

Chapter 29

History of Land as Private Property

ANY CUSTOM that has existed for a long time seems natural and necessary to us. This is merely habit. Nonetheless, this, more than anything else, keeps us from realizing the basic injustice of private property in land—and prevents us from considering any proposal to abolish it. We are so used to treating land as individual property that the vast majority of people never think of questioning it. It is thoroughly recognized in our laws, manners, and customs.

Most people even think it is required for the use of land. They are unable to conceive of society as possible without reducing land to private possession. The first step in improving land is to find an owner. A person's land is looked on as property to sell, lease, give, or bequeath—the same as houses, cattle, goods, or furniture. The “sacredness of property” has been preached so constantly—especially by the “conservators of ancient barbarism,” as Voltaire called lawyers—that most people view private ownership of land as the very foundation of civilization. They fancy returning land to common ownership as some wild fantasy—or an attempt to return society to barbarism.

Even if it were true—which it is not—that land had always been treated as private property, this would not prove the justice or necessity of continuing to treat it as such. The universal existence of slavery was once affirmed.

Yet that did not prove it just or necessary. Not long ago, monarchy seemed all but universal. Not only kings, but the majority of their subjects, really believed that no country could survive without a king. Yet France, to say nothing of America, gets along quite well without a king. And the Queen of England has as much power to govern the realm as the wooden figurehead of a ship has to determine its course.

But the assumption that land had always been treated as private property is not true. On the contrary, the common right to land has always been recognized as the primary right. Private ownership has appeared only as the result of usurpation—that is, being seized by force.

The primary and persistent perception of mankind is that everyone has an equal right to land. The opinion that private property in land is necessary to society is a comparatively modern idea, as artificial and as baseless as the divine right of kings. It is only the result of an ignorance that cannot look beyond its immediate surroundings. History, research, and the observations of travelers prove that wherever human society has formed, the common right of people to use the earth has been recognized. Unrestricted individual ownership has never been freely adopted. It has always been born in war and conquest—and in the selfish use the cunning have made of law and superstition.

Wherever we can trace the early history of society—in Europe, Asia, Africa, America, and Polynesia—land was once considered common property. All members of the community had equal rights to the use and enjoyment of the land of the community.

This recognition of the common right to land did not prevent the full recognition of the exclusive right to the

products of labor. Nor was it abandoned when the development of agriculture imposed the necessity of recognizing exclusive possession of land—to secure the results of labor expended in cultivating it.

How, then, has private ownership of land become so widespread? Why was the original idea of equal rights supplanted by the idea of exclusive and unequal rights? The causes are the same ones that led to the establishment of privileged classes. We can summarize them briefly: (1) The concentration of power in the hands of chieftains and the military. (2) Conquest that reduces the conquered to slavery and divides their lands, with a disproportionate share going to the chiefs. (3) The differentiation and influence of a priestly class. (4) The differentiation and influence of a class of professional lawyers.

The interests of priests and lawyers were served by the substitution of exclusive property in place of common land. In Europe lawyers have been especially effective in destroying all vestiges of the ancient tenure by substituting Roman law—exclusive ownership.

Unfortunately, inequality, once produced, always tends toward greater inequality. This struggle—between equal rights to the soil and the tendency to monopolize it in individual possession—caused the internal conflicts of ancient Greece and Rome. But the final triumph of the tendency toward ownership eventually destroyed both.

By the power with which the great attracts the less, small family estates became part of the great estates—the *latifundia*—of enormously rich patricians. The former owners were forced into slave gangs, or became virtual serfs. Others fled to the cities, swelling the ranks of the proletariat, who had nothing to sell but their votes. As a result,

population declined, art sank, the intellect weakened, and once splendid civilizations became empty shells.

The hardy virtues born of personal independence died out, while exhaustive agriculture impoverished the soil. At length the barbarians broke through; a civilization once proud was left in ruins. During Rome's grandeur, such a fate would have seemed as impossible as it seems to us now that the Comanches could conquer the United States or Laplanders desolate Europe.

The fundamental cause was tenure of land. On the one hand, denial of the common right to land resulted in decay; on the other, equality gave strength. Every family in the German villages was entitled to an equal share of common land. This impressed a remarkable character on the individual, which explains how small bands of barbarians overran a great empire. Rome perished from "the failure of the crop of men."

After the Roman Empire fell, the idea of common rights was blended with the idea of exclusive property. The feudal system was the result.

But side by side and underneath the feudal system, a more primitive organization revived. Based on the common rights of cultivators, it has left traces all over Europe, and still survives in many places.

