

Footnote: Ownership of Land

Uniquely, in the particular case of land, words like "have", "possess" and "own" are not simple notions. They are also emotive concepts. To make them meaningful for the future they must be redefined by applying a synergy of imperialist, capitalist, socialist and Aboriginal ideas of possession. [PDF]

In ancient times, when the planet was sparsely populated, and hence the amount of available land per person was far more than one could ever use, inheritance of land along family blood lines was fair and workable. Today though, there is, on average, only just in excess of 2 hectares of land for each human being on the planet. Of this, less than 1.5 hectares is capable of economic production. This makes inheritance along family lines now unworkable. It has rapidly resulted in unacceptable disparity.

The Fickleness of Ownership

We encounter land-owners who think they have absolute sovereign right over their land and everything upon it. Some even think they have - or ought to have - the power of life and death over anybody who may stray within its border. They viciously defend *their land* and their *perceived* sovereignty over it - verbally and physically. This is true of the lord with a great estate and of the householder with a suburban garden. But this dog-in-a-manger attitude to *land ownership* is delusional. It shows a total ignorance of what land is and the human being's place upon it.

All the habitable land on this planet existed long before the dawn of humanity. It will probably continue to exist long after our species has become extinct. Any particular piece of land you may *own* was there long before you were born. It will continue to be there long after you are dead. Land remains forever, but you can *own* it for only the brief duration of your life or tenure.

Even during your life or tenure, *ownership* does not grant you absolute sovereign dominion over your land. Many others have parallel *ownerships* or *jurisdictions* over what you think of as *your* piece of land. These include: the forces of nature, plants, insects, animals, society - and perhaps even forces unseen. They shift, shape, occupy, use, modify and otherwise impose upon what you think of as *your* piece of land.

For example, cats take no notice of garden fences. From their point of view, the local territory *owned* by each cat is defined by different demarcations, namely their odorous spray marks. These puffs of cat spray mark territorial divisions that have no relation to human garden fences. Birds, insects and animals use and demarcate the land according to other completely different criteria and configurations. They do not recognise human demarcations. Some birds fly across the globe, ignoring national borders and jurisdictions. Neither the forces of nature, nor other life-forms, nor even the land itself recognises human *ownership* of land.



If a foreign power successfully invades your country, it has no enforceable obligation to recognise your "ownership" of your land. Only *one entity* recognises your "ownership" of your land. That is the sovereign State within whose political and military jurisdiction your land lies, and under whose system of law you purchased and registered your ownership. The reason this sovereign State has the power to make an ownership agreement with you, on its own terms, is because it first took the land by force from its previous occupiers. Within any moral frame of reference, this is not a valid reason for being able to dictate to anybody

what they may or may not do with a piece of land - certainly not to the original occupiers from whom they took it.

Ownership is an Agreement

Individual human ownership of land is neither absolute nor even tangible. It is nothing more than a point of view. Your *ownership* of a piece of land is something recognised only by *you* and the *other members* of the society in which you live. It is an *agreement* between *you* and *society*. It is *not* in any way a relationship between you and your land.

The *agreement* states **what** society agrees you *may* do, *may not* do and *must* do with regard to a particular piece of its territory. The things you may do are called *permissions*. The things you may not do are called *prohibitions*. The things that you *must* do are called *obligations*. The agreement also specifies what society *may* do, *may not* do and *must* do with regard to the same particular piece of its territory. Some permissions, prohibitions and obligations are stated. Others are only implied.

In the agreement, *the rest of society* is represented by:

1. government at national, State, County and Municipal levels
2. the private seller from whom you buy your land

In fact, these entities do not represent the rest of society. They merely represent the interests of a small exclusive elite that influences and controls society.

Most permissions, prohibitions and obligations are granted and imposed upon you by the civil authorities within whose jurisdictions your land lies. These constitute the common and local law. Additional permissions and prohibitions can be granted and imposed by a private *contract of sale and purchase*, provided they do not conflict with the common and local law.

