

## Chapter XI— Compensation

While not needed in reply to Mr. Spencer, for his own scornful denial that there is any way in which land can equitably become private property remains unanswered by him, the wide prevalence of the idea that justice requires the compensation of land-owners if their exclusive ownership be abolished, makes it worth consideration; the more so as the same principle is involved in other questions, which are already, or may soon become, of practical importance.

That this idea will not bear examination Mr. Spencer himself shows, even when, as now, he is more than willing to be understood as accepting it. While anxious to find some ground, any ground, for assuming that land-owners are entitled to compensation *for something* equal or more than equal to the value of their land, he nowhere ventures to assert that they are entitled to compensation *for their land*. Such a notion is too preposterous to be stated by any one who has ever realised the relation of men to land.

Yet to those who have not, it seems at first most reasonable, for it accords with accustomed ideas. If it were ever customary for primitive man to eat his grandmother, as the Synthetic Philosophy would lead us to suppose, she must have been thought a wicked old woman who without compensation to the would-be eater tried to avoid that fate. In a community such as Edmond About pictured in his *King of the Mountain*, where brigandage was looked on as a most respectable business, the captive who tried to escape without ransom would be deemed a violator of his captors' rights. And many a man now living can appreciate Mark Twain's portrayal of the pangs of conscience felt by Huckleberry Finn as he thought that in not denouncing his negro companion he was helping to rob a poor widow.

The habitual confusion of thought where violations of property have long been treated by custom and law as property, requires time and effort to escape from, and while justice is yet struggling for recognition there is with many a desire to compromise between the right that ought to be and the wrong that is. Thus there are to-day, in England at least, even among those who to some extent have become conscious of the injustice of denying the equal right to the use of land, many who think that before this natural right can be equitably

asserted present landowners must be compensated for their loss of legal rights.

This idea does not apply to the land question alone. It was carried out in England in the compensation paid to West India slave-owners on the abolition of slavery; in the compensation paid to the owners of rotten Irish boroughs at the time of the Union for the loss of their power to sell legislation; in the capitalization of hereditary pensions; and in the compensation paid to their holders when profitable sinecures are abolished.

Nor are we without examples of the same idea in the United States. It is often contended that it would be wrong to abolish protective duties where capital has been invested on the expectation of their continuance; and not many years since, even in the North, good, honest people, so far awake to the crime of slavery that they deemed the original enslavement of a man wickedness so atrocious as to merit death—which indeed was the penalty denounced by our laws against engaging in the external slave-trade—really believed that slave-owners must be compensated before existing slavery could be justly abolished. Even after the war had fairly begun, this idea was so strong that the nation compensated owners when, in 1862, slavery was abolished in the District of Columbia, and subsequent efforts to apply the same principle to the slave States that adhered to the Union were defeated only by the opposition to any national interference with slavery.

Let us see clearly what this question of compensation is:

It does not involve the validity of any contract or agreement or promise formally made by the state. This does not exist and is not pleaded by the advocates of compensation in the cases we are considering. If it did, the question would arise how far legislative power may bind legislative power, and one generation control the action of succeeding generations. But it is not necessary to discuss that here.

It is not a question of all right of compensation. That the state should compensate when it destroys a building to make way for a public improvement, or takes goods or provisions or horses or shipping for which it may have sudden need, or demands of some citizens services which it does not demand of others, is not a question. The right of compensation in such cases is not disputed.

That is to say it is not a question whether the state should pay for its destruction of property having moral sanction, for the assertion of moral sanction involves the right of compensation. Where the right of compensation itself becomes the issue is only where the want of moral sanction in the property in question is conceded.

Thus the belief in the rightfulness of compensation for the abolition of slavery bore no determining part in the minds of those who believed in the rightfulness of slavery. The pro-slavery men, who asserted that slavery was of God's ordinance, that it was the natural right and duty of the stronger to enslave the weaker so they might paternally care for them, who insisted not merely that slavery ought not to be abolished where it existed, but that it ought to be extended where it did not exist, were not affected by belief in the rightfulness of compensation. That slave-owners ought to be compensated if slavery was abolished followed from their assertion that slavery was right and ought not to be abolished. It was only in the minds of those who had come to think that slavery was wrong and ought to be abolished, that the idea that slaveholders must be compensated assumed importance, and became the pivotal question.

