

BOOK VII

JUSTICE OF THE REMEDY

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Justice is a relation of congruity which really subsists between two things. This relation is always the same, whatever being considers it, whether it be God, or an angel, or lastly a man.—*Montesquieu.*

CHAPTER I

THE INJUSTICE OF PRIVATE PROPERTY IN LAND

When it is proposed to abolish private property in land the first question that will arise is that of justice. Though often warped by habit, superstition, and selfishness into the most distorted forms, the sentiment of justice is yet fundamental to the human mind, and whatever dispute arouses the passions of men, the conflict is sure to rage, not so much as to the question "Is it wise?" as to the question "Is it right?"

This tendency of popular discussions to take an ethical form has a cause. It springs from a law of the human mind; it rests upon a vague and instinctive recognition of what is probably the deepest truth we can grasp. That alone is wise which is just; that alone is enduring which is right. In the narrow scale of individual actions and individual life this truth may be often obscured, but in the wider field of national life it everywhere stands out.

I bow to this arbitrament, and accept this test. If our inquiry into the cause which makes low wages and pauperism the accompaniments of material progress has led us to a correct conclusion, it will bear translation from terms of political economy into terms of ethics, and as the source of social evils show a wrong. If it will not do this, it is disproved. If it will do this, it is proved by the final decision. If private property in land be just, then is the remedy I propose a false one; if, on the contrary, private property in land be unjust, then is this remedy the true one.

What constitutes the rightful basis of property? What is it that enables a man justly to say of a thing, "It is mine?" From what springs the sentiment which acknowledges his exclusive right as against all the world? Is it not, primarily, the right of a man to himself, to the use of his own powers, to the enjoyment of the fruits of his own exertions? Is it not this individual right, which springs from and is testified to by the natural facts of individual organization—the fact that each particular pair of hands obey a particular brain and are related to a particular stomach; the fact that each man is a definite, coherent, independent whole—which alone justifies individual ownership? As a man belongs to himself, so his labor when put in concrete form belongs to him.

And for this reason, that which a man makes or produces is his own, as against all the world—to enjoy or to destroy, to use, to exchange, or to give. No one else can rightfully claim it, and his exclusive right to it involves no wrong to any one else. Thus there is to everything produced by human exertion a clear and indisputable title to exclusive possession and enjoyment, which is perfectly consistent with justice, as it descends from the original producer, in whom it vested by natural law. The pen with which I am writing is justly mine. No other human being can rightfully lay claim to it, for in me is the title of the producers who made it. It has become mine, because transferred to me by the stationer, to whom it was transferred by the importer, who obtained the exclusive right to it by transfer from the manufacturer, in whom, by the same process of purchase, vested the rights of those who dug the material from the ground and shaped it into a pen. Thus, my exclusive right of ownership in the pen springs from the natural right of the individual to the use of his own faculties.

Now, this is not only the original source from which

all ideas of exclusive ownership arise—as is evident from the natural tendency of the mind to revert to it when the idea of exclusive ownership is questioned, and the manner in which social relations develop—but it is necessarily the only source. There can be to the ownership of anything no rightful title which is not derived from the title of the producer and does not rest upon the natural right of the man to himself. There can be no other rightful title, because (1st) there is no other natural right from which any other title can be derived, and (2d) because the recognition of any other title is inconsistent with and destructive of this.

For (1st) what other right exists from which the right to the exclusive possession of anything can be derived, save the right of a man to himself? With what other power is man by nature clothed, save the power of exerting his own faculties? How can he in any other way act upon or affect material things or other men? Paralyze the motor nerves, and your man has no more external influence or power than a log or stone. From what else, then, can the right of possessing and controlling things be derived? If it spring not from man himself, from what can it spring? Nature acknowledges no ownership or control in man save as the result of exertion. In no other way can her treasures be drawn forth, her powers directed, or her forces utilized or controlled. She makes no discriminations among men, but is to all absolutely impartial. She knows no distinction between master and slave, king and subject, saint and sinner. All men to her stand upon an equal footing and have equal rights. She recognizes no claim but that of labor, and recognizes that without respect to the claimant. If a pirate spread his sails, the wind will fill them as well as it will fill those of a peaceful merchantman or missionary bark; if a king and a common man be thrown overboard, neither can keep his head above water except by swim-

ming; birds will not come to be shot by the proprietor of the soil any quicker than they will come to be shot by the poacher; fish will bite or will not bite at a hook in utter disregard as to whether it is offered them by a good little boy who goes to Sunday-school, or a bad little boy who plays truant; grain will grow only as the ground is prepared and the seed is sown; it is only at the call of labor that ore can be raised from the mine; the sun shines and the rain falls, alike upon just and unjust. The laws of nature are the decrees of the Creator. There is written in them no recognition of any right save that of labor; and in them is written broadly and clearly the equal right of all men to the use and enjoyment of nature; to apply to her by their exertions, and to receive and possess her reward. Hence, as nature gives only to labor, the exertion of labor in production is the only title to exclusive possession.

2d. This right of ownership that springs from labor excludes the possibility of any other right of ownership. If a man be rightfully entitled to the produce of his labor, then no one can be rightfully entitled to the ownership of anything which is not the produce of his labor, or the labor of some one else from whom the right has passed to him. If production give to the producer the right to exclusive possession and enjoyment, there can rightfully be no exclusive possession and enjoyment of anything not the production of labor, and the recognition of private property in land is a wrong. For the right to the produce of labor cannot be enjoyed without the right to the free use of the opportunities offered by nature, and to admit the right of property in these is to deny the right of property in the produce of labor. When non-producers can claim as rent a portion of the wealth created by producers, the right of the producers to the fruits of their labor is to that extent denied.

There is no escape from this position. To affirm that

a man can rightfully claim exclusive ownership in his own labor when embodied in material things, is to deny that any one can rightfully claim exclusive ownership in land. To affirm the rightfulness of property in land, is to affirm a claim which has no warrant in nature, as against a claim founded in the organization of man and the laws of the material universe.

What most prevents the realization of the injustice of private property in land is the habit of including all the things that are made the subject of ownership in one category, as property, or, if any distinction is made, drawing the line, according to the unphilosophical distinction of the lawyers, between personal property and real estate, or things movable and things immovable. The real and natural distinction is between things which are the produce of labor and things which are the gratuitous offerings of nature; or, to adopt the terms of political economy, between wealth and land.

These two classes of things are in essence and relations widely different, and to class them together as property is to confuse all thought when we come to consider the justice or the injustice, the right or the wrong of property.

A house and the lot on which it stands are alike property, as being the subject of ownership, and are alike classed by the lawyers as real estate. Yet in nature and relations they differ widely. The one is produced by human labor, and belongs to the class in political economy styled wealth. The other is a part of nature, and belongs to the class in political economy styled land.

The essential character of the one class of things is that they embody labor, are brought into being by human exertion, their existence or non-existence, their increase or diminution, depending on man. The essential character of the other class of things is that they do not embody labor, and exist irrespective of human exertion

and irrespective of man; they are the field or environment in which man finds himself; the storehouse from which his needs must be supplied, the raw material upon which and the forces with which alone his labor can act.

The moment this distinction is realized, that moment is it seen that the sanction which natural justice gives to one species of property is denied to the other; that the rightfulness which attaches to individual property in the produce of labor implies the wrongfulness of individual property in land; that, whereas the recognition of the one places all men upon equal terms, securing to each the due reward of his labor, the recognition of the other is the denial of the equal rights of men, permitting those who do not labor to take the natural reward of those who do.

Whatever may be said for the institution of private property in land, it is therefore plain that it cannot be defended on the score of justice.

The equal right of all men to the use of land is as clear as their equal right to breathe the air—it is a right proclaimed by the fact of their existence. For we cannot suppose that some men have a right to be in this world and others no right.

If we are all here by the equal permission of the Creator, we are all here with an equal title to the enjoyment of his bounty—with an equal right to the use of all that nature so impartially offers.* This is a right which is

* In saying that private property in land can, in the ultimate analysis, be justified only on the theory that some men have a better right to existence than others, I am stating only what the advocates of the existing system have themselves perceived. What gave to Malthus his popularity among the ruling classes—what caused his illogical book to be received as a new revelation, induced sovereigns to send him decorations, and the meanest rich man in England to propose to give him a living, was the fact that he furnished a plausible reason for the assumption that some have a better right to existence than others—an

natural and inalienable; it is a right which vests in every human being as he enters the world, and which during his continuance in the world can be limited only by the equal rights of others. There is in nature no such thing as a fee simple in land. There is on earth no power which can rightfully make a grant of exclusive ownership in land. If all existing men were to unite to grant away their equal rights, they could not grant away the right of those who follow them. For what are we but tenants for a day? Have we made the earth, that we should determine the rights of those who after us shall tenant it in their turn? The Almighty, who created the earth for man and man for the earth, has entailed it upon all the generations of the children of men by a decree written upon the constitution of all things—a decree which no human action can bar and no prescription determine. Let the parchments be ever so many, or possession ever so long, natural justice can recognize no right in one man to the possession and enjoyment of land that is not equally the right of all his fellows. Though his titles have been acquiesced in by generation after generation, to the landed estates of the Duke of Westminster the poorest child that is born in London

assumption which is necessary for the justification of private property in land, and which Malthus clearly states in the declaration that the tendency of population is constantly to bring into the world human beings for whom nature refuses to provide, and who consequently "have not the slightest right to any share in the existing store of the necessaries of life;" whom she tells as interlopers to begone, "and does not hesitate to extort by force obedience to her mandates," employing for that purpose "hunger and pestilence, war and crime, mortality and neglect of infantine life, prostitution and syphilis." And to-day this Malthusian doctrine is the ultimate defense upon which those who justify private property in land fall back. In no other way can it be logically defended.

to-day has as much right as has his eldest son.* Though the sovereign people of the State of New York consent to the landed possessions of the Astors, the puniest infant that comes wailing into the world in the squalidest room of the most miserable tenement house, becomes at that moment seized of an equal right with the millionaires. And it is robbed if the right is denied.

Our previous conclusions, irresistible in themselves, thus stand approved by the highest and final test. Translated from terms of political economy into terms of ethics they show a wrong as the source of the evils which increase as material progress goes on.

The masses of men, who in the midst of abundance suffer want; who, clothed with political freedom, are condemned to the wages of slavery; to whose toil labor-saving inventions bring no relief, but rather seem to rob them of a privilege, instinctively feel that "there is something wrong." And they are right.