Happily, most laws allow you to assume that you can do anything you like unless it is specifically prohibited. Most of the law is therefore written as a set of *prohibitions* - things you *may not* do with regard to your land. Most *prohibitions* are a matter of common sense. However, in some local jurisdictions, there may be unexpectedly austere *prohibitions* that are not quite so obvious. Private contracts of sale and purchase can also include some austere and unexpected restrictions.

The Ownership Hierarchy

Ownership of the habitable land of this Planet is divided uneasily between (at the last count) 193 sovereign States. This division is sustained by an ever-changing web of *alliances of convenience* through military *force* or *threat* of military force. The possession of the sovereign territory of every State was originally wrested from its indigenous occupiers by military force. So the 193 States did not buy or pay for this Planet: they simply took it. The strong took it from the weak, the exigent from the placid.

In the past, a State comprised a single exigent personality (normally referred to as a king or emperor), and his group of poodles (normally referred to as barons or knights). Under them was a *pyramidal hierarchy of control* through which they enforced their wishes upon all through the threat and use of physical force.

States today have the same form. Each is essentially a *pyramidal hierarchy of control* that expedites the will of a small influential elite. The same threat and use of physical force is still there. However, it would be practically impossible for modern States, with their immense populations, to rely on physical force alone to maintain control. Today, a far more powerful and effective force is used, namely, the force of [delusion](#).

By *possessing* its territory, a State takes to itself the exclusive right to enact and enforce law upon all individuals within the bounds of its territory. The purpose of the law is to facilitate the ordered and peaceful containment and exploitation, by this small elite, of all who live within their realm. The motive is to control the distribution of the wealth, generated by the labour of the many within its territory, so that it can bleed off a sustainable proportion in the form of taxation and profit. This then provides the elite few with a material quality of life far above what their own labour could produce, leaving the many with just enough to survive and work.

At the bottom of this hierarchy of possession is the individual who needs to occupy a small piece of land for space in which to live and work. The terms under which he may possess or occupy his little space, within the territory or jurisdiction of a State, is dictated to him by the laws of that State. The terms under which an individual can occupy or possess his necessary space are therefore very restricted.

The Price of Land

Man cannot live without land. The human life-form is not separate from the land. Human beings and the land are components of a single Gaian system. Human beings can only acquire their needs of life by applying their labour to their terrestrial environment. Access to, and use of, terrestrial resources are essential to the basic function of the human life-form.

Notwithstanding, in the United Kingdom, land is essentially unobtainable for ordinary people like me. It is economically inaccessible. To have land in the United Kingdom, you must either inherit it or marry into a family that has it. Price is therefore irrelevant. In other parts of the world, land can be bought. However, the monetary price that has to be paid to acquire it is far beyond the means of ordinary people. Some manage to acquire it. But these lucky few must have the right money at the right time and know the right people in the right circumstances.

Why should this be? To most ordinary people, money is acquired in return for labour. It *supposedly* represents a debt of labour that society owes you in return for the labour you have already delivered. Consequently, the notion of having to pay money for the use of a piece of the planet on which you were born is fundamentally ridiculous.

All of us brought nothing to this Earth when we were born and will take nothing from it when we die. So why should you, in effect, owe an arbitrary debt of labour to another human being in order to be able to use something essential to your life-process, which neither of you brought here and which neither of you created? Land is a limited finite resource, which was simply here when you arrived - irrespective of who you are. It should therefore be shared: not bought and sold.

A New Concept of Ownership

Hopefully, in the distant future, at a more enlightened time, this savage notion of ownership will inevitably die. With what it will be replaced I do not know, but below is my suggestion.