So as to land. The idea of compensation is raised and has importance only where it serves as a secondary defence of private property in land. If a man believes in private property in land it is needless to address to him any argument for the necessity of compensation on its abolition. He does not believe in its abolition, but in its continuance and extension; and as the greater includes the less, he already believes in the necessity of compensation if it be abolished. But if he has come to doubt its justice and to favour its abolition, then the raising of the question of compensation, as though it were a new and separate moral question, may serve the purpose of a second embankment or second ditch in military defence, and prevent him from advocating abolition, or at least abolition that would cause any loss to vested interests. And the intermediate character of this defence of vested wrong gives it of course great attractions for those timid and prudent souls who when moral right comes in conflict with powerful interests like to keep out of the battle.

Thus the idea of compensation with which we are concerned is the idea of compensation for the abolition of something in itself con-

ceded to be wrong. Yet it is based on moral grounds, and raises what is purely a moral question.

Those who assert this necessity of compensation for the abolition of what in itself they concede to be wrong contend that the state has incurred a moral obligation by its previous acquiescence. They say that while it would be right for it to refuse such acquiescence in the first place—as to prohibit slavery where it does not yet exist; to refrain from making private property of new land; to refuse to grant new pensions or impose new protective duties or grant new special privileges—yet where it has already done such things the state is morally bound to those who have accepted its action; and for it to destroy the value of property already acquired under its sanction would be in the nature of a retroactive law.

But in this there is evident confusion. If it were proposed that the state should undo what has already been done under its sanction—as, for instance, that it should declare invalid titles to the proceeds of slave labor already rendered, and give the slaves legal claim for previous services; or if it should call on the beneficiaries of protective tariffs for profits they had already acquired—then this reasoning might have weight. But it is not retroactive to declare that for the future the labor of the slave shall belong to himself, nor that for the future trade shall be free. To demand compensation for action of this kind is to assert, not that the state must be bound by what it has already done, but that what it has already done it is morally bound to continue to do.

The loss for which compensation is in such cases asked is not the loss of a value in hand, but the loss of an expectation.

The value of a bale of cotton is an actual existing value, based on work done. But the value of a slave is not actual, but prospective; it is not based on work done, but on the expectation that the state will continue to compel him to work for his owner. So the value of a house or other improvement represents the present value of the labor thus embodied. But the value of land itself represents merely the value of the expectation that the state will continue to permit the holder to appropriate a value belonging to all. Now, is the state called on to compensate men for the failure of their expectations as to its action, even where no moral element is involved? If it make peace, must it compensate those who have invested on the expectation of

war? If it open a shorter highway, is it morally bound to compensate those who may lose by the diversion of travel from the old one? If it promote the discovery of a cheap means of producing electricity directly from heat, is it morally bound to compensate the owners of all the steam-engines thereby thrown out of use and all who are engaged in making them? If it develop the airship, must it compensate those whose business would be injured? Such a contention would be absurd. Yet the contention we are considering is worse. It is that the state must compensate for disappointing the expectations of those who have counted on its continuing to do wrong.

When the state abolishes slavery or hereditary pensions or protective duties or special privileges of any kind, does it really take from the individuals who thereby lose, anything they actually have? Clearly not. In the abolition of slavery it merely declines for the future to compel one man to work for another. In the abolition of hereditary pensions it merely declines for the future to take property by force from those to whom it rightfully belongs and hand it over to others. In the abolition of protective duties it merely declines for the future forcibly to interfere with the natural rights of all in order that a few may get an unnatural profit. In the abolition of special privileges it merely declines for the future to use its power to give some an advantage over others.

See, then, for what in such cases compensation is really asked. It is not for any attempt to right past wrongs; it is for refusing to do wrong in future. It is not for the unequal treatment of individuals; it is for refusal to continue unequal treatment. That there may be a loss of saleable value to individuals in this refusal is true. But it is not a loss of anything they now have; it is a loss of what they expected to get. It is not a loss for which these individuals can justly demand compensation or the state can justly make compensation. It is a loss of the kind that the silversmiths of Ephesus sustained from Paul's preaching; a loss of the kind that comes to liquor-sellers from the spread of a temperance movement; a loss of the kind that falls on some individuals with every beneficial invention and every public improvement. Such demand for compensation is a denial of any right of reform. It involves the idea that the state, having once done wrong, is morally bound to continue it—not merely that it must continue to do wrong or else compensate; but that it must continue to do wrong anyhow.