The wide-spreading social evils which everywhere oppress men amid an advancing civilization spring from a great primary wrong—the appropriation, as the exclusive property of some men, of the land on which and from which all must live. From this fundamental injustice flow all the injustices which distort and endanger modern

*This natural and inalienable right to the equal use and enjoyment of land is so apparent that it has been recognized by men wherever force or habit has not blunted first perceptions. To give but one instance: The white settlers of New Zealand found themselves unable to get from the Maoris what the latter considered a complete title to land, because, although a whole tribe might have consented to a sale, they would still claim with every new child born among them an additional payment on the ground that they had parted with only their own rights, and could not sell those of the unborn. The government was obliged to step in and settle the matter by buying land for a tribal annuity, in which every child that is born acquires a share.

development, which condemn the producer of wealth to poverty and pamper the non-producer in luxury, which rear the tenement house with the palace, plant the brothel behind the church, and compel us to build prisons as we open new schools.

There is nothing strange or inexplicable in the phenomena that are now perplexing the world. It is not that material progress is not in itself a good; it is not that nature has called into being children for whom she has failed to provide; it is not that the Creator has left on natural laws a taint of injustice at which even the human mind revolts, that material progress brings such bitter fruits. That amid our highest civilization men faint and die with want is not due to the niggardliness of nature, but to the injustice of man. Vice and misery, poverty and pauperism, are not the legitimate results of increase of population and industrial development; they only follow increase of population and industrial development because land is treated as private property—they are the direct and necessary results of the violation of the supreme law of justice, involved in giving to some men the exclusive possession of that which nature provides for all men.

The recognition of individual proprietorship of land is the denial of the natural rights of other individuals—it is a wrong which *must* show itself in the inequitable division of wealth. For as labor cannot produce without the use of land, the denial of the equal right to the use of land is necessarily the denial of the right of labor to its own produce. If one man can command the land upon which others must labor, he can appropriate the produce of their labor as the price of his permission to labor. The fundamental law of nature, that her enjoyment by man shall be consequent upon his exertion, is thus violated. The one receives without producing; the others produce without receiving. The one is unjustly

enriched; the others are robbed. To this fundamental wrong we have traced the unjust distribution of wealth which is separating modern society into the very rich and the very poor. It is the continuous increase of rent—the price that labor is compelled to pay for the use of land, which strips the many of the wealth they justly earn, to pile it up in the hands of the few, who do nothing to earn it.

Why should they who suffer from this injustice hesitate for one moment to sweep it away? Who are the land holders that they should thus be permitted to reap where they have not sown?

Consider for a moment the utter absurdity of the titles by which we permit to be gravely passed from John Doe to Richard Roe the right exclusively to possess the earth, giving absolute dominion as against all others. In California our land titles go back to the Supreme Government of Mexico, who took from the Spanish King, who took from the Pope, when he by a stroke of the pen divided lands yet to be discovered between the Spanish or Portuguese—or if you please they rest upon conquest. In the Eastern States they go back to treaties with Indians and grants from English Kings; in Louisiana to the Government of France; in Florida to the Government of Spain; while in England they go back to the Norman conquerors. Everywhere, not to a right which obliges, but to a force which compels. And when a title rests but on force, no complaint can be made when force annuls it. Whenever the people, having the power, choose to annul those titles, no objection can be made in the name of justice. There have existed men who had the power to hold or to give exclusive possession of portions of the earth's surface, but when and where did there exist the human being who had the right?

The right to exclusive ownership of anything of human

production is clear. No matter how many the hands through which it has passed, there was, at the beginning of the line, human labor—some one who, having procured or produced it by his exertions, had to it a clear title as against all the rest of mankind, and which could justly pass from one to another by sale or gift. But at the end of what string of conveyances or grants can be shown or supposed a like title to any part of the material universe? To improvements, such an original title can be shown; but it is a title only to the improvements, and not to the land itself. If I clear a forest, drain a swamp, or fill a morass, all I can justly claim is the value given by these exertions. They give me no right to the land itself, no claim other than to my equal share with every other member of the community in the value which is added to it by the growth of the community.

But it will be said: There are improvements which in time become indistinguishable from the land itself! Very well; then the title to the improvements becomes blended with the title to the land; the individual right is lost in the common right. It is the greater that swallows up the less, not the less that swallows up the greater. Nature does not proceed from man, but man from nature, and it is into the bosom of nature that he and all his works must return again.

Yet, it will be said: As every man has a right to the use and enjoyment of nature, the man who is using land must be permitted the exclusive right to its use in order that he may get the full benefit of his labor. But there is no difficulty in determining where the individual right ends and the common right begins. A delicate and exact test is supplied by value, and with its aid there is no difficulty, no matter how dense population may become, in determining and securing the exact rights of each, the equal rights of all. The value of land, as we have seen, is the price of monopoly. It is not the absolute, but the

relative, capability of land that determines its value. No matter what may be its intrinsic qualities, land that is no better than other land which may be had for the using can have no value. And the value of land always measures the difference between it and the best land that may be had for the using. Thus, the value of land expresses in exact and tangible form the right of the community in land held by an individual; and rent expresses the exact amount which the individual should pay to the community to satisfy the equal rights of all other members of the community. Thus, if we concede to priority of possession the undisturbed use of land, confiscating rent for the benefit of the community, we reconcile the fixity of tenure which is necessary for improvement with a full and complete recognition of the equal rights of all to the use of land.

As for the deduction of a complete and exclusive individual right to land from priority of occupation, that is, if possible, the most absurd ground on which land ownership can be defended. Priority of occupation give exclusive and perpetual title to the surface of a globe on which, in the order of nature, countless generations succeed each other! Had the men of the last generation any better right to the use of this world than we of this? or the men of a hundred years ago? or of a thousand years ago? Had the mound-builders, or the cave-dwellers, the contemporaries of the mastodon and the three-toed horse, or the generations still further back, who, in dim æons that we can think of only as geologic periods, followed each other on the earth we now tenant for our little day?

Has the first comer at a banquet the right to turn back all the chairs and claim that none of the other guests shall partake of the food provided, except as they make terms with him? Does the first man who presents a ticket at the door of a theater, and passes in, acquire by his priority the right to shut the doors and have the per-

formance go on for him alone? Does the first passenger who enters a railroad car obtain the right to scatter his baggage over all the seats and compel the passengers who come in after him to stand up?

The cases are perfectly analogous. We arrive and we depart, guests at a banquet continually spread, spectators and participants in an entertainment where there is room for all who come; passengers from station to station, on an orb that whirls through space—our rights to take and possess cannot be exclusive; they must be bounded everywhere by the equal rights of others. Just as the passenger in a railroad car may spread himself and his baggage over as many seats as he pleases, until other passengers come in, so may a settler take and use as much land as he chooses, until it is needed by others—a fact which is shown by the land acquiring a value—when his right must be curtailed by the equal rights of the others, and no priority of appropriation can give a right which will bar these equal rights of others. If this were not the case, then by priority of appropriation one man could acquire and could transmit to whom he pleased, not merely the exclusive right to 160 acres, or to 640 acres, but to a whole township, a whole State, a whole continent.

And to this manifest absurdity does the recognition of individual right to land come when carried to its ultimate—that any one human being, could he concentrate in himself the individual rights to the land of any country, could expel therefrom all the rest of its inhabitants; and could he thus concentrate the individual rights to the whole surface of the globe, he alone of all the teeming population of the earth would have the right to live.

And what upon this supposition would occur is, upon a smaller scale, realized in actual fact. The territorial lords of Great Britain, to whom grants of land have given the "white parasols and elephants mad with pride," have over and over again expelled from large districts

the native population, whose ancestors had lived on the land from immemorial times—driven them off to emigrate, to become paupers, or to starve. And on uncultivated tracts of land in the new State of California may be seen the blackened chimneys of homes from which settlers have been driven by force of laws which ignore natural right, and great stretches of land which might be populous are desolate, because the recognition of exclusive ownership has put it in the power of one human creature to forbid his fellows from using it. The comparative handful of proprietors who own the surface of the British Islands would be doing only what English law gives them full power to do, and what many of them have done on a smaller scale already, were they to exclude the millions of British people from their native islands. And such an exclusion, by which a few hundred thousand should at will banish thirty million people from their native country, while it would be more striking, would not be a whit more repugnant to natural right than the spectacle now presented, of the vast body of the British people being compelled to pay such enormous sums to a few of their number for the privilege of being permitted to live upon and use the land which they so fondly call their own; which is endeared to them by memories so tender and so glorious, and for which they are held in duty bound, if need be, to spill their blood and lay down their lives.

I refer only to the British Islands, because, land ownership being more concentrated there, they afford a more striking illustration of what private property in land necessarily involves. "To whomsoever the soil at any time belongs, to him belong the fruits of it," is a truth that becomes more and more apparent as population becomes denser and invention and improvement add to productive power; but it is everywhere a truth—as much in our new States as in the British Islands or by the banks of the Indus.

CHAPTER II

THE ENSLAVEMENT OF LABORERS THE ULTIMATE RESULT OF PRIVATE PROPERTY IN LAND

If chattel slavery be unjust, then is private property in land unjust.

For let the circumstances be what they may—the ownership of land will always give the ownership of men, to a degree measured by the necessity (real or artificial) for the use of land. This is but a statement in different form of the law of rent.

And when that necessity is absolute—when starvation is the alternative to the use of land, then does the ownership of men involved in the ownership of land become absolute.

Place one hundred men on an island from which there is no escape, and whether you make one of these men the absolute owner of the other ninety-nine, or the absolute owner of the soil of the island, will make no difference either to him or to them.

In the one case, as the other, the one will be the absolute master of the ninety-nine—his power extending even to life and death, for simply to refuse them permission to live upon the island would be to force them into the sea.

Upon a larger scale, and through more complex relations, the same cause must operate in the same way and to the same end—the ultimate result, the enslavement of laborers, becoming apparent just as the pressure increases which compels them to live on and from land

which is treated as the exclusive property of others. Take a country in which the soil is divided among a number of proprietors, instead of being in the hands of one, and in which, as in modern production, the capitalist has been specialized from the laborer, and manufactures and exchange, in all their many branches, have been separated from agriculture. Though less direct and obvious, the relations between the owners of the soil and the laborers will, with increase of population and the improvement of the arts, tend to the same absolute mastery on the one hand and the same abject helplessness on the other, as in the case of the island we have supposed. Rent will advance, while wages will fall. Of the aggregate produce, the land owner will get a constantly increasing, the laborer a constantly diminishing share. Just as removal to cheaper land becomes difficult or impossible, laborers, no matter what they produce, will be reduced to a bare living, and the free competition among them, where land is monopolized, will force them to a condition which, though they may be mocked with the titles and insignia of freedom, will be virtually that of slavery.

