal to confiscate rent is so abhorrent to the moral sense of the average man that it could never take place except in conditions of revolution and anarchy. If that day should ever arrive, the policy of confiscation would not stop with land."

It is simply not true that the confiscation of rent could never take place except in conditions of revolution and anarchy. Even when Ryan wrote, a substantial percentage of rent was being confiscated in Australia, New Zealand, and elsewhere under quite stable and orderly conditions. As for the United States, there is no reason why a nation that has come to take the federal income tax for granted could not be educated to accept the confiscation of rent, which is, after all, *unearned* income.

After conjuring forth the injury to which George's proposal would presumably subject the landowner, Ryan goes on to state that, conversely,

> the persons who own no land under the present system . . . suffer no such degree of hardship when they are continued in that condition. They are kept out of something which they have never possessed, which they have never hoped to get by any such easy method, and from which they have not been accustomed to derive any benefit. . . . Evidently, their welfare and claims in the circumstances are not of the same moral importance as the welfare and claims of persons who would be called upon to suffer the loss of goods already possessed and enjoyed, and acquired with the full sanction of society.[22]

Elsewhere in his book Ryan contends that an employer has a moral obligation to pay his workmen "a living wage" (by which he means not merely a subsistence wage but one that would enable a man to support a good-sized family in modest comfort), and his various writings make it clear that he would have this obligation enforced by the state.[23] He qualifies this obligation by saying that it is not incumbent upon the employer who would be thereby driven out of business, or reduced to a standard of living little higher than that of his workmen. But no employer has a right to "indulge in anything like luxurious expenditure, so long as any of the employees fail to receive living wages."[24]

But suppose (as one may well do) that the employer had become used, with the full sanction of society, to a standard of living characterized by luxurious expenditure. And suppose (as one might well have supposed at the time the book was written) that the workmen were unaccustomed to what Ryan calls "a living wage." The relationship between employer and workman then becomes analogous to that between landowner and landless man, and in order to be consistent Ryan would be forced to say that, if obliged to pay a living wage, the employer would be deprived of conditions of material well-being to which he has become accustomed, and thus unjustly subjected to positive inconvenience and hardship, whereas, if he were not so obliged, the workers would suffer no such degree of hardship since they would merely be continued in their previous condition, and hence that the welfare and claims of the latter are not of the same moral importance as those of the former.

The decisive place the issue of compensation occupies in Ryan's thinking is suggested by the fact that while he condemns the confis-

cation of even future increments of land value as morally unjust without compensation,[25] he indicates that if landowners were compensated "with a sum equal to the present value, or the capitalized rent, of their land," the Georgist plan would be only *probably* inferior to the present system.[26] He maintains that "the moral sense of mankind recognizes that it is in accordance with equity to compensate slave owners when the slaves are legally emancipated. Infinitely stronger is the claim of the landowner to compensation."[27] The first half of this statement is a mere assertion, and the second, debatable for reasons that space limitations compel me to omit. But even if both were to be accepted, Cord observes that gradual imposition of full land-value taxation over a period of forty years is exactly equivalent to immediate compensation without interest. If 3 percent interest were given on the unpaid balance, then sixty-four years would be necessary.[28]

Rent as a Social Product

Ryan rejects the Georgist argument that rent should be appropriated by society because it is socially produced. He remarks, to begin with, that *all* land value is not socially produced; although no land can have value without being brought into relation with society, neither can it have value if it possesses no natural qualities suitable for the satisfaction of human wants.[29] George would not, of course, have denied this, but would have insisted that that portion of the value attributable to natural qualities is, like the land itself, an inalienable patrimony of the whole community, not properly subject to private usurpation.

But Ryan would not allow to society any right even to that portion of rent that he admits that it produces. He refuses to accept the proposition that the socially produced value of land ought to go to the social producer rather than to the individual proprietor, except in the case of future increments, and then only if the proprietor were indemnified for the loss of anticipated speculative increase reflected in his purchase price. He points out that "men do not admit that all production of value constitutes a title of ownership. Neither the monopolist who increases value by restricting supply, nor the pacemakers

of fashion who increase value by merely increasing demand, are regarded as possessing a moral right to the value that they have 'created.'"[30] The ultimate basis of the producer's right to his produce, or to its value, is the fact that this is the only way in which he can get his just share of the earth's goods, and of the means of life and personal development. His right does not rest upon the mere fact of value production.

