

### III

#### THE GREAT INJUSTICE

THE outstanding obstacle to the free enjoyment of our natural liberties is in our system of land ownership which makes possible monopoly of the gifts of the Creator and deprives many of all share in a common heritage. On this planet man must live, labor and die: our first need is for a spot in which to be born and our last need is for a grave in which to lie, and from the land and its attributes comes our every need. Can we imagine that this first essential of life and the storehouse from which all is derived were put here only for the benefit of a few? Does it square with the brotherhood of man or the fatherhood of God to suppose that some are His favorites, privileged to exploit the dispossessed?

Our phrasing of the rights of man Jefferson borrowed from Locke, who called the right to the pursuit of happiness the right to property, but, by either phrasing, the worker is entitled to all that his labor yields. Taking a part of it from him in taxation is a denial of this right and compels him to work for others who, without earning, enjoy what he produces. Why talk of "laissez-faire" when man has never been left free to enjoy his God-given opportunities and the full fruits of his labor?

Contrast the unqualified justification of private property with property in land. Land is the gift of God to all men, the product of no human toil, and title to it can never be on that basis. We use it, build upon it, plant orchards, and

sow crops; we discover minerals, open mines, drill wells, and harness waterfalls, and these things, the product of labor, are justly private property, but the land itself and its undeveloped resources are the common patrimony of all mankind.

Land titles have little ethical basis. What you produce is yours and what I produce is mine, for they have cost us of our life and liberty. Each has clear and moral title, and, if we exchange, each receives the title of the former possessor. But land titles, traced back to their origin, have no such basis. Their support is the flimsiest—conquest, robbery and murder, as in Nazi claims to the land of Jewish neighbors, or grants from kings, conquerors and usurpers who owned the land no more than you or I.

It may be amusing to quote from an article by Harold S. Bottenheim in the *Yale Law Journal*. A New Orleans lawyer who searched a title was taken to task for not carrying the search back to 1803. He replied: "Please be advised that in the year 1803 the United States of America acquired the territory of Louisiana from the Republic of France by purchase. The Republic of France had in turn acquired title from the Spanish Crown by conquest, the Spanish Crown having originally acquired title by virtue of the discoveries of one Christopher Columbus, a Genoese sailor, who had been duly authorized to embark upon his voyage of discovery by Isabella, Queen of Spain. Isabella, before granting such authority, had obtained the sanction of His Holiness the Pope. The Pope is the Vicar on Earth of Jesus Christ. Jesus Christ is the son and heir apparent of God. God made Louisiana."

It may be said that this search does carry back to the Maker, from whom title is ultimately derived. But there is a weak link in the chain. Did God make Louisiana for the Pope? Had the Pope any right to its disposition, and can

land titles be based on his assumption of ownership? It is true that landowners have bought in good faith, but the same argument would equally support the claim of the rustic who buys the Brooklyn Bridge from a sidewalk sharper. He, too, buys in good faith, but one can buy a title no better than that which the seller holds.

This may seem to imply that justice requires the annulment of land titles and the redistribution of the earth among all the children of men, but neither titles nor tenure should be disturbed, and a just sharing may be effected with no upheavals whatever.

In our involved lives we are prone to forget our absolute dependence upon the gifts of the Creator. We imagine that our livelihood is won by trading, but this is only a process of distribution having no direct connection with the production of men's needs. Living in a great apartment house and spending our days in occupations remote from fields and forests, we are not always conscious of the fact that all that man has and enjoys comes, in last analysis, from nature's storehouse. The expression "Mother Earth" is more than a metaphor: it is almost a literal truth, for she is the source of all life. Upon her depend not only material needs but higher things of the spirit, since, in mortal life, these, too, depend upon physical existence. Thomas Aquinas said, with a measure of truth, that before a man can be a good Christian he must be a good animal. To deny to some access to these basic resources means that they must labor for others before they can themselves live, and that is why the monopolization of the gifts of the Creator means a partial slavery.

This has been recognized by those of every creed and race throughout the centuries, and yet the iniquity persists. The Maoris of New Zealand refused to sell their lands in perpetuity because such sale would defraud the unborn of a

share in the common heritage. Tecumseh called on the Red Men to unite in maintaining a common and equal right in the land, "for it belongs to all for the use of each." The same truth was seen by Saint Chrysostom who said, "God gave the same earth to be cultivated by all," and asked, "Since therefore His bounty is common, how comes it that you have so many fields and your neighbor not even a clod of earth?"

Such statements could be multiplied indefinitely and from many sources. Lincoln said:

"The land, the earth, God gave to man for his home, sustenance and support: it should never be in the possession of any man, corporation, society or unfriendly government. . . . An individual, company or enterprise requiring land should have no more than they have in actual use in the prudent management of their legitimate business."

Turning to the heavy tomes of law, we find this recognition of the principle, that title to land is a very different thing from title to the products of labor. We can go back to Blackstone or even to the codes of Moses and find this doctrine substantiated by the highest legal authorities, and the constitution of our greatest state vests the ultimate title to all lands in the people.

With the disappearance of the frontier, land monopolization is an increasing menace, and conditions become worse as time passes, for there is a tendency to concentration of ownership. Graham Peace shows in his book, *The Great Iniquity*, what has happened in older countries. In England and Wales a tenth of one per cent of the people own three-quarters of the land: ninety-eight per cent own not one inch of what they call their native land, and in Scotland twenty-five persons own a third of all the land. With us, things are not so bad, though bad enough and growing

worse. In a typical American city of some two hundred thousand a third of the land is owned by a hundred and twenty-five families and in another city three families own land valued at seventy-five million dollars but actually worth a great deal more.

