

## CHAPTER II

### OBJECTIONS TO PRINCIPLES

THE conclusions set forth in the preceding chapter, or several of them, have been, and are being, contested by socialist writers as well as by their opponents. The same objections being frequently urged by several authors, those have been selected for refutation here who claim notice, either by their representative character or by their power of argumentation.

“If labour alone gave property, the landowners’ case is much better on Mr. George’s principles than he admits. Suppose by labour a piece of land was banked and enclosed from the sea—made, in short, not a part of the land ‘originally entailed on the puniest,’ etc.—Mr. George must admit a right to it in the man whose labour made it. But what is the difference between the case put and land in general, except that in land in general there was, before labour was put on it, what has been called the ‘prairie value’? That is what, if anything, was ‘entailed on the puniest,’ etc. Tax that, confiscate that, but not the stored labour which is on the land.”<sup>1</sup>

“It is important to notice that, though in common talk we separate the two (land and capital), and though political economists have given a scientific dignity to this rough classification of the instruments of production, distinguishing as ‘land’ that which has been provided by ‘Nature,’ and as ‘capital’ that which has been made by human industry, the distinction is not one which can be

<sup>1</sup> Lord Bramwell, *Nationalisation of Land*, p. 9. Published at the Central Office of “The Liberty and Property Defence League.”

clearly traced in dealing with the actual things which are the instruments of production, because most of these are compounded of the gifts of Nature and the results of human activity. . . .

“The natural capabilities of land are increased, and, indeed, even called into existence, by the mere development of society. But, further, every foot of agricultural and mining land in England has been improved as an instrument of production by the exercise of human labour.

“First, of human labour not on that land itself; by the improvement of the general climate, through clearing of forest and draining of marsh; by the making of canals, roads, railways, rendering every part of the country accessible; by the growth of villages and towns; by the improvement of agricultural science; and still more, by the development of manufactures and foreign commerce. Of all this human labour no man can say which part has made the value of his land, and none can prove his title to monopolise the value it has made.

“Secondly, all our land has been improved by labour bestowed especially upon it. Indeed, the land itself, as an instrument of production, may be quite as truly said to be the work of man as the gift of Nature. Every farm or garden, every mine or quarry, is saturated with the effects of human labour. Capital is everywhere infused into and intermixed with land. Who distinguishes from the mine the plant by which it exists? Who distinguishes from the farm the lanes, the hedges, the gates, the drains, the buildings, the farm-house? Certainly not the English man of business, be he landlord, farmer, auctioneer, or income-tax commissioner. Only the bold bad economist attempts it, and, we must add, some few amongst our allies, the land-nationalisers. . . .

“When we consider what is usually called capital we are as much at a loss to disentangle it from land as we are to find land which does not partake of the attributes of capital.

“For though capital is commonly defined as wealth produced by human labour, and is destined, not for the immediate satisfaction of human wants, but for transforma-

tion into, or production of, the means of such satisfaction in the future, yet railways, docks, canals, mines, etc., which are classed as capital among the instruments of production, are really only somewhat elaborate modifications of land. The buildings and the plant with which they are worked are further removed from the form of land, but we lump the lot as capital. All farming improvements, all industrial buildings, all shops, all machinery, raw material, live and dead stock of every kind, are called capital. And just as there is a purely social element in the value of land, so there are purely social elements in the value of capital, and its value, in all its forms, depends upon its accessibility and fitness here and now, and not on the labour it has cost. The New River Company's Water shares have their present enormous value not because Sir Hugh Middleton's venture was costly, but because London has become great."<sup>1</sup>

The "fine old crusted Tory," Lord Bramwell, writing on behalf of a body whose principal object is to maintain the existing system, thus agrees with the spokesman of the Fabian Society in asserting that no distinction can be drawn between capital, *i.e.* labour-products, and land. Lord Bramwell takes the case most favourable to his contention, "a piece of land banked and enclosed from the sea—made, in short," and triumphantly claims that if this piece of land rightfully is private property, all other land also may rightfully become private property. If the premise is true the conclusion is inevitable. But is it true? Lord Bramwell has treated it as an axiom; has made no attempt to prove it. Yet a slight examination shows that it is erroneous, and reveals the origin of the error. Land in the sense of the dry surface of the globe—that is, in the restricted sense—is confounded with land in its wider sense, as including all the energies and matter of nature outside of man and not altered by his activity. The sea is land as much as an adjoining field. It is land covered with water. Human labour removes the water from the land and raises the level of the land, but it does not "make" the land. If thereby it creates a value, that value belongs to him who