There is nothing strange in the fact that, in spite of the enormous increase in productive power which this century has witnessed, and which is still going on, the wages of labor in the lower and wider strata of industry should everywhere tend to the wages of slavery—just enough to keep the laborer in working condition. For the ownership of the land on which and from which a man must live is virtually the ownership of the man himself, and in acknowledging the right of some individuals to the exclusive use and enjoyment of the earth, we condemn other individuals to slavery as fully and as completely as though we had formally made them chattels.

In a simpler form of society, where production chiefly

consists in the direct application of labor to the soil, the slavery that is the necessary result of according to some the exclusive right to the soil from which all must live, is plainly seen in helotism, in villeinage, in serfdom.

Chattel slavery originated in the capture of prisoners in war, and, though it has existed to some extent in every part of the globe, its area has been small, its effects trivial, as compared with the forms of slavery which have originated in the appropriation of land. No people as a mass have ever been reduced to chattel slavery to men of their own race, nor yet on any large scale has any people ever been reduced to slavery of this kind by conquest. The general subjection of the many to the few, which we meet with wherever society has reached a certain development, has resulted from the appropriation of land as individual property. It is the ownership of the soil that everywhere gives the ownership of the men that live upon it. It is slavery of this kind to which the enduring pyramids and the colossal monuments of Egypt yet bear witness, and of the institution of which we have, perhaps, a vague tradition in the biblical story of the famine during which the Pharaoh purchased up the lands of the people. It was slavery of this kind to which, in the twilight of history, the conquerors of Greece reduced the original inhabitants of that peninsula, transforming them into helots by making them pay rent for their lands. It was the growth of the *latifundia*, or great landed estates, which transmuted the population of ancient Italy, from a race of hardy husbandmen, whose robust virtues conquered the world, into a race of cringing bondsmen; it was the appropriation of the land as the absolute property of their chieftains which gradually turned the descendants of free and equal Gallic, Teutonic and Hunnish warriors into *colonii* and villains, and which changed the independent burghers of Slavonic village communities into

the boors of Russia and the serfs of Poland; which instituted the feudalism of China and Japan, as well as that of Europe, and which made the High Chiefs of Polynesia the all but absolute masters of their fellows. How it came to pass that the Aryan shepherds and warriors who, as comparative philology tells us, descended from the common birthplace of the Indo-Germanic race into the lowlands of India, were turned into the suppliant and cringing Hindoo, the Sanscrit verse which I have before quoted gives us a hint. The white parasols and the elephants mad with pride of the Indian Rajah are the flowers of grants of land. And could we find the key to the records of the long-buried civilizations that lie entombed in the gigantic ruins of Yucatan and Guatemala, telling at once of the pride of a ruling class and the unrequited toil to which the masses were condemned, we should read, in all human probability, of a slavery imposed upon the great body of the people through the appropriation of the land as the property of a few—of another illustration of the universal truth that they who possess the land are masters of the men who dwell upon it.

The necessary relation between labor and land, the absolute power which the ownership of land gives over men who cannot live but by using it, explains what is otherwise inexplicable—the growth and persistence of institutions, manners, and ideas so utterly repugnant to the natural sense of liberty and equality.

When the idea of individual ownership, which so justly and naturally attaches to things of human production, is extended to land, all the rest is a mere matter of development. The strongest and most cunning easily acquire a superior share in this species of property, which is to be had, not by production, but by appropriation, and in becoming lords of the land they become necessarily lords of their fellow-men. The ownership of land

is the basis of aristocracy. It was not nobility that gave land, but the possession of land that gave nobility. All the enormous privileges of the nobility of medieval Europe flowed from their position as the owners of the soil. The simple principle of the ownership of the soil produced, on the one side, the lord, on the other, the vassal—the one having all rights, the other none. The right of the lord to the soil acknowledged and maintained, those who lived upon it could do so only upon his terms. The manners and conditions of the times made those terms include services and servitudes, as well as rents in produce or money, but the essential thing that compelled them was the ownership of land. This power exists wherever the ownership of land exists, and can be brought out wherever the competition for the use of land is great enough to enable the landlord to make his own terms. The English land owner of today has, in the law which recognizes his exclusive right to the land, essentially all the power which his predecessor the feudal baron had. He might command rent in services or servitudes. He might compel his tenants to dress themselves in a particular way, to profess a particular religion, to send their children to a particular school, to submit their differences to his decision, to fall upon their knees when he spoke to them, to follow him around dressed in his livery, or to sacrifice to him female honor, if they would prefer these things to being driven off his land. He could demand, in short, any terms on which men would still consent to live on his land, and the law could not prevent him so long as it did not qualify his ownership, for compliance with them would assume the form of a free contract or voluntary act. And English landlords do exercise such of these powers as in the manners of the times they care to. Having shaken off the obligation of providing for the defense of the country, they no longer need the military

service of their tenants, and the possession of wealth and power being now shown in other ways than by long trains of attendants, they no longer care for personal service. But they habitually control the votes of their tenants, and dictate to them in many little ways. That "right reverend father in God," Bishop Lord Plunkett, evicted a number of his poor Irish tenants because they would not send their children to Protestant Sunday-schools; and to that Earl of Leitrim for whom Nemesis tarried so long before she sped the bullet of an assassin, even darker crimes are imputed; while, at the cold promptings of greed, cottage after cottage has been pulled down and family after family forced into the roads. The principle that permits this is the same principle that in ruder times and a simpler social state enthralled the great masses of the common people and placed such a wide gulf between noble and peasant. Where the peasant was made a serf, it was simply by forbidding him to leave the estate on which he was born, thus artificially producing the condition we supposed on the island. In sparsely settled countries this is necessary to produce absolute slavery, but where land is fully occupied, competition may produce substantially the same conditions. Between the condition of the rack-rented Irish peasant and the Russian serf, the advantage was in many things on the side of the serf. The serf did not starve.

Now, as I think I have conclusively proved, it is the same cause which has in every age degraded and enslaved the laboring masses that is working in the civilized world to-day. Personal liberty—that is to say, the liberty to move about—is everywhere conceded, while of political and legal inequality there are in the United States no vestiges, and in the most backward civilized countries but few. But the great cause of inequality remains, and is manifesting itself in the unequal distribu-

tion of wealth. The essence of slavery is that it takes from the laborer all he produces save enough to support an animal existence, and to this minimum the wages of free labor, under existing conditions, unmistakably tend. Whatever be the increase of productive power, rent steadily tends to swallow up the gain, and more than the gain.

Thus the condition of the masses in every civilized country is, or is tending to become, that of virtual slavery under the forms of freedom. And it is probable that of all kinds of slavery this is the most cruel and relentless. For the laborer is robbed of the produce of his labor and compelled to toil for a mere subsistence; but his taskmasters, instead of human beings, assume the forms of imperious necessities. Those to whom his labor is rendered and from whom his wages are received are often driven in their turn—contact between the laborers and the ultimate beneficiaries of their labor is sundered, and individuality is lost. The direct responsibility of master to slave, a responsibility which exercises a softening influence upon the great majority of men, does not arise; it is not one human being who seems to drive another to unremitting and ill-requited toil, but "the inevitable laws of supply and demand," for which no one in particular is responsible. The maxims of Cato the Censor—maxims which were regarded with abhorrence even in an age of cruelty and universal slaveholding—that after as much work as possible is obtained from a slave he should be turned out to die, become the common rule; and even the selfish interest which prompts the master to look after the comfort and well-being of the slave is lost. Labor has become a commodity, and the laborer a machine. There are no masters and slaves, no owners and owned, but only buyers and sellers. The higgling of the market takes the place of every other sentiment.

When the slaveholders of the South looked upon the condition of the free laboring poor in the most advanced civilized countries, it is no wonder that they easily persuaded themselves of the divine institution of slavery. That the field hands of the South were as a class better fed, better lodged, better clothed; that they had less anxiety and more of the amusements and enjoyments of life than the agricultural laborers of England there can be no doubt; and even in the Northern cities, visiting slaveholders might see and hear of things impossible under what they called their organization of labor. In the Southern States, during the days of slavery, the master who would have compelled his negroes to work and live as large classes of free white men and women are compelled in free countries to work and live, would have been deemed infamous, and if public opinion had not restrained him, his own selfish interest in the maintenance of the health and strength of his chattels would. But in London, New York, and Boston, among people who have given, and would give again, money and blood to free the slave, where no one could abuse a beast in public without arrest and punishment, barefooted and ragged children may be seen running around the streets even in the winter time, and in squalid garrets and noisome cellars women work away their lives for wages that fail to keep them in proper warmth and nourishment. Is it any wonder that to the slaveholders of the South the demand for the abolition of slavery seemed like the cant of hypocrisy?