Concentration of ownership is a result of putting a premium on speculative ownership and penalizing productive use. This leads men to acquire more than legitimate needs, in the expectation of an unearned profit through the advance of the common life, and the fact that hopes are often doomed to disappointment does not annul the evil. In many a city there is congestion in central sections, while an outlying belt is held virtually idle, in expectation that the growth of the city will bring enhancement of values. Beyond that zone we reach a suburban area where building is taking place, driven beyond the normal line because, since values in more remote sections do not rise as rapidly, there is less inflation. This unhealthy growth brings hardships: those who must locate in the heart of the city pay very dearly in prices and in rents, while those forced to betake themselves to the outskirts face the problems of inaccessibility and of transportation. To serve outlying districts, streets, water supply, sewers, gas mains, electric lines, and a hundred services like the protection of police and fire departments must be extended through a wide unproductive area, and this waste must be paid for by municipalities, utility companies, and, ultimately, by consumers and taxpayers.

The causes of ruinous cycles of good times and bad are complex, but it is significant that speculative advance in the price of land generally precedes and provokes similar movements in other markets. The last war brought about a sudden increase in the demand for nearly everything: an immediate rise in the price of foodstuffs was reflected in demand for farm land and led many a farmer to increase his

acreage at inflated prices. Again living costs advanced, for all industry is keyed to agriculture, and we know what happened to the stock market. Then came peace: demand slackened, prices fell, and those with long-time commitments—and most of the land which changed hands was bought with borrowed money—could not meet their obligations. Sales, foreclosures and failures followed: banks collapsed, mortgages defaulted, the bubble was pricked and everything collapsed.

From the resulting depression we have not yet recovered, for any transitory improvement is built upon the same rotten foundations of the destructive and unstable demands of war. Whatever the future may bring, none of us will outlive the baneful effects of past follies. Millions are impoverished and made dependent on others; there is a colossal public debt, and, worst of all, we have become demoralized and look to the state to assume personal responsibilities and sell votes for jobs and doles.

To correct the causes of these evils no drastic change is necessary, and any reparceling out of equal shares in our common patrimony would be both impracticable and unjust. Each birth and death would call for a redistribution and for equality of holdings there is neither reason nor necessity. Our capabilities and our ways of life are very different: the rancher does not want a few inches on Wall Street nor does the city merchant want mountains, prairies and forests. There is no more reason for the redistribution of land, except by voluntary sale in a free market, than for the division of trackage and rolling stock among the shareholders of a railroad.

There is no dilemma in common ownership and exclusive tenure. Two brothers own a car together: must they smash it to bits to share in it, each taking three cylinders and pistons, two wheels, two doors and half the remaining junk?

If we share ownership of a cow, must she be divided with a cleaver? Such folly would destroy nearly all the value and benefit no one. Let the joint owners use the car or drink the milk as they will, each paying into a common fund an agreed amount for each mile driven or each quart of milk consumed, and, dividing the income, they share as equitably and far more profitably than by resort to sledge hammer and ax.

With land and its natural resources it is the same. To share in its benefits and to provide for the necessary diversity of holdings there need be no disturbance of titles. Each keeps what he has and uses it as he will, paying into our common treasury the fair annual value of the land, exclusive of all that has been added by man's labor. Collect the ground rents, to be returned to all in the benefits and services of that co-operative enterprise which we call government, and justice will be done to all.

From this reasoning George deducted his famous thesis, commonly called the single tax, that the state should derive its entire support from the collection of ground rents. The designation is an unfortunate one, for it implies that his is a mere plan of tax reform. But it is something far greater: it is a philosophy of freedom, justice, and the respect for man's life and for his rights to the property which his labor produces. It is the antithesis of communism.

Full insistence on property rights, individual and communal, brings us to the reason why interference with land titles would work injustice. The crops we sow, the orchards we plant, the buildings we erect, the mines and oil wells which we discover and develop, the values we create when we dig, grade, tunnel, fence, fertilize, drain or irrigate, are ours and in their ownership we must be protected, with no part of what our labor yields taken from us. Therefore, we must be assured of undisturbed tenure.

All our wants are met only by toil on land. The labor may be of the simplest, perhaps only of the felling of trees, the trapping of game, the heaping together of rocks, or the plucking of wild fruits; but labor is always required to make available and useful what nature offers. Of these two essentials, land and labor, the first is rigidly limited, for we can add nothing to our planet; but to the products of labor there is no limit if we have access to the land and its attributes and a willingness to toil. Buildings, locomotives, gadgets, or what you will, we can make till the end of time if we have land and its raw materials, but the land itself, with its native resources, is the only thing which we must have which we cannot produce. The lot you own I cannot duplicate, for each tract has peculiar attributes and endowments, if only such abstract qualities as space and fixed location.

If overemphasis seems to be placed on property rights, remember that these are rights to and not of property. Property has no rights whatever, for rights attach to men and not to things, and attempts to distinguish between the right to property and other natural rights leads only to confusion. Your shoes have no right to walk the pavement unless you are in them, and your car has no rights upon the highway, although your right to drive it there is unquestioned. Madison said: "The personal right to acquire property, which is a natural right, gives to property, when acquired, a right to protection as a social right," and the Supreme Court, in its wiser days, called property "the arch upon which civilized government rests," declaring, "that arch abandoned, everything was at stake and in danger." In the communist allegation that "property is theft" there is not a shadow of morality or of truth.