<sup>1</sup> "Fabian Tract," No. 7, *Capital and Land*, pp. 3, 4, and 7.

exercised the labour. The value of the improvement belongs to the improver, but not any value of the land, *i.e.* any value which may attach to the position in which he places his improvement. These two values are so easily separated that it is a widespread practice so to do. In Great Britain, where landlords are by law entitled to claim the foreshore on which their land abuts, rent is habitually paid by those who reclaim the foreshore. The landlord, not the improver, takes the land value. If the State, instead of the individual landlord, "confiscates" this value, it does exactly what Lord Bramwell demands. It abstains from confiscating "the stored labour on the land," and does confiscate the value, not due to stored labour, and which he erroneously terms "prairie value."

The Fabian pamphleteer argues his objection more elaborately. His arguments, moreover, are of several kinds. One is that no distinction can be drawn between land and capital, because "most" forms of capital "are compounded of the gifts of Nature and the results of human activity." The term "compounded," however, is a very loose one. The only meaning which can attach to the sentence in which it occurs is, that most forms of capital consist of gifts of nature altered in place or form, or in both respects, by human activities. This is true, not merely of "most" but of all forms of capital and wealth. This fact, however, does not prevent any human being from apprehending the difference between a river and a cup of water; between a clay-bed and a brick; between a deposit of coal and a ton of coal at the pit's mouth; between a deposit of ironstone and a locomotive. Though the cup of water, the brick, the ton of coal, and the locomotive are "compounded of the gifts of nature and the results of human activity," they are, nevertheless, or rather on account of this compounding, easily distinguishable from the river, the clay-bed, and the deposit of coal and ironstone, from which they were separated by human labour.

The second argument used is, that social activities, of which "no man can say which has made the value of his land," "have improved land as an instrument of pro-

duction." This is true, and it is equally true that the result of these social activities cannot be distinguished from the value of land. Being the result, not of individual activities, but of social activities, they rightfully are common property and not individual property. They, therefore, must be regarded and have been regarded throughout this work,—as by all Land Nationalisers and Single Taxers,—as part and parcel of the value of land.

It is, however, different with regard to those improvements effected by labour "specially bestowed upon the land," which, in his third argument, the pamphleteer alleges also to be indistinguishable from the land itself. Is it true that a building cannot be distinguished from the land on which it stands? Every building-lease proves the contrary. Is it true that the hedges, fences, gates, drains, and buildings on a farm cannot be distinguished from the land of the farm? It is done every year in Queensland, South Australia, New South Wales, and New Zealand, as well as in other parts of the world, where improvements are exempted from taxation which falls upon the land alone. It is likewise done wherever the tenant's property in farm improvements effected by them is recognised by law or contract. Similarly, everyday experience proves that the capital of a mine, its shafts, drives, machinery, and buildings, can be differentiated from the natural deposit, which, together with this capital, constitutes the mine. For whenever a landlord charges royalty to a mining company, both of them draw this distinction, and the appropriation of the royalty by the State would nationalise the land of the mine without infringing upon the capital of the mine.

The fourth argument is, that such capital as railways, docks, canals, mines, and the buildings and plants with which they are worked, as well as the New River Company's Water Shares, though capital, cannot be "disentangled" from land. This statement, like the preceding ones, is the result of an insufficient analysis; of the inability of socialists to separate monopoly from capital. The improvements which constitute the "road"—levelling, cuttings, bridges, ballast, sleepers, and rails, as well as the rolling stock, station buildings, repairing shops, adminis-

trative buildings, and any furniture and machinery therein—constitute the capital of a railway and have no analogy with land. The land on which the buildings stand, or on which the road is laid, as well as the exclusive privilege to the right-of-way over the continuous track, constitutes the land. The union of these two classes of things forms a railway. Yet there is not the slightest difficulty in separating the capital and its value from the land and its value. That the application of the same analytical principle to a mine yields the same result has been shown already. Nor is it necessary to do more than point out their applicability to docks, canals, the property of water companies and similar undertakings, the value of which consists partly—and in the New River Company almost entirely—of the value of special privileges in the use of natural media.