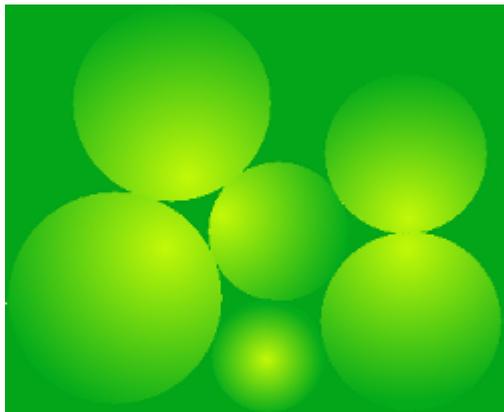
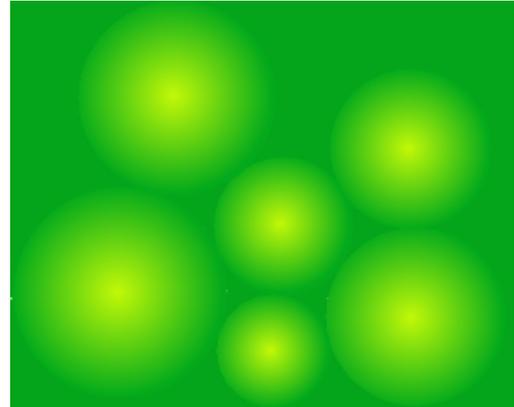
Nobody owns the Earth. No State Elite should own or expedite a legal jurisdiction over any part of the Planet's habitable surface. Each has a right to use his rightful portion of his planet to turn his work into his needs of life. And no State Elite has the moral right to restrict where we may go. Everybody has the right to freely roam and enjoy the whole Planet.

But this appears to raise a paradox. How can each possess his own rightful portion of the Earth - his proportional *landshare* - while, at the same time, also having the right of *freedom to roam* the whole Planet? A paradox exists only if you are stuck with the current notion of *land ownership*. We simply

need a new notion of ownership. We need to create a subtle blend of Imperialist, Capitalist, Socialist and Aboriginal ideas.

In the previous article, [A Piece of Our Planet](#), I established the idea of *Mean Free Space*. This comprised the abstract *landshare* possessed by *right of birth* by every human being born on this Planet, and the *gleba*, which is a physical composite of the *landshares* of the co-habiting members of a family unit. The idea is that each individual **owns** his *landshare* - his fair proportion of the Planet's habitable surface. I will now establish what I mean by **own** with regard to a *landshare*.

The adjacent circles depict *glebas* of various sizes. Each is coloured radially as a gradient from yellow at the centre to green at the edge. The colour gradient implies a variable notion of ownership that ranges from Imperial (yellow) at the centre, moving radially outwards, through Capitalist and Socialist notions, to an Aboriginal relationship with the land at the periphery. Within the "waste" space between the circles, the Aboriginal relationship prevails.



The gradient of ownership within a *gleba* doesn't have to be centrally symmetrical. The nucleus (yellow) can be significantly off-centre as shown on the left. This allows certain neighbours to have their homes closer together. This may be desirable where, for example, a 2-unit *gleba* of grandparents is next to the 4-unit *gleba* of one related family and the 5-unit *gleba* of another related family. However, for clarity, I will continue with the symmetrical model.

Ownership is thus constructed in a way that is somewhat analogous to a spherical *force field*. It is extremely strong at the centre of the *gleba* and diminishes in strength increasingly rapidly as you recede from the centre towards the perimeter. At the perimeter and beyond, all aspects of sovereign ownership have given way to an Aboriginal notion of land. As we move radially from the centre to the perimeter, ownership takes on the nature of a continuously variable synergy between Imperial sovereignty and Aboriginal liberty.

The Farmer and The Cowboy

It is almost universally believed that ancient humans were originally *nomads*. They wandered the land, taking freely the meats, fruits, roots and foliage they needed for food. When a particular locale became exhausted, they moved on. Much later, some humans became *settlers*. They had discovered that much more food could be produced much more efficiently by cultivating and protecting their sources of food. They therefore began to commandeer small units of the Earth's habitable surface for their own exclusive use. They excluded both wild foragers and other humans by erecting barriers around their commandeered areas. These barriers took the form of hedges or fences, which were patrolled and maintained.