And now that slavery has been abolished, the planters of the South find they have sustained no loss. Their ownership of the land upon which the freedmen must live gives them practically as much command of labor as before, while they are relieved of responsibility, sometimes very expensive. The negroes as yet have the alternative of emigrating, and a great movement of

that kind seems now about commencing, but as population increases and land becomes dear, the planters will get a greater proportionate share of the earnings of their laborers than they did under the system of chattel slavery, and the laborers a less share—for under the system of chattel slavery the slaves always got at least enough to keep them in good physical health, but in such countries as England there are large classes of laborers who do not get that.*

The influences which, wherever there is personal relation between master and slave, slip in to modify chattel slavery, and to prevent the master from exerting to its fullest extent his power over the slave, also showed themselves in the ruder forms of serfdom that characterized the earlier periods of European development, and aided by religion, and, perhaps, as in chattel slavery, by the more enlightened but still selfish interests of the lord, and hardening into custom, universally fixed a limit to what the owner of the land could extort from the serf or peasant, so that the competition of men without means of existence bidding against each other for access to the means of existence, was nowhere suffered to go to its full length and exert its full power of deprivation and degradation. The helots of Greece, the metayers of Italy, the serfs of Russia and Poland, the peasants of feudal Europe, rendered to their landlords a fixed proportion either of their produce or their labor, and were not generally squeezed past that point. But the influences which thus stepped in to modify the

*One of the anti-slavery agitators (Col. J. A. Collins) on a visit to England addressed a large audience in a Scotch manufacturing town, and wound up as he had been used to in the United States, by giving the ration which in the slave codes of some of the States fixed the minimum of maintenance for a slave. He quickly discovered that to many of his hearers it was an anti-climax.

extortive power of land ownership, and which may still be seen on English estates where the landlord and his family deem it their duty to send medicines and comforts to the sick and infirm, and to look after the well-being of their cottagers, just as the Southern planter was accustomed to look after his negroes, are lost in the more refined and less obvious form which serfdom assumes in the more complicated processes of modern production, which separates so widely and by so many intermediate gradations the individual whose labor is appropriated from him who appropriates it, and makes the relations between the members of the two classes not direct and particular, but indirect and general. In modern society, competition has free play to force from the laborer the very utmost he can give, and with what terrific force it is acting may be seen in the condition of the lowest class in the centers of wealth and industry. That the condition of this lowest class is not yet more general, is to be attributed to the great extent of fertile land which has hitherto been open on this continent, and which has not merely afforded an escape for the increasing population of the older sections of the Union, but has greatly relieved the pressure in Europe—in one country, Ireland, the emigration having been so great as actually to reduce the population. This avenue of relief cannot last forever. It is already fast closing up, and as it closes, the pressure must become harder and harder.

It is not without reason that the wise crow in the Ramayana, the crow Bushanda, "who has lived in every part of the universe and knows all events from the beginnings of time," declares that, though contempt of worldly advantages is necessary to supreme felicity, yet the keenest pain possible is inflicted by extreme poverty. The poverty to which in advancing civilization great masses of men are condemned, is not the freedom from distraction and temptation which sages have

sought and philosophers have praised; it is a degrading and embruting slavery, that cramps the higher nature, dulls the finer feelings, and drives men by its pain to acts which the brutes would refuse. It is into this helpless, hopeless poverty, that crushes manhood and destroys womanhood, that robs even childhood of its innocence and joy, that the working classes are being driven by a force which acts upon them like a resistless and un pitying machine. The Boston collar manufacturer who pays his girls two cents an hour may commiserate their condition, but he, as they, is governed by the law of competition, and cannot pay more and carry on his business, for exchange is not governed by sentiment. And so, through all intermediate gradations, up to those who receive the earnings of labor without return, in the rent of land, it is the inexorable laws of supply and demand, a power with which the individual can no more quarrel or dispute than with the winds and the tides, that seem to press down the lower classes into the slavery of want.

But in reality, the cause is that which always has and always must result in slavery—the monopolization by some of what nature has designed for all.

Our boasted freedom necessarily involves slavery, so long as we recognize private property in land. Until that is abolished, Declarations of Independence and Acts of Emancipation are in vain. So long as one man can claim the exclusive ownership of the land from which other men must live, slavery will exist, and as material progress goes on, must grow and deepen!

This—and in previous chapters of this book we have traced the process, step by step—is what is going on in the civilized world to-day. Private ownership of land is the nether millstone. Material progress is the upper millstone. Between them, with an increasing pressure, the working classes are being ground.

CHAPTER III

CLAIM OF LAND OWNERS TO COMPENSATION

The truth is, and from this truth there can be no escape, that there is and can be no just title to an exclusive possession of the soil, and that private property in land is a bold, bare, enormous wrong, like that of chattel slavery.

The majority of men in civilized communities do not recognize this, simply because the majority of men do not think. With them whatever is, is right, until its wrongfulness has been frequently pointed out, and in general they are ready to crucify whoever first attempts this.

But it is impossible for any one to study political economy, even as at present taught, or to think at all upon the production and distribution of wealth, without seeing that property in land differs essentially from property in things of human production, and that it has no warrant in abstract justice.

This is admitted, either expressly or tacitly, in every standard work on political economy, but in general merely by vague admission or omission. Attention is in general called away from the truth, as a lecturer on moral philosophy in a slave-holding community might call away attention from too close a consideration of the natural rights of men, and private property in land is accepted without comment, as an existing fact, or is assumed to be necessary to the proper use of land and the existence of the civilized state.

The examination through which we have passed has proved conclusively that private property in land cannot be justified on the ground of utility—that, on the contrary, it is the great cause to which are to be traced the poverty, misery, and degradation, the social disease and the political weakness which are showing themselves so menacingly amid advancing civilization. Expediency, therefore, joins justice in demanding that we abolish it.

When expediency thus joins justice in demanding that we abolish an institution that has no broader base or stronger ground than a mere municipal regulation, what reason can there be for hesitation?

The consideration that seems to cause hesitation, even on the part of those who see clearly that land by right is common property, is the idea that having permitted land to be treated as private property for so long, we should in abolishing it be doing a wrong to those who have been suffered to base their calculations upon its permanence; that having permitted land to be held as rightful property, we should by the resumption of common rights be doing injustice to those who have purchased it with what was unquestionably their rightful property. Thus, it is held that if we abolish private property in land, justice requires that we should fully compensate those who now possess it, as the British Government, in abolishing the purchase and sale of military commissions, felt itself bound to compensate those who held commissions which they had purchased in the belief that they could sell them again, or as in abolishing slavery in the British West Indies \$100,000,000 was paid the slaveholders.

Even Herbert Spencer, who in his "Social Statics" has so clearly demonstrated the invalidity of every title by which the exclusive possession of land is claimed, gives countenance to this idea (though it seems to me incon-

sistently) by declaring that justly to estimate and liquidate the claims of the present landholders "who have either by their own acts or by the acts of their ancestors given for their estates equivalents of honestly-earned wealth," to be "one of the most intricate problems society will one day have to solve."

It is this idea that suggests the proposition, which finds advocates in Great Britain, that the government shall purchase at its market price the individual proprietorship of the land of the country, and it was this idea which led John Stuart Mill, although clearly perceiving the essential injustice of private property in land, to advocate, not a full resumption of the land, but only a resumption of accruing advantages in the future. His plan was that a fair and even liberal estimate should be made of the market value of all the land in the kingdom, and that future additions to that value, not due to the improvements of the proprietor, should be taken by the state.

To say nothing of the practical difficulties which such cumbrous plans involve, in the extension of the functions of government which they would require and the corruption they would beget, their inherent and essential defect lies in the impossibility of bridging over by any compromise the radical difference between wrong and right. Just in proportion as the interests of the land holders are conserved, just in that proportion must general interests and general rights be disregarded, and if land holders are to lose nothing of their special privileges, the people at large can gain nothing. To buy up individual property rights would merely be to give the land holders in another form a claim of the same kind and amount that their possession of land now gives them; it would be to raise for them by taxation the same proportion of the earnings of labor and capital that they are now enabled to appropriate in rent. Their

unjust advantage would be preserved and the unjust disadvantage of the non-landholders would be continued. To be sure there would be a gain to the people at large when the advance of rents had made the amount which the land holders would take under the present system greater than the interest upon the purchase price of the land at present rates, but this would be only a future gain, and in the meanwhile there would not only be no relief, but the burden imposed upon labor and capital for the benefit of the present land holders would be much increased. For one of the elements in the present market value of land is the expectation of future increase of value, and thus, to buy up the lands at market rates and pay interest upon the purchase money would be to saddle producers not only with the payment of actual rent, but with the payment in full of speculative rent. Or to put it in another way: The land would be purchased at prices calculated upon a lower than the ordinary rate of interest (for the prospective increase in land values always makes the market price of land much greater than would be the price of anything else yielding the same present return), and interest upon the purchase money would be paid at the ordinary rate. Thus, not only all that the land yields them now would have to be paid the land owners, but a considerably larger amount. It would be, virtually, the state taking a perpetual lease from the present land holders at a considerable advance in rent over what they now receive. For the present the state would merely become the agent of the land holders in the collection of their rents, and would have to pay over to them not only what they received, but considerably more.

Mr. Mill's plan for nationalizing the future "unearned increase in the value of land," by fixing the present market value of all lands and appropriating to the state future increase in value, would not add to the injustice

of the present distribution of wealth, but it would not remedy it. Further speculative advance of rent would cease, and in the future the people at large would gain the difference between the increase of rent and the amount at which that increase was estimated in fixing the present value of land, in which, of course, prospective, as well as present, value is an element. But it would leave, for all the future, one class in possession of the enormous advantage over others which they now have. All that can be said of this plan is, that it might be better than nothing.

Such inefficient and impracticable schemes may do to talk about, where any proposition more efficacious would not at present be entertained, and their discussion is a hopeful sign, as it shows the entrance of the thin end of the wedge of truth. Justice in men's mouths is cringingly humble when she first begins a protest against a time-honored wrong, and we of the English-speaking nations still wear the collar of the Saxon thrall, and have been educated to look upon the "vested rights" of land owners with all the superstitious reverence that ancient Egyptians looked upon the crocodile. But when the times are ripe for them, ideas grow, even though insignificant in their first appearance. One day, the Third Estate covered their heads when the king put on his hat. A little while thereafter, and the head of a son of St. Louis rolled from the scaffold. The anti-slavery movement in the United States commenced with talk of compensating owners, but when four millions of slaves were emancipated, the owners got no compensation, nor did they clamor for any. And by the time the people of any such country as England or the United States are sufficiently aroused to the injustice and disadvantages of individual ownership of land to induce them to attempt its nationalization, they will be sufficiently aroused to nationalize it in a much more direct and easy

way than by purchase. They will not trouble themselves about compensating the proprietors of land.

Nor is it right that there should be any concern about the proprietors of land. That such a man as John Stuart Mill should have attached so much importance to the compensation of land owners as to have urged the confiscation merely of the future increase in rent, is explainable only by his acquiescence in the current doctrines that wages are drawn from capital and that population constantly tends to press upon subsistence. These blinded him as to the full effects of the private appropriation of land. He saw that "the claim of the land holder is altogether subordinate to the general policy of the state," and that "when private property in land is not expedient, it is unjust,"* but, entangled in the toils of the Malthusian doctrine, he attributed, as he expressly states in a paragraph I have previously quoted, the want and suffering that he saw around him to "the niggardliness of nature, not to the injustice of man," and thus to him the nationalization of land seemed comparatively a little thing, that could accomplish nothing toward the eradication of pauperism and the abolition of want—ends that could be reached only as men learned to repress a natural instinct. Great as he was and pure as he was—warm heart and noble mind—he yet never saw the true harmony of economic laws, nor realized how from this one great fundamental wrong flow want and misery, and vice and shame. Else he could never have written this sentence: "The land of Ireland, the land of every country, belongs to the people of that country. The individuals called land owners have no right in morality and justice to anything but the rent, or compensation for its salable value."