The allegation that “the English man of business” does not distinguish between land and capital, if true, would be serious. For seeing that capital, being a labour-product, is ephemeral, while land is eternal, and legal privileges to the special use of land are not exposed to wear and tear, its truth would cast serious doubt on the intelligence of English business men. The allegation, however, is erroneous. Business men, English as well as foreign, are in the habit of capitalising incomes from land, or incomes arising mainly from the privileged use of land, at a higher rate, other things being equal, than incomes arising from the use of capital. Interest at the rate of 4 per cent from railway shares is regarded as a good return; but the same interest is considered exceedingly unsatisfactory when derived from shares in a cotton factory. Or to put it in another way: an income of £1000 from ground rents would be worth £34,000 in the market, when a like income from any competitive industrial undertaking would be worth no more than £20,000, and probably less. Men of business, therefore, do not deserve the reflection cast upon them.

Finally, attention must be drawn to the crudeness of classification which applies the term “instrument of production” alike to a machine and to land. If socialists

were to be more accurate in their classification, if they were to separate the means and instruments which men employ in production from the opportunities on which they are employed, many economic and ethical errors would be avoided.

Another series of arguments, differing from those contained in the preceding extracts but coming from the same quarter, must now be examined. They are contained in the following extracts :—

“They (Land Nationalisers) use the argument that capital, unlike land, is created by labour, and is therefore a proper subject of private ownership, while land is not. Socialists do not overlook the facts on which this argument rests, but they deny, on the grounds already partly stated, that any distinction can be founded on them sufficiently clear and important to justify the conclusion drawn. But, supposing we assume it true that land is not the product of labour and that capital is, it is not by any means true that the rent of land is not the product of labour and that the interest on capital is. Nor is it true, as Land Nationalisers frequently seem to assume, that capital necessarily becomes the property of those whose labour produces it; whereas land is undeniably in many cases owned by persons who have got it in exchange for capital, which may, according to our premises, have been produced by their own labour. Now, since private ownership, whether of land or capital, simply means the right to draw and dispose of a revenue from the property, why should the landowner be forbidden to do that which is allowed to the capitalist, in a society in which land and capital are commercially equivalent? Virgin soil, without labour upon or about it, can yield no revenue; and all capital has been produced by labour working on land. The landlord receives the revenue which labour produces on his land in the form of food, clothing, books, pictures, yachts, race-horses, and command of industrial capital, in whatever proportions he thinks best. The ownership of land enables the landlord to take capital for nothing from the labourers as fast as their labour creates it, exactly as it enables him to squander idly other portions of its products

in the manner that so scandalises the land nationalisers. When his tenants improve their holdings by their own labour the landlord, on the expiration of the lease, remorselessly appropriates the capital so created by raising the rent. In the case of poor tenants holding farms from year to year in Ireland, the incessant stealing of capital by this method so outraged the moral sense of the community that the Legislature interfered to prevent it long before land nationalisation was commonly talked of in this country. Yet land nationalisers seem to be prepared to treat as sacred the landlords' claim to private property in capital acquired by thefts of this kind, although they will not hear of their claim to property in land. Capital serves as an instrument for robbing in a precisely identical manner. In England industrial capital is mainly created by wage-workers who get nothing for it but permission to create in addition enough subsistence to keep each other alive in a poor way. Its immediate appropriation by idle proprietors and shareholders, whose economic relation to the workers is exactly the same in principle as that of the landlords, goes on every day under our eyes. The landlord compels the worker to convert his land into a railway, his fen into a drained level, his barren seaside waste into a fashionable watering-place, his mountain into a tunnel, his manor park into a suburb full of houses let on repairing leases; and lo! he has escaped the land nationalisers—his land is now become capital and is sacred.

“The socialists admit that labour has contributed to capital and that labour gives some claim to ownership. The socialists, however, must contend that only an insignificant part of our capital is now in the hands of those by whom the labour has been performed, or even of their descendants. How it was taken from them none should know better than the Land Nationalisers.”<sup>1</sup>

The first allegation is, that even if capital were distinguished from land as a fit subject of private ownership on account of its being the product of labour, “it is not by any means true that the rent of land is not the product

<sup>1</sup> Fabian Tract, No. 7, *Capital and Land*, pp. 4, 5. Published by “The Fabian Society.”



of labour, and that the interest on capital is ;” the tacit assumption being, that both interest and rent are the result of human labour, and that, therefore, no distinction can be drawn between them. In one sense, both interest and rent are the result of human labour, *i.e.* both reach the owner in the shape of labour-products. In another respect, however, they differ widely. Natural rent is not the product of individual labour but that of the superior opportunity on which labour is exercised.<sup>1</sup> If it is admitted that all the members of a society are entitled to equal opportunities, it must also be admitted that rent is a common possession of all of them and cannot be rightfully reduced to private ownership.

