

# What is Property?

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## What is Property ?

*"Nothing is implied in property but the right of each to his (or her) own faculties."*—JOHN STUART MILL.

By what moral right can a man say "This is mine." It would be fortunate for all of us if the answer to that vital question were truly given and expressed in the statutes of nations. But, as I shall endeavour to prove, Parliaments, Kings and Dictators have made, and continue to make laws which conflict with the real rights of property, and from that mistake come half the troubles we suffer from to-day.

When thinking of property, we usually have in mind anything the ownership of which is legalised by the State. But that is not the question here concerned, for we shall discuss not what *is* but what *ought* to be legalised by the State. Quite apart from legal statutes and often conflicting with them, the civilised man intuitively feels that there are things which from the very fact of his being, do by right belong to him, whatever the State may happen to say, and that to take them from him is robbery. This instinctive feeling existed before any statute affecting the rights of property was enacted by Government, and continues to exist in spite of all statutes. It is the aim of this essay to make clear just what are the things which men instinctively and rightly regard as their private property and to distinguish them from others which cannot be made private property without doing a wrong.

## THINGS THAT ARE RIGHTLY PRIVATE PROPERTY.

We enter this world with wants which must be satisfied if we are to live. We also enter it endowed with faculties which enable us to satisfy those wants. Since every man has the right to live, it follows that every man is entitled to exercise the inborn faculties without which he cannot live, and from that it follows that every man has the moral right to possess and enjoy what results from the exercise of his faculties—which is to say that such things are by right his private property. The right of property thus arises from the right of a man to himself. Reduced to its simplest form it means that *what a man makes is his own* to use or not to use, give, lend, bequeath or trade in, provided only that in all he may do, he respects the equal right of his fellow man. Even as against the State itself, this right holds good.

## THINGS THAT CANNOT BE PRIVATE PROPERTY.

It will therefore be seen that productive labour or service is the essential title to property. The natural law of property being the law that gives the product to the producer, it follows that nothing can be any man's property which does not involve his labour. Thus are ruled out of the category of legitimate private property such things as the free gifts of Nature—sunshine, air, ocean and wind—all natural resources embraced in the term "land." John Stuart Mill put the matter in a nutshell when he said "Nothing is implied in property but the right of each to his (or her) own faculties." The essential principle of all property being to assure to all persons what they have produced by their labours, this principle cannot apply to what is not the product

of labour, the raw materials of the earth. A moment's thought will show that private ownership of the raw materials of the earth is the very negation of true property rights, for such ownership confers power to confiscate the fruits of other man's toil. The reasons which justify private property in labour products thus forbid it in land though at opposite extremes we find men who are blind to that fact.

## CONFUSIONS AS TO PROPERTY.

At one extreme we find schools who, failing to distinguish between Nature's free gifts and labour products, place them in the same category and then declare that *neither* should be private property. At the other extreme we find schools who also confuse the gifts of nature with labour products and then declare that *both* should be private property. Thus identification of things which are not produced by labour with things which are produced by labour leads opposed schools to opposite and equally wrong conclusions. If we are to think clearly, it is absolutely necessary that this confusion be avoided. Taken in conjunction with the self-evident truth—"to the producer belongs the product"—we arrive at two simple principles both of which are self-evident :

- (1) That all men have equal rights to the use and enjoyment of the elements provided by Nature ;
- (2) That each man has an exclusive right to the use and enjoyment of what is produced by his own labour.

## COMMON PROPERTY AND PRIVATE PROPERTY

There is no conflict between these two principles. On the contrary they are complimentary, for to secure



fully the right of each individual to the product of his labour, we *must* treat the elements of Nature as common property. If anyone could claim the sunlight as his private property he could compel his fellow men to pay for the agency of the sun in the growth of the crops they had planted. This would necessarily lessen their right of property in the product of their labour, and conversely where everyone is secured the full right of property in the product of his labour, no one can have any right of property in what is not the product of labour. No matter how complex our industrial organization, nor how highly developed our civilization, there is, as we shall see, no real difficulty in carrying out these two principles.