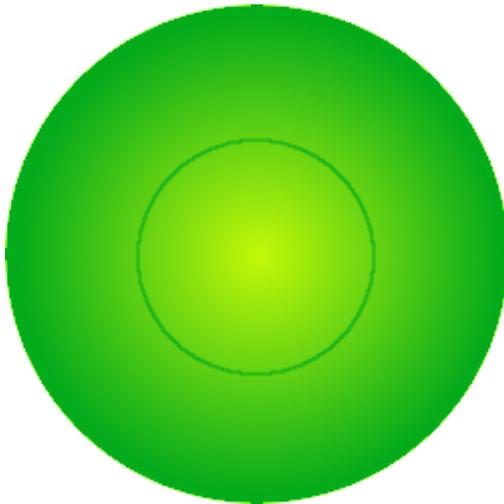
Perhaps for millennia, the *nomad* and the *settler* have lived in an uneasy symbiosis, frequently punctuated by an effective state of war. The conflict between the aristocracy and the peasants finally ended with the Enclosures Act. Practically all land became the private property of aristocrats. In the range wars between the farmers and the cowboys, the farmers' fences eventually prevailed. Now, almost everywhere in the world, the Gypsy has finally lost his means to wander.

The *settler* claims exclusive use of his declared private area. The *nomad* claims his ancient right to wander and take freely from what grows anywhere on the Planet's habitable surface. These two claims are in direct conflict. Which is the just claim? The answer is that *both* claims are just. But for these claims to become compatible, the *settler* and the *nomad* must modify their different views of ownership. This must involve every individual becoming, culturally, both *nomad* and *settler*.

Rights & Duties

When a person is residing and working within his *gleba*, he is a *settler*. There he must exercise the **rights** and perform the **duties** of the *settler*. But when that same person is travelling through the land, he is a *nomad*. He must exercise the **rights** and perform the **duties** of the *nomad*.

The *settler* has the **right** to reside within, and enjoy, his *mean free space* without interference or annoyance from others, and draw inspiration and solace from it. He has the **right** to be left completely free to do anything with his land that does not damage its natural potential or affect others in an adverse way.



He has the **right** to use the natural resources within it to turn his labour into his needs of life. For this purpose, he may use - in a sustainable way - the air over it, the rain that falls upon it, the trees and plants that grow, the soil in which they grow, the water that may flow through it, plus the water and minerals beneath it. He may also cultivate a portion of it to grow crops and other things. An appropriate portion would be around 22% as indicated by the inner circle on the left. He may move the position of the cultivated portion from time to time.

The *settler* also has the **right** to use his space to roam and to build such things as a home, a workplace, storage, accommodations for guests and connecting pathways. He may also extract minerals, from beneath his land, on condition that he return the surface to its natural state.

The *settler* also has **duties**. One is to "husband" the natural environment within his *mean free space* so that it remains healthy, balanced and a joy to behold. Another is to allow others free passage, without obstacle, through his *mean free space*. He also has the **duty** to designate a small area, with water and possibly other facilities, where a passing *nomad* may rest up for the night. He also has the **duty** to give a proportion of the usable goods that his land produces for the common benefit of society. This is to provide for those who are, for whatever reason, unable to generate their own *needs of life*.

The *nomad* has the **right** to pass within, enjoy and draw inspiration and solace from anybody else's *mean free space*. This, however, imposes upon him corresponding **duties**. He must act in a respectful manner. He must not cause interference, annoyance or damage to the tranquillity and economic

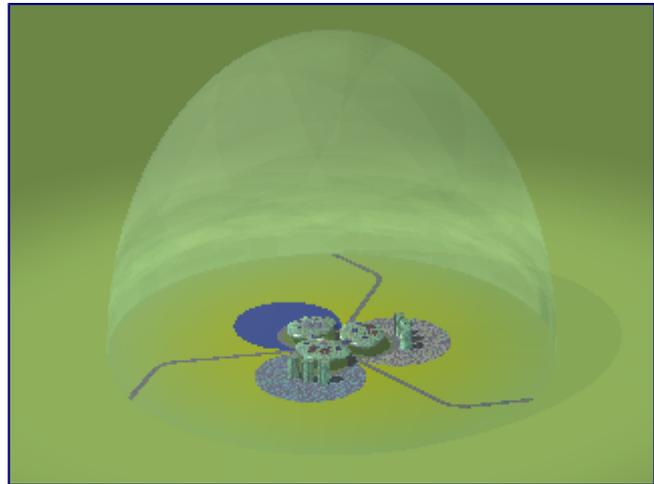
endeavours of the resident *settler*. Nor must he unduly invade the *settler's* privacy. The *nomad* has the **right** to stay overnight within, and draw his needs from, the appropriately designated part of a *settler's* mean free space, provided it is not already occupied by another *nomad*. However, this places upon him the **duty** to leave it clean, tidy and undamaged.