Interest, like rent, is no deduction from the product of individual labour ; but, unlike rent, is also no deduction from the product of common labour. It is the product of individual services rendered by the owners of capital.<sup>2</sup> Interest, therefore, cannot rightfully be made common property, unless capital can rightfully be made common property. If, then, it is admitted, as, for the sake of argument it is admitted by this writer, that capital is not a proper subject of common ownership, it follows that interest also is not a proper subject of common ownership.

The second argument is, that existing capital has not generally been produced by those who own it, while land has in some instances been acquired with capital produced by those who owned it, and the complaint is urged, that Land Nationalisers “seem to be prepared to treat as sacred the landlords’ claim to private property in capital acquired by theft (legal theft), although they will not hear of their claim to property in land.”

Before replying to this argument and complaint, the question must be asked, What is the object of social reform ? Is it to redress injustice committed in the past, or is it to prevent injustice being committed now and in the future ? The former is impossible. Who can say which parts of the capital now existing were rightfully acquired by their owners and which were not ? Even if the capital wrongfully acquired by present owners could be separated from

<sup>1</sup> See Part II. chap. viii.

<sup>2</sup> See Part II. chaps. ix. and x.

that rightfully acquired, who knows the legitimate claimants and can restore it to them? Obviously, these difficulties are insoluble. Moreover, if the private appropriation of land were an injustice, which, committed by men now dead, affected none but their dispossessed contemporaries equally dead, on what plea could the private ownership of land be condemned now? Inflicting no present or future injustice, and the removal of past injustice being impossible, no valid claim to the dispossession of present owners could be advanced.

The only possible object of social reform, therefore, is the prevention of present and future injustice. The question whether some or most of the existing capital has been wrongfully acquired, therefore, does not concern us. Present capital will have disappeared in a few years. What is of importance is to prevent the wrongful acquisition of capital now being made or which will be made in the future. That this writer knows that private ownership of land alone gives to its owners the power to wrongfully acquire capital; that he also knows that the abolition of such private ownership would prevent capital being wrongfully taken from those who make it now, or will make it in the future, seems to be shown by the two concluding sentences of the foregoing quotation:—

“The socialists, however, must contend that only an insignificant part of our capital is now in the hands of those by whom the labour has been performed, or even of their descendants. How it was taken from them, none should know better than the Land Nationalisers.”

It is the same with the claim that some land has been acquired by present owners with wealth produced by them. Men are entitled to the produce of their labour, but not necessarily to that which existing injustice enables them to obtain in exchange for the produce of their labour. A slave is no less entitled to his freedom when he has been sold than when he is in the hands of the original captor. Private ownership of land and monopolies being an infringement of the equal rights of all, conferring upon their owners the legal right to appropriate the wealth belonging to others, the question how men came to be owners of

them cannot affect the right of all others. Even if the government of a country has sold land and monopolies against wealth produced by the purchasers, the right of all others to the wealth which they produce remains intact. As this right is violated as long as private ownership in land and monopolies is recognised, private ownership, even under these circumstances, is a wrong, and must therefore be abolished.

A pamphlet, *Property in Land*, professes to show : Firstly, that the owning of land is justifiable on exactly the same grounds as the owning of any other material object ; and, secondly, that land or any other thing, may be owned by some without transgressing the equal rights of others. The pamphlet is too elaborate to permit of the quotation of such parts of the arguments used as are not disputed. These, therefore, will be reproduced in summarised form.

Labour can produce nothing. It can only alter the form or place of matter. "That land is not the produce of labour affords no grounds for placing property in land on a different footing from property in other things."

"There is no form of wealth natural or artificial that is not strictly limited. The number of gold coins and the quantity of bullion . . . of pig-iron, lead, copper, etc., in the world is limited ; and instead of these things being producible in infinite quantities, the quantities are so definite that a very small change in the supply or demand for any of them is sufficient to cause great fluctuations in price. Not only is it a fact that every kind of wealth is limited in quantity, it is also the fact that it would not be wealth unless it were so limited." . . . Therefore, "land does not differ from, but agrees with, all other kinds of property in being limited."

"The assumption that land is the common inheritance of mankind, as a generality, looks quite axiomatic ; but when we reduce it to a particular case, we reduce it to an absurdity. The assumption is, that each of my readers and all the inhabitants of Timbuctoo are part proprietors of the land of Ottawa, *and that no one can take possession*

*of an acre there, without usurping our rights.*<sup>1</sup> Land being made by no man, any one who takes possession of unoccupied land does harm to no one. After the land has been cleared, enclosed, and cultivated, the claims of fresh emigrants to a share in it, would lead to perpetual fighting. . . . The basis of property is not the securing to each of the produce of his labour, for labour produces nothing, but the acknowledgment of the priority of claim, which is the only way to avoid continual strife."