#### HOW COMMON PROPERTY ARISES.

Though the right of private property in what individuals produce by their labour must be distinguished from the right of common property, both are vindicated on the same grounds and completely harmonise.

As soon as men begin to live in communities and communal needs arise, there comes into existence a fund which is not in any way due to the individual activity of any man. This fund arises in the following way :—

Men working singly do not labour so effectively as men working together in co-operation or mutual helpfulness. Many tasks altogether impossible to men working singly are quite easy to men working into each others hands in communities. I cannot say whether there is any record of men so primitive as to pursue their labours in complete isolation, but if so, we may be certain that their production was of the very lowest. Such a people must have been uncivilised in every sense of the term, since working together in association is the essence of the civilised state. But if such men ever did

exist we may imagine them, as time went on, making the discovery that by living in communities and working together, the productiveness of their labour could be greatly increased. With no more exertion than before they would find production per head increasing and the general level of comfort rising. As the years passed by, this working in association, *i.e.*, this civilisation would continue to develop to the great advantage of the whole people both material and moral. The point I wish to make is *that this increased wealth or wellbeing would be secured without any increased effort on the part of any individual*. It would come from a source quite distinct from any individual activity. It would arise solely from men's obedience to their social instincts and from working together in mutual service instead of in isolation. This increased wealth is, in a word, the product of communal labour as distinct from the product of individual labour, and is therefore rightfully due to society as a whole, to be used to satisfy communal wants as distinct from individual wants.

#### CAN COMMON PROPERTY BE SEPARATED FROM PRIVATE PROPERTY?

At this stage the question arises : Is it possible to discover what part of the total product is due to individual effort and what part to co-operative effort? Just here a law of Nature, both beautiful and benevolent, unfolds itself to our view. This law is that so long as men live apart, land has no selling value, but that directly they begin to live in communities and work in co-operation, it acquires a selling value which steadily increases as the community grows in numbers and acquires knowledge of the arts of production. But what specially concerns us is the fact that this selling value of land reflects as in a mirror with marvellous accuracy the stage of co-operation or civilisation attained.

This value of land comes into being with the community, grows with the community, and disappears with the community. It rises and falls as the arts, the sciences and the powers of production rise and fall. And it rises and falls as the efficiency of public services rise and fall.

*Here is the Communal Fund* and if appropriated to public use, not only will the community in its corporate capacity come by its own, but each individual will be left in secure possession of all that comes from his individual labour *which is his true private property.*

#### HOW COMMON PROPERTY AND PRIVATE PROPERTY HARMONISE.

To assert this right of men collectively to the common fund as reflected in the value of land, and of men individually to their own earnings, all we need do is to call on those who have exclusive use of land to pay its rent or land value into the common purse. For any one of them to enclose land, saying "This is mine" without recompensing the community which gives him this privilege is a fundamental denial of justice. But when he comes to terms with the community by payment of rent into the common purse *he earns the right to exclusive use of the common inheritance and to full private property in what remains of the product after rent to the community is paid.*

#### HOW PROPERTY RIGHTS ARE VIOLATED.

But, ignoring the moral principle on which both private and common property are based—the principle that to the producer belongs the product—the state violates the rights of both, for it allows individuals to appropriate Land Value and having thus given away what belongs to the whole people, is driven to get its

revenue through such expedients as food taxes, house taxes, tariff taxes and industry taxes, thus taking from individual producers what is theirs before all the world.

By taxing individual producers on their industry it takes from them what is theirs.

By giving to privileged individuals what belongs to the community—the value of land—and by taking for the community what belongs to the individual—the fruit of his toil—the state inverts the natural order and leave all in chaos.

#### COMMUNISM AND SPURIOUS PROPERTY.

This state violation of property rights has obscured the natural law of property and has created in many minds violent prejudice against property of *every* kind. Through failure to distinguish between true property and false property comes, in some minds, the hatred of *all* property. Men like Proudhon branded *all* property as robbery, and if all property were in truth of the spurious kind which does not imply the exertion of labour in production but only the power to take what others produce, the description would certainly be justified. The two outstanding types of spurious property are property in men and property in Nature's bounties. The man who "owns" a slave takes from him the fruit of his toil and the man who levies tribute for permission to use the earth does the same. Both ways of getting wealth are but licensed spoliation for in neither case is service rendered in return for what is taken, though service for service is the very essence of a just distribution.