"Why," Ryan asks, "has the shoemaker a right to the value that he adds to the raw material in making a pair of shoes?" It is

> because men want to use his products, and because they have no right to require him to serve them without compensation. He is morally and juridically their equal, and has the same right as they to access on reasonable terms to the earth and the earth's possibilities of a livelihood. . . . To assume that he is obliged to produce socially useful things without remuneration is to assume that his life and personality and personal development are of no intrinsic importance, and that his pursuit of the essential ends of life has no meaning except in so far as may be conducive to his function as an instrument of production. . . .
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> As a producer of land values, the community is not on the same moral ground as the shoemaker. Its productive action is indirect and extrinsic, instead of direct and intrinsic, and is merely incidental to its principal activities and purposes. . . . The activities of which land values are a resultant have already been remunerated in the price paid to the wage-earner for his labor, the physician for his services, the manufacturer and the merchant for their wares, and the municipal corporation in the form of taxes. On what ground can the community, or any part of it, set up a claim in strict justice to the increased land values?[31]

This last paragraph contains some truly astonishing assertions. The "activities of which land values are the resultant" have *not* already been remunerated, at least not in full, for a large part of what would otherwise be remuneration has had to go to landowners in the form of rent—landowners who, as such, contributed nothing positive to the production of those values. Only where rent has not yet arisen can the activities that lead to the production of future rent be said to have already been fully compensated, and physicians, manufacturers, and municipal corporations are seldom found in places where land has, as yet, acquired no value whatsoever.

Let it be granted that the community does not produce land values in the same direct and intrinsic sense in which the shoemaker pro-

duces the value that he adds to the leather. Does the landowner? The only value that the landowner, as landowner, produces is speculative value stemming from monopolistic scarcity, which Ryan specifically admits creates no moral title.[32] And the appropriation of land value by the landowner prevents both the community in its corporate capacity and its members in their individual capacities from enjoying the full benefits of the values that they do directly and intrinsically produce. It is they who are being compelled to serve the landowner without compensation, to divert to him by way of tribute a portion of their rightful recompense.

Natural Right and Social Utility

We have seen that, according to Ryan, the community has no right either to land or to rent. The private owner, however, has a right to both. Ryan goes as far as to call it a *natural right*, but he uses the term in a sense different from that in which it is commonly understood.

He claims that it is a natural right because it is indirectly necessary for the welfare of the individual. By "indirectly necessary," he says he means necessary as a social institution rather than as something immediately connected with individual needs as such. Something is regarded as "necessary as a social institution" if, although neither an intrinsic good nor an indispensable means to the satisfaction of vital individual needs, it is capable of promoting the welfare of the average person or the majority of persons to a greater degree than any alternative.[33]

Thus, in the last analysis, Ryan, the spokesman of natural law and scathing nemesis of utilitarianism, rests his defense of private property in land upon what he considers to be its superior social utility as an institution. This judgment of superior social utility he derives, first, from certain pragmatic objections to the alternatives, socialism and Georgism, and second, from a view of private ownership in terms of its ideal potentialities.

I shall not review here Ryan's objections to socialism (objections with which I happen to concur) because they are not germane to the topic of this study. His pragmatic objections to Georgism are

preceded by the acknowledgment of several important benefits to which the system would lead:

> Since no man would find it profitable to retain control of more land than he could use himself, the number of actual land users would be increased. The land speculator would disappear, together with the opportunity of making and losing fortunes by gambling on the changes in land values. Owing to the removal of taxation from the necessaries of life and from industry, consumers would get goods cheaper, and some stimulus would be given to production and employment. Those monopolies which derive their strength from land would become weaker and tend to disappear.[34]

These benefits, however, would be counterbalanced, in his opinion, by the following fancied disadvantages:

1. *Many holdings would deteriorate because of those who would exhaust the land through careless or rapacious exploitation.* This has not occurred in practice. In fact, the Georgist system creates an incentive to *increase* fertility, since the tax would not reflect the value of improvement but only of land in its virgin state, and of location. Increased fertility through more careful cultivation has been the rule in Denmark, Australia, the California irrigation districts, and wherever an approach to Georgism has been instituted.

2. *The administrative machinery would inevitably involve a vast amount of error, inequality, favoritism, and corruption, for the land tax would be on the full amount of the annual rent instead of on a fraction, as at present.* This is absurd. There is no reason why, if all the rent were taxed, there should be proportionately any more error or corruption than when a fraction of it is taxed; in fact, there should be less, since public scrutiny would be keener. Furthermore, since land cannot be hidden, chances for error, favoritism, corruption, and the like are less than with other sources of tax revenue, and under George's system only land would be taxed. Virtually all current and most past authorities concede that a single tax on land would be uniquely free of these very ills. When one imagines the reduction in corruption that would accompany the abolition of the income tax, Ryan's objection becomes doubly curious!

3. *Cultivators would not have the inducement to make improvements that arises from the hope of selling both improvements and land at a profit, owing to the increased demand for land.* It is true that

under a Georgist system improvements would not be made with an eye to speculative profits from land sales, but they would be made with the expectation of profit from the improvements themselves, and their making would be stimulated by the fact that it would not be penalized, as now, by a tax increase.

