

4. End environmental regulation, a system of public waste and destruction, and return to private conservation with clear and enforceable property rights.

5. Abolish state ownership of land. As much as 85 percent or more of some U.S. states are owned by the government. Public or common ownership is non-ownership. When land belongs to all there is no specific responsibility to conserve. Any resource held in common, whether it be air, streams or forests, can be wasted and misused by any and all.

### CONCLUSION

**While it may be emotionally satisfying to believe that the land and its resources are the common heritage of mankind, this approach leads to degradation of the environment. As in all central planning schemes, human rights are violated on a massive scale while an elite core of bureaucrats make all decisions regarding growth, population density and movement, allocation of resources, and aesthetics. Control of the land becomes control of the people. In the interest of human rights, libertarians would restore property rights.**

## Government Regulation and Housing Costs

Everyone should, by now, be familiar with the housing crisis in California. An article by M. Bruce Johnson, which elaborates on the role of local California government regulations with respect to the current housing market, appeared in *The Register* (June 21, 1981) as an adaptation from his forthcoming book, *Resolving the Housing Crisis*. Part of this article is quoted as follows:

The government's role in holding down the supply of housing has been documented by study after study. Recently Bernard Friedan of MIT studied a sample of four proposed developments in California. He discovered that

local government growth restrictions led to the approval of only 3,445 units out of a proposed total of 25,514: a net loss of 22,069 housing units.

Lower supply means higher prices. Professors Lloyd Mercer and Douglas Morgan (University of California, Santa Barbara), in their study of Santa Barbara County housing, found that growth control regulations and restrictions accounted for more than 27 percent of the increase in real housing prices from 1972 to 1979.

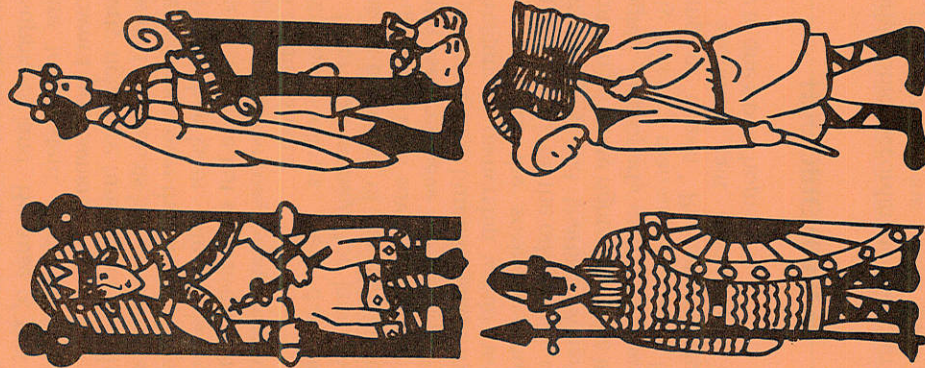
Houston, Texas stands in direct contrast to this trend in California, and offers an instructive example. Houston is the fastest growing major city in America. The one real difference is the government's land-use policy. Houston has none. And the results are simply remarkable. With a booming population (not unrelated to the favorable regulatory climate), demand for housing has soared in Houston. The consequence of soaring demand has been soaring supply—not soaring price. Small price increases have signalled tremendous new investment in affordable housing.

The essence of the housing problems facing California and many other parts of the nation is that high income communities have used zoning and other growth control measures to restrict the supply of housing. As a consequence, house prices have soared and middle and lower income families have been excluded. There is little that can be done on the demand side that will not merely rearrange the existing stock of housing. The solution must come through supply. Residents want more and less expensive housing. The solution is to decontrol the supply side.

This is another example of the libertarian maxim, *government is the cause, not the solution.*

# ZONING AND LAND USE REGULATION

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#### THE LIBERTAS STATEMENT

We, as libertarians, affirm:  
That full individual liberty is impossible in any society other than a voluntary one that aggresses upon no one;  
That men and women require the full and independent use of their own judgement in order to survive at an optimum level, and therefore have a natural right to do their own thing, providing that they do not physically harm or coercively restrict another individual's life, liberty or property;  
That everyone is exclusively sovereign, and is a slave to no one;  
That the individual is best served by society when he or she is free from the forcefully imposed controls of others, acting alone or in concert (as a government);  
That all forms of coercion, aggression and fraud are always immoral;  
That the only system consistent with personal freedoms in the economic arena is one that does not interfere with free trade between consenting individuals;  
THEREFORE, we, as libertarians, resolve to oppose all forms of aggression by any State, Government, self-appointed savior, individual, or association of individuals. We further resolve to oppose taxation, conscription, eminent domain, laws which create victimless "crimes," and all programs forced onto individuals without their consent. It is time that the chains of authoritarianism in economics and morality be broken. Individual rights and coercion cannot co-exist. Liberty cannot be compromised, and we will settle for no less than freedom in our time.

