

CHAPTER IV.

THE RIGHT TO LAND INALIENABLE. — LAND NOT PROPERTY. — A JUST SYSTEM OF LAND TENURE AND OF TAXATION.

In order to determine whether the natural opportunity and right to occupy and use land is efficiently secured to all persons attention must be given to existing land laws and the legalized system of land tenure. Under that system land is regarded and treated as property to be bought and sold, and to be accumulated and held for the exclusive advantage and benefit of whomsoever the law declares to be its owner, who may possess as much as he can acquire.

Inquiry is first to be made then as to whether land is property, and, if not, whether it can be treated as such without impairing any natural relation, condition or right which government is bound to secure, and it may be well, even at the risk of repeating ideas already expressed, to examine somewhat carefully into the right of every man to

land upon which to live and labor, as well as into the claim of right to property in land.

Since land is as natural as man himself, is not the product of his labor, can not be increased or diminished by him, but is rather a necessary condition of his existence on earth, all men alike sustain a certain and the same natural relation to land. How and when is it that any man comes to sustain any other or different relation? In order to ascertain the nature and extent of this common natural right to land, suppose that there was but one man upon the earth. His natural right to land would certainly be as great and as complete as if he were not alone. What relation would he sustain to the land? He would depend upon it for his existence, and would have the unquestioned, undoubted right to occupy and use as much of it as was necessary to the support and enjoyment of life. His right would be that of occupancy and use, and the boundary of his claim, both as to limit of time and space, would be the extent of his personal needs. Any other claim would be as idle and unfounded as any that he might make to the moon. Suppose the number of persons on earth to be increased by the coming of other men. What effect would their presence have upon the right of the first man? Would it be thereby increased or diminished, its nature or

extent or his relation to the land changed in any way from what they had been? There would be the same necessity for him to use land as before, and to the same extent, no more and no less. He had no reason for claiming more than he could personally use before the coming of other men, and the only possible reason for making greater or other claim after their coming, would be that some of them might use it for his advantage. But however much he might desire this, he could not claim it as a right any more than they could rightfully compel him to use it for them. Whatever right to land that man would have when solitary upon the earth must remain with him in society, every member of which having the same right. Even if there were not enough for all, each would be justified by virtue of the right of self-defense in defending himself in the use of as much as was necessary to his support. This natural right of every man to occupy and use land necessary and convenient for his support, carries with it, moreover, by virtue of the right to liberty, the freedom and right to take possession for such purpose, of any land not already occupied by some other man for the same purpose. If a location already occupied by him proves unsatisfactory, he may, by natural right and law, abandon it and take some other. So long,

however, as he holds land sufficient for his support, he can not justly take and hold other additional land to the exclusion of other men, since he exercises, satisfies and exhausts his natural right by continuing his first holding, no man having two natural rights to land nor any natural right to hold more than he needs to the exclusion of other men. The possession by any man occupying land sufficient for his personal needs of other land in addition thereto, must be subject to the natural right of other men to occupy and use such additional land, nor can any man become possessed of any other than his own natural right to land, unless he acquires it from some other man. The truth of the latter proposition will appear from the self-evident fact that all so-called rights are derived either from natural or municipal law; they are either bestowed by nature or conferred by man. Nature gives one and the same right in land to all men alike; if any man have other right, he must have acquired it from other men. But since no man has more than natural right to begin with, and since no man or men can part with more than they have, no men, not even the greatest majority, can convey to any man any other than their natural right, and any claim by any man of other than his own natural right to land, must be based upon and consist of some other man's or men's natural right which has

been conveyed to him and become his, if at all, by reason of such conveyance.

But is it reasonable to suppose that any man would ever, even if he could, part with or surrender to another his natural right to the use of land any more than he would the right to use light and air, which he would in reality do in relinquishing his right to land? He might indeed surrender to another the possession of some particular portion of land, but it would of necessity be with the expectation of finding and using some other portion; otherwise he would part with the necessary conditions of life itself, and he to whom the surrender should be made would be guilty of taking life, unless he recognized and assumed as a condition to his possession of the land surrendered the obligation to permit the man surrendering it to be and support himself upon that or other land possessed by the purchaser, an admission that the right to occupy and use land is inalienable and cannot be transferred by one to another, nor taken from one by another. The exclusive ownership or possession of land that another man has a natural right to use, and upon which he depends for support, must of necessity involve not only the ownership of the land but also of the man himself, together with the right to deprive him of life itself.