Of course, **rights** and **duties** - both of the individual and of society - must be defined in relation to land. I have collaborated with the fine legal mind of [Dayse do Nascimento Silva](#), a Brazilian *Analista Judiciário Federal*, to create a [Draft Manifesto](#) in which we give our view of what we think these rights and duties could be in an ideal world of the future.

A Futuristic Farmlet

Look again at the circle above - the one that shows the yellow nucleus in the centre of the circle. Now imagine that the circle is a sphere. Half of the sphere is above the ground. Half of the sphere is below the ground. Now apply the same continuous gradient from Imperialist, through Capitalist and Socialist to Aboriginal in 3 dimensions. As shown below.

This is a futuristic 2-unit *farmlet*. The transparent "bubble" shows the extent of its *gleba's* airspace. An equal imaginary "hemisphere" extends below ground. This defines the gradiented subterranean jurisdiction of the *gleba*. This "sphere" could be elongated or squashed in the vertical axis to form an ellipsoid. Here, the bubble is shown elongated vertically by a factor of $1\frac{1}{2}$. The elongation actually applied would have to be a social decision.



The land circle, and the colour gradient within it, are simply instruments of illustration. The circle is not physically fenced. If it were, the fence would exclude people from the peripheral region of a *gleba* where the notion of ownership has a strong Aboriginal element. The colour gradient within the circle, does not appear on the landscape: it is in the mind. The *boundary* of the circle is physically, or electronically, indicated but it does not impose a barrier to free movement. Everybody, by reason of universal culture, respects it for what it is and what it means.

Landshare: a Type of Currency

The personal *landshare* is not a physical piece of land. It is a virtual area **a** of land within a physical *gleba*. It exists as land, but only as an unlocatable share **a** of a physical *gleba* of area $\mathbf{n} \times \mathbf{a}$, where **n** is the number of personal *landshares* making up that *gleba*.

The personal *landshare* may therefore be thought of as a kind of currency. It is a unit of a currency that represents an area **a** of land. If a person gives up his share in a given physical *gleba*, he effectively receives for it 1 *landshare* token or bond. With this, he can buy a physical share of area **a** in another physical *gleba*. He may not use it to buy or in exchange for anything else. It is solely a currency of land.

A person automatically inherits his *landshare* at his instant of birth. At this time, it will not exist as a share in a physical *gleba*. It exists in the form of what could be called a *landshare inheritance bond*.

It immediately entitles his family to move to a physical *gleba* of an amount a larger than their current *gleba*. When a person dies, their *landshare* dies with them. The others with whom he was sharing a *gleba* must move to another *gleba* of an amount a smaller than the one they were occupying at the time of the person's death.

In such moves, a family will take their accommodation and work units, plus all non-natural features within their *gleba*, with them to their new *gleba*. The high-tech vehicular nature of their accommodation and work units will make this a simple operation of trivial cost. This, however, implies a **universal obligation** to maintain and care for one's current *gleba* as if one were going to stay there forever.

Tenure of Ownership

The human life-form has a finite life-span. Its traditional average is 70 years. The first 20 years are taken up in developing from a baby into an adult. That leaves 50 years of responsible working adulthood. After that age, one should be able to retire from the toil of generating wealth and enjoy the more relaxed lifestyle of passing on one's lifetime of knowledge and experience to the next generation. Ownership of land means control of its economic use. Ownership should therefore be given to an individual only for the 50 year duration of his responsible productive adulthood.

