

CHAPTER XII

THE INSTITUTION OF PROPERTY

"The institution of property, when limited to its essential elements, consists in the recognition in each person of a right to the exclusive disposal of what he or she have produced by their own exertions, or received either by gift or by fair agreement, without force or fraud, from those who produced it. The foundation of the whole is the right of producers to what they themselves have produced." — John Stuart Mill. That each individual member of the community should be left free to dispose of his own life and activities as he may deem most conducive to his own well-being and happiness, provided only he in no way infringes on the equal freedom of others, will not, we believe, be seriously questioned by any student of social ethics. Moreover, that each should be left free to dispose of the results of his own exertions will also probably be allowed to pass without serious challenge. Our third conclusion, however, that, in order that our social institutions should be shaped in accordance with the demands of Justice, all should be left equally free to avail themselves of the bounties of Nature; or, in other words, that the use of the land should be made equally available to all; and hence, that the unrestricted private ownership of land, the unrestrained private control of the natural sources and opportunities of life and industry, is inadmissible, will not, we are afraid, so readily gain acceptance. In fact, it is so contrary to inherited notions of "right" and "wrong," so directly opposed to the fundamental institutions on which today society is established, that we almost fear that it will tend to make many unwilling to accept, or even to suspect, the validity of the almost self-evident and axiomatic principle from which it has been deduced, and from which it follows as a matter of logical necessity. "Logical consequences," as the late Professor Huxley somewhere tells us, "are the scarecrows of fools, the beacon-lights of wise men." The majority of us may not be able to claim to be included under the latter category; but certain it is that no one with the least claim to ordinary intelligence should ignore or reject a principle in accordance with reason, because it leads to conclusions opposed to his prejudices, to his acquired or inherited ideas, or to his individual or class interests. Strong as the temptation may be, mankind can only yield to it at their peril. However, to endeavour to overcome some of the initial difficulties in the way of its acceptance, we shall devote this chapter to a consideration of this conclusion in the light of other already accepted principles, more especially in the light of the basic principle on which the institution of property itself is avowedly based, and by reference to which it is always defended when seriously questioned.

"Private property, in every defence made of it," John Stuart Mill tells us, "is supposed to mean the guarantee to individuals of the fruits of their own labour and

abstinence." ¹ Or again, ² "The institution of property, when limited to its essential elements, consists in the recognition, in each person, of a right to the exclusive disposal of what he or she have produced by their own exertions, or received, either by gift or by fair agreement, without force or fraud, from those who produced it." ³

1 "Principles of Political Economy," Book II., chap, i., § 3.

2 Ibid., Book II., chap, ii., § 1.

3 John Locke, the author of the immortal "Essay concerning Human Understanding," takes practically the same view. He says: "Though the earth, and all inferior creatures, be common to all men, yet every man has a property in his own person; this nobody has any right to but himself. The labour of his body and the work of his hands, we may say, are properly his. Whatsoever he moves out of the state that Nature hath provided, and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property. It being by him removed from the common state Nature hath placed it in, it hath by this labour something annexed to it that excludes the common right of other men; for this labour being the unquestionable property of the labourer, no man but he can have a right to what that is once joined to; at least, where there is enough, and as good, left in common to others." ("Of Civil Government," chap, v., "Of Property.") On the same grounds Locke defends private property in land, but never forgets to take into account the proviso we have placed in italics.

However they may differ on minor points, this is practically the position to which a consideration of the facts leads every impartial inquirer into this much discussed question. It is, in fact, the position accepted by all, even by those who shrink from the conclusions to which it leads, and who may well be termed "perplexed philosophers." And manifestly, this defence of the institution of property is applicable only to such things as have been and can be produced by human labour, and is not applicable to any claims to the sole control of any portion of the earth's surface.¹

One of the essential differences between property in commodities, in improvements, in things produced by human labour and property in land, is well expressed by the same authority in the following words: "No quantity of movable goods which a person can acquire by his labour prevents others from acquiring the like by the same means; but from the very nature of the case, whoever owns land keeps others out of the enjoyment of it. The privilege, or monopoly, is only defensible as a necessary evil; it becomes an injustice when carried to any point to which the compensating good does not follow it."¹ And, in the same chapter he places the whole question before his readers in the following most suggestive passage:² "When the sacredness of property is talked of, it should always be remembered that any such sacredness does not belong in the same degree to landed property. No man made the land. It is the original inheritance of the whole species. Its appropriation is wholly a question of general

expediency. When private property in land is not expedient, it is unjust. It is no hardship to anyone to be excluded from what others have produced; they were not bound to produce it for his use, and he loses nothing by not sharing in what otherwise would not have existed at all. But it is some hardship to be born into the world and to find all Nature's gifts previously engrossed, and no place left for the newcomer."

1 Henry George, in his great work, "Progress and Poverty," in which the equal rights of all to the use of the earth are championed in a manner which leaves nothing to be desired, takes practically the same view of this basic point as John Locke. He says: "What constitutes the rightful basis of property? What is it that enables a man to justly say of a thing, 'It is mine'? From what springs the sentiment which acknowledges his exclusive right as against all the world!? Is it not, primarily, the right of a man to himself, to the use of his own powers, to the enjoyment of the fruits of his own exertions? Is it not this individual right, which springs from and is testified to by the natural facts of individual organisation — the fact that each particular pair of hands obeys a particular brain, and are related to a particular stomach; the fact that each man is a definite, coherent, independent whole, which alone justifies individual ownership? As a man belongs to himself, so his labour, when put in concrete form, belongs to him." (Book VII., chap, i.)