But while it is not reasonable to suppose that any man would voluntarily part with his natural right to land even if he could, is it any more reasonable to think that any man possessed of and enjoying his own natural right would desire to become possessed of another's? Of what advantage would it be to a man, having and enjoying the right to breathe what air he could, to become possessed of another man's similar right; or as already suggested, having and enjoying the right to use all the land he could, what use could he make of another man's similar right, unless he could use the man with and upon the land?

It must be clear that if any man is to hold other or greater title to land than that which he holds by natural right, he must acquire it from some other man or men. But what title to any particular land can one man give to another? He that surrenders possession must of necessity, as already seen, to do so with the expectation of occupying some other portion of land. By what right will he take possession of that other portion? It can be only by virtue of his own natural right. But, if while surrendering possession of some particular land, he retains and carries away with him the only right by which he held it, what right or title can he give to him to whom he yields possession? The

latter takes and holds possession by virtue alone of his own natural right, which can be neither increased nor diminished by any act of himself or of other men. The natural right to land, included as it is in the right to liberty, is inalienable, and is at all times and everywhere possessed alike by all men, no one of whom can ever part with it or become possessed of any greater, less or different right to land. Any and all claims of title to, and every possession of land, must be subject to the natural right of all men to land, and any system of land tenure that fails to secure all men in the enjoyment of that right exists in violation of such right. The claim of exclusive ownership recognized and upheld by existing law and custom is without foundation in nature, and can be enforced only in violation of natural right. The State instead of securing natural rights uses its power for their destruction by maintaining the existing system of land tenure. Instead of being real property, as it is called, land is really not property at all, and the fiction by which it is regarded and treated as property is far from harmless.

In order that all men may enjoy their natural right to land, it should be possible for any and every man, not finding the opportunity or not desiring to sell his labor to another, to find and occupy land

upon which to labor for himself, and that without paying any man for the opportunity. There are but two methods of profitable labor, one by laboring for one's self and enjoying the product, the other by selling labor for wages. The former is primary, the most natural and must be always open and practicable, or the latter ceases to afford natural advantages for the sale of labor, since, if there is no opportunity to labor for one's self, the laborer is forced not only to work for wages but for whatever wage is offered, and even to go without employment, if no one is willing to hire him. Such is the condition of many laborers to-day, land being held as property by some men to the exclusion of others who are not permitted to labor on it for themselves, and can find no one to employ them. The inevitable result is idle men, a glut in the labor market, and low wages for such as find employment. So long as government is responsible for this result, it is under obligation to make such reparation as it can to those whom it permits to be deprived of the natural right to labor. As was said by Jefferson, "The earth is given as a common stock for man to labor on, if for the encouragement of industry, we allow it to be appropriated, we must take care that other employment be furnished to those excluded from the appropriation. If

we do not, the fundamental right to labor on the earth returns to the unemployed." That fundamental right, indeed, has not been, can not be taken from man; he is simply deprived of its enjoyment, and that by government whose proper function is to secure such enjoyment. Nor does the encouragement of industry demand any such appropriation of land as to deprive any man of opportunity to use it, nor can industry be encouraged however much speculation may be stimulated thereby. Man is never really benefited by the violation of natural law; whatever seeming gain may result therefrom to some, is at the real loss of others, nor is that gain for the ultimate good of even those that reap it.

The injustice and injurious results of land speculation may be illustrated by a single and by no means unusual transaction. Bearing in mind that property, an abundance of which is commonly called wealth, is always the product of labor on land, suppose that some man buys unoccupied and unimproved land which he holds unoccupied and unimproved until by reason of increased demand he sells it for a net profit of a thousand dollars over and above all that it has cost him, including taxes, incidental expenses, his original investment and interest thereon. Whence comes that thou-

sand dollars, that gain of wealth to him? It is the product of labor on land, but not of any labor of his nor of the labor of any one on that land which has been unproductive. It is beyond question the product of the labor of some other men on some other land. What value does he give for that product, what compensation do those men receive for it or for the labor that produced it?

It may be argued that since men hold land for profit and will naturally permit other men to use it whenever a profit can be made thereby, the use of land is not prevented or discouraged by exclusive possession under claim of ownership. It should be remembered, however, that one cannot realize profit from the labor of other men unless its product be more than sufficient for their support while they labor, and that when labor on land will not produce more than a subsistence for the laborer he will not be employed on land held for profit. If the land were free to him, however, he would gladly use it even for the meagre support it might yield, rather than suffer want, as he must when excluded from the land and unable to find an employer.

