



Cornerstone of Liberty: Respecting Private Property Rights

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Private property is one of humanity’s great discoveries, like fire, or DNA, or the scientific method. Like fire, property has the ability to release a kind of unseen power from nature, to transform a desert waste into a luxurious resort like Las Vegas, for instance. Like DNA, property represents something deeply ingrained in human nature; no society has ever been found that did not have some concept of property. The universality of property suggests immediately that the concept is not just an arbitrary social creation. Instead, property is something common to all human beings as human beings—it doesn’t have to be taught to people, because it is natural.

Humans naturally develop a concept of “mine” in parallel with their development of self. Children discover the word “mine” very early on, and they seek to exclude others, even their own parents, from things they identify as theirs. Such early development suggests that the concept of “mine” is not initially *taught* to children, or absorbed by them from the surrounding culture, but expresses a natural human tendency. A child’s “awareness of his own property rights,” wrote Dr. Benjamin Spock, comes naturally “because it fits with his growing sense of self and assertion of self. Early in his second year he becomes conscious of the fact that his body is *his*.” Indeed, what children need to be taught is how to *share*, not how to believe in private property rights!

A sense of self is a natural need for humans, writes philosopher Daniel Dennett. We use the world around us to construct artifacts that expand our personal boundaries over the world, so as to express ourselves and preserve ourselves. We do the same thing with our minds: just as spiders spin webs, so each human being “makes a *self*,” not only through friendships, stories, habits, and ideas, but also through the things that we create and preserve and buy and sell. The hoary debate nature/nurture debate—the question of whether property is natural, or merely a social construct—thus oversimplifies the rich and dynamic relation between our cultural or legal institutions regarding property and the idea of ownership.

People express themselves through objects, not just in art, but in the homes they decorate, the jewelry they wear, and even the kinds of cars they drive. As Virginia Postrel explains, the things people own allow them to join subcultures with which they feel a connection. “A mid-twentieth-

century home-maker who furnished her dining room with Colonial reproductions was engaged not in time travel or archaeology but in self-expression: *I like that. I'm like that.*"

People also find value in property they've worked hard for. Property owners believe they have a right to property because they have *earned* it—they have put time, energy, labor, and worry into a house or an invention or a business. That time, energy, labor, and worry belonged, at the outset, to *them*—those things, like the food or water they have consumed, are part of their own unique selves. Somewhere along the line, they chose to mix that labor and creativity—to transform part of themselves—into the things they come to see as their “own.” This is not to say that property *only* belongs to us if we earn it. We acquire property in many ways—buying and selling, gifts, inheriting—which are just so long as we have harmed no other person in acquiring it. The most obvious example is our own bodies. No person *earns* his heart, lungs, and brain; these are gifts or inheritances. But we have harmed no other person in acquiring them, and no other person has a better claim over our bodies than we do.

Not only are property rights a natural aspect of individual existence, they are also universal among human societies. For example, contrary to popular mythology, Native American Indians had a sense of “mine” and “not-mine” and sophisticated rules regarding ownership and exchange. In some cases, they developed complex economies with long-distant trading outposts and intricate exchange agreements, all of which depended on property rights. Indians were often justly outraged when whites trespassed on their property, or confiscated it outright. Those seizures—and the United States government's refusal to enforce their property rights—led to such travesties as the Trail of Tears, in which over 47,000 Indians were evicted from land that justly belonged to them. Some nations have committed vastly worse atrocities, by trying to eradicate the concept of property entirely. Even where such societies survived for a time, they did so at the cost of profound infringements on personal privacy and individual identity. Shakespeare probably put it best. When Shylock is stripped of all his property at the climax of *Merchant of Venice*, he begs the Duke just to kill him:

Nay, take my life and all; pardon not that:
You take my house when you do take the prop
That doth sustain my house; you take my life
When you do take the means whereby I live.

Economic independence may be the best definition of “the American dream,” and over the years it has attracted countless immigrants to the United States. When Ahmad Mesdaq fled the Soviet invasion of his homeland, Afghanistan, he hoped to start a new, secure life in the United States, where he could earn an honest living for himself and his family. He opened a cigar store in the Gaslamp District of San Diego in 1994. The Gran Havana Cigar Factory, as he called it, sold not only fine cigars, and fancy coffee to upper-middle-class residents and tourists who enjoyed the Gaslamp District's old-town setting.

But years before he bought the property, city officials had declared the neighborhood “blighted,” meaning that the area’s businesses were not performing up to the standard that bureaucrats desired. California’s vague legal definition of “blight” meant that there was little the area’s landowners could do, and, worse, state law severely restricted their opportunities for a court hearing. In 2005, when the city finally condemned his store, the area was far from blighted—in fact, it was quite fashionable, and the Gran Havana Cigar Factory was pleased to host such upscale cigar aficionados as California governor Arnold Schwarzenegger. Nevertheless, the city moved forward with its plans to condemn the shop and give the land to a developer to build a hotel.

Mesdaq filed a lawsuit, but the trial court held that California law did not allow him to introduce any new evidence to show that the blight designation was wrong. When he appealed, the city explained to the court that if the condemnation did not go forward, “the number of rooms [would be] reduced from 334 rooms to 237,” the “on-site parking [would be] reduced,” the hotel would lose “150 linear feet of street footage,” and the size of the ballroom and lobby areas would have to be reduced. The court of appeal ruled in favor of the city, and the state supreme court refused to take the case. On June 13, 2005, Mesdaq closed his store for the last time. “All I wanted to do was live the American dream,” he reflected. “Is that too much to ask?” Today, nearly a decade later, the hotel remains unbuilt. The land is being used for a parking lot.

Mesdaq sought to define and express himself through his work. Private property rights ought to preserve that freedom of choice and the fruits of one’s labor. When the government ignores or violates those rights, it endangers the well-being not only of individual citizens but of society in general. There is little incentive to invest in a community and work to improve it if the government can take property away at any time and give it to some other person or group that the bureaucrats prefer, or merely demolish profitable businesses and leave the land idle.

Private property empowers people to define themselves and to come together with others; to provide for themselves and their families; to plan for the future; to secure their retirement or insure against possible future losses. When people can rely on the security of their private property rights, they can make plans for emergencies or hard times. They buy homes, land, stocks, bonds, gold, art, antiques, and other things not only for enjoyment but also to save—to store the value of their labor and use it at a later date. That enables people to set long-term goals by putting aside enough money to fix up their homes, to open a business, to marry and have children, to send their children to college, or to prepare a comfortable retirement. But when government infringes on their right to property, people are less free to plan for the future or to insure against future calamities. Unfortunately, the elderly often learn only at the last minute that the dreams they’ve pursued for years can be overridden by government in the blink of an eye.

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