4. *The reform would lead to instability of tenure because, owing to misfortunes of various kinds (such as one or two poor crops), many landholders would be temporarily unable to pay the full amount of the rent and would lose their titles.* The tax is supposed to reflect current market value, determined by frequent reappraisal. Poor crops would reduce the value of land, and hence the tax. Granted, marginal and less efficient producers might tend to be forced out (although their being taxed the full economic rent would be mitigated by the absence of other taxes, and the lower cost of commodities), but they would have a much better chance than at present of resuming their operations elsewhere because of cheaper land prices.

When we turn to Ryan's view of the ideal potentialities of private ownership, we come to an odd paradox. We find that he is not really interested in defending landownership as it has existed historically, but only "in its essential elements, and with its capacity for modification and improvement."[35] He admits that "we should be tempted to declare that the most extreme form of Agrarian Socialism could scarcely have been more productive of individual and social injury" than private landownership as it obtained in certain empirical instances. And the model he constructs in chapter 7 for a modified and improved system has little in common with the institution as we now know it.

The chapter is entitled "Methods of Reforming Our Land System." By the time Ryan gets through reforming the system, he has moved about halfway down the Georgist road. He would prohibit the alienation of lands now publicly held, insisting that they be leased instead of sold. He would have future increases in the value of land socially appropriated (with owners compensated for positive losses of interest and principal). He would gradually transfer the taxes on improvements and personal property to land. And he would impose progressive supertaxes upon valuable mineral, timber, and water-

power holdings, and upon certain agricultural lands not cultivated by the owners. Practically speaking, in terms of the foreseeable future, today's Georgist would probably be only too glad to settle for these reforms.

It is against this semi-Georgist model, not against landownership as historically practiced, that Ryan measures and finds wanting the full-scale George proposal. He belittles the George proposal as an "untried system."[36] Yet where has his own ideal system been tried in its totality? The George proposal, as we have seen, has been given limited and partial application in many places. To the extent that it has been applied, its social utility has been amply demonstrated—even more conclusively since the time when Ryan's critique appeared. Consider, for example, the Hutchinson Report, a survey comparing the six Australian states in terms of the degree to which their local jurisdictions use this method of obtaining public revenue. Queensland, New South Wales, and Western Australia have much heavier land-value taxes and much lower improvement taxes than do South Australia, Victoria, and Tasmania. According to the report, in the period considered the first group of states had increases in land under crops, while the second group had decreases. The value of improvements as compared to land was found to be 151 percent in the first group, as against only 79 percent in the second, and was highest (198 percent) in Queensland, which collects the greatest amount (54.4 percent) of economic rent. Factory wages were higher in the first group and larger in purchasing power. Last, it was discovered that population was flowing from the second group to the first group, indicating that people in Australia found conditions better in the first group. The inflow to Queensland, the state taxing land values the most, was the greatest.[37] So even from a standpoint of social utility, the criterion according to which Ryan proclaims private landownership to be a natural right, the Georgist approach would seem empirically to be at least as capable of vindication.

Notes

1. James Hastings Nichols, *Democracy and the Churches* (Philadelphia: Westminster Press, 1951), p. 131.

2. John A. Ryan, *Distributive Justice* (1916; rev. ed. New York: Macmillan, 1927), chapters 3, 4, and 5. Chapter 2 is reproduced, with minor omissions, in vol. 14 of the Modern Legal Philosophy Series. I refer to the single tax as "so-called" because its singleness is not its essential feature, and, strictly speaking, it is not a tax but rather a public fee.

3. Eric F. Goldman, *Rendezvous With Destiny* (New York: Vintage Books, 1956), p. 85. For a more restrained account, see Ryan's autobiography, *Social Doctrine in Action* (New York: Harper, 1941), p. 9.

4. Henry George, *Progress and Poverty*, 75th anniversary ed. (New York: Robert Schalkenbach Foundation, 1954), p. 421.

5. It should be emphasized that George did not regard his theory as a mere fiscal reform. He thought of it as a means whereby free enterprise, in which he ardently believed, could be rendered truly free by eliminating a fundamental and pervasive monopoly that interferes with the normal operation of the market and diverts a major share of wealth to those who make no positive contribution to the economic process. Rent, he taught, belongs to the community by right, and as long as it is privately appropriated, it serves as a fetter upon production and a barrier to the right of individuals to enjoy the fruits of their toil. Interest, on the other hand, he viewed as the capitalist's just return for that increase in wealth attributable to his saving and investment. If, he held, rent were taken by the public, the speculative element in land prices would disappear, and the consequent cheapness of land would place natural opportunity within the reach of all. Production would be stimulated, wages would rise, the cost of goods would be reduced, and with the extirpation of its basic cause, involuntary poverty would tend to vanish.