Dealing at length with arguments advanced by Herbert Spencer in *Justice*, the following summary of the objections to the same is given :—

"The arguments given above may be summed up as follows :—The theory that land ought not to be private property rests solely on the assumption that the natural media are common property, in the sense that they belong equally to all men—an assumption which looks so rational that it has been accepted and endorsed by most of the great writers for centuries past, yet it will not stand criticism. The first corollary from the so-called axiom, that all natural objects are the common heritage of mankind, is that, as no one ought to use the property of others so as to destroy it, therefore, no one ought to use any natural object as fuel or as food, or in any other way that destroys it. If this *reductio ad absurdum* can be explained away the next corollary is that, as all material objects form part of the common heritage, the title to private property must be in all cases not merely imperfect, but absolutely bad. Again, if we accept the dictum that no one ought to appropriate any natural object unless there is enough, and as good, left for everybody else, then nothing would ever be appropriated."<sup>2</sup>

The first argument advanced by Mr. Spence is, that as labour cannot create anything out of nothing, labour-products are not "made" by labour, and therefore stand in this respect on an equality with land. The obvious reply to this contention is, that while land would exist in

<sup>1</sup> The italics are mine.

<sup>2</sup> J. C. Spence, *Property in Land*, published at the central office of The Liberty and Property Defence League.

the absence of man, labour-products would have no existence in man's absence. Likewise, all land would continue to exist if men were foolish enough not to use their energies productively; but labour-products would quickly disappear. Labour-products are, therefore, differentiated from land by human exertion. The manner in which they are differentiated does not affect the question.

The contention that all kinds of labour-products are limited as land is limited is even more preposterous. Labour-products are limited only by two conditions, land and labour. The material of labour-products becomes accessible through land, as the dry surface of the globe; labour separates them from land. Labour, that is the number of human beings and their efficiency in production, is a constantly increasing quantity, and, so far, no limit has been discovered to the material of labour-products. Labour-products, therefore, are unlimited in the sense that man has not yet discovered, if he ever will discover, the limit to their production.

Land, even in this same sense, that of the dry surface of the globe, however, is limited. Only here or there can man add to it, by converting a small area of swamp, lake, or sea into dry land, and these additions are unimportant and themselves strictly limited. Nor does the area of land grow in other ways. The more land is appropriated by one man, the less land is available for appropriation by others. Hence the area of land is limited, while the quantity of producible labour-products is, as far as man can see, unlimited.

The third and fourth contentions are, that, if land is the common inheritance of mankind, the inhabitants of Timbuctoo and of all other countries are part proprietors of the land of Ottawa, and that "no one can take possession of an acre there without usurping the rights of" all others.

The same contention is urged in a more incisive manner by Wm. E. H. Lecky:—

"If the land of the world is the inalienable possession of the whole human race, no nation has any right to claim one portion of it to the exclusion of the rest. The French

have no more right to the soil of France than the Germans. Inequalities of fortune are scarcely less among nations than among individuals, and they must be equally unjust. . . . And what possible right, on the principle of Mr. George, have the younger nations to claim for themselves the exclusive possession of vast tracts of fertile and almost uninhabited land, as against the teeming millions of the overcrowded centres of the old world?"<sup>1</sup>

Admitting that all men, without distinction of race or colour, have equal rights to all the earth, it by no means follows that none of them may take possession of any part of it; what does follow is, that no one of them may take more than his equal share of land, without compensating all others for the special privilege which he assumes.

All men being equally entitled to the use of land; man being unable to live without using land; man being also unable to live in society without regulations regarding the use of land—it becomes the duty of every social body to frame such regulations as will ensure the equal rights of all its members to the use of land. If all mankind formed one social body, the contention would be true, that this social body must frame regulations safeguarding the equal rights of all men to the use of the whole earth. As long, however, as men are associated in several and distinct social bodies, justice is satisfied, if each of these social bodies frames regulations safeguarding the equal rights of all its members to all the land which each of these social bodies controls. As between the members of each social body, justice requires such regulations to be framed, whether they are or are not equally framed by other social bodies.