In the name of the Prophet—figs! If the land of any country belong to the people of that country, what

* Principles of Political Economy, Book I, Chap. 2, Sec. 6.

right, in morality and justice, have the individuals called land owners to the rent? If the land belong to the people, why in the name of morality and justice should the people pay its salable value for their own?

Herbert Spencer says: * "*Had* we to deal with the parties who originally robbed the human race of its heritage, we might make short work of the matter." Why not make short work of the matter anyhow? For this robbery is not like the robbery of a horse or a sum of money, that ceases with the act. It is a fresh and continuous robbery, that goes on every day and every hour. It is not from the produce of the past that rent is drawn; it is from the produce of the present. It is a toll levied upon labor constantly and continuously. Every blow of the hammer, every stroke of the pick, every thrust of the shuttle, every throb of the steam engine, pay it tribute. It levies upon the earnings of the men who, deep under ground, risk their lives, and of those who over white surges hang to reeling masts; it claims the just reward of the capitalist and the fruits

* Social Statics, page 142. [It may be well to say in the new reprint of this book (1897) that this and all other references to Herbert Spencer's "Social Statics" are from the edition of that book published by D. Appleton & Co., New York, with his consent, from 1864 to 1892. At that time "Social Statics" was repudiated, and a new edition under the name of "Social Statics, abridged and revised," has taken its place. From this, all that the first Social Statics had said in denial of property in land has been eliminated, and it of course contains nothing here referred to. Mr. Spencer has also been driven by the persistent heckling of the English single tax men, who insisted on asking him the questions suggested in the first Social Statics, to bring out a small volume, entitled "Mr. Herbert Spencer on the Land Question," in which are reprinted in parallel columns Chapter IX of Social Statics, with what he considers valid answers to himself as given in "Justice," 1891. This has also been reprinted by D. Appleton & Co., and constitutes, I think, the very funniest answer to himself ever made by a man who claimed to be a philosopher.]

of the inventor's patient effort; it takes little children from play and from school, and compels them to work before their bones are hard or their muscles are firm; it robs the shivering of warmth; the hungry, of food; the sick, of medicine; the anxious, of peace. It debases, and embrates, and embitters. It crowds families of eight and ten into a single squalid room; it herds like swine agricultural gangs of boys and girls; it fills the gin palace and groggery with those who have no comfort in their homes; it makes lads who might be useful men candidates for prisons and penitentiaries; it fills brothels with girls who might have known the pure joy of motherhood; it sends greed and all evil passions prowling through society as a hard winter drives the wolves to the abodes of men; it darkens faith in the human soul, and across the reflection of a just and merciful Creator draws the veil of a hard, and blind, and cruel fate!

It is not merely a robbery in the past; it is a robbery in the present—a robbery that deprives of their birthright the infants that are now coming into the world! Why should we hesitate about making short work of such a system? Because I was robbed yesterday, and the day before, and the day before that, is it any reason that I should suffer myself to be robbed to-day and to-morrow? any reason that I should conclude that the robber has acquired a vested right to rob me?

If the land belong to the people, why continue to permit land owners to take the rent, or compensate them in any manner for the loss of rent? Consider what rent is. It does not arise spontaneously from land; it is due to nothing that the land owners have done. It represents a value created by the whole community. Let the land holders have, if you please, all that the possession of the land would give them in the

absence of the rest of the community. But rent, the creation of the whole community, necessarily belongs to the whole community.

Try the case of the land holders by the maxims of the common law by which the rights of man and man are determined. The common law we are told is the perfection of reason, and certainly the land owners cannot complain of its decision, for it has been built up by and for land owners. Now what does the law allow to the innocent possessor when the land for which he paid his money is adjudged rightfully to belong to another? Nothing at all. That he purchased in good faith gives him no right or claim whatever. The law does not concern itself with the "intricate question of compensation" to the innocent purchaser. The law does not say, as John Stuart Mill says: "The land belongs to A, therefore B who has thought himself the owner has no right to anything but the rent, or compensation for its salable value." For that would be indeed like a famous fugitive slave case decision in which the Court was said to have given the law to the North and the nigger to the South. The law simply says: "The land belongs to A, let the Sheriff put him in possession!" It gives the innocent purchaser of a wrongful title no claim, it allows him no compensation. And not only this, it takes from him all the improvements that he has in good faith made upon the land. You may have paid a high price for land, making every exertion to see that the title is good; you may have held it in undisturbed possession for years without thought or hint of an adverse claimant; made it fruitful by your toil or erected upon it a costly building of greater value than the land itself, or a modest home in which you hope, surrounded by the fig-trees you have planted and the vines you have dressed, to pass your declining days; yet if Quirk, Gammon & Snap can mouse out a technical flaw in your parchments or hunt up some forgotten heir who never

dreamed of his rights, not merely the land, but all your improvements, may be taken away from you. And not merely that. According to the common law, when you have surrendered the land and given up your improvements, you may be called upon to account for the profits you derived from the land during the time you had it.

Now if we apply to this case of *The People vs. The Land Owners* the same maxims of justice that have been formulated by land owners into law, and are applied every day in English and American courts to disputes between man and man, we shall not only not think of giving the land holders any compensation for the land, but shall take all the improvements and whatever else they may have as well.

But I do not propose, and I do not suppose that any one else will propose, to go so far. It is sufficient if the people resume the ownership of the land. Let the land owners retain their improvements and personal property in secure possession.

And in this measure of justice would be no oppression, no injury to any class. The great cause of the present unequal distribution of wealth, with the suffering, degradation, and waste that it entails, would be swept away. Even land holders would share in the general gain. The gain of even the large land holders would be a real one. The gain of the small land holders would be enormous. For in welcoming Justice, men welcome the handmaid of Love. Peace and Plenty follow in her train, bringing their good gifts, not to some, but to all.

How true this is, we shall hereafter see.

If in this chapter I have spoken of justice and expediency as if justice were one thing and expediency another, it has been merely to meet the objections of those who so talk. In justice is the highest and truest expediency.

CHAPTER IV

PRIVATE PROPERTY IN LAND HISTORICALLY CONSIDERED

What more than anything else prevents the realization of the essential injustice of private property in land and stands in the way of a candid consideration of any proposition for abolishing it, is that mental habit which makes anything that has long existed seem natural and necessary.

We are so used to the treatment of land as individual property, it is so thoroughly recognized in our laws, manners, and customs, that the vast majority of people never think of questioning it; but look upon it as necessary to the use of land. They are unable to conceive, or at least it does not enter their heads to conceive, of society as existing or as possible without the reduction of land to private possession. The first step to the cultivation or improvement of land seems to them to get for it a particular owner, and a man's land is looked on by them as fully and as equitably his, to sell, to lease, to give, or to bequeath, as his house, his cattle, his goods, or his furniture. The "sacredness of property" has been preached so constantly and effectively, especially by those "conservators of ancient barbarism," as Voltaire styled the lawyers, that most people look upon the private ownership of land as the very foundation of civilization, and if the resumption of land as common property is suggested, think of it at first blush either as a chimerical vagary, which never has and never can be realized, or as a proposition to overturn

society from its base and bring about a reversion to barbarism.

If it were true that land had always been treated as private property, that would not prove the justice or necessity of continuing so to treat it, any more than the universal existence of slavery, which might once have been safely affirmed, would prove the justice or necessity of making property of human flesh and blood.

Not long ago monarchy seemed all but universal, and not only the kings but the majority of their subjects really believed that no country could get along without a king. Yet, to say nothing of America, France now gets along without a king; the Queen of England and Empress of India has about as much to do with governing her realms as the wooden figurehead of a ship has in determining its course, and the other crowned heads of Europe sit, metaphorically speaking, upon barrels of nitro-glycerine.

Something over a hundred years ago, Bishop Butler, author of the famous Analogy, declared that "a constitution of civil government without any religious establishment is a chimerical project of which there is no example." As for there being no example, he was right. No government at that time existed, nor would it have been easy to name one that ever had existed, without some sort of an established religion; yet in the United States we have since proved by the practice of a century that it is possible for a civil government to exist without a state church.

But while, were it true, that land had always and everywhere been treated as private property would not prove that it should always be so treated, this is *not* true. On the contrary, the common right to land has everywhere been primarily recognized, and private ownership has nowhere grown up save as the result of usurpation. The primary and persistent perceptions

of mankind are that all have an equal right to land, and the opinion that private property in land is necessary to society is but an offspring of ignorance that cannot look beyond its immediate surroundings—an idea of comparatively modern growth, as artificial and as baseless as that of the right divine of kings.

The observations of travelers, the researches of the critical historians who within a recent period have done so much to reconstruct the forgotten records of the people, the investigations of such men as Sir Henry Maine, Emile de Laveleye, Professor Nasse of Bonn, and others, into the growth of institutions, prove that wherever human society has formed, the common right of men to the use of the earth has been recognized, and that nowhere has unrestricted individual ownership been freely adopted. Historically, as ethically, private property in land is robbery. It nowhere springs from contract; it can nowhere be traced to perceptions of justice or expediency; it has everywhere had its birth in war and conquest, and in the selfish use which the cunning have made of superstition and law.

Wherever we can trace the early history of society, whether in Asia, in Europe, in Africa, in America, or in Polynesia, land has been considered, as the necessary relations which human life has to it would lead to its consideration—as common property, in which the rights of all who had admitted rights were equal. That is to say, that all members of the community, all citizens, as we should say, 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 particular and exclusive right in things which are the result of labor, nor was it abandoned when the development of agriculture had imposed the necessity of recognizing exclusive possession of land in order to secure the exclusive enjoyment of the results

of the labor expended in cultivating it. The division of land between the industrial units, whether families, joint families, or individuals, went only as far as was necessary for that purpose, pasture and forest lands being retained as common, and equality as to agricultural land being secured, either by a periodical re-division, as among the Teutonic races, or by the prohibition of alienation, as in the law of Moses.

