

Land Ownership and Morals

by ALEXANDER M. GOLDFINGER

The conception that the earth, which has endured for millions of years, belongs to all men, has been expressed by many. Among primitive tribes, as for instance the American Indians before colonization, the land was considered the source from which all men could derive their sustenance. Whence, then, came the idea of making land private property?

Primitive man sought to gratify his desires with the least exertion just as his progeny do today. Living with other men, he learned that when he killed a food animal and satisfied his hunger, it was easier and less energy-consuming to save part of the animal for the next day than again seek and kill his prey for food. But he also learned that unless he stood guard over his food other men would seek to satisfy their wants, and only by the show or use of force could he protect his source of food. When primitive man found a woman as a mate, he similarly had to guard her or else others might take her from him.

Our early ancestors learned from experience that constant vigilance to protect their possessions was a costly expenditure of energy, and so, to conserve their energy they made compacts—"if you will not take from me my food and my mate, I will not take from you your food and mate." Thus early we find that a sense of possession of a thing or a person became accepted as an aid to harmony.

But the idea of private ownership of land came much later. When man learned to cultivate the soil and to obtain his livelihood from agriculture, the energy he exerted in clearing a piece of land, cultivating it, seeding

and harvesting his crops gave him a sense of possession, or exclusive ownership of the land, and led to his desire to have his children reap the harvests when he was gone. But even this feeling was a long time in developing.

In ancient Rome, land was considered to be the possession of the tribe occupying it. It existed for the benefit of all individuals and was, by agreement, parcelled out for use. The user, however, was not deemed the owner. Non-use or misuse of land resulted in displacement of the family, and allotment to another family for more beneficial use.

In two respects, the Roman religion compelled the recognition of private ownership of land. The family burial ground and the family hearth on which were installed the *Lares* and *Penates*, the hearth gods, were looked upon as being sacred and belonged in perpetuity to the family which consecrated them.

As time passed, the Romans recognized the succession to possession and also to title of the eldest son of a land user (owner). If such an owner had no son, he was permitted to adopt one to succeed him. In time, a legal fiction was recognized whereby an owner might adopt his daughter as his son and "she" was permitted to succeed him. Finally, the Romans abolished all fictions and, first by custom and then by a law passed by the Senate, they authorized the succession of ownership of land was a privilege authorized and recognized by the people.

In feudal times, throughout Europe, land titles passed by the law of primogeniture to the eldest son or male

relative nearest to the existing owner. Land could not be sold or alienated, but its succession was fixed by law. Intrigue and murders were planned and committed by aspirants to the right of succession. This prevailed until mercantilism forced the abolition of feudal tenure.

It is interesting to note the effect which the recognition of private property in land had upon the code of morals of our ancestors and upon us. When it became accepted that a man's eldest son could inherit his land, the determination as to who were his offspring became a legal problem. To obviate many contestants for title, the law and the early Christian church established monogamy as the only acceptable standard of human conduct. In biblical times men had multiple wives and the morality of this custom was not questioned. When it became necessary to protect legal titles to land and estates, man devised this restrictive code of human conduct.

This discussion of our matrimonial concepts is not meant as a criticism of our legal and religious rules. Perhaps this was the only way to bring

order out of chaos in a world of private property rights. But this legally adopted moral code has had a profound and continuing effect upon man's psychological development. It must be clear to all that our ancestors recognized as concomitants of civilization, these private property rights, first in the things and people which primitive man wanted for his exclusive enjoyment, and later in land. That the recognition of private property rights in land is different from private property in *things made by man* is still obscure to many. Recognition of property rights in personal property has resulted in man's ability to specialize in production and then to exchange products with others so that more and better things could be enjoyed. Freedom and the advance of civilization emerged from the recognition of these rights. But the recognition of exclusive right to use land and prevent others from doing so, except at a stiff price to the enrichment of the exclusive owner, has had a retarding effect upon man's well-being and has brought misery and starvation to millions.

Noah D. Alper's Brief Cases

A FRAGMENT OF THE GREAT INIQUITY, OR THE POWER OF POWER

According to Ripley's column, Believe It or Not, "The Abbey of Fethard, Ireland, together with a vast estate, was granted by King Henry VIII to Sir Edward Butler on a perpetual lease—at a rental of \$1.28 a year."

CIVIC LEADER SEES SOMETHING

Edwin M. Clark, president of Civic Progress, Inc. and of the Southwestern Bell Telephone Company (St. Louis), was quoted in The St. Louis Globe Democrat as saying that he did not regard the net decline in assessed valuations downtown as a sign of decay. He warned, however, that if the trend of reducing land assessments and increasing building assessments continues it "will contribute materially to the tearing down of buildings to make way for parking lots and the like."