For compensation implies equivalence. To compensate for the discontinuance of a wrong is to give those who profit by the wrong the pecuniary equivalent of its continuance. Now the state has nothing that does not belong to the individuals who compose it. What it gives to some it must take from others. Abolition with compensation is therefore not really abolition, but continuance under a different form—on one side of unjust deprivation, and on the other side of unjust appropriation. When on the abolition of a hereditary pension the holder is compensated, he receives in money or bonds a sum calculated to yield him in interest the same power of annually commanding the labor of others that the pension gave. So compensation for the selling value of a slave, which disappears on the refusal of the community longer to force him to work for the master, means the giving to the master of what the power to take the property of the slave may be worth. What slave-owners lose is the power of taking the property of the slaves and their descendants; and what they get is an agreement that the government will take for their benefit and turn over to them an equivalent part of the property of all. The robbery is continued under another form. What it loses in intention it gains in extension. If some before enslaved are partially freed, others before free are partially enslaved.

That confusion alone gives plausibility to the idea of compensation for refusal to continue wrong, is seen in the fact that such claims are never put forward in behalf of the original beneficiaries of the wrong, but always in behalf of purchasers. Sometimes the confusion is that of direct substitution. Thus it is sometimes said, "Here is a man who, presuming on the continued consent of the state, invests his earnings in property depending on that consent. If the state withdraws its consent, does it not, unless it compensates him, destroy the products of his hard labor?"

The answer is clear: It does not. Let the property be, for instance, a slave. What the state destroys in abolishing slavery is not what may have been given for the slave, but the value of the slave. That the purchaser got by honest work what he exchanged for the slave is not in point. He is not injured as laborer, but as slave-owner. If he had not exchanged his earnings for the slave the abolition of slavery would have caused him no loss. When a man exchanges property of one kind for property of another kind he gives up the one with all its

incidents and takes in its stead the other with its incidents. He cannot sell bricks and buy hay, and then complain because the hay burned when the bricks would not. The greater liability of the hay to burn is one of the incidents he accepted in buying it. Nor can he exchange property having moral sanction for property having only legal sanction, and claim that the moral sanction of the thing he sold attaches now to the thing he bought. That has gone with the thing to the other party in the exchange.

Exchange transfers, it cannot create. Each party gives up what right he had and takes what right the other party had.

The last holder obtains no moral right that the first holder did not have.

"But," it may be said, "the purchaser of what has been long treated as property stands in a different position from the original holder. In our administration of justice between man and man, this difference between the wrongful appropriator and the innocent purchaser is recognized, and long possession is held to cure defects of original title. This principle ought to be recognized by the state in dealing with individuals, and hence when, even by omission, it deprives innocent purchasers of what has long been held as property it ought to compensate them."

Innocent purchasers of what involves wrong to others! Is not the phrase absurd? If in our legal tribunals, "ignorance of the law excuseth no man," how much less can it do so in the tribunal of morals—and it is this to which compensationists appeal.

And innocence can only shield from the punishment due to conscious wrong; it cannot give right. If you innocently stand on my toes, you may fairly ask me not to be angry; but you gain no right to continue to stand on them. Now in merely abolishing property that involves wrong, the state imposes no penalty, it does not even demand recompense to those who have been wronged. In this it is more lenient than the principles on which we administer justice between man and man. For they would require the innocent purchaser of what belonged to another to make restitution, not only of the thing itself, but of all that had been received from it. Nor does the principle of market overt, which gives to the purchaser of certain things openly sold in certain places, possession even against the rightful owner unless he proves fraud; nor the principle of statutes of limitation, which

refuses to question ownership after a certain lapse of time, deny this general principle.

The principle of "market overt" is, not that passage from hand to hand gives ownership, but that there are certain things so constantly passing from hand to hand by simple transfer that the interests of commerce and the general convenience are best served by assuming possession to be conclusive of ownership where wrongful intent cannot be proved. The principle of statutes of limitation is not that mere length of possession gives ownership, but that past a certain point it becomes impossible certainly to adjudicate disputes between man and man. This is one of the cases in which human law must admit its inadequacy more than roughly to enforce the dictates of the moral law. No scheme of religion and no theory of morals would hold him blameless who relied on a statute of limitations to keep what he knew belonged morally to another. But legal machinery cannot search into the conscience, it can inquire only into the evidence; and the evidence of things past is to human perceptions quickly dimmed and soon obliterated by the passage of time. So that as to things whose ownership must depend on what was done in the past, it is necessary, to avoid interminable disputes, that the state should set some limit beyond which it will not inquire, but will take possession as proof of ownership.

