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Summary

Milton Friedman wrote: “Nobody uses somebody else’s resources as carefully as he uses his own. So if you want efficiency and effectiveness,...you have to do it through...private property.” For nearly four decades, Oregon voters, legislators and courts have defined what powers property owners have with respect to private land. This November, Oregonians once again will vote on property rights by means of Measure 49.

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“The moment the idea is admitted into society that property is not as sacred as the laws of God, and that there is no force of law and public justice to protect it, anarchy and tyranny commence. Property must be secured or liberty cannot exist.”

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“The Most Important Guarantee of Freedom”

By Ted Abram

For nearly four decades, Oregon voters, legislators and courts have promulgated and defined what powers property owners have with respect to holding and using private land. In recent years, Measure 37, Measure 7, Senate Bill 100, lawsuits, Supreme Court decisions, and political campaigns and power plays have dominated Oregon politics. This November, Oregonians once again will vote on property rights by means of Measure 49.

Unfortunately, courts, legislators and many voters rarely seem to appreciate the relationship of private property to freedom and civilization. With roots as far back as the thought of Plato and Aristotle, discussions of property rights (including the ownership of land) and the rule of law have been at the basis of Western Civilization. Laws affecting a person’s right to have and control private property have had enormous personal and economic repercussions.

Since John Locke and Adam Smith, economic and political thinkers have proposed that political jurisdictions that protect people and their property prosper economically. Jefferson, Madison, Adams and the other American Founders were strongly influenced by Locke’s statement: “Government has no other end than the preservation of property.” The protection of people and their property was the overarching concern behind the Declaration of Independence. The right to property was eventually codified in the Constitution and the Bill of Rights.

Throughout history there has also been strong opposition to private property, with Plato being most influential. In the 19th century Karl Marx espoused the abolishment of private property, and the socialist and communist countries inspired by him abolished or severely restricted private ownership and use of property.

For most of the 20th century the United States and the Soviet Union were juxtaposed as to property rights. Generally, America protected private property; the U.S.S.R. abolished it. Attempting a third way, Western Europe restricted the use of private property, particularly by taxing wages and creating welfare states. Only a few intellectuals appreciated the fact that taxing income diminished a person’s property rights. The intellectual elites and the politicians of the Western World advocated for the European “third way,” and America incrementally followed Western Europe.

During the 20th century, many political thinkers and economists began to dismiss the Founders’ philosophy as antiquated. Lost were the thoughts of John Adams: “The moment the idea is admitted into society that property is not as sacred as the laws of God, and that there is no force of law and public justice to protect it, anarchy and tyranny commence. Property must be secured or liberty cannot exist.”

The 20th century was dominated by the Cold War between the Soviet Union and the United States and Western Europe. The great bulk of academic and political thought favored central economic and social planning. Politicians and academics mostly debated the optimal mix of taxes and government programs. Very few people in government or academia emphasized the benefits of private property.

Fortunately, a small group of intellectuals appreciated the importance of property and freedom. Austrian economist Friedrich Hayek feared the worldwide political and intellectual movement to socialism: “What our generation has forgotten is that the system of private property is the most important guaranty of freedom, not only for those who own property, but scarcely less for those who do not.” In 1947 Hayek invited thirty-six people to a meeting at Mont Pelerin, Switzerland to discuss freedom and the benefits of private property. Hayek and his associates were a tiny minority against a worldwide rush to centrally planned economies.

A solitary American champion of property rights was Nobel Laureate Milton Friedman, who said: “Nobody spends somebody else’s money as carefully as he spends his own. Nobody uses somebody else’s resources as carefully as he uses his own. So if you want efficiency and effectiveness, if you want knowledge to be properly utilized, you have to do it through the means of private property.”

At the end of the 20th century, the Soviet Empire collapsed and Western Europe stagnated. The American economic system, with diminished property rights but with the best protection of property in the world, prevailed over the communist and socialist systems of Western Europe. The intellectual and political world noticed, and there has been a renewed appreciation of private property and its relationship to freedom, peace and security. Private property promotes peace and security because property owners recognize that a coercive force (individuals, corporations or governments) against any person and their property can also be used against them. Private property owners naturally strive for peace and security, protecting their own and their neighbors’ property.

In the grand scheme of Western Civilization, it is obvious that knowing and appreciating the benefits of private property is of the utmost importance. Unfortunately, Oregon’s legislature and governor seem to value power over reason. Using their political power, they did not invite or participate in a free and open debate. Instead, in the hectic closing days of the 2007 legislative session they rammed through a referendum and concocted a misleading ballot title, circumventing the normal ballot title process.

It is important is to have an open and honest discussion of private property rights, including all citizens willing to participate. Unfortunately, the voters of Oregon were denied an open debate and now will be bombarded with demagoguery. Oregonians deserve better.

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