This primary adjustment still exists, in more or less intact form, in the village communities of India, Russia, and the Slavonic countries yet, or until recently, subjected to Turkish rule; in the mountain cantons of Switzerland; among the Kabyles in the north of Africa, and the Kaffirs in the south; among the native population of Java, and the aborigines of New Zealand—that is to say, wherever extraneous influences have left intact the form of primitive social organization. That it everywhere existed has been within late years abundantly proved by the researches of many independent students and observers, and which are, to my knowledge, best summarized in the "Systems of Land Tenure in Various Countries," published under authority of the Cobden Club, and in M. Emile de Laveleye's "Primitive Property," to which I would refer the reader who desires to see this truth displayed in detail.

"In all primitive societies," says M. de Laveleye, as the result of an investigation which leaves no part of the world unexplored—"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."

If M. de Laveleye be right in this conclusion, and

that he is right there can be no doubt, how, it will be asked, has the reduction of land to private ownership become so general?

The causes which have operated to supplant this original idea of the equal right to the use of land by the idea of exclusive and unequal rights may, I think, be everywhere vaguely but certainly traced. They are everywhere the same which have led to the denial of equal personal rights and to the establishment of privileged classes.

These causes may be summarized as the concentration of power in the hands of chieftains and the military class, consequent on a state of warfare, which enabled them to monopolize common lands; the effect of conquest, in reducing the conquered to a state of predial slavery, and dividing their lands among the conquerors, and in disproportionate share to the chiefs; the differentiation and influence of a sacerdotal class, and the differentiation and influence of a class of professional lawyers, whose interests were served by the substitution of exclusive, in place of common, property in land*—inequality once produced always tending to greater inequality, by the law of attraction.

It was the struggle between this idea of equal rights to the soil and the tendency to monopolize it in individual possession, that caused the internal conflicts of Greece and Rome; it was the check given to this tendency—in Greece by such institutions as those of Lycurgus and Solon, and in Rome by the Licinian Law and subsequent divisions of land—that gave to each their days of strength and glory; and it was the final triumph of this tendency that destroyed both. Great

*The influence of the lawyers has been very marked in Europe, both on the continent and in Great Britain, in destroying all vestiges of the ancient tenure, and substituting the idea of the Roman law, exclusive ownership.

estates ruined Greece, as afterward "great estates ruined Italy,"* and as the soil, in spite of the warnings of great legislators and statesmen, passed finally into the possession of a few, population declined, art sank, the intellect became emasculate, and the race in which humanity had attained its most splendid development became a by-word and reproach among men.

The idea of absolute individual property in land, which modern civilization derived from Rome, reached its full development there in historic times. When the future mistress of the world first looms up, each citizen had his little homestead plot, which was inalienable, and the general domain—"the corn-land which was of public right"—was subject to common use, doubtless under regulations or customs which secured equality, as in the Teutonic mark and Swiss allmend. It was from this public domain, constantly extended by conquest, that the patrician families succeeded in carving their great estates. These great estates by the power with which the great attracts the less, in spite of temporary checks by legal limitation and recurring divisions, finally crushed out all the small proprietors, adding their little patrimonies to the *latifundia* of the enormously rich, while they themselves were forced into the slave gangs, became rent-paying *colonii*, or else were driven into the freshly conquered foreign provinces, where land was given to the veterans of the legions; or to the metropolis, to swell the ranks of the proletariat who had nothing to sell but their votes.

Cæsarism, soon passing into an unbridled despotism of the Eastern type, was the inevitable political result, and the empire, even while it embraced the world, became in reality a shell, kept from collapse only by the healthier life of the frontiers, where the land had been divided among military settlers or the primitive usage^s

* *Latifundia perdidere Italiam.—Pliny.*

longer survived. But the *latifundia*, which had devoured the strength of Italy, crept steadily outward, carving the surface of Sicily, Africa, Spain, and Gaul into great estates cultivated by slaves or tenants. The hardy virtues born of personal independence died out, an exhaustive agriculture impoverished the soil, and wild beasts supplanted men, until at length, with a strength nurtured in equality, the barbarians broke through; Rome perished; and of a civilization once so proud nothing was left but ruins.

Thus came to pass that marvelous thing, which at the time of Rome's grandeur would have seemed as impossible as it seems now to us that the Comanches or Flatheads should conquer the United States, or the Laplanders should desolate Europe. The fundamental cause is to be sought in the tenure of land. On the one hand, the denial of the common right to land had resulted in decay; on the other, equality gave strength.

"Freedom," says M. de Laveleye ("Primitive Property," p. 116), "freedom, and, as a consequence, the ownership of an undivided share of the common property, to which the head of every family in the clan was equally entitled, were in the German village essential rights. This system of absolute equality impressed a remarkable character on the individual, which explains how small bands of barbarians made themselves masters of the Roman Empire, in spite of its skillful administration, its perfect centralization and its civil law, which has preserved the name of written reason."

It was, on the other hand, that the heart was eaten out of that great empire. "Rome perished," says Professor Seeley, "from the failure of the crop of men."

In his lectures on the "History of Civilization in Europe," and more elaborately in his lectures on the "History of Civilization in France," M. Guizot has vividly described the chaos that in Europe succeeded

the fall of the Roman Empire—a chaos which, as he says, “carried all things in its bosom,” and from which the structure of modern society was slowly evolved. It is a picture which cannot be compressed into a few lines, but suffice it to say that the result of this infusion of rude but vigorous life into Romanized society was a disorganization of the German, as well as the Roman structures—both a blending and an admixture of the idea of common rights in the soil with the idea of exclusive property, substantially as occurred in those provinces of the Eastern Empire subsequently overrun by the Turks. The feudal system, which was so readily adopted and so widely spread, was the result of such a blending; but underneath, and side by side with the feudal system, a more primitive organization, based on the common rights of the cultivators, took root or revived, and has left its traces all over Europe. This primitive organization, which allots equal shares of cultivated ground and the common use of uncultivated ground, and which existed in Ancient Italy as in Saxon England, has maintained itself beneath absolutism and serfdom in Russia, beneath Moslem oppression in Servia, and in India has been swept, but not entirely destroyed, by wave after wave of conquest, and century after century of oppression.

The feudal system, which is not peculiar to Europe, but seems to be the natural result of the conquest of a settled country by a race among whom equality and individuality are yet strong, clearly recognized, in theory at least, that the land belongs to society at large, not to the individual. Rude outcome of an age in which might stood for right as nearly as it ever can (for the idea of right is ineradicable from the human mind, and must in some shape show itself even in the association of pirates and robbers), the feudal system yet admitted in no one the uncontrolled and exclusive

right to land. A fief 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 in its possession were involved duties, by which the enjoyer of its revenues was supposed to render back to the commonwealth an equivalent for the benefits which from the delegation of the common right he received.

In the feudal scheme the crown lands supported public expenditures which are now included in the civil list; the church lands defrayed the cost of public worship and instruction, of the care of the sick and of the 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; while the military tenures provided for the public defense. In the obligation under which the military tenant lay to bring into the field such and such a force when need should be, as well as in the aid he had to give when the sovereign's eldest son was knighted, his daughter married, or the sovereign himself made prisoner of war, was a rude and inefficient recognition, but still unquestionably a recognition, of the fact, obvious to the natural perceptions of all men, that land is not individual but common property.

Nor yet was the control of the possessor of land allowed to extend beyond his own life. Although the principle of inheritance soon displaced the principle of selection, as where power is concentrated it always must, yet feudal law required that there should always be some representative of a fief, capable of discharging the duties as well as of receiving the benefits which were annexed to a landed estate, and who this should be was not left to individual caprice, but rigorously determined

in advance. Hence wardship and other feudal incidents. The system of primogeniture and its outgrowth, the entail, were in their beginnings not the absurdities they afterward became.

The basis of the feudal system was the absolute ownership of the land, an idea which the barbarians readily acquired in the midst of a conquered population to whom it was familiar; but over this, feudalism threw a superior right, and the process of infeudation consisted of bringing individual dominion into subordination to the superior dominion, which represented the larger community or nation. Its units were the land owners, who by virtue of their ownership were absolute lords on their own domains, and who there performed the office of protection which M. Taine has so graphically described, though perhaps with too strong a coloring, in the opening chapter of his "Ancient Régime." The work of the feudal system was to bind together these units into nations, and to subordinate the powers and rights of the individual lords of land to the powers and rights of collective society, as represented by the suzerain or king.

Thus the feudal system, in its rise and development, was a triumph of the idea of the common right to land, changing an absolute tenure into a conditional tenure, and imposing peculiar obligations in return for the privilege of receiving rent. And during the same time, the power of land ownership was trenched, as it were, from below, the tenancy at will of the cultivators of the soil very generally hardening into tenancy by custom, and the rent which the lord could exact from the peasant becoming fixed and certain.

And amid the feudal system there remained, or there grew up, communities of cultivators, more or less subject to feudal dues, who tilled the soil as common property; and although the lords, where and when 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, in feudal ages, must have embraced a very large proportion of the area of most European countries. For in France (although the appropriations of these lands by the aristocracy, occasionally checked and rescinded by royal edict, had gone on for some centuries prior to the Revolution, and during the Revolution and First Empire large distributions and sales were made), the common or communal lands still amount, according to M. de Laveleye, to 4,000,000 hectares, or 9,884,400 acres. The extent of the common land of England during the feudal ages may be inferred from the fact that though inclosures by the landed aristocracy began during the reign of Henry VII, it is stated that no less than 7,660,413 acres of common lands were inclosed under Acts passed between 1710 and 1843, of which 600,000 acres have been inclosed since 1845; and it is estimated that there still remain 2,000,000 acres of common in England, though of course the most worthless parts of the soil.

In addition to these common lands, there existed in France, until the Revolution, and in parts of Spain, until our own day, a custom having all the force of law, by which cultivated lands, after the harvest had been gathered, became common for purposes of pasturage or travel, until the time had come to use the ground again; and in some places a custom by which any one had the right to go upon the ground which its owner neglected to cultivate, and there to sow and reap a crop in security. And if he chose to use manure for the first crop, he acquired the right to sow and gather a second crop without let or hindrance from the owner.