Whether government discharges its duty to every citizen in respect to labor as related to land or whether there is something which it ought but

neglects to do, may be seen by supposing a young man to become of age with nothing but his labor to depend upon for support, as is or has been at some time the case with most men; that he is unable to find any one to employ him or pay living wages for his labor, as is too often the case; and that although there is within easy reach abundance of unused land upon which he could support himself if permitted, it is as is generally the case all in the the exclusive possession of men who forbid his occupying it without paying them for so doing. Is it not clearly the duty of the State in the discharge of its right-preserving function to so modify its land laws that that young man and the thousands of other men similarly situated may be enabled to occupy and use as much land as may be necessary to their support, provided they do not thereby interfere with any other man's natural right to land? Whoever suggests in this connection that the landless man may obtain the use of land by sharing the product of his labor thereon with the so-called owner of the land should be again reminded that such product may be and often is barely sufficient to support the laborer and those naturally dependent upon him. Land producing only enough to support the laborer has really no value, and the holding of it unused by some men to the exclusion

of others who would use it if permitted, is made possible by the State as a result of treating land as property, and is a species of most pernicious tyranny, for which the State alone is responsible, since it could not be practiced without the aid of government.

The present system of land tenure not only fails to secure the enjoyment of natural rights to land, but even renders it impossible for the majority to enjoy them, and the first step to be taken by the State in solving the labor problem and with it many other problems is the adoption of a system that shall secure such rights to all. With a view to that end it is sometimes suggested that no man should be allowed to hold more than a certain number of acres of land to the exclusion of other men; that by such limitation there could be no such appropriation as to prevent any man from occupying land. Such limitation, however, although it might enable every man to occupy land, would not secure the enjoyment of equal rights to land, while it would at the same time prevent the natural and most beneficial use of it. Under such a system the land of one man might be so much more productive or valuable than that of another that while the latter could barely make a living on his the former might live on his without labor, its product

being sufficient for his support, and also to pay living wages to men hired to cultivate it. It is not equal amounts of land, but equal advantages for making beneficial use of it, to which all men are entitled. Nor would such a limitation be desirable even if all land were equally productive, for as some men do not care to maintain permanent exclusive possession of any land, there is no reason why other men should not if they desire make use of whatever the former decline to use.

A just system of land tenure must not only make it possible for every man to occupy land, but also provide that persons permitted to enjoy advantageous holdings shall account for the value of the advantages they enjoy to those equally entitled to but foregoing such advantages. For simplicity of illustration, suppose five men to be jointly and equally interested in a certain tract of land which they are about to occupy, dividing it into five farms, one of which each man is to make the permanent abode of himself and family, and that the several farms are so different in fertility that a good living can be made on the best one with little labor while the poorest yields only a meagre support to the most unremitting toil. How can those men take and hold possession each of one of those farms as a permanent home and at the same time share

equally in their common right in and to the whole tract of land? It is but reasonable to suppose that some one of them would be willing to pay what might be agreed upon by all as a fair price for the first choice of locations, say one hundred dollars; that another would pay seventy-five dollars for the second choice, another fifty for the third, still another twenty-five for the fourth, while the fifth or last man would pay nothing, for he would have no choice, but would take what was left. The several sums so paid, amounting to two hundred and fifty dollars, would clearly belong to the five men in equal shares, because resulting from the sale of that which belonged equally to them all, and divided among them would give fifty dollars to each, reducing the sum to be actually paid by the first chooser to fifty dollars, which might well go to the last man to make up for the extra labor necessary to make his land as productive as the average; the second chooser would actually pay only twenty-five dollars, which would go to the fourth man to render his land as productive as the average, while the third man, the price of whose choice was fifty dollars, would actually pay nothing, his land being of the average to which the different tracts had been reduced by the paying or receiving of a money difference in value. By this arrangement each man

would come as near to sharing equally in the natural advantages of the whole tract as would be practically possible. The choice price paid for superior localities would be rent, which is as natural as land itself, and the nature of which will appear more clearly perhaps if it be supposed that the poorest farm produces but ten bushels to the acre, the next yielding fifteen bushels to the same labor would have a rental value of five bushels to the acre; the next producing twenty bushels would have a rental value of ten bushels; the next producing twenty-five would have a rental value of fifteen bushels, and the last or best farm, if it produced thirty bushels to the acre, would have a rental value of twenty bushels, while the first or poorest farm would have no rental value, and is called no-rent land, being the least desirable land in use. Rental value, the only value that land has, results naturally from difference in fertility or in desirability for any use, from naturally inherent qualities or from advantages of location produced by the presence, labors and necessities of a surrounding population, and this value belongs in each and every instance to no particular individual or individuals, since no individual ever produces it, but rather to all men, for the natural right to land attaches not merely to no-rent lands but also to those

having rental value whose advantages should be shared equally by all, no less than the benefits of no-rent land.

