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# THE SINGLE TAX REVIEW

A Record of the Progress of Single Tax and Tax Reform  
Throughout the World.

## THE SACRED RIGHT OF PROPERTY.

*(For the Review.)*

By HENRY C. L. FORLER

In these days of social unrest we hear a great deal about the sacred right of property. Some men are recognized as the defenders of property rights and others as champions of human rights. The moulders of thought can be divided into two classes, those who place the emphasis on the rights of property and those who place the emphasis on the rights of man.

That there is an irreconcilable conflict between property rights and human rights seems to be vaguely recognized. The defenders of property are charged with elevating the dollar above the man and on the other hand the defenders of men are often looked upon as dangerous members of society, their doctrines as subversive of all government.

That such conflict exists cannot be denied, but is it true that it is unavoidable and that these apparently conflicting interests cannot be reconciled? To concede that they cannot be, is to admit that there is gnawing at the roots of our civilization a canker that will ultimately destroy it.

This apparent conflict results from confusion as to what is property, and what property rights are sacred. Under our existing institutions the right of property attaches to practically everything that is capable of exclusive possession.

We make no distinction between the right of property in things that have been produced by labor and the right of property in land. We seem to proceed upon the theory that the right of property, may, without injustice, attach to the one as well as to the other. It is here that the confusion arises that causes the apparently irreconcilable conflict between the rights of property and the rights of man. The right of property in land is inconsistent with the right of property in the products of labor. To confirm the one is to deny the other.

Man is necessarily a land animal. Land is as necessary to our existence as the air we breathe. The things we eat, the clothes we wear, the houses wherein we dwell are the result of labor exerted upon land. So it must follow that in order to labor and produce wealth, man must have access to the land.

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But under private ownership of land, as at present established, man must first obtain permission from the person owning the land before he has access to it, and for this permission there is exacted from him a share of whatever he is able to produce by his labor. This share may be either in the form of rent or it may represent the purchase price of the land. For the mere privilege of having access to nature, the producer must surrender a portion of the fruits of his toil and to that extent is violated the right of property in things produced by labor.

It is the exaction of this tribute by the owners of land from those who use it that gives rise to wealth and power on the one hand, and poverty and degradation on the other. Those who place the emphasis on property rights favor such laws as protect the exaction of this tribute and encourage its increase. Those who favor the rights of man recognize that labor is being exploited, but unfortunately their efforts in protecting human rights go little further than to denounce the greed of the capitalists.

Land values result from the increase in population and the improvements which necessarily follow. Paved streets, fire protection, police protection, sewers, water, schools, churches and every improvement incident to a growing community are reflected in the value of land. These various improvements do not increase the value of houses, merchandise or of any products of labor. Things that are produced by labor are worth no more than the cost of reproduction.

So it would seem not only equitable but natural that the cost of these various civic enterprises should be levied upon land values created by them and the community. But instead of doing so, we exact from labor a part of its product to defray the cost of these improvements and civic enterprises in addition to the tribute levied upon it by the land owners.

The right of property in labor products is violated by the land owner when he exacts a tribute for access to his land, and the same right of property is also violated by the State in taking from labor a part of its product to defray the cost of the government.

By natural law the land belongs to society and the products of labor to the individual. Under existing laws the community values are appropriated by a small class of land owners, and labor is exploited by both the land owners and the government.

By exempting the products of labor from taxation, we would not only lessen the taxes paid by the producer to the state, but by making land cheaper, would lessen the tribute now being exacted by the land owner. The right of property in land swallows up and destroys the right of property in things produced by labor, and if you defend the one you must necessarily abandon the other.

The right of property in land seems so well recognized and established at present that people generally take it for granted that such a right has always existed, but a little examination into its origin will disclose the fact that it is of comparatively modern development.

The recent struggle in England over the budget will add interest to such investigation. Blackstone, to whom we turn for the origin of our law, says:

"There are very few that will give themselves the trouble to consider the original and foundation of this right. Pleased as we are with the possession, we seem afraid to look back to the means by which it was acquired as if fearful of some defect in our title, or at best we rest satisfied with the decision of the laws in our favor without examining the reason or authority upon which those laws have been built. We think it enough that our title is derived by the grant of our former proprietor by descent from our ancestors or by the last will and testament of the dying owner: not caring to reflect that there is no foundation in nature or in natural law why a set of words upon parchment should convey the dominion of land, why the son should have the right to exclude his fellow creatures from a determined spot of ground because his father had done so before him."