1 Ibid., Book II. chap, ii., § 6.

2 Ibid.

This is indeed a hardship — a hardship which, when absolutely necessary, might be endured with equanimity by philosophers, but which when unnecessary should not be patiently borne by men who claim to be free. And it is a hardship today most unnecessarily inflicted on the great majority of every civilised community. We advisedly say unnecessarily, for though, to use Mill's phraseology, Nature's gifts may be all engrossed, though the only means by which we can avail ourselves of them, the land, may all be owned, yet is it not all in use, and certainly not all put to the best use of which it is capable. In every country there are natural resources far beyond the requirements of the moment, or of the present population — unused mines, unused fields, large areas of land, land which, if cultivated, would keep thousands in peace and plenty, from which men are fenced out, sheep, deer, pheasants, partridges, etc., fenced in.¹ In every country, not excepting Belgium, there is still land enough to maintain a larger population than the present; natural resources which, if only available to the industry of the people, would enable them to maintain themselves in comfort, even luxury, and that without being compelled to draw upon the labour force of their children before they have passed the tender years of youth. But it is all "engrossed"! Engrossed, not in order to be used, but to prevent others from using it; to prevent them from living and working as free men, from living and working at all save by the favour, and on the terms of the "engrossers," of the lords of the soil, of those, who, to satisfy their own predatory instincts, in order to prey upon their fellows,

prevent others from satisfying their industrial instincts, from ministering to their own wants, from rendering services to their fellows. Small wonder that mankind are yet debarred from reaping the full harvest of their industrial tendencies. Small wonder that there is everywhere seething discontent To live content under such conditions is possible only to the most brutal or the most corrupt, to the most ignorant or the most degraded.

1 In Great Britain today it is estimated that there are some 26,000,000 acres held out of use, and at least an area but half used; to say nothing of numerous mines that it does not pay the "engrossers" to allow to be used.

Of the fundamental injustice of the private ownership of land as today established in our midst, we need add nothing to what has already been said. Of its expediency we shall have something to say when considering the means formulated by Henry George, whereby every advantage it can offer can be reconciled to the requirements of Justice, to the dictates of the Law of Liberty. Here we would only point out, not only that it is a direct infringement of the principles, by an appeal to which the institution of property itself can alone be defended, but that it invalidates and destroys any advantage that might accrue to mankind from the institution of property itself. For, as already pointed out, the only and all-sufficient justification of property is, that it is intended to secure to each what is due to his own activities; but securing to some the ownership and control of land, of Nature, secures to these the fruits of the industry of their fellows, which, manifestly, is contradictory to the very purpose to attain which the institution of property is intended.

To sum up: As Mill points out, "The laws of property have never yet conformed to the principles on which the justification of property rests. They have made property of things which never ought to be property (e.g. slaves), and absolute property where only a qualified property ought to exist. They have not held the balance fairly between human beings, but have heaped impediments upon some to give advantage to others: they have purposely fostered inequalities, and prevented all from starting fair in the race."¹ Hence, if we would give the principles of private property a fair trial, if we would enjoy the advantages they may hold in store for us, if we would reap a fuller harvest of our industrial tendencies, the laws of property must be made to conform to the principles on which they rest. In accordance therewith, the individual may claim to be secured the full possession of everything due to his own exertions; this, as has been sufficiently emphasised, rests on his undoubted and indisputable claim to himself. But the use and enjoyment of the bounties and opportunities of Nature cannot be treated as private property, but must, in accordance therewith, be made available to all on equitable terms. Thus, and thus only, can the institution of property be made to conform to the principles on which today it is avowedly based.

1 Ibid., Book II., chap, i., § 3.

This, then, is the necessary first step toward the reign of Justice, the first, foremost, and most urgent demand of the Law of Liberty. Shall we conform our social institutions to her dictates; shall we obey the promptings of the industrial instincts, which all can satisfy to the common advantage of all? Or shall our social institutions continue to be moulded by the demands of Privilege, of License; shall we continue to be swayed by the promptings of the predatory instincts, which some only can possibly satisfy, and that at the cost and to the detriment of the rest? This is the question urgently pressing for solution; and on our answer to which the immediate future of our civilisation, as of our race, greatly depends. For, as the great apostle of Land Reform, Henry George, expresses it —

"In our times, as in times before, creep on the insidious forces that, producing inequality, destroy Liberty. On the horizon the clouds begin to lower. Liberty calls to us again. We must follow her further; we must trust her fully. Either we must wholly accept her, or she will not stay. It is not enough that men should vote; it is not enough that they should be theoretically equal before the law. They must have liberty to avail themselves of the opportunities and means of life; they must stand on equal terms with reference to the bounty of Nature. Either this, or Liberty withdraws her light! Either this, or darkness comes on, and the very forces which progress has evolved turn to powers that work destruction. This is the universal law. This is the lesson of the centuries. Unless its foundations be laid in Justice, the social structure cannot stand."