In our ordinary use of words everything subject to ownership and its incidental rights is accounted property. But there are two species of property, which, though often ignorantly or wantonly confounded, are essentially different and diametrically opposed. Both may be alike in having a selling value and being subject to transfer. But things of the one kind are true property, having the sanction of natural right and moral law independently of the action of the state, while things of the other kind are only spurious property, their maintenance as property requiring the continuous exertion of state power, the continuous exercise or threat of its force, and involving a continuous violation of natural right and moral law. To things of the one kind the reasonable principle of statutes of limitation properly applies; for, being in their nature property, any question of their ownership is not a question of general right, but only a question of transactions between man and man in the past. But to things of the other kind, and as between the individual and the state, this principle does not and cannot

apply, for holding their character as property only from the action of the state, that character is gone the moment the state withdraws its support. The question whether this support shall or shall not be withdrawn is not a question of what was done in the past, but of what shall be done in the future—a question of general rights, not a question between individuals. Things which are brought into existence by the exertion of labor, and to which the character of property attaches from their origin as an extension of the right of the man to himself, are property of the first kind. Special privileges by which the state empowers and assists one man in taking the proceeds of another's labor, are property of the second kind.

A question of the ownership of a coat, a tool, a house, a bale of goods, is a question of the ownership of the concrete results of past labor. We know from the nature of the thing that it must be owned by somebody, but after lapse of time we cannot from the weakness of human powers undertake in case of dispute to determine who that may be; and hence, refusing to inquire so far back, we assume the right to be in the possessor, of which we have at least presumptive evidence. But a question of the maintenance or abolition of slavery or private property in land, of the continuance or non-continuance of a trade monopoly, a hereditary pension, or a protective duty, is a question whether the state shall or shall not in the future lend its power for the wrongful appropriation of the results of labor yet to be performed. There is in this no place for the principle of statutes of limitation. No indistinctness as to the past can affect the decision. It is not a question of what has been done in the past, but of what shall be (done in the future). And so far from the presumption being that the possessor of this species of property is entitled to it, the moral certainty is the other way.

Again it is said, "Here is a man who invests in a slave and another who invests in a building, both being alike recognized as property by the state. The state by refusing longer to give its former sanction destroys the value of one investment while the other continues profitable. Have not these two men been treated with inequality, which in justice should be remedied by compensation? If there was a wrong involved in the one species of property, was it not a wrong of which by state sanction all were guilty? Is it just therefore that those who have happened to invest in it should bear the whole loss?"

To other confusions there is here added confusion as to the relation between the state and its members. If the maintenance by the state of a species of property that involves wrong is to be considered as the action of all its members, even of those who suffer by it, so must the resolve of the state to do so no longer be considered as the resolve of all, even of those who relatively lose by it. If the one cannot demand recompense, how can the others demand compensation?

Passing this, the moral law appealed to in the demand for compensation must be the moral law that binds individuals. Now the moral law cannot sanction immorality. It must hold as void even a specific contract to do wrong. But in the cases we are considering there is no contract. The claim is merely that the state by its wrongful action having given rise to the expectation that it would continue such wrongful action, is morally bound, should it decline to do so, to compensate those who have invested in this expectation. Would such a claim hold as between individuals? If, for instance, I have been accustomed to spend my earnings in a gambling-house or rum-shop till the proprietor has come to count on me as a source of regular profit, am I morally bound to compensate him if I stop? Or if an innocent purchaser has bought the business on the expectation that I would continue, does that bind me to compensate him?

Consider further: If a moral right of property is created by the acquiescence of the state in a wrong, then it must be morally binding on all. If the state would violate the moral law in abolishing slavery without compensation, so would the slave violate the moral law in attempting to escape without first compensating his master, and so would every one who aided him, even with a cup of cold water. This was actually held and taught and enacted into law in the United States previous to the war, and with reference to the white slaves of Great Britain is held and taught by the foremost men and journals of that country, who declare that for the masses even by strictly legal forms to resume their natural rights in the land of their birth, without compensation to present legal owners, would be a violation of the Ten Commandments!