It might, however, be contended that, on the principle of equal rights to land, no social body is justified in appropriating the rent of land for purposes beneficial to its own members alone; that the rent of all countries belongs equally to all mankind. If nations excluded the members of all other nations from citizenship this contention might be of some value. Seeing, however, that

<sup>1</sup> Wm. E. H. Lecky, *Democracy and Liberty*, vol. ii. pp. 293, 294.

the rent of land is the only fund from which governmental expenditure can be met without injustice; that such expenditure, equitably made, confers equal benefits on all citizens; the admission to citizenship of the members of other nations confers upon all who claim citizenship an equal share in the rent of land.

This also is the answer to Mr. Lecky's contention that the younger nations of the world have no right, as against the teeming millions of the old world, to the exclusive possession of vast tracts of almost uninhabited land. These young nations prefer no claim to such exclusive possession, in the only sense in which the term can be legitimately used here, *i.e.* that they deprive the members of older nations of the use of such land. Unable, even if they were willing, to bring the land which they control to the inhabitants of the older world, they have no objection to the latter coming to that land; nay, are anxious for them to do so. When, therefore, they have appropriated rent for common purposes they will have recognised the equal right of all men to their land.

It is true, some of these younger nations exclude or limit the admission of one or another inferior race, and in so far infringe this principle of equal right. This exclusion, largely due to causes and sentiments which originate in the one-sided competition arising under the existing system, would disappear with it. It, however, rests to some extent also on the perception that the admission of such inferior races must tend to reduce the adaptation to social life of future generations. How far this is true and whether, if true, it would justify the exclusion of inferior races are questions outside the present discussion.

The fifth contention is, that priority of claim, and not the securing to each the product of his labour, is the basis of property, because in this way alone can perpetual fighting be avoided. The question arises at once, priority of claim to what? To the whole earth, to a continent, to a province, or to how much less of the earth's surface? It might be said that it can be left to each society to regulate the extent to which it will admit any one's priority of claim. That, however, is no answer to the question to

what extent ethics enforce the recognition of priority of claim.

Nor is it possible to answer this question, for ethics cannot recognise priority of claim as a basis of property. Even if, between two contemporaries, priority of claim could confer a valid title, their action or non-action cannot affect the rights of succeeding generations. A child cannot be held to have lost its natural rights because its father failed to claim his own. Otherwise men might be rightfully refused their freedom because their remote forefathers had sold themselves into slavery or because they had failed to claim their freedom.

The last contention, similarly directed to prove that land can rightfully be converted into private property, consists of the assertion that three corollaries drawn from the doctrine that natural media are common property, establish its absurdity.

The first and third corollary are practically identical, the first including the last. It is, that "as no one ought to use the property of others so as to destroy it, therefore no one ought to use any natural object as fuel or as food, or in any other way that destroys it."

As no one can use any natural media continuously without destroying them, in the only sense in which men can destroy anything, *i.e.* lessening or destroying their usefulness to mankind, the prohibition includes all natural media. *Ex hypothesi*, all men possess equal rights to the use of all natural media. Therefore, it cannot be a true corollary from this doctrine that none has any right to the use of any natural media. On the other hand, it is clear, the equal right of all is maintained, if none of them takes more from the common stock than any of the others can withdraw therefrom. Likewise, if any one of them takes more from the common stock than each of all the others can take, and fully compensates all the others for the greater privilege assumed by him, the equal right of all to natural media is fully maintained. Not non-use of natural media, but equality of use or compensation for unequal use, is the logical corollary of the doctrine of equal right to the use of natural media.



The second corollary drawn by Mr. Spence is, that "if all natural objects form part of the common heritage, the title to private property must be, in all cases, not merely imperfect, but absolutely bad."

This contention is true, in so far as all title to private property is bad, as long as the equal right of all to the use of natural media is infringed upon. But if this equal right is recognised, the title to private property in labour-products is rendered perfect. For these reasons :—

All men having equal rights to the use of all natural media, each of them has full right to the use of natural media not desired by others. If more than one desire to use any, each is entitled to an equal use of them with these others. If they allot the use of them to one amongst them, the others are entitled to compensation for the relinquishment of their equal right.

All natural media become accessible to man through land. Where land is valueless, no man or only one man desires the use of the natural media to which it gives access. Land obtains a value when more than one desires its possession. If its use is allotted to one of them, the other or others must use land giving access to less desirable natural media. The value of any piece of land, *i.e.* its rental value, therefore, measures the advantage in the use of natural media which it affords to the possessor over that which can be derived from the use of land having no value and open to all. Hence, if the rent of all valuable land is paid into a common fund from which all may withdraw equal shares, directly or indirectly, the equal right of all to the use of all natural media is maintained. Those who have withdrawn less from the common stock than others, have participated equally with these others in the resulting advantage. Equality of right to the common possession being thus maintained, each is fully entitled to the separate possession not only of the natural media thus withdrawn from the common stock, but also to any additional value, however great, which his labour creates therein.

