

Chapter IV—

Mr. Spencer's Confusion As To Rights.

My purpose in quoting Chapter X is to show what were the views on the land question expressed by Mr. Spencer in *Social Statics*. It may, however, be worthwhile, in passing, to clear up the confusion in which he here entangles the right to the products of labor with the right to land. This confusion he has not yet escaped from, as it is still to be seen in his latest book, *Justice*, where, though evidently anxious to minimize the land question, he still assumes that to justify the right of property in things produced from nature the consent of all men must be obtained or inferred.

Nor is it the right of property alone that is thus confused. Mr. Spencer really puts himself in the same dilemma that, in Section 5, he proposes to Proudhon; for if, as in this chapter he asserts, no one can equitably become the exclusive possessor of any natural substance or product until the joint rights of all the rest of mankind have been made over to him by some species of quit-claim—

Then, amongst other consequences, it follows, that a man can have no right to the things he consumes for food. And if these are not his before eating them, how can they become his at all? As Locke asks, "when do they begin to be his? when he digests? or when he eats? or when he boils? or when he brings them home?" If no previous acts can make them his property, neither can any process of assimilation do it; not even their absorption into the tissues. Wherefore, pursuing the idea, we arrive at the curious conclusion, that as the whole of his bones, muscles, skin, etc., have been thus built up from nutriment not belonging to him, a man has no property in his own flesh and blood—can have no valid title to himself—has no more claim to his own limbs than he has to the limbs of another—and has as good a right to his neighbor's body as to his own!

The fact is, that without noticing the change, Mr. Spencer has dropped the idea of equal rights to land, and taken up in its stead a different idea—that of joint rights to land. That there is a difference may be seen at once. For joint rights may be and often are unequal rights.

The matter is an important one, as it is the source of a great deal of popular confusion. Let me, therefore explain it fully.

When men have equal rights to a thing, as for instance, to the rooms and appurtenances of a club of which they are members, each

has a right to use all or any part of the thing that no other one of them is using. It is only where there is use or some indication of use by one of the others that even politeness dictates such a phrase as "Allow me!" or "If you please!"

But where men have joint rights to a thing, as for instance, to a sum of money held to their joint credit, then the consent of all the others is required for the use of the thing or of any part of it, by any one of them.

Now, the rights of men to the use of land are not joint rights; they are equal rights.

Were there only one man on earth, he would have a right to the use of the whole earth or any part of the earth.

When there is more than one man on earth, the right to the use of land that any one of them would have, were he alone, is not abrogated: it is only limited. The right of each to the use of land is still a direct, original right, which he holds of himself, and not by the gift or consent of the others; but it has become limited by the similar rights of the others, and is therefore an equal right. His right to use the earth still continues; but it has become, by reason of this limitation, not an absolute right to use any part of the earth, but (1) an absolute right to use any part of the earth as to which his use does not conflict with the equal rights of others (i.e., which no one else wants to use at the same time), and (2) a coequal right to the use of any part of the earth which he and others may want to use at the same time.

It is, thus, only where two or more men want to use the same land at the same time that equal rights to the use of land come in conflict, and the adjustment of society becomes necessary.

If we keep this idea of equal rights in mind—the idea, namely, that the rights are the first thing, and the equality merely their limitation—we shall have no difficulty. It is through forgetting this that Mr. Spencer has been led into confusion.

In Chapter IX, "The Right to the Use of the Earth," he correctly apprehends and states the right to the use of land as an equal right. He says:—

Each of them is free to use the earth for the satisfaction of his wants,
Provided he allows all others the same liberty.

Here, in the first clause, is the primary right; in the second clause, the proviso or limitation.

But in the next chapter, "The Right of Property," he has, seemingly without noticing it himself, substituted for the idea of equal rights to land the idea of joint rights to land. He says (Section 1):

No amount of labor, bestowed by an individual upon a part of the earth's surface, can nullify the title of society to that part, . . . no one can, by the mere act of appropriating to himself any wild unclaimed animal or fruit, supersede the joint claims of other men to it. It may be quite true that the labor a man expends in catching or gathering, gives him a better right to the thing caught or gathered, than any one other man; but the question at issue is, whether by labor so expended, he has made his right to the thing caught or gathered, greater than the preexisting rights of all other men put together. And unless he can prove that he has done this, his title to possession cannot be admitted as a matter of right, but can be conceded only on the ground of convenience.

Here the primary right—the right by which "each of them is free to use the earth for the satisfaction of his wants"—has been dropped out of sight, and the mere proviso has been swelled into the importance of the primary right, and has taken its place.