That the state is not an individual, but is composed of individual members all of whom must be affected by its action, is the reason why its legitimate sphere is that of securing to those members equal rights. This is the equality which it is bound to secure, not equality in

the results of individual actions; and whoever chooses to invest on the presumption of its denial of equal rights does so at his own risk. He cannot ask that, to secure equality of profits between him and investors who did not take this risk, the state should continue to deny equality of rights. It is the duty of the state to secure equality of rights, not to secure equality of profits.

Of the investments of all kinds constantly being made under the equal sanction of the state some result in loss and some in gain. Supposing it to be asked, "Why should not the state secure equality by compensating those who lose?"

The answer would be quick and clear. It is not the business of the state to secure investors from loss, and it would be grossly unjust for it to attempt to do so. For this would be to compel those who had made good investments to make up the losses of those who had made bad ones. It would be to take from prudence and care their natural reward and make them bear the losses of recklessness and waste; to punish forethought, to put a premium on ignorance and extravagance, and quickly to impoverish the richest community.

But would it not be even more unjust and unwise for the state to compensate those who up to the last moment had held and bought property involving wrong, thus compelling those who had refrained from holding and buying it to make up their losses? Is it true that the acquiescence of the state in a wrong of this kind proves it equally the wrong of all? Did that part of the community consisting of slaves ever acquiesce in slavery? Did the men who were robbed of their natural rights in land ever really acquiesce? Are not such wrongs always instituted in the first place by those who by force or cunning gain control of the state? Are they not maintained by stifling liberty, by corrupting morals and confusing thought and buying or gagging the teachers of religion and of ethics? Is not any movement for the abolition of such wrongs always and of necessity preceded by a long agitation in which their injustice is so fully declared that whoever does not wilfully shut his eyes may see it?

"Caveat emptor" is the maxim of the law—"Let the buyer beware!" If a man buys a structure in which the law of gravity is disregarded or mechanical laws ignored he takes the risk of those laws asserting their sway. And so he takes the risk in buying property which contravenes the moral law. When he ignores the moral sense, when

he gambles on the continuance of a wrong, and when at last the general conscience rises to the point of refusing to continue that wrong, can he then claim that those who have refrained from taking part in it, those who have suffered from it, those who have borne the burden and heat and contumely of first moving against it, shall share in his losses on the ground that its members of the same state they are equally responsible for it? And must not the acceptance of this impudent plea tend to prevent that gradual weakening and dying out of the wrong which would otherwise occur as the rise of the moral sense against it lessened the prospect of its continuance; and by promise of insurance to investors tend to maintain it in strength and energy till the last minute?

Take slavery. The confidence of American slave-holders, strengthened by the example of Great Britain, that abolition would not come without compensation, kept up to the highest point the market value of slaves, even after the guns that were to free them had begun to sound, whereas if there had been no paltering with the idea of compensation the growth of the sentiment against slavery would by reducing the selling value of slaves have gradually lessened the pecuniary interests concerned in supporting it.

Take private property in land. Where the expectation of future growth and improvement is in every advancing community a most important element in selling value, the effect of the idea of compensation will be to keep up speculation, and thus to prevent that lessening in the selling value of land, that gradual accommodation of individuals to the coming change, which is the natural effect of the growth of the demand for the recognition of equal rights to land.

The question we are discussing is necessarily a moral question. Those who contend that the state is the source of all rights may indeed object to any proposed state action that it would be inexpedient, but they cannot object that it would be wrong. Nevertheless, just as we find the materialistic evolutionists constantly dropping into expressions which imply purpose in nature, so do we find deniers of any higher law than that of the state vociferous in their declarations that it would be wrong, or unjust, or wicked, for the state to abolish property of this spurious kind without compensation. The only way we can meet them with any regard for their professions is to assume that they do not quite understand the language, and that by such ex-

pressions they mean that it would be inexpedient. Their argument, I take it, may be most fairly put in this way: Experience has shown respect for property rights to be greatly conducive to the progress and well-being of mankind, and all rights of property resting (as they assert) on the same basis, the recognition of the state, the destruction of a recognized right of property by action of the state would give a shock to and cast a doubt over all rights of property, and thus work injury.