When, however, the equal right of all men to the use of all natural media is disregarded ; when some withdraw more from the common stock than others, without making

compensation to these others, the title to private property in labour-products is imperfect, because the title to the material composing them is bad.

Finally, there must be considered the arguments advanced by the late Professor Huxley against the theory of natural rights generally and that of the equal right to land specially. Set forth at great length, they are nevertheless fully stated in the following extracts :<sup>1</sup>—

Endeavouring to refute equal natural rights in the social state, he takes the case of two men, sole inhabitants of an island, staking the same goat to which each of them has a full natural right, and states :<sup>2</sup>—

“ If each insisted upon exerting his full natural rights, it is clear that there is nothing for it but to fight for the goat. . . . On the other hand, if the two men followed the dictates of the commonest common sense not less than those of natural sympathy, they would at once agree to unite in peaceful co-operation with each other, and that would be possible only if each agreed to limit the exercise of his natural rights so far as they might involve any more damage to the other than to himself. That is to say, the two men would in reality renounce the law of nature and put themselves under a moral and civil law, replacing natural rights which have no wrongs for moral and civil rights, each of which has its correlative wrong.”

It seems obvious that Professor Huxley did not fully consider the problem. He fixed his attention upon the maintenance of the natural rights of one of these two men, whereas the problem before him was, how to maintain the equal natural rights of both of them to the goat. For if they “ fight for the goat ” and the stronger of them takes it, the equal right of the other is clearly infringed upon. The maintenance of the equal natural right of each of them to the goat requires, therefore, just such an arrangement as Professor Huxley describes under the term “ moral and civil right.” The equal division of the goat between these men, for instance, far from being a “ renunciation of the law of nature,” would be the

<sup>1</sup> Professor T. H. Huxley, “ Natural Rights,” *Nineteenth Century*, February 1890.

<sup>2</sup> *Ibid.* p. 182.

method adopted to give fullest recognition to the law of nature.

In addition to this imperfect and, therefore, misleading recognition of the problem, there is confusion of thought. Moral right is contrasted with natural right. Yet if the social state is natural to man; if moral law is the law obedience to which furthers and disobedience to which hinders life in the social state; then obviously moral law is the natural law of man in the social state, and moral rights and natural rights are identical.

Equally misleading is the use of the terms "moral rights" and "civil rights" as denoting identical things. If civil rights are necessarily moral rights, no unjust custom or law has ever existed or ever can exist. If every moral right has always been recognised as a civil right there is no such thing as growth in social morality. Society has then been as moral at its beginning as it is to-day and ever will be, and our laws and customs are morally identical with those of the most degraded cannibals.

Apart from this absurdity, Huxley's moral rights are evidently nothing else but natural rights under social conditions; and further, admitting that the moral law enforces equality of rights—"no more damage to the other than to himself"—he thereby condemns as immoral inequality of rights. Yet this admission is made in the course of an argument in favour of the exclusive right of some to the earth.

Professor Huxley's second endeavour is to show the erroneous nature of the contention that, labour being the only basis of property-rights, private property in labour-products can coexist with equal rights to land. In support of this view he states:<sup>1</sup>—

"By parity of reasoning it would seem that I might say to a chronometer maker: 'The gold and the iron in this timepiece, and, in fact, all the substances of which it is constructed, are parts of the material universe, therefore, the property of mankind at large. It is very true that your skill and labour have made a wonderful piece of mechanism out of them, but these are only improvements.

<sup>1</sup> "Natural Rights," *Nineteenth Century*, February 1890, p. 191.

Now you are quite entitled to claim the improvements, but you have no right to the gold and the iron, these belong to mankind.' ”

The error in this argument is so obvious that it ought not to have remained undetected by a much lesser man than Professor Huxley. It is the same confusion between common and equal rights previously exposed. Men have equal rights to land, because they are equally dependent upon the use of land for the maintenance of their lives. Their equal right does not, therefore, as does a common right, prohibit the use of the land by any one of them without the consent of all others. On the contrary, each of them is free to use the land without permission from any one, provided he infringes not the equal rights of all others. If, then, a man uses the land for the purpose of extracting gold and iron from the same, he has as much right so to use it as in any other way. The gold and the iron so extracted by his labour become his exclusive property, provided that by extracting them he has not infringed the equal right of all others to the use of land, *i.e.* that he does not use land for this purpose which gives him advantages greater than all others can obtain from the use of other land. If he uses land which gives him such advantages, his title to the gold and silver is vitiated till he has compensated all others for this infringement of their equal rights, *i.e.* till he has restored equalness. Provided he has done so, the chronometer maker's exclusive right of property in the gold and iron is not only compatible with the equal right of all men to the "material universe," but is a necessary consequence of such equal right.