Your landshare can never be sold. However, if you were to find yourself in the unfortuitous economic position of not being able to use your landshare, then you can sell only what you actually own. Since you can only ever own 50 years use of your landshare, then you are only free to sell to another the use of your land for the *remainder* of your 50-year tenure. At the end of the 50 years, ownership of the land must revert to the descendants of the original owner automatically and unconditionally. This ensures that every new generation starts out with the resources they need to turn their work into their needs of life and realise the potential of their special talents.

Negative Feedback

Capitalist rules of inheritance relentlessly polarise ownership of this planet into the hands of an ever-diminishing proportion of its inhabitants. This is because capitalism lacks what all natural, and soundly-engineered artificial systems include: a means of self-regulation called negative feed-back.

On the [short wave band](#), radio signals wax and wane in strength. They do this in repeated cycles. The length of each cycle from one maximum to the next can be anything from half a second or so (known as flutter) to many minutes (known as fading). This is caused by movement of the Earth's [ionosphere](#) like waves on the ocean. The difference between the maximum and minimum strength of the signal can be enormous.

To compensate for this, the listener would have to keep turning the gain control up and down as the signal waned and waxed. But engineers can alleviate this chore. They bleed part of the output signal from one of the receiver's amplifier stages, reduce it and reverse it, and feed it back into the input of the amplifier. Because it has been reversed, it cancels out some of the strength of the new signal coming in 'off the air'. When the incoming signal increases, so does the amplifier's output signal. So in turn does the reversed signal which is fed back. So the more it cancels the incoming signal. When the incoming signal decreases the opposite takes place. The overall effect is to keep the amplifier's output constant even though the incoming signal is varying in strength enormously.

This principle of automatic negative feed-back is an essential component of practically all systems - both artificial and natural. It can stabilise the speed of an engine, limit the gain of an amplifier,

minimise the error of a servo and sustain the pull which holds the behaviour of the world's weather system within its decreed bounds.

The automatic and unconditional reversion of ownership of land to its original owner or his descendants at the end of 50 years is an important manifestation of this negative feedback principle. It prevents any one family from indefinitely amassing a greater and greater proportion of the world's available resources over multiple generations. It automatically redistributes capital assets every generation. And it guarantees that the spectre of capitalism can never rise up to enslave the people of this planet and hold them under its yoke of bondage as it does today.

This form of ownership would ensure that, no child could ever be born onto this planet already dispossessed of his future fair share of its land. He could never become homeless or fall a victim to poverty. He would always belong. He would have guaranteed a future of prosperity and choice. His wealth and means could never be dissipated by the cancer of economic boom and recession. He would always be guaranteed his basic needs. No corporate master could ever enslave him for a pittance. In the landshare-based economy, the only things traded are the goods and services of the artisan. Land - the permanent 'capital' resource which generates them - is not. This is because if the individual were to sell his land permanently, he would be selling not only his own use of it, but also that of his children and his children's children, which he has no right to do.

Changing Population

If there were a global revolution today, in which every individual on Earth received his rightful 1/6,000,000,000th of the Earth's land and productive resources, then the division would be fair now. But would it still be fair three or four generations hence? The population of the Earth is increasing. At some time in the future it will reverse and start to decrease. Different couples have different numbers of children. Some have no children. Some *landshares* would therefore end up supporting too many, while others lay fallow. What is needed is a workable way of re-dividing the land fairly for each new generation. This, in turn, requires a redefinition of *ownership* - or at least, a clarification of what it always ought to have been.

The size of an individual's landshare, as I proposed it, is based on the availability of land per person. Consequently, the size of the landshare will have to be revised from time to time as the Earth's population changes. How can this be done? The only fair way is to pass on the wealth-generating resources of the planet from one generation of its human inhabitants to the next as a *collective* inheritance. But that *collective* inheritance must then be *divided* to give each individual inheritor direct and allodial possession of his rightful share. It is neither socialism nor capitalism, yet it is both. Every human being has a *personal* identifiable share in the planet on which he lives. But it is his fairly divided portion of the collective inheritance of mankind.