It is not merely the Swiss allmend, the Ditmarsh mark, the Servian and Russian village communities;

not merely the long ridges which on English ground, now the exclusive property of individuals, still enable the antiquarian to trace out the great fields in ancient time devoted to the triennial rotation of crops, and in which each villager was annually allotted his equal plot; not merely the documentary evidence which careful students have within late years drawn from old records; but the very institutions under which modern civilization has developed, which prove the universality and long persistence of the recognition of the common right to the use of the soil.

There still remain in our legal systems survivals that have lost their meaning, that, like the still existing remains of the ancient commons of England, point to this. The doctrine of eminent domain, existing as well in Mohammedan law, which makes the sovereign theoretically the only absolute owner of land, springs from nothing but the recognition of the sovereign as the representative of the collective rights of the people; primogeniture and entail, which still exist in England, and which existed in some of the American States a hundred years ago, are but distorted forms of what was once an outgrowth of the apprehension of land as common property. The very distinction made in legal terminology between real and personal property is but the survival of a primitive distinction between what was originally looked upon as common property and what from its nature was always considered the peculiar property of the individual. And the greater care and ceremony which are yet required for the transfer of land is but a survival, now meaningless and useless, of the more general and ceremonious consent once required for the transfer of rights which were looked upon, not as belonging to any one member, but to every member of a family or tribe.

The general course of the development of modern

civilization since the feudal period has been to the subversion of these natural and primary ideas of collective ownership in the soil. Paradoxical as it may appear, the emergence of liberty from feudal bonds has been accompanied by a tendency in the treatment of land to the form of ownership which involves the enslavement of the working classes, and which is now beginning to be strongly felt all over the civilized world, in the pressure of an iron yoke, which cannot be relieved by any extension of mere political power or personal liberty, and which political economists mistake for the pressure of natural laws, and workmen for the oppressions of capital.

This is clear—that in Great Britain to-day 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. A much smaller proportion of the people own the soil, and their ownership is much more absolute. The commons, once so extensive and so largely contributing to the independence and support of the lower classes, have, all but a small remnant of yet worthless land, been appropriated to individual ownership and inclosed; the great estates of the church, which were essentially common property devoted to a public purpose, have been diverted from that trust to enrich individuals; the dues of the military tenants have been shaken off, and the cost of maintaining the military establishment and paying the interest upon an immense debt accumulated by wars has been saddled upon the whole people, in taxes upon the necessaries and comforts of life. The crown lands have mostly passed into private possession, and for the support of the royal family and all the petty princelings who marry into it, the British workman must pay in the price of his mug of beer and pipe of tobacco. The English yeoman—the sturdy breed who won Crecy, and Poitiers, and Agin-

court—is as extinct as the mastodon. The Scottish clansman, whose right to the soil of his native hills was then as undisputed as that of his chieftain, has been driven out to make room for the sheep ranges or deer parks of that chieftain's descendant; the tribal right of the Irishman has been turned into a tenancy-at-will. Thirty thousand men have legal power to expel the whole population from five-sixths of the British Islands, and the vast majority of the British people have no right whatever to their native land save to walk the streets or trudge the roads. To them may be fittingly applied the words of a Tribune of the Roman People: "*Men of Rome,*" said Tiberius Gracchus—"men of Rome, you are called the lords of the world, yet have no right to a square foot of its soil! The wild beasts have their dens, but the soldiers of Italy have only water and air!"

The result has, perhaps, been more marked in England than anywhere else, but the tendency is observable everywhere, having gone further in England owing to circumstances which have developed it with greater rapidity.

The reason, I take it, that with the extension of the idea of personal freedom has gone on an extension of the idea of private property in land, is that as in the progress of civilization the grosser forms of supremacy connected with land ownership were dropped, or abolished, or became less obvious, attention was diverted from the more insidious, but really more potential forms, and the land owners were easily enabled to put property in land on the same basis as other property.

The growth of national power, either in the form of royalty or parliamentary government, stripped the great lords of individual power and importance, and of their jurisdiction and power over persons, and so repressed striking abuses, as the growth of Roman Imperialism repressed the more striking cruelties of slavery. The

disintegration of the large feudal estates, which, until the tendency to concentration arising from the modern tendency to production upon a large scale is strongly felt, operated to increase the number of land owners, and the abolition of the restraints by which land owners when population was sparser endeavored to compel laborers to remain on their estates also contributed to draw away attention from the essential injustice involved in private property in land; while the steady progress of legal ideas drawn from the Roman law, which has been the great mine and storehouse of modern jurisprudence, tended to level the natural distinction between property in land and property in other things. Thus, with the extension of personal liberty, went on an extension of individual proprietorship in land.

The political power of the barons was, moreover, not broken by the revolt of the classes who could clearly feel the injustice of land ownership. Such revolts took place, again and again; but again and again were they repressed with terrific cruelties. What broke the power of the barons was the growth of the artisan and trading classes, between whose wages and rent there is not the same obvious relation. These classes, too, developed under a system of close guilds and corporations, which, as I have previously explained in treating of trade combinations and monopolies, enabled them somewhat to fence themselves in from the operation of the general law of wages, and which were much more easily maintained than now, when the effect of improved methods of transportation, and the diffusion of rudimentary education and of current news, is steadily making population more mobile. These classes did not see, and do not yet see, that the tenure of land is the fundamental fact which must ultimately determine 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, and even steps backward have been taken, and been hailed, as steps in advance. The French Constituent Assembly, in 1789, thought it was sweeping away a relic of tyranny when it abolished tithes and imposed the support of the clergy on general taxation. The Abbé Sieyès stood alone when he told them that they were simply remitting to the proprietors a tax which was one of the conditions on which they held their lands, and reimposing it on the labor of the nation. But in vain. The Abbé Sieyès, being a priest, was looked on as defending the interests of his order, when in truth he was defending the rights of man. In those tithes, the French people might have retained a large public revenue which would not have taken one centime from the wages of labor or the earnings of capital.

And so the abolition of the military tenures in England by the Long Parliament, ratified after the accession of Charles II, though simply an appropriation of public revenues by the feudal land holders, who 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, has long been characterized, and is still held up in the law books, as a triumph of the spirit of freedom. Yet here is the source of the immense debt and heavy taxation of England. Had the form of these feudal dues been simply changed into one better adapted to the changed times, English wars need never have occasioned the incurring of debt to the amount of a single pound, and the labor and capital of England need not have been taxed a single farthing for the maintenance of a military establishment. All this would have come from rent, which the land holders since that time have appropriated to themselves—from the tax which land ownership levies on the earnings of labor and capital.

The land holders of England got their land on terms which required them even in the sparse population of Norman days to put in the field, upon call, sixty thousand perfectly equipped horsemen,* and on the further condition of various fines and incidents which amounted to a considerable part of the rent. It would probably be a low estimate to put the pecuniary value of these various services and dues at one-half the rental value of the land. Had the land holders been kept to this contract and no land been permitted to be inclosed 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. England to-day might have enjoyed absolute free trade. There need not have been a customs duty, an excise, license, or income tax, yet all the present expenditures could be met, and a large surplus remain to be devoted to any purpose which would conduce to the comfort or well-being of the whole people.

Turning back, wherever there is light to guide us, we may everywhere see that in their first perceptions, all peoples have recognized the common ownership in land, and that private property is an usurpation, a creation of force and fraud.

As Madame de Stael said, "Liberty is ancient." Justice, if we turn to the most ancient records, will always be found to have the title of prescription.

* Andrew Bisset, in "The Strength of Nations," London, 1859, a suggestive work in which he calls the attention of the English people to this measure by which the land owners avoided the payment of their rent to the nation, disputes the statement of Blackstone that a knight's service was but for 40 days, and says it was during necessity.

CHAPTER V

OF PROPERTY IN LAND IN THE UNITED STATES

In the earlier stages of civilization we see that land is everywhere regarded as common property. And, turning from the dim past to our own times, we may see that natural perceptions are still the same, and that when placed under circumstances in which the influence of education and habit is weakened, men instinctively recognize the equality of right to the bounty of nature.

The discovery of gold in California brought together in a new country men who had been used to look on land as the rightful subject of individual property, and of whom probably not one in a thousand had ever dreamed of drawing any distinction between property in land and property in anything else. But, for the first time in the history of the Anglo-Saxon race, these men were brought into contact with land from which gold could be obtained by the simple operation of washing it out.

Had the land with which they were thus called upon to deal been agricultural, or grazing, or forest land, of peculiar richness; had it been land which derived peculiar value from its situation for commercial purposes, or by reason of the water power which it afforded; or even had it contained rich mines of coal, iron or lead, the land system to which they had been used would have been applied, and it would have been reduced to private ownership in large tracts, as even the pueblo lands of

San Francisco, really the most valuable in the State, which by Spanish law had been set apart to furnish homes for the future residents of that city, were reduced, without any protest worth speaking of. But the novelty of the case broke through habitual ideas, and threw men back upon first principles, and it was by common consent declared that this gold-bearing land should remain common property, of which no one might take more than he could reasonably use, or hold for a longer time than he continued to use it. This perception of natural justice was acquiesced in by the General Government and the courts, and while placer mining remained of importance, no attempt was made to overrule this reversion to primitive ideas. The title to the land remained in the government, and no individual could acquire more than a possessory claim. The miners in each district fixed the amount of ground an individual could take and the amount of work that must be done to constitute use. If this work were not done, any one could re-locate the ground. Thus, no one was allowed to forestall or to lock up natural resources. Labor was acknowledged as the creator of wealth, was given a free field, and secured in its reward. The device would not have assured complete equality of rights under the conditions that in most countries prevail; but under the conditions that there and then existed—a sparse population, an unexplored country, and an occupation in its nature a lottery, it secured substantial justice. One man might strike an enormously rich deposit, and others might vainly prospect for months and years, but all had an equal chance. No one was allowed to play the dog in the manger with the bounty of the Creator. The essential idea of the mining regulations was to prevent forestalling and monopoly. Upon the same principle are based the mining laws of Mexico; and the same principle was adopted in Australia, in British

Columbia, and in the diamond fields of South Africa, for it accords with natural perceptions of justice.

With the decadence of placer mining in California, the accustomed idea of private property finally prevailed in the passage of a law permitting the patenting of mineral lands. The only effect is to lock up opportunities—to give the owner of mining ground the power of saying that no one else may use what he does not choose to use himself. And there are many cases in which mining ground is thus withheld from use for speculative purposes, just as valuable building lots and agricultural land are withheld from use. But while thus preventing use, the extension to mineral land of the same principle of private ownership which marks the tenure of other lands has done nothing for the security of improvements. The greatest expenditures of capital in opening and developing mines—expenditures that in some cases amounted to millions of dollars—were made upon possessory titles.