#### VESTED INTERESTS AND THE "SACRED RIGHTS OF PROPERTY."

Much is heard of the "Sacred Rights of Property" and curiously enough such talk commonly comes from

champions of vested interests who refuse to consider the ethics of property. But what such people really mean by "The Sacred Rights of Property" and what they are anxious to preserve are not the true rights of property but the power. The few who possess wealth now wield over the many who are rendered helpless through being denied access to the earth except on terms dictated by its "owners." The man who is left with nothing to sell but his labour is at the mercy of those who can buy that labour. This power over others is the power which Tennyson's "Northern Farmer" had in mind, but with "rights of property" such as this, true rights of property have nothing in common.

### THE DISTRIBUTION OF PROPERTY.

We are now brought to the question of how property *should* be shared or distributed, and I hope it has become clear that the question "What is Property" and the question "How should wealth be distributed?" are really one and the same. For if what individuals produce is their property, wealth or property *should* be distributed or shared according as individuals produce it. So we see that if every man were left in possession of his rightful property (the product of his labour) we should have the ideal distribution of wealth.

### THE "ALCHEMICS" OF THOMAS CARLYLE.

But to-day we are faced with what Carlyle called "The Alchemics" which by process of law extract from producers their rightful property and hand it to non-producers. The "Alchemics" block the way to just distribution. But for them each would get what he produces or its equivalent; but for them each would command services *from others* according as he rendered services *to others*, simply because there would be no other way in which a living could be made. Therefore

to attain a just distribution, we must get rid of the Carlyle's "Alchemics"—we must abolish legalised power to get something for nothing. With the "Alchemics" disposed of, just distribution will emerge just as surely as water finds its natural level when retaining dams are demolished.

### SOCIALISM AND THE RIGHT OF A MAN TO WHAT HE PRODUCES.

I am aware that there are schools of Socialistic thought which deny the right of a man to what he produces on the ground that mankind is the *joint* heir to the knowledge that has been handed down from past generations; knowledge without which individuals to-day could produce but little. Therefore, they claim, the product is due to society as a whole and not to individuals. The answer is that by the law of nature already dealt with the value of this handed-down accumulated knowledge crystallizes into and is measured exactly by the value of land, so that if, instead of being appropriated by landlords, as it now is, land rent were made to flow into the common purse and devoted to public services from which all citizens benefit alike, the accumulated knowledge would, in fact, be shared by all alike—in a word the accumulated knowledge would be socialized. For example, knowledge has been handed down of how to sink deep shafts for ironstone and how to smelt the ore when it is mined. In consequence of this knowledge iron-bearing land has acquired a high rental value. Without knowledge of how to sink deep shafts this land would be of no value. If therefore, this rental value is turned into the common purse all will benefit alike from the accumulated knowledge of how to mine ironstone. It is not in the least necessary, and would be quite impracticable, to share out the iron ore *itself* or even to sell it and divide the proceeds.

## ANOTHER SOCIALISTIC OBJECTION.

And there are other Socialistic schools who tell us that in the complex industrial civilisation of our day, it is impossible to say what each man produces. Of the goal in our grates, who, they ask, can determine how much is due to the miner, the brusher, the labourer, the foreman, the manager or the carter who brings the coal to our doors. The answer is that it is not in the least necessary for us to "determine" anything about it, any more than it is necessary for us to "determine" just how deep water will lie in every nook and crannie into which it will flow when retaining dams are demolished. Enough to know for certain that the depth of water in each hollow will accord with the physical law that liquids, when unobstructed, naturally find their own level. In like manner when we rid society of those retaining dams (the "Alchemics" of Thomas Carlyle) which now prevent the natural distribution, we shall find that, without our "determining" anything about it, wealth will come to individuals in accordance with the law of equal justice that each should enjoy the good things of this life in measure as he renders useful service to his fellow man. All we need do is to rid ourselves of the "Alchemics" which, by taking from some and giving to others, distort the whole social fabric, and give it a complexity it would not otherwise possess. Is it not clear that when we put an end to institutions which deprive men of their rightful property, each will then be left with what he produces? For how could there then be any way of getting service from others except by rendering service in return?