It may be contended that the recognition of exclusive property in a "part of the material universe," *i.e.* gold and iron, admits the possibility of exclusive property in all parts, *i.e.* the whole of the material universe. This contention, however, overlooks the essential difference between the ownership of labour-products, composed as they must be of matter, and the ownership of the material universe, the land. The difference may best be illustrated by contrasting exclusive property in a fish taken from the ocean, and exclusive property in the ocean itself. The one does

not infringe equal rights. All others may equally take fish from the ocean. The other does infringe equal rights; no one but the owner may take fish out of the ocean. If any one does, the fish rightfully belongs to the owner, not to him. Property-rights in land, therefore, instead of being identical with property-rights in matter separated from the land, deny such property-rights to all but the owners of land.

Lastly, Professor Huxley sets himself to prove that if labour is the basis of exclusive rights of property, land must be subject to exclusive property. As follows:—<sup>1</sup>

“In a state of nature, I doubt if ten square miles of the surface of the chalk-downs of Sussex would yield pickings enough to keep one savage for a year. But thanks to the human labour bestowed upon it, the same area actually yields, one way or another, to the agriculturist the means of supporting many men. If labour is the foundation of the claim to several property, on what pretext can the land, in this case also, be put upon a different footing from the steel pen?”

The arguments previously used—the distinction drawn between property-rights in the source of all matter, the material universe, and property-rights in matter separated from this source—evidently apply to this contention as well. For labour spent on land cannot add to the desirable matter contained in it; it can only make such matter more accessible. Clearing, fencing, draining, the erection of farm-buildings, and similar improvements are made for the purpose of giving easier access to the elements of fertility in the soil; as mining improvements are made to give easier access to minerals below the soil. In either case, the object in view is the withdrawal of desirable matter from the land. Even manures are frequently applied for the purpose of freeing otherwise insoluble ingredients of the soil; and in other cases are added in order to restore elements previously extracted, and to be themselves again extracted almost at once.

The labourer is entitled to exclusive property in the

<sup>1</sup> “Natural Political Rights,” *Nineteenth Century*, February 1890, p. 192; *Method and Results* (Essays, vol. i.), p. 374.

additional accessibility due to his past labour, as he is entitled to exclusive property in all the matter which, owing to this greater accessibility, he separates from the land by present labour. But he cannot be entitled, by virtue of his labour, to exclusive property in the source of the desirable matter, the land itself, for the reason that his labour did not and cannot add to it.

Moreover, it may well be questioned whether the additional productivity of the Sussex land, which Professor Huxley posits, is all due to previous labour bestowed upon the land. For if a savage were placed upon this land in its present state, he, having no knowledge of agriculture, might derive from it no more and probably less sustenance than if it were still in a state of nature. The greater part of the additional productivity of the agriculturist's labour on this land is due, not to labour previously applied to it, but to advances in the knowledge of present labourers, and to the social environment which furnishes them the means of applying this knowledge.

Nevertheless is it true that all the productivity of this land, due to present and previous labour exercised upon it, whether it is little or much, is rightfully private and exclusive property. And it follows from the hypothesis that all that productivity which is not due to labour exercised upon it, *i.e.* to improvements, cannot rightfully be private and exclusive property.

Suppose this land, in its present state, instead of being situated a few miles from London, were situated five hundred miles from any centre of population. Would its productivity, the wealth which it yields to labour, be as great as it is in its present situation? Evidently not; its productivity would be less. Its favourable situation, therefore, forms part of its productivity. Labour exercised upon this land did not create this favourable situation, cannot, therefore, give any right to private and exclusive property in the productivity hence arising.

Suppose, again, land situated as favourably, and on which equal labour has been expended, but endowed with less natural fertility. Such land also would possess less productivity. Some part of the present productivity of

Sussex land, therefore, may be due, not to previous labour, nor to situation, but to its greater natural fertility than other land which must be used. This part of its productivity, like that arising from more favourable situation, therefore, also cannot rightfully become private and exclusive property.

Whichever way, therefore, the question is looked at, labour expended in improvements on land, while giving exclusive property in such improvements, cannot give private and exclusive property-rights in the land itself.