Had the circumstances which beset the first English settlers in North America been such as to call their attention *de novo* to the question of land ownership, there can be no doubt that they would have reverted to first principles, just as they reverted to first principles in matters of government; and individual land ownership would have been rejected, just as aristocracy and monarchy were rejected. But while in the country from which they came this system had not yet fully developed itself, nor its effects been fully felt, the fact that in the new country an immense continent invited settlement prevented any question of the justice and policy of private property in land from arising. For in a new country, equality seems sufficiently assured if no one is permitted to take land to the exclusion of the rest. At first no harm seems to be done by treating this land as absolute property. There is plenty of land left for

those who choose to take it, and the slavery that in a later stage of development necessarily springs from the individual ownership of land is not felt.

In Virginia and to the South, where the settlement had an aristocratic character, the natural complement of the large estates into which the land was carved was introduced in the shape of negro slaves. But the first settlers of New England divided the land as, twelve centuries before, their ancestors had divided the land of Britain, giving to each head of a family his town lot and his seed lot, while beyond lay the free common. So far as concerned the great proprietors whom the English kings by letters patent endeavored to create, the settlers saw clearly enough the injustice of the attempted monopoly, and none of these proprietors got much from their grants; but the plentifulness of land prevented attention from being called to the monopoly which individual land ownership, even when the tracts are small, must involve when land becomes scarce. And so it has come to pass that the great republic of the modern world has adopted at the beginning of its career an institution that ruined the republics of antiquity; that a people who proclaim the inalienable rights of all men to life, liberty, and the pursuit of happiness have accepted without question a principle which, in denying the equal and inalienable right to the soil, finally denies the equal right to life and liberty; that a people who at the cost of a bloody war have abolished chattel slavery, yet permit slavery in a more widespread and dangerous form to take root.

The continent has seemed so wide, the area over which population might yet pour so vast, that familiarized by habit with the idea of private property in land, we have not realized its essential injustice. For not merely has this background of unsettled land prevented the full effect of private appropriation from being felt,

even in the older sections, but to permit a man to take more land than he could use, that he might compel those who afterwards needed it to pay him for the privilege of using it, has not seemed so unjust when others in their turn might do the same thing by going further on. And more than this, the very fortunes that have resulted from the appropriation of land, and that have thus really been drawn from taxes levied upon the wages of labor, have seemed, and have been heralded, as prizes held out to the laborer. In all the newer States, and even to a considerable extent in the older ones, our landed aristocracy is yet in its first generation. Those who have profited by the increase in the value of land have been largely men who began life without a cent. Their great fortunes, many of them running up high into the millions, seem to them, and to many others, as the best proofs of the justice of existing social conditions in rewarding prudence, foresight, industry, and thrift; whereas, the truth is that these fortunes are but the gains of monopoly, and are necessarily made at the expense of labor. But the fact that those thus enriched started as laborers hides this, and the same feeling which leads every ticket holder in a lottery to delight in imagination in the magnitude of the prizes has prevented even the poor from quarreling with a system which thus made many poor men rich.

In short, the American people have failed to see the essential injustice of private property in land, because as yet they have not felt its full effects. This public domain—the vast extent of land yet to be reduced to private possession, the enormous common to which the faces of the energetic were always turned, has been the great fact that, since the days when the first settlements began to fringe the Atlantic Coast, has formed our national character and colored our national thought. It is not that we have eschewed a titled aristocracy and

abolished primogeniture; that we elect all our officers from school director up to president; that our laws run in the name of the people, instead of in the name of a prince; that the State knows no religion, and our judges wear no wigs—that we have been exempted from the ills that Fourth of July orators used to point to as characteristic of the effete despotisms of the Old World. The general intelligence, the general comfort, the active invention, the power of adaptation and assimilation, the free, independent spirit, the energy and hopefulness that have marked our people, are not causes, but results—they have sprung from unfenced land. This public domain has been the transmuting force which has turned the thriftless, unambitious European peasant into the self-reliant Western farmer; it has given a consciousness of freedom even to the dweller in crowded cities, and has been a well-spring of hope even to those who have never thought of taking refuge upon it. The child of the people, as he grows to manhood in Europe, finds all the best seats at the banquet of life marked "taken," and must struggle with his fellows for the crumbs that fall, without one chance in a thousand of forcing or sneaking his way to a seat. In America, whatever his condition, there has always been the consciousness that the public domain lay behind him; and the knowledge of this fact, acting and reacting, has penetrated our whole national life, giving to it generosity and independence, elasticity and ambition. All that we are proud of in the American character; all that makes our conditions and institutions better than those of older countries, we may trace to the fact that land has been cheap in the United States, because new soil has been open to the emigrant.

But our advance has reached the Pacific. Further west we cannot go, and increasing population can but expand north and south and fill up what has been passed

over. North, it is already filling up the valley of the Red River, pressing into that of the Saskatchewan and pre-empting Washington Territory; south, it is covering Western Texas and taking up the arable valleys of New Mexico and Arizona.

The republic has entered upon a new era, an era in which the monopoly of the land will tell with accelerating effect. The great fact which has been so potent is ceasing to be. The public domain is almost gone—a very few years will end its influence, already rapidly failing. I do not mean to say that there will be no public domain. For a long time to come there will be millions of acres of public lands carried on the books of the Land Department. But it must be remembered that the best part of the continent for agricultural purposes is already overrun, and that it is the poorest land that is left. It must be remembered that what remains comprises the great mountain ranges, the sterile deserts, the high plains fit only for grazing. And it must be remembered that much of this land which figures in the reports as open to settlement is unsurveyed land, which has been appropriated by possessory claims or locations which do not appear until the land is returned as surveyed. California figures on the books of the Land Department as the greatest land State of the Union, containing nearly 100,000,000 acres of public land—something like one-twelfth of the whole public domain. Yet so much of this is covered by railroad grants or held in the way of which I have spoken; so much consists of untillable mountains or plains which require irrigation; so much is monopolized by locations which command the water, that as a matter of fact it is difficult to point the immigrant to any part of the State where he can take up a farm on which he can settle and maintain a family, and so men, weary of the quest, end by buying land or renting it on shares. It is not that there is any real scarcity

of land in California—for, an empire in herself, California will some day maintain a population as large as that of France—but appropriation has got ahead of the settler and manages to keep just ahead of him.

Some twelve or fifteen years ago the late Ben Wade of Ohio said, in a speech in the United States Senate, that by the close of this century every acre of ordinary agricultural land in the United States would be worth \$50 in gold. It is already clear that if he erred at all, it was in overstating the time. In the twenty-one years that remain of the present century, if our population keep on increasing at the rate which it has maintained since the institution of the government, with the exception of the decade which included the civil war, there will be an addition to our present population of something like forty-five millions, an addition of some seven millions more than the total population of the United States as shown by the census of 1870, and nearly half as much again as the present population of Great Britain. There is no question about the ability of the United States to support such a population and many hundreds of millions more, and, under proper social adjustments, to support them in increased comfort; but in view of such an increase of population, what becomes of the unappropriated public domain? Practically there will soon cease to be any. It will be a very long time before it is all in use; but it will be a very short time, as we are going, before all that men can turn to use will have an owner.

But the evil effects of making the land of a whole people the exclusive property of some do not wait for the final appropriation of the public domain to show themselves. It is not necessary to contemplate them in the future; we may see them in the present. They have grown with our growth, and are still increasing.

We plow new fields, we open new mines, we found new

cities; we drive back the Indian and exterminate the buffalo; we girdle the land with iron roads and lace the air with telegraph wires; we add knowledge to knowledge, and utilize invention after invention; we build schools and endow colleges; yet it becomes no easier for the masses of our people to make a living. On the contrary, it is becoming harder. The wealthy class is becoming more wealthy; but the poorer class is becoming more dependent. The gulf between the employed and the employer is growing wider; social contrasts are becoming sharper; as liveried carriages appear, so do barefooted children. We are becoming used to talk of the working classes and the propertied classes; beggars are becoming so common that where it was once thought a crime little short of highway robbery to refuse food to one who asked for it, the gate is now barred and the bulldog loosed, while laws are passed against vagrants which suggest those of Henry VIII.

We call ourselves the most progressive people on earth. But what is the goal of our progress, if these are its wayside fruits?

These are the results of private property in land—the effects of a principle that must act with increasing and increasing force. It is not that laborers have increased faster than capital; it is not that population is pressing against subsistence; it is not that machinery has made “work scarce;” it is not that there is any real antagonism between labor and capital—it is simply that land is becoming more valuable; that the terms on which labor can obtain access to the natural opportunities which alone enable it to produce are becoming harder and harder. The public domain is receding and narrowing. Property in land is concentrating. The proportion of our people who have no legal right to the land on which they live is becoming steadily larger.

Says the *New York World*: “A non-resident pro-

prietary, like that of Ireland, is getting to be the characteristic of large farming districts in New England, adding yearly to the nominal value of leasehold farms; advancing yearly the rent demanded, and steadily degrading the character of the tenantry." And the *Nation*, alluding to the same section, says: "Increased nominal value of land, higher rents, fewer farms occupied by owners; diminished product; lower wages; a more ignorant population; increasing number of women employed at hard, outdoor labor (surest sign of a declining civilization), and a steady deterioration in the style of farming—these are the conditions described by a cumulative mass of evidence that is perfectly irresistible."

The same tendency is observable in the new States, where the large scale of cultivation recalls the *latifundia* that ruined ancient Italy. In California a very large proportion of the farming land is rented from year to year, at rates varying from a fourth to even half the crop.

The harder times, the lower wages, the increasing poverty perceptible in the United States are but results of the natural laws we have traced—laws as universal and as irresistible as that of gravitation. We did not establish the republic when, in the face of principalities and powers, we flung the declaration of the inalienable rights of man; we shall never establish the republic until we practically carry out that declaration by securing to the poorest child born among us an equal right to his native soil! We did not abolish slavery when we ratified the Fourteenth Amendment; to abolish slavery we must abolish private property in land! Unless we come back to first principles, unless we recognize natural perceptions of equity, unless we acknowledge the equal right of all to land, our free institutions will be in vain; our common schools will be in vain; our discoveries and inventions will but add to the force that presses the masses down!