And does not this mean that each would then come by his rightful property? *How could it possibly happen otherwise?* Why should any man then work for less than the true value of the service he renders and how could any man then get more?

## THE VOICE OF A PATTI.

A variation of the same objection is that men or women with unique endowments such as the voice of a Patti or the genius of an Edison are not entitled to the great sums they can earn by the use of these gifts, because "they themselves have nothing to do with the chance circumstance that they possess them." A Patti, it is argued, has no right to what she can gain from her voice, "for she is only a trustee with grave responsibilities to the community for its best possible use in the community's service." The earnings of the genius should, they argue, go to the whole community because the genius does not "create" the exceptional gifts with which he or she is endowed.

The answer is that the genius gains wealth from his powers *only by using them in the service of his fellow men* so that the more he gains the more they gain too. He gains reward just in measure as he gives gratification to others. Why should he be deprived of the reward *freely offered* him in return for that gratification? Unlike the owner of spurious property, who as we have seen gets something for nothing, the genius gives value for every penny he gets; so what he gets is by every rule of fair play his rightful property.

## A HEALTHY SOCIETY.

For any society to be constituted so that those who produce wealth do not proportionately receive it is evidence of an ailing society just as surely as it is evidence of ailment when blood does not properly circulate through the human frame. The competent doctor will not throw up a case of defective circulation when told it is hopeless because so many complications have followed from the trouble, but will at once attack the root of all these complications by getting the blood to circulate as it should, knowing that when successful, each part of the body will automatically receive just what it ought and

that complications will vanish without his further aid. In the same way the competent student of social relationships will not be baffled by complications in the body politic for he knows that when we eliminate from a diseased society those "Alchemics" which deprive producers of their product the source of its complications will dry up and each individual will automatically receive the good things of this life in proportion as he produces them. The competent student of social relationships will also know that chief among those "Alchemics" which take earnings from producers and give them to non-producers is private appropriation of the rent or value of land.

#### TO RETRIEVE THE SITUATION.

In a society where exclusive occupation of land can only be secured on condition that rent be paid to the community through a tax on the value of land whether it be used or withheld from use no man will think of acquiring more land than he can make the fullest use of and no poor land will come into use till every bit of better land is fully developed. Land both in town and country will then be acquired for use only and not as is now the case, to speculate in or to make others pay rent for its use. The fact that any land lies idle will then mean that it is available to would be users free of rent.

#### FREE LAND.

Therefore unlike what now happens, *all unused land will be free land*. With free land and free conditions in general, unemployment will be unthinkable, and many men will naturally work for themselves in satisfaction of their own wants rather than sell themselves on the labour market to employers. This does not mean that they will work as isolated individuals, for self-interest will urge them to work together in free co-operation so as to gain the advantages of companionship in associated

production. The expressions "looking for work" or "giving a job" will then be expressions as meaningless as they were to Crusoe or to the Pilgrim Fathers. They will then be no more need to "look for work" than to "look for air," because so long as good land is free, work will come of itself and not by favour of any man. Free well-placed land being available to all, men themselves will be free and independent in the fullest sense of the word, and the labour market—meaning the market into which men are now driven, there to bid against each other for "masters" because they are deprived of the opportunity for self-employment—will be a thing of the past. If any still question the possibility of apportioning reward according to production, let him ask himself, how under these free conditions there could be any other apportionment.

To retrieve the existing situation we have to undo or stop doing rather than to do. Our social troubles and maladjustments are not due to any defect in the natural order. They flow from unjust laws and only by repeal of such laws can we ever get right. We have put men in chains—we have now to set them free. Day by day the producer is legally robbed of his rightful property. Not by new legislation designed to mitigate the troubles which flow from predatory laws can we ever hope to find a way out, but only by repeal of the laws to which the troubles are due. If our aim is to promote the common good we must not deny the right of property. On the contrary we must place it on sure foundations of justice, and when we have banished those spurious forms of property which give power to reap without sowing, we shall have done all that is within the power of man to remove the cause of present discontents.

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