Although I am not conventionally religious, I must admit that the only place I have come across what I think would be a workable solution is in the Biblical law of the Jubilee.

And thou shalt number seven sabbaths of years unto thee, seven times seven years; and the space of the seven sabbaths of years shall be unto thee forty and nine years.

Then shalt thou cause the trumpet of the jubile to sound on the tenth day of the seventh month, in the day of atonement shall ye make the trumpet sound throughout all your land. And ye shall hallow the fiftieth year, and proclaim liberty throughout all the land unto all the inhabitants thereof: it shall be a jubile unto you; and ye shall return every man unto his possession, and ye shall return every man unto his family.

A jubile shall that fiftieth year be unto you: ye shall not sow, neither reap that which groweth of itself in it, nor gather the grapes in it of thy vine undressed. For it is the jubile; it shall be holy unto you: ye shall eat the increase thereof out of the field. In the year of this jubile ye shall return every man unto his possession.

And if thou sell ought unto thy neighbour, or buyest ought of thy neighbour's hand, ye shall not oppress one another: According to the number of years after the jubile thou shalt buy of thy neighbour, and according unto the number of years of the fruits he shall sell unto thee: According to the multitude of years thou shalt increase the price thereof, and according to the fewness of years thou shalt diminish the price of it: for according to the number of the years of the fruits doth he sell unto thee. - Leviticus 25:8-16

The Law of The Jubilee decreed that every 50th year, all land would revert back unconditionally to its original owners or their descendants. One could therefore only "sell" his birthright land - the fundamental means of producing his family's needs of life - to another on what was in effect a maximum of a 49-year lease. It effectively limited the extent to which the possession of land could become polarised within a society.

Following its 20 formative years, the human being has an economically productive life-span of 50 years before retiring. It would seem sensible therefore to re-divide the planet for inheritance by each new generation once every 50 years at exactly the same time in every part of the world. In each 50th year, a global census would be taken, and the mean size of the new-generation's share would be determined by dividing the area of all the productive land on the planet by the new population figure. Then fast procedures (such as one based on GPS-type technology) would instantly fix the locations and boundaries of each newly inherited share such that all the landshares belonging to each particular family would join together to form a contiguous gleba, which would be farmed as an integral economic unit.

For practical reasons, the 50th year would have to be a year of rest during which no productive operations would take place. As such it would be an opportunity for recreation and social interaction on a global scale. It would provide an opportunity for families to move. Each family could opt for its new-generation gleba to be in a different part of the world, thus giving to each family line a history enriched by geographic variety. The fact that families may move to entirely different parts of the world every 50 years places an obligation on each to be a good steward of the land on which his current landshare is located. It also makes it desirable for the [homes](#) of Landshare World to be transportable or even vehicular, equipped for [independent global navigation](#).

History has proved that good stewardship, being beyond an individual's self-interest, cannot be effectively enforced by an external agency. It can be enforced only by [conscience](#) - the policeman within. Conscience, for the vast majority, is a product of education or - dare I say it - indoctrination. It requires formative instruction and life-long reinforcement. Dispersed in their landshares among the distractions of day-to-day work, such instruction and reinforcement would be impossible to administer. Therefore [times throughout the year](#) should be set aside when everybody travels from their landshares to centres at which the instruction of children and reinforcement of knowledge for adults is administered. Away from the distractions of daily toil, such events should also be opportunities for socialising and recreation.

This system of passing on the planet to the next generation collectively, then re-dividing it for individual possession is the only way that guarantees true equal opportunity. Under this system, your inheritance of the means of turning your labour into your needs of life is completely independent of your gender, your family, your race, your abilities, your personality, or any attribute [by which human beings can be differentiated](#).

The possession of a *landshare* is not the same thing as *possession of land* in the sense meant by the laws of most countries today. It is not *exclusive* or *complete* ownership. It is merely the right to the space around you plus the right to use a proportion of that space to turn your labour into your needs of life. All the other economic and cultural endeavours of man can be justly established upon this inalienable foundation.

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