What Mr. Spencer here asserts, without noticing his change of position, is not that the rights of men to the use of land are equal right,—but that they are joint rights. And, from this careless shifting of ground, he is led, not only into hypercritical questioning of Locke's derivation of the right of property, but into the assumption that a man can have no right to the wild berries he has gathered on an untrodden prairie, unless he can prove the consent of all other men to his taking them.

This *reductio ad absurdum* is a deduction from the idea of joint rights to land, whereas the deduction from the equality of rights to land would be that under such circumstance—a man would have a right to take all the berries he wanted, and that all other men together would have no right to forbid him. Indeed, so great is Mr. Spencer's confusion, and so utterly unable does he become to assume a clear and indisputable right of property, that he has to cut the knot into which he has tangled the subject and finds no escape but in the preposterous declaration that the dictates of ethics have no application to, and do not exist in, any social state except that of the highest civilization.

Locke was not in error. The right of property in things produced by labor—and this is the only true right of property—springs directly

from the right of the individual to himself, or as Locke expresses it, from his "property in his own person." It is as clear and has as fully the sanction of equity in any savage state as in the most elaborate civilization. Labor can, of course, produce nothing without land; but the right to the use of land is a primary individual right, not springing from society, or depending on the consent of society, either expressed or implied, but inhering in the individual, and resulting from his presence in the world. Men must have rights before they can have equal rights. Each man has a right to use the world because he is here and wants to use the world. The equality of this right is merely a limitation arising from the presence of others with like rights. Society, in other words, does not grant, and cannot equitably withhold from any individual, the right to the use of land. That right exists before society and independently of society, belonging at birth to each individual, and ceasing only with his death. Society itself has no original right to the use of land. What right it has with regard to the use of land is simply that which is derived from and is necessary to the determination of the rights of the individuals who compose it. That is to say, the function of society with regard to the use of land only begins where individual rights clash, and is to secure equality between these clashing right of individuals.

What Locke meant, or at least the expression that will give full and practical form to his idea, is simply this: That the equal right to life involves the equal right to the use of natural materials; that, consequently, any one has a right to the use of such natural opportunities as may not be wanted by any one else; and that the result of his labor, so expended, does of right become his individual property against all the world. For, where one man wants to use a natural opportunity that no one else wants to use, he has a right to do so, which springs from and is attested by the fact of his existence. This is an absolute, unlimited right, so long and in so far as no one else wants to use the same natural opportunity. Then, but not till then, it becomes limited by the similar rights of others. Thus no question of the right of any one to use any natural opportunity can arise until more than one man wants to use the same natural opportunity. It is only then that any question of this right, any need for the action of society in the adjustment of equal rights to land, can come up.

Thus, instead of there being no right of property until society has so far developed that all land has been properly appraised and rented for terms of years, an absolute right of property in the things produced by labor exists from the beginning—is coeval with the existence of man.

In the right of each man to himself, and his right to use the world, lies the sure basis of the right of property. This Locke saw—just as the first man must have seen it. But Mr. Spencer, confused by a careless substitution of terms, has lost his grasp on the right of property and has never since recovered it.

Getting rid of the idea of joint rights we see that the task of securing, in an advanced and complex civilization, the equal rights of all to the use of land is much simpler and easier than Mr. Spencer and the land nationalizationists suppose; that it is not necessary for society to take land and rent it out. For so long as only one man wants to use a natural opportunity it has no value; but as soon as two or more want to use the same natural opportunity, a value arises. Hence, any question as to the adjustment of equal rights to the use of land occurs only as to valuable land; that is to say, land that has a value irrespective of the value of any improvements in or on it. As to land that has no value, or, to use the economic phrase, bears no rent, whoever may choose to use it has not only an equitable title to all that his labor may produce from it, but society cannot justly call on him for any payment for the use of it. As to land that has a value, or, to use the economic phrase in the economic meaning, bears rent, the principle of equal freedom requires only that this value, or economic rent, be turned over to the community. Hence the formal appropriation and renting out of land by the community is not necessary: it is only necessary that the holder of valuable land should pay to the community an equivalent of the ground value, or economic rent; and this can be assured by the simple means of collecting an assessment in the form of a tax on the value of land, irrespective of improvements in or on it.

In this way all members of the community are placed on equal terms with regard to natural opportunities that offer greater advantages than those any one member of the community is free to use, and are consequently sought by more than one of those having equal rights to use the land. And, since the value of land arises from competition and is constantly fixed by competition, the question of who

shall use this superior land desired by more than one is virtually decided by competition, which settles clashing individual desires by determining at once both who shall be accorded the use of the superior land, and who will make the most productive use of it. In this way all, including the user of the superior natural opportunity, obtain their equal shares of the superiority, by the taking of its value for their common uses; while all the difficulties of state rental of land and of determining and settling for the value of improvements are avoided. This is the single-tax system.