Feudalism clearly recognized—in theory at least—that land belongs to society at large, not to the individual. A fief (a feudal estate) was essentially a trust to which certain obligations attached. The sovereign was, theoretically, the representative of the collective power and rights of the whole people. Though land was granted to individual possession, specific duties were required. Through these, some equivalent to the benefits received from the common right

was rendered back to the commonwealth.

Under the feudal scheme, crown lands supported public expenditures. Church lands defrayed the cost of public worship and instruction, as well as care for the sick and destitute. The military tenant was under obligation to raise a certain force when needed.

These duties were a rude and inefficient recognition—but unquestionably still a recognition—of a fact obvious to the natural perceptions of all men: Land is not individual property, but common property.

Amid the feudal system there were communities who tilled the soil as common property, though subject to feudal dues. Of course the lords, if they had the power, claimed pretty much all they thought worth claiming. Yet the idea of common right was strong enough to attach itself, by custom, to a considerable part of the land.

The commons must have been a very large proportion of most European countries in those times. After centuries of appropriation by the aristocracy, France still retains almost ten million acres of communal land. In England, while over eight million acres have been enclosed since 1710, some two million acres still remain as commons, though mostly worthless soil.

But these are not the only things that prove the universality and persistence of a common right to the soil. There are also the very institutions under which modern civilization has developed. Certain things persist in our legal systems that point to this common right, though they have lost their original meaning. For instance, the doctrine of eminent domain arises from nothing but the recognition of the sovereign or government as representing the collective rights of the people. Legal terminology also

distinguishes between real and personal property. This very difference is the survival of a primitive distinction between what was originally looked on as common property and what, from its nature, was always considered the exclusive property of the individual.

The general course of development of modern civilization since the feudal period has subverted the natural and primary ideas of collective ownership of the soil. Paradoxical as it may appear, the emergence of liberty from feudal bonds has been accompanied by a tendency toward a form of land ownership that enslaves the working class. This is being felt all over the civilized world. Political economists mistake it for the pressure of natural laws, while workers mistake it for the oppression of capital.

It is clear that in Great Britain today, the right of the people as a whole to the soil of their native country is much less fully acknowledged than it was in feudal times. The commons, once so extensive, largely contributed to the independence and support of the lower classes. Today, all but a small remnant of worthless land has been appropriated for individual ownership and enclosed. Most crown lands have passed into private possession. Now the British workingman must pay to support the royal family and all the petty princelings who marry into it.

A smaller proportion of the people now own the land. And their ownership is much more absolute. Thirty thousand people have legal power to expel the whole population from five-sixths of the British Islands. The vast majority of the British people have no right whatsoever to their native land, except to walk the streets.

The reason, I take it, that the idea of private property in land has grown alongside the idea of personal freedom

is this:

In the progress of civilization, the grosser forms of supremacy connected with land ownership were dropped, or abolished, or became less obvious. Parliamentary government gradually stripped the great lords of individual importance and repressed their most striking abuses. As this happened, attention was diverted from the more insidious—but really more potent—forms of domination.

Meanwhile, there was a steady progression of legal ideas drawn from Roman law, the great storehouse of modern jurisprudence. This tended to level the natural distinction between property in land and property in other things. Landowners were then able to put property in land on the same basis as other property.

Moreover, the political power of land barons was not broken by the revolt of those classes who could clearly feel the injustice of land ownership. What broke their power was the growth of the artisan and trading classes. But the relation between their wages and rent is not as obvious.

These classes developed under a system of guilds and corporations. As I explained previously, trade unions and monopolies enabled them to somewhat fence themselves off from the general law of wages. But those were more easily maintained than than now, when population is steadily becoming more mobile due to improved transportation, education, and access to current news.

These classes did not see—and still do not see—that land tenure is the fundamental fact that ultimately determines the conditions of industrial, social, and political life. And so the tendency has been to assimilate the idea of property in land with that of property in things of human production.

The original landholders of England got their land on terms that required them to provide military defense and meet other conditions, which amounted to a considerable part of their rent. Had the form of feudal dues simply been changed into ones better adapted to the changed times, English wars need never have incurred a single pound of debt. English labor and capital need not have been taxed a single farthing. All this would have come from rent. But since that time, landholders have appropriated it to themselves.

What if landholders had been kept to this contract? What if any land enclosed required similar terms? There would be no need for customs duties, excise, license, or income taxes. The income accruing to the nation from these landowners would meet all present expenditures and, in addition, leave a large surplus. This could be used for any purpose aiding the comfort or well-being of the people as a whole.

Looking back, wherever there is light to guide us, we see that people recognized the common ownership in land in their earliest perceptions. Private property in land is a usurpation, a creation of force and fraud.