6. George, *Progress and Poverty*, pp. 344 f.

7. Ryan, *Distributive Justice*, pp. 25 f.

8. Ibid., p. 26.

9. Henry George, "The Condition of Labor: An Open Letter to Pope Leo XIII" (1881), *The Land Question* [and other Essays] (New York: Robert Schalkenbach Foundation, 1953), p. 36.

10. Ryan, *Distributive Justice*, p. 24.

11. Ibid., p. 28.

12. Ibid., p. 29. The same kind of legalistic hairsplitting that characterizes Ryan's approach in the argument just cited also marks his treatment of a passage in which George speaks of travelers in the desert, saying that those who had had the forethought to provide themselves with vessels of water would have a just property right in the water so carried, against which the need of their less provident fellows could establish a claim only of charity and not of justice. "But suppose others use their forethought in pushing ahead and appropriating the springs, refusing when their fellows came up to let them drink of the water save as they buy it of them. Would such forethought give any right?" The obvious intent of this passage is simply to point up the

distinction between "the forethought of carrying water where it is needed" (labor), and "the forethought of seizing springs" (first occupancy). Ryan, however, makes it the occasion for insisting that since the water in the vessels was originally abstracted from some spring, the right to it stems, initially, not from the labor of transporting it or filling the vessels with it, but from seizure of an ownerless good, quoting a paraphrase of Grotius to the effect that "since nothing can be made except out of preexisting matter, acquisition by means of labor depends, ultimately, on possession by means of occupation." It is patent that the act of appropriation is temporally antecedent to productive labor, but it is far from evident why this truism should be accorded such overriding moral significance as to constitute the definitive factor in establishing ownership. Moreover, it should be noted that he who fills vessels from a spring does not (unless the spring is about to run dry) deprive others of the opportunity to use a natural good. George, "The Condition of Labor," p. 29; Ryan, *Distributive Justice*, p. 31.

13. Ryan, *Distributive Justice*, p. 31

14. Ibid., p. 49.

15. George, *Progress and Poverty*, p. 365. In 1967 the California Supreme Court answered this rhetorical question in the affirmative when it enjoined Sacramento Assessor Dr. Irene Hickman to cease assessing real property at 100 percent of market value as provided by the state constitution. The court declared, in effect, that previous assessors had ignored that constitutional provision for so long that real estate owners had acquired a vested right to its nonenforcement! No doubt, the court is privy to some arcane answer to Herbert Spencer's famous query: "At what rate per annum do invalid claims become valid?" Herbert Spencer, *Social Statics* (original version, 1850; reprint ed. New York: Robert Schalkenbach Foundation 1954), p. 105.

16. Ryan, *Distributive Justice*, p. 35.

17. Ibid., p. 38.

18. See John A. Ryan, *Declining Liberty and Other Papers* (Freeport, N.Y.: Books for Libraries Press, 1927), p. 142.

19. Harry Gunnison Brown, Harold S. Buttenheim, et al., eds., *Land-Value Taxation Around the World* (New York: Robert Schalkenbach Foundation, 1955), p. 11. For an update, see the most recent (3rd) edition, R. V. Andelson, ed. (Malden, MA: Blackwell Publishers, 2000).

20. Ibid., pp. 13, 33.

21. Ryan, *Distributive Justice*, p. 41.

22. Ibid., p. 39.

23. See, for example, *Declining Liberty and Other Papers*, pp. 200 ff.

24. Ryan, *Distributive Justice*, p. 324.

25. Ibid., p. 103.

26. Ibid., pp. 54–56, 61, 66, 73.

27. Ibid., p. 39.

28. Steven B. Cord, *Henry George: Dreamer or Realist?* (Philadelphia: University of Pennsylvania Press, 1965), p. 65.

29. Ryan, *Distributive Justice*, p. 42.

30. Ibid., pp. 46 f.

31. Ibid., pp. 47 f.

32. Ibid., p. 45. I am willing to concede that some owners perform a useful entrepreneurial function in finding the best use for (and thus actualizing the latent value of) their sites. In this case, a portion of the rent is really wages, for it is attributable to mental labor rather than to mere ownership. But it would seem as if at least as many owners, through ignorant allocation or too prolonged withholding, prevent or inhibit optimal use, while the role of others is simply passive—responding to the entrepreneurial initiative of nonowners. The last instance demonstrates that the entrepreneurial function would continue to be performed (and not necessarily by public officials) even if all private land titles were extinguished.

33. Ibid., pp. 57–60.

34. Ibid., p. 54.

35. Ibid., p. 56.

36. Ibid.

37. A. R. Hutchinson, *Public Charges Upon Land Values* (Melbourne: Land Values Research Group, 1963).