

letter from the editor

It is encouraging to see there is a growing awareness of the commons. This is partly through good historical research and partly through the pressing question of global warming. Research has shown how the commons have been eroded through land enclosure driving populations off the land into towns and cities, usually creating slums. Here the desire for monopoly of wealth has displaced natural human populations, as though they were secondary to wealth creation. All this has been accomplished through discarding the natural law tradition, which holds that all is common, and replacing it with purely *legal* entitlements which have no ground in the natural world. By the seventeenth century one even legally owned oneself and became property.

But apart from this history now becoming popular knowledge, and perhaps raising all kinds of difficult questions about present arrangements, there is also the now unavoidable challenge of global warming confronting the whole human race. This is the direct result of our unnatural relation with the earth, with nature at large. The erosion of the commons is nothing by comparison, yet both spring from the same cause: the misuse of the gifts of nature and the unjust treatment of our fellow human beings. One brings about the other and really they cannot be entirely separated.

A vivid image of our unnatural relation with the land is given by Simon Winchester in his book *Land: How the Hunger for Ownership Shaped the Modern World*. In Chapter 4 'At The Edge of the World' he traces the arbitrary borders between nations and how they came about. With few exceptions these borders bear no relation to the natural contours of the land. They are artificial boundaries made through agreements, often after wars or disputes. For example the border between Southern Ireland and Northern Ireland, created by division between Catholics and Protestants and having no relation to the landscape itself. Or the boundaries between the different States of America, mostly drawn in perfectly straight lines, a purely geometric imposition upon the land bearing no relation to its natural formation. Simon Winchester traces the various treaties and the conditions of their signing which established these national borders. These borders do not indicate natural boundaries between communities who have settled on the land, which would relate to the nature of the land itself and its natural provisions. Through the rise of modern industry the land has been largely artificially shaped by exploitation for resources and commercial advantage, regardless of either land or populations. Land and people are secondary. And this situation, according to Winchester, is because the desire for ownership is the primary drive of the modern world. The human species has, so to speak, defined itself as property owner. This applies as much to the producer as to the consumer. They are one and the same person.

There is no doubt that this is an unnatural situation. It is unnatural because it abuses the earth and because it brings about poverty and a host of subsequent injustices. Yet it is perfectly legal. It is fully supported by treaties, international laws and state legislation. Jurisprudence itself has become deformed through the un-circumscribed quest for ownership. "*And judgment is turned away backward, and justice standeth afar off: for truth is fallen in the street, and equity cannot enter*", as we read in Isaiah 59:14. That is to say, the modern quest for ownership is rooted in a fundamen-

tal misjudgement about the truth of our place in nature, and so "equity cannot enter". Modern jurisprudence is itself crippled and enslaved by a false conception of ownership. George himself argues in *A Perplexed Philosopher* that legalising anything to not legitimate it, and that law cannot make right what is against nature. Legislation cannot create ethics. On the contrary, it is justice that discloses what is lawful. This is not only something repeated many times in the Old Testament but is to be found in all ancient reflections on law.

This raises the question of the nature of the commons. There is a tendency to define the commons as that which belongs equally to all. But that is to define the commons in terms of ownership. Indeed, in terms of *human* ownership. But *ownership* does not apply to the commons. Our natural relation with the earth, the land, with nature, is not a relation of ownership at all. It is a relationship of *appropriate use*. The biosphere is not the property of any species. Contra Locke, I do not own an apple by eating it, any more that I own the sun by being warmed by it, or the air by breathing it. Nature is ordered by natural exchanges, not ownership. Ownership is a purely legal concept. That is to say, it can exist only through mutual agreement. It is because this has been long forgotten that modern law has been dominated by property law.

The commons, then, are not property belonging equally to all, any more than the sunlight belongs to all. Ownership is the wrong way of conceiving the commons, and using the notion of equality does not change that. So when George proposes that the land tax, after providing for all the responsibilities and duties of government, should be used for community benefits such as public libraries, parks, sports and arts facilities and so forth, we observe that none of these involve ownership, apart from state guardianship. They involve equal access of use.

A land tax seeks to prevent a *mutual benefit* from being misappropriated as *private property*. Even if the land tax were to be equally distributed to all, that would be to turn it into private ownership. It would cease to be a commons in exactly the same way as rentiering misappropriates a commons. Whether appropriated by one or many makes no difference. In other words, just as the commons cannot rightfully be regarded as anyone's property, neither can a land tax be rightfully regarded as anyone's property.

Once the notion of ownership is removed from the conception of the commons and from the land tax, then the question of what really constitutes ownership can be asked. It is clear then that it can only be the fruits of one's own labour. It cannot be a claim on anyone else's. In this way a right relation to the commons, to a land tax, and to labour is established. On this basis the responsibilities to community and to the natural environment can then also be established.



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