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Preserving Our Heritage

Advocates of historic preservation talk about preserving our heritage. They claim that the way to do this is to protect old buildings, usually through ordinances and other regulations. But a discussion of the issue must consider the full context, and that means a careful examination of what constitutes our heritage.

Heritage refers to that which is inherited or passed on to succeeding generations. And that is certainly true of old buildings. But are these buildings the essence of Texas's heritage?

In 1836, Texas declared its independence and took up arms. Many brave men risked their lives, preferring to die in defense of individual rights rather than live under the tyrannical Mexican government. This is Texas's true heritage.

Individual rights protect the freedom of individuals to act as they deem best, so long as they respect the freedom of others to act as they think best. Rights pertain to action—the freedom to take those actions that one judges will sustain and enhance his life.

Property rights—the freedom to create, use, keep, trade, and dispose of values—are the practical application of individual rights. If an individual is not free to create and use the values that life requires, he is denied the ability to sustain and enhance his life. He is nothing more than a slave who must produce while others consume the fruit of his labors.

Property rights protect the freedom of innovators to take calculated risks. They protect the freedom of those who challenge the status quo and the conventional wisdom. They protect the freedom of individuals to act on their own judgment, no matter who or how many may disagree with them.

As one example, Patillo Higgins challenged the conventional wisdom, discovered oil at Spindletop, and started the Texas oil industry. At the time, professional geologists warned the public about investing in his venture, claiming that he was a fool. But because he, and those who voluntarily associated with him, were free to use their property as they thought best, they changed the state's history.

For nearly two centuries, individuals from around the world have moved to Texas to make a better life for themselves and their families. They have been farmers and ranchers, oil men and entrepreneurs. Some built large companies, and others sought more modest accomplishments. But no matter an individual's dreams and aspirations, property rights protected his freedom to create and earn the values that he desired.

Property rights are the essence of Texas's heritage.

Yet, historic preservation is an attack on property rights. Preservation ordinances prevent owners from using their property as they deem best. Preservation ordinances prevent property owners from erecting modern buildings, demolishing protected buildings, and often prohibit the use of modern materials for maintenance or repairs. Such ordinances violate property rights, and

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thus, are contrary to Texas's heritage.

It is understandable that individuals want to preserve historic buildings. They can be a great value, providing historical and cultural lessons. But what lesson do we teach if such buildings are preserved by violating property rights?

Preservation ordinances force owners to use their property contrary to their own desires. The lesson is: if you don't like how others use their property, assemble enough like-minded and demand a law to prevent actions you don't like. That isn't freedom, and it isn't consistent with Texas's heritage.

We may not always like how others use their property. We may not like their life-style, their choice of romantic partner, or any number of choices that others make. But if we want the freedom to live as we choose, we must respect and defend the freedom of others to do the same. The alternative is to demand conformity to the values of the collective, and that is decidedly un-Texan.

So, if historic buildings can be a value, and they are to many Texans (the Texas Institute for Property Rights included), how do we preserve them while still respecting property rights? The answer is: persuasion. And money.

Those who wish to preserve historic buildings should put their money where their mouth is. If they wish to preserve historic buildings, they should raise the money to do so. If they can't raise the funds through voluntary means, then that is a clear indication that the community does not sufficiently value the building. And if that is the case, it is immoral to force the property owner to do what the community is not willing to do.

If we wish to preserve our heritage as Texans, then protecting property rights should be at the top of the list. Without property rights, there is no Texas. Without property rights, Texas is just like California, New York, and all of the other states that we don't want to be like.

Texans are different. Texans want to be free to live as they choose, and they don't want people telling them what to do with their property. That is a characteristic to be proud of. It's our heritage. And it's a heritage worth preserving.



The Texas Institute for Property Rights provides analysis, training, and resources for legislators, businesses, organizations, and property owners.

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