But even if we ignore any moral basis, and assume that all rights of property are derived from the state, it is still clear that while some forms of property do conduce to the general wealth and prosperity, others may be recognized by the state that lessen the general wealth and impair the general prosperity. The right of piracy, which at times and places has been recognized by the state, does not stand on the same basis of expediency with the right of peaceful commerce. The right of hereditary jurisdiction, or "the right of pit and gallows" as it was called in Scotland, where it was actually bought out by the state as a piece of valuable property; the right, long having a saleable value in France, of administering justice; the right, at times recognized by the state as belonging to every petty lordling, of making private war, of collecting local dues and tolls and customs, and compelling services; the right of trampling down the fields of the husbandman in the pursuit of game; the monopolies which made valuable privileges of permissions to manufacture, to trade and to import, were certainly not promotive of the general prosperity. On the contrary the general wealth and prosperity have been greatly enhanced by their abolition.

Even if we grant that all rights of property have the same basis and sanction and eliminate all moral distinction, reason and experience still show that there is but one right of property that conduces to the prosperity of the whole community, and that this is the right which secures to the laborer the product of his labor. This promotes prosperity by stimulating production, and giving such security to accumulation as permits the use of capital and affords leisure for the development of the intellectual powers. It is respect for this, not respect for those forms of property which the perversion or folly of legislative power may at times sanction, and which consist in the power of appropriating the results of others' labor, that universal experience

shows to be essential to the peace, prosperity and happiness of mankind.

So far from the destruction of those spurious and injurious rights of property which have wound around the useful rights of property, like choking weeds around a fruitful vine, being calculated to injure that respect for property on which wealth and prosperity and civilization depend, the reverse is the case. They are not merely directly destructive of what it promotes, but to class them with it and to insist that the respect due to it is also due to them is to give rise to the belief that all rights of property are injurious to the masses. The history of mankind shows that the respect for property which is essential to social well-being has never been threatened, save by the growth of these noxious parasites. And this to-day is the only thing that threatens it. Why are the socialists of to-day so hostile to capital? It is for no other reason than that they confuse with what is really capital legalized wrongs which enable the few to rob the many, by appropriating the products of labor and demanding a blackmail for the use of the opportunity to labor. To teach that the good and the bad in legal recognitions are indistinguishable that all that the state may choose to regard its property is property, is virtually to teach that property is robbery!

And what is this state, to whose control by selfishness or ignorance or dishonesty or corruption these deniers of moral distinctions would give the power of binding men in the most vitally important matter for all future time? Caligula was the state. Nero was the state. Louis XIV truly said, "The state, it is I." And according to Herbert Spencer the state in England consists of "a motley assemblage of nominees of caucuses, ruled by ignorant and fanatical wire-pullers." Practically, the state is always what man, what combination, what interest, may control its machinery. Hence the expediency of strictly limiting its power; and, if indeed there be no moral principle, no higher law, that will give us clear guidance as to what the state may or may not do, then it becomes all the more expedient that we carry the principle of state omnipotence over rights to its logical conclusion, and assert the power of the state in any present or any future time utterly to annul any stipulation, contract, regulation or institution of the state at any past time. If there be no moral right, no higher law, to cheek the action of the state, then is it all the more needful

that it should be subject at least to the prospective cheek of sharp and complete reversal. For the more permanent and therefore the more valuable are the special privileges which the state has power to grant, the greater is the inducement to selfish interests to gain control of it. Nothing better calculated to corrupt government and to strengthen a most dangerous tendency of our time can well be imagined than the doctrine that state grants which enable one man to take the labor and property of others can never be abolished without compensation to those who may hold them.

Of different nature is the plea sometimes made, that compensation, by disarming opposition, is the easiest and quickest way of abolishing a vested wrong. As to this, not only is compensation not abolition, not only does it advocacy tend to keep in full strength the pecuniary interest which are the greatest obstacles to the reform, but it render it impossible to arouse that moral force which can alone overcome an entrenched wrong. For to say that men must be compensated if they are prevented from doing a thing is to say that they have a right to do that thing. And this those who intelligently advocate compensation know. Their purpose in advocating compensation is to prevent abolition.