He then observes:

"These inquiries, it must be owned, would be useless and even troublesome in common life. It is well if the mass of mankind will obey the laws when made, without scrutinizing too nicely into the reasons for making them."

Wherever the earlier history of society can be traced in Asia, Europe, Africa or America, land has been considered common property in which the rights of all were equal. It is written in the laws of Moses, Leviticus, 25-23: "The land shall not be sold forever, for the land is mine, and ye are strangers and sojourners with me," and in the tenth verse of the same chapter, "And ye shall hallow the fiftieth year and proclaim liberty throughout all the lands, unto all the inhabitants thereof, it shall be a jubilee unto you and ye shall return every man unto his possession and ye shall return every man unto his family."

M. Emile de Laveleye in his work on Primitive Property, says:

"In all primitive societies the soil was the joint property of the tribes and was subject to periodical distribution among all the families, so that all might live by their labor as nature has ordained. The comfort of each was thus proportioned to his energy and intelligence. No one, at any rate, was destitute of the means of subsistence, and inequality increasing from generation to generation was provided against."

Blackstone, in tracing the origin of the right of property in land says that in earlier times:

"The right to possession of land continued for the same time only that the act of possession lasted. Thus the ground was in common, and no part of it was the permanent property of any man in particular, yet whoever was in the occupation of any determined spot of it, acquired for a time a sort of ownership from which it would have been unjust and contrary to the law of nature to have driven him by force, but the instant that he quitted the use or occupation of it, another might seize it without injustice."

He also says:

"There can be no doubt but that movables of every kind became sooner

appropriated than the permanent substantial soil, partly because few of them could be fit for use until improved and meliorated by the bodily labor of the occupant. Which bodily labor, bestowed upon any subject which before lay in common to all men, is universally allowed to give the fairest and most reasonable title to the exclusive property therein."

The feudal system, which prevailed throughout all Europe for so many years, clearly recognized in theory at least, that land belonged to society at large and not to the individual. "The grand fundamental maxim of all feudal tenure is this: that all lands were originally granted out of the sovereign and are therefore holden either mediately or immediately of the crown. The grantor was called the proprietor or lord, being he who retained the dominion or ultimate property of the feud or fee, and the grantee, who had only the use and possession according to the terms of the grant, was styled the feudatory or vassal, which was only another name for the tenant or holder of the lands. At the first introduction of feuds, as they were gratuitous so also they were precarious, and held at the will of the lord who was then the sole judge whether his vassal performed his services faithfully. Among the ancient Germans they continued only from year to year, an annual distribution of lands being made by their leaders and their general councils or assemblies."

The feud was essentially a trust and to enjoyment was annexed obligation. The sovereign, theoretically the representative of the collective power and rights of the whole people, was in feudal view the only absolute owner of land, and though land was granted to individual possession, yet to its possession were annexed duties by which the enjoyer of its revenues was supposed to render back to the commonwealth an equivalent for the benefits received.

Under the feudal system the crown lands supported public expenditures which are now included in the civil list. The church lands defrayed the costs of public worship and instruction, of the care of the sick and destitute, and maintained a class of men who were supposed to be, and no doubt to a great extent were, devoting their lives to purposes of public good. The military tenures provided for the public defense. The land was thus charged directly with the entire support of the Government under the different forms of tenure.

The land owners of England, even in the sparse population of Norman days, were required to put in the field upon call, sixty thousand perfectly equipped horsemen, and had they been kept to this contract, and had no land been permitted to be enclosed, except upon similar terms, the income accruing to the nation from English land would to-day be greater by many millions than the entire public revenues of the United Kingdom.

But the duties annexed to the land became burdensome to the land owners and referring again to Blackstone, we find him using this language:

"For the present I have only to observe that by the degenerating of knight service, or personal military duty, into escuage or pecuniary assessments, all the advantages of the feudal constitution were destroyed and nothing but the hardships remain. Instead of forming a national militia composed of barons, knights and gentlemen bound by their interests, their honor and their oaths to

defend their King and country, the whole of the system of tenures now tended to nothing but a wretched means of raising money to pay an army of occasional mercenaries."

