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J. L. JOYNES

THE RIGHT TO THE USE OF THE EARTH.

UNDER the above heading Herbert Spencer, the great apostle of individualism, devotes an eloquent chapter of his "Social Statics" to proving the incontrovertible equity of Land Nationalisation. For assuming that—

"Each of them has freedom to do all that he wills, provided he infringes not the equal freedom of any other, then each of them is free to use the earth for the satisfaction of his wants, provided he allows all others the same liberty. And, conversely, it is manifest that no one may use the earth in such a way as to prevent the rest from similarly using it; seeing that to do this is to assume greater freedom than the rest, and consequently to break the law."

This sentence very neatly puts out of court their Graces the Dukes of Sutherland and Buccleugh, and those other seventy persons who own between them just one half of the Scottish soil.

"Equity, therefore," he proceeds, "does not permit property in land. For if *one* portion of the earth's surface may justly become the possession of an individual, and may be held by him for his sole use and benefit, as a thing to which he has an exclusive right, then *other* portions of the earth's surface may be so held, and eventually the *whole* of the earth's surface may be so held; and our planet may thus lapse altogether into private hands. Observe now the dilemma to which this leads. Supposing the entire habitable globe to be so enclosed, it follows that if the land-owners have a valid right to its surface, all who are not land-owners have no right at all to its surface. Hence such can exist on the earth by sufferance only. They are all trespassers. Save by permission of the lords of the soil, they can have no room for the soles of their feet. Nay, should the others think fit to deny them a resting-place, these landless men might equitably be expelled from the earth altogether."

From this he has no difficulty in proving that an exclusive possession of the soil necessitates an infringement of the law of equal freedom. For men who cannot live and move and have their being without the consent of others cannot be equally free with those others. He then deals with the claims of the present possessors of land.

"It can never be pretended," he says, "that the existing titles to such property are legitimate. Should anyone think so, let him look in the chronicles. Violence, fraud, the prerogative of force, the claims of superior cunning—these are the sources to which those titles may be traced. The original deeds were written with the sword rather than with the pen; not lawyers, but soldiers, were the conveyancers; blows were the current coin given in payment; and for seals, blood was used in preference to wax. Could valid claims be thus constituted? Hardly. And if not, what becomes of the pretensions of all subsequent holders of estates so obtained? Does sale or bequest generate a right where it did not previously exist? Would the original claimants be nonsuited at the bar of reason because the thing stolen from them had changed hands? Certainly not. And if one act of transfer can give no title, can many? No; though *nothing* be multiplied for ever, it will not produce *one*. Even the law recognises this principle."

He then proceeds to combat the arguments of those who assert that time is a great legaliser, and that immemorial possession must be taken to constitute a legitimate claim. On grounds of pure equity, he has no difficulty in proving the absurdity of this proposition, but he admits that great difficulties must attend the resumption by mankind at large of their rights to the soil. He does not advocate the leaving of the present holders, who can neither toil nor spin, to starve.

"Men having got themselves into this dilemma," he says, "by disobedience to the law, must get out of it as best they can, and with as little injury to the landed class as may be. Meanwhile, we shall do well to recollect that there are others besides the landed class to be considered. In our tender regard for the vested interests of the few, let us not forget that the rights of the many are in abeyance, and must remain so as long as the earth is monopolised by individuals. Let us remember, too, that the injustice thus inflicted on the mass of mankind is an injustice of the gravest nature. The fact that it is not so regarded proves nothing. In early phases of civilisation even homicide is thought lightly of. It was once also universally supposed that slavery was a natural and quite legitimate institution. A higher social development has, however, generated in us a better faith, and we now, to a considerable extent, recognise the claims of humanity. But our civilisation is only partial. It may by-and-bye be perceived that Equity utters dictates to which we have not yet listened; and men may then learn that to deprive others of their rights to the use of the earth is to commit a crime inferior only in wickedness to the crime of taking away their lives or personal liberties."

Dealing with the question of the reclamation of waste land by individuals, he shows that they have an equitable claim to compensation for their improvements, but to nothing more; and he points out what are some of the results to which the theory

that men have a right to make the soil private property inevitably leads.

"If they have such a right," he argues, "then it would be proper for the sole proprietor of any kingdom—a Jersey or Guernsey, for example—to impose just what regulations he might choose on its inhabitants, to tell them that they should not live on his property unless they professed a certain religion, spoke a particular language, paid him a specified reverence, adopted an authorised dress, and conformed to all other conditions he might see fit to make. There is no escape from these inferences. They are necessary corollaries to the theory that the earth can become individual property. And they can only be repudiated by denying that theory. The change required need cause no very serious revolution in existing arrangements. It would simply be a change of landlords. Instead of being in the possession of individuals, the country would be held by the great corporate body—society. Instead of paying his rent to the agent of Sir John or his Grace, the farmer would pay it to an agent of the community. Stewards would be public officials instead of private ones, and tenancy the only land tenure. A state of things so ordered would be in perfect harmony with the moral law. Under it all men would be equally landlords—all men would be alike free to become tenants."

We have here given extracts from Herbert Spencer's arguments. We will also give his summary of them.

"Briefly reviewing the argument, we see that the right of each man to the use of the earth, limited only by the like rights of his fellow-men, is immediately deducible from the law of equal freedom. We see that the maintenance of this right necessarily forbids private property in land. On examination all existing titles to such property turn out to be invalid; those founded on reclamation inclusive. It appears that not even an equal apportionment of the earth amongst its present inhabitants could generate a legitimate proprietorship. We find that if pushed to its ultimate consequences, a claim to exclusive possession of the soil involves a land-owning despotism. We further find that such a claim is constantly denied by the enactments of our Legislature. And we find, lastly, that the theory of the co-heirship of all men to the soil is consistent with the highest civilisation; and that, however difficult it may be to embody that theory in fact, Equity sternly commands it to be done."

It rests with the legislators to execute the orders of the people. We call upon the people to insist upon the accomplishment of that which Equity commands.

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English Land Restoration League.

OBJECT: The Abolition of Landlordism.

METHOD: The Abolition of all taxes upon labour and the products of labour and the earnings of labour; and the increase of taxation upon land values until the whole annual value of land is taken in taxation for public purposes.

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