(adopted on May 5, 1973)

## ZONING AND LAND USE REGULATION: 20th Century Feudalism

By Lorne Strider

All wealth and political power have their roots in the land. Its cost and availability affects an incalculable amount of human economic activity. In each and every exchange of goods and services a portion of the transaction is attributable to the land. Our daily bread, our homes, jobs and clothing—a thousand necessities and amenities are all influenced by the supply of land. Because of this our life and liberty are, to an extent, determined by government policy toward land owners.

Property rights are fundamental to the libertarian principle that individuals have a natural right to exercise sole dominion over their lives, including the right to the fruit of their labor. Life and labor are not the property of the state but exclusively our own to use and dispose of as we may please, barring harm and trespass against others.

It necessarily follows, then, that when we exchange labor (or money) for land that this land becomes an extension of our life and labor. So the right to property is as sovereign as the right to life. Since land itself can have no rights, it is obvious that property rights are the human rights of the owner.

Sovereignty of ownership would not promote a landed gentry (as the socialists would have us believe); but would, on the other hand, create a basis for human rights and liberties. Where there are limitations on property rights, there are limitations on other rights. In property ownership there is the opportunity for every man and woman to become their own "king" or "queen." Private property ensures the right to economic gain, the rights to privacy and security in one's own home.

### HISTORICAL VIEW

In early Rome, according to historian Will Durant, private property was the norm. Even the poorest peasants owned a few acres. As time went by many of these small private holdings were lost as a result of war, accumulated debt, and confiscatory taxation. The aristocracy bought up and merged the little

homesteads into vast acreages manned by war-captured slaves, while they lived as absentee landlords in the cities or suburbs. This produced a debt-ridden tenant class in the countryside, and in the cities a property less, rootless proletariat whose discontent eventually contributed to the destruction of the Republic, which in turn, gave rise to the feudal era.

In feudal times the king (or state) dispensed land grants to favored individuals while the serf, was, in essence, "owned by the land," being bound by law to the soil he tilled; he could not leave it without the consent of the landlord, and when the land changed hands the serf and his household went with it. This historical perspective is especially interesting in view of current government policies toward property owners. Many people have come to believe that there are no inherent rights in property. They assume that any improvement or development is entirely dependent upon government approval and regulation. This commonly held view is totally inconsistent with the ideals and goals of the American Revolution. The framers of the Bill of Rights knew that property rights were the only effective means of protecting individuals from oppressive rulers or governments. They believed that no person or group had a right to the fruit of another's labor, and that all enjoyed the right to live and to seek personal fulfillment.

As envisioned in the New World, free ownership of land excluded any possible superior, (e.g. king or lord): tribute to a feudal lord was the way of the Old World aristocracy. The dream of the New World (i.e. the new American nation) was unfettered private ownership.

The problem with the *public interest* approach is that land and its resources are allocated and developed on a sporadic and wasteful manner. Political influence causes a shortage of buildable land and subsequent housing crisis. The controls severely cripple the market, causing high rents and prices. In reaction, more regulation is applied in the form of rent control, inclusionary zoning, subsidies and other manipulation. Rents and prices, in turn, escalate again.

This vicious cycle of interference eliminates all but the most costly ownership and rental opportunities, forever barring the poor from better housing.

Blaming the private sector for the housing shortage caused by its own interference, government has entered the housing market itself. After a decade of urban renewal projects, over 3 million homes have been destroyed in order to build 2 million—the replacement housing citadels of crime and squalor. In the 1950's, one out of three families owned their home. Now less than one in 20 are fortunate enough to afford today's regulated housing.

### THE ENVIRONMENT: PUBLIC WASTE AND DESTRUCTION

The environment suffers equally under the hand of the state. Regulatory agencies are not concerned with efficiency and retention of long term value, but

rather with politics and empire building. Our fragile environment is entrusted to a government which we know to be always wasteful and often corrupt.

Environmental problems should be seen as matters of property rights. Clarification of rights and responsibilities, rather than public regulation is necessary to resolve conflicts of land use while preserving individual liberties.

When land is privately owned, sovereign control exists. Total control of the owner is limited, however, by the boundaries which mark his property. No owner has control or authority over property other than his own. Private ownership is complete within the boundaries and non-existent beyond.

If we truly wish to clean up our environment, we must demand full restoration of property rights. Politicians and the judiciary must realize that social interests are best served by owner's rights and strict liability. With strict accountability no industry could afford to degrade our environment as is being done today. If property rights were strictly interpreted, the smallest amount of silt, herbicide, smoke, noise or radiation across a boundary would constitute trespass. In today's regulated society, these trespasses are negotiated by political process to "allowable limits", thereby compromising the rights of all property owners.

### A LIBERTARIAN APPROACH

A number of libertarian approaches include the following:

1. Allow complete *laissez faire* in the housing market, and put an end to all building codes. Instead, replace state regulation by private warranty systems or insurance. Result—abundant and affordable housing for all, a diversity of styles and construction methods including experimental energy-efficient dwellings.
2. End government zoning and planning schemes. They are tools of vast destruction. Instead, allow voluntary covenants among willing neighbors. Also, the courts must clarify and enforce trespass and nuisance laws.
3. Eliminate government power of eminent domain. This law of state seizure causes untold loss and misery to many thousands of victims.