Blackstone then describes the various charges or taxes upon the lands which were necessary for the owner to pay and closes his description with this significant sentence:

"Add to this, the untimely and expensive honor of knighthood to make his poverty more completely splendid. And when by these deductions his fortune was so shattered and ruined that perhaps he was obliged to sell his patrimony, he had not even that poor privilege allowed him without paying an exorbitant fine for a license of alienation. A slavery so complicated and so extensive as this called aloud for a remedy in a nation that boasted of its freedom."

Accordingly in the twelfth year of the reign of Charles 2nd, all military tenures were abolished and the feudal holders thus got rid of the consideration on which they held the common property of the nation and saddled it on the people at large in the taxation of all consumers. This Act has been characterized in the law books, however, as a triumph of the spirit of freedom, Blackstone describing it as:

"A statute which was a greater acquisition to the civil property of this kingdom than even Magna Charta itself; since that only pruned the luxuriances that had grown out of the military tenures and thereby preserved them in vigor, but the statute of King Charles extirpated the whole and demolished both root and branches."

The feudal system was the rude outcome of an age in which might stood for right, yet it admitted in no one the uncontrolled and exclusive right of land. Under this statute of liberty and subsequent acts, the land of England has been practically free from all taxes, and the commons, which contained millions of acres and which were for the use and enjoyment of the people, have been enclosed so that now in the words of Lloyd George "ten thousand men own the soil and the rest of the population have become trespassers in the land of their birth."

The British people have lost all right to their native land save to walk the streets or trudge the roads. It is needless to say the "splendid poverty" of the nobility has disappeared and in its place has come the squalid and miserable poverty of the great working masses of the country.

It is thus seen that the right of private property in land, as we now understand it, is of comparatively recent development and we cannot claim it to be sacred on the ground that it has existed always or even from the time that the memory of man runneth not to the contrary, and we can truly say in the words of Blackstone that "There is no foundation in nature or natural law why a set of words upon parchment should convey the dominion of land."

It might be said, however, that it would be impracticable to divide the land and give each man his share or to use it in common, or to follow the method prescribed by Moses for the division every fifty years. Undoubtedly it would

be. But in order to have private possession and occupation of land, it is not at all necessary to maintain the right of private property in land, although the people generally seem to think that it is.

Blackstone seemed to have had the same idea, as the following language would indicate:

"But when mankind increased in number, craft and ambition, it became necessary to entertain conceptions of more permanent dominion and to appropriate to individuals, not the immediate use only, but the very substance of the thing to be used. Otherwise innumerable tumults must have arisen and the good order of the world been continually broken and disturbed, while a variety of persons were striving who should get the first occupation of the same thing or disputing which of them had actually gained it."

It seems to me, however, that there would be less tumult or striving if the title to all the lands were vested in all the people, and the Government simply protected each occupant in his right of possession, and I believe I am safe in saying that private property in land has been the source and not the remedy for the tumults that have arisen and still exist between man and man.

Blackstone, however, unconsciously gives us a reason for private property in land when he says:

"When mankind increased in number, craft and ambition, it became necessary to entertain conceptions of more permanent dominion."

As communities arose and increased in numbers, land became more valuable, and as mankind increased in craft and ambition, the few appropriated this increased value to enrich themselves and impoverish the masses.

It was not then necessary, and is not now necessary, that the increased value of land should become the property of any set of individuals.

If this increased value were collected annually in the form of taxes, all the people would receive the benefit of it, the selling value of land would be destroyed and the sacred right of property in things produced by labor would be fully protected.

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## THE BIBLE ON LAND MONOPOLY.

The profit of the earth is for all.—Eccles. v, 9.

The earth is the Lord's and the fullness thereof.—Ps. xxiv, 1.

The earth hath He given to the children of men.—Ps. cxv, 16.

God Himself that formed the earth and made it, He hath established it, He created it not in vain, He formed it to be inhabited.—Is. xlv, 18.

Remove not the old landmark, and enter not into the fields of the fatherless.—Prov. xxiii, 10.