Our present system not only permits certain individuals to appropriate to themselves the rental value of all land, but also enables them to exact a price, an artificial rent, for the use of no-rent lands, practically excluding other men from such use since no-rent lands seldom yield product sufficient to enable the laborer to support himself and pay a price for possession. The result is that many men are forced to sell or try to sell their labor which no man is compelled to buy. The system also enables the so-called owners of valuable lands to cultivate or render them otherwise productive through the labor of landless men at such wages as to make it unnecessary for such owners to perform any labor since they can thereby live on the labor of others.

A just and equitable system of land tenure will hold no-rent lands open and free to the occupancy of any persons desiring to use them, and compel those occupying valuable lands to account to the public for their annual rental value. For illustration let the above supposed tract of land represent a country; suppose that instead of five its occupants are ten men who shall represent the State; that four of

them are occupying choice locations or valuable lands for which they pay two hundred and fifty dollars rent; that the other six occupy, some of them, no-rent land, and others no land at all, but work upon valuable land for wages. It is clear that the rent fund of two hundred and fifty dollars belongs to all the ten men, each being entitled to twenty-five dollars. Suppose, further, that certain necessary expenses are to be incurred for the common benefit of the ten men, to defray which it was proposed to levy a tax upon them. Would it not be wiser to apply the rent fund to the payment of such expenses, each man thus paying the same amount as in justice he should? Upon the same principle the State should require the holders and so called owners of valuable land to pay its annual rental value, that is, the rental value of the bare land regardless of improvements thereon, into the public treasury, the total amount to be applied, as in justice it should, to the payment of public or government expenses, rendering other methods of raising a revenue as unnecessary as they are vexatious, injurious and unjust. Under such a system valuable agricultural or mining lands and city lots now held vacant and unimproved in the expectation of an advance in their selling price would either be put to

productive use by their present holders or abandoned to somebody willing to make such use of them, while the no-rent lands would be free to the occupancy of any desiring to use them affording such as were unable to find employment or did not care to work for wages, the natural, never failing opportunity to labor for themselves, and capital no longer driven into hiding to escape taxation, would seek investment in productive enterprises, thereby increasing the demand for labor and the rate of wages.

What valid objection can there be to the gradual introduction and adoption of such a system? It would not be State ownership of the land, for, as already seen, no man can own land; no more can many or all men, the State, own it. The State even now, as it must, in order to keep the peace and secure natural rights, assumes to regulate and control the possession of land, and it would do no more under the proposed system. Permanency of individual possession would be no less secure than now, depending then as now upon payment of the so-called tax, each man paying for whatever advantage he was permitted to enjoy to the exclusion of others who are as much entitled to it as he, while the poorest person could always find and

occupy no-rent land upon which there would be little if any tax. Those now holding land would continue to hold as much of it as they cared to use, while those now unable to get possession of any would be enabled to occupy some of that which is now of no use to anybody. That it would be a virtual confiscation of economic or ground rent is no valid objection to the proposed system since, as already seen that rent really belongs to the public rather than to private persons. If there should be any so unfortunate in speculation as to have all their means invested in vacant, unimproved land the selling price of which would be lost to them by reason of the State's appropriating the annual rent, they, in common with those whom their possession now excludes from land, would be in better condition than the latter now are, for they would be free to retain all that they could profitably use. The income of landlords would be diminished but few if any persons would be reduced to poverty, while vast numbers would be raised from poverty to self-supporting independence, simply by having restored to them the enjoyment of natural rights of which they are now unjustly deprived.

A just system of land tenure as well as an equitable system of taxation demands that econom-

ic or ground rent shall be collected by the State and appropriated to the payment of public expenses. Its adoption would go far towards solving the labor problem, the problem of poverty, and the many problems of vice in so far as the State is properly charged with their solution.