It is sometimes said that it would have been cheaper for us to pay for the Southern slaves, as Great Britain did in the West Indies, than incur the civil war. But the assumption that American slavery might thus have been got rid of and the war avoided, is far from being true. An aristocratic government, such as that of Great Britain in 1832, may abolish slavery in a few small dependencies by imposing the burden on its own people, but in a popular government and on a great scale this cannot be done. Great Britain saved no war by paying compensation, for the West Indian planters could not have fought emancipation, and if the West Indian slaves were freed more quickly with compensation than they could have been without, it was solely because the class concerned in the maintenance of vested wrongs was overpoweringly strong in the British Parliament. With even such representation as the masses now have it would have been easier to abolish slavery in the West Indies without compensation than with it. In the United States abolition with compensation was never a practical question, nor could it have become a practical question until the sentiment against slavery had reached even a stronger pitch than that

which led to war. The war came before more than a small minority had seriously thought of abolishing slavery, let alone of paying for it; before either section really dreamed of war. It came from the unstable equilibrium which legalized wrong begets, from the incidental issues and passions which it always arouses when the moral sense begins to revolt against it, even before the main question is reached. It came, not from a demand for compensation on one side and a refusal to give it on the other, but from the timidity with which the moral question had been treated by those who really saw the essential injustice of slavery, and which by concessions and compromises had so strengthened and emboldened the slavery interest that in revolt at measures far less threatening to it than the discussion of abolition with compensation could have been, it flung the nation into war.

And even if the alternative of compensation or war had been fairly presented to the American people, who shall say that it would have been really wiser and cheaper for them to surrender to such a demand? Could the Nemesis that follows national wrong have thus been placated? Might not the carrying out of such a measure as the compensation for three million slaves have given rise to political struggles involving an even more disastrous war? And would the precedent established in the conscious violation of the moral sense ultimately have cost nothing? The cost of the war, in blood, in wealth, in the bitterness aroused and the corruptions of government engendered, cannot well be estimated; yet who cannot but feel that the moral atmosphere is clearer and that the great problems which still beset the Republic are easier of solution than if with the alternative of compensation or war, like a pistol at its head, the nation had consciously and cravenly surrendered to wrong?

What this plea for compensation amounts to is, that it is cheaper to submit to wrong than to stand for right. Universal experience shows that whenever a nation accepts such a doctrine of submission it loses independence and liberty without even gaining peace. The peace it will secure is the peace that declining Rome bought of the barbarians, the peace of fellaheen and Bengalees.

Even in personal matters it is difficult to say what will be the result of action based on mere expediency; in the larger and more intricate scale of national affairs it is impossible. This is why, as contended by Mr. Spencer in *Social Statics*, the course of true wisdom in

social affairs is to follow the dictate of principle—to ask, not what seems to be expedient, but what is right. If a law or institution is wrong, if its continuance involves the continuance of injustice, there is but one wise thing to do, as there is but one right thing, and that is to abolish it.

To come back to the main question:

All pleas for compensation on the abolition of unequal rights to land are excuses for avoiding right and continuing wrong; they all, as fully as the original wrong, deny that equalness which is the essential of justice. Where they have seemed plausible to any honestly minded man, he will, if he really examines his thought, see that this has been so because he has, though perhaps unconsciously, entertained a sympathy for those who seem to profit by injustice which he has refused to those who have been injured by it. He has been thinking of the few whose incomes would be cut off by the restoration of equal rights. He has forgotten the many who are being impoverished, degraded, and driven out of life by its denial. If he once breaks through the tyranny of accustomed ideas and truly realizes that all men are equally entitled to the use of the natural opportunities for the living of their lives and the development of their powers, he will see the injustice, the wickedness, of demanding compensation for the abolition of the monopoly of land. He will see that if any one is to be compensated on the abolition of a wrong, it is those who have suffered by the wrong, not those who have profited by it.

Private property in land—the subjecting of land to that exclusive ownership which rightfully attaches to the products of labor—is a denial of the true right of property, which gives to each the equal right to exert his labor and the exclusive right to its results. It differs from slavery only in its form, which is that of making property of the indispensable natural factor of production, while slavery makes property of the human factor; and it has the same purpose and effect, that of compelling some men to work for others. Its abolition therefore does not mean the destruction of any right but the cessation of a wrong—that for the future the municipal law shall conform to the moral law, and that each shall have his own.

I have gone over this question of compensation—this "last ditch" of the advocates of landlordism—because it is so persistently raised, not that it arises in anything I have advocated. We who propose that

natural and therefore easy method of restoring their equal rights to men, which for the purpose of clearly differentiating it from all schemes of land nationalization we call the single tax, do not propose to take from landowners anything they now have. We propose to leave to landowners whatever they actually have, even though it be in their hands the fruits of injustice; we propose not even to change the forms of land tenure, and greatly to simplify instead of enlarging the machinery and functions of the state. We propose, in short, only so to change present methods of raising public revenues that they shall conform to the requirements of the right of property, taking for the rise of the state that which rightfully belongs to the state, leaving to individuals that which rightfully belongs to the individual.

But that clumsy mode of abolishing private property in land which is properly called land nationalization requires the taking of rightful property in the improvements that have been annexed to land. In this it calls for compensation in a way that confusion of thought may carry to the ownership of land itself. And even the taking of land it proposes would be in form a taking of property. The land would have to be formally appropriated by the state and then rented out. Now we are accustomed to the compensation of owners when particular portions of land are taken for the use of the state, and this indeed as I have before pointed out is rightful, so that it is easy for the superficial to think that when the state shall take all the land for the purpose of renting it out again it should compensate all owners. Thus the scheme of land nationalization gives to the idea of compensation a plausibility that does not properly belong to it.

This is the reason why in England, where there has been a good deal of talk of land nationalization, the notion of compensation is strong among certain classes, while in America, where the movement for the recognition of equal rights to the use of land has gone from the beginning on the lines of the single tax, there is almost nothing of it, except as a reflection of English thought. And this is the reason why, although even in England the advocates of land nationalization are few and weak as compared with the great body that is advancing on the unjust privileges of landlords by the way of taxation, the English advocates of landlordism always endeavour to discuss the land question as though the actual taking of land by the state were the only thing proposed. It will be observed for instance that Mr. Spencer, in

*Justice*, never so much as alludes to the proposition to secure equal rights in land by taking land values, not land. Yet he cannot be so ignorant of what is going on about him as not to know that this is the line which the advance against landlordism is taking and must take. He ignores it because there is on that line no place for proposing or even suggesting compensation. Compensation to the ultimate payers of a tax is something unheard of and absurd.

The primary error of the advocates of land nationalization is in their confusion of equal rights with joint rights, and in their consequent failure to realize the nature and meaning of economic rent—errors which I have pointed out in commenting on Mr. Spencer's declarations in *Social Statics*. In truth the right to the use of land is not a joint or common right, but an equal right; the joint or common right is to rent, in the economic sense of the term. Therefore it is not necessary for the state to take land, it is only necessary for it to take rent. This taking by the commonalty of what is of common right, would of itself secure equality in what is of equal right—for since the holding of land could be profitable only to the user, there would be no inducement for any one to hold land that he could not adequately use, and monopolization being ended no one who wanted to use land would have any difficulty in finding it. And it would at the same time secure the individual right, for in taking what is of common right for its revenues the state could abolish all those taxes which now take from the individual what is of individual right.

The truth is that customs taxes, and improvement taxes, and income taxes, and taxes on business and occupations and on legacies and successions, are morally and economically no better than highway robbery or burglary, all the more disastrous and demoralizing because practised by the state. There is no necessity for them. The seeming necessity arises only from the failure of the state to take its own natural and adequate source of revenue—a failure which entails a long train of evils of another kind by stimulating a forestalling and monopolization of land which creates an artificial scarcity of the primary element of life and labor, so that in the midst of illimitable natural resources the opportunity to work has come to be looked on as a boon, and in spite of the most enormous increase in the powers of production the great mass find life a hard struggle to maintain life, and millions die before their time, of overstrain and under-nurture.

When the matter is looked on in this way, the idea of compensation—the idea that justice demands that those who have engrossed the natural revenue of the state must be paid the capitalized value of all future engrossment before the state can resume those revenues—is too preposterous for serious statement.

And while in the nature of things any change from wrong-doing to right-doing must entail loss upon those who profit by the wrong-doing, and this can no more be prevented than can parallel lines be made to meet; yet it must also be remembered that in the nature of things the loss is merely relative, the gain absolute. Whoever will examine the subject will see that in the abandonment of the present unnatural and unjust method of raising public revenues and the adoption of the natural and just method even those who relatively lose will be enormous gainers.