



Texas Institute for Property Rights

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Defending the Principle of Property Rights

It is understandable that individuals are more passionate about property rights issues that have a direct impact on their lives. For example, rural Texans are more concerned about eminent domain, water rights, and endangered species regulations, and they have little or no concern about historic preservation or tree protection ordinances. Urban Texans are more concerned about preservation and tree protection ordinances, and they have little or no concern about eminent domain, water rights, or endangered species regulations.

Unfortunately, neither set of Texans understands that a threat to anyone's property right is a threat to everyone's property rights. If, in principle, the property rights of rural Texans can be violated, then the property rights of urban Texans can be violated. And vice versa. If we wish to protect our right to property, then we must defend the principle of property rights, no matter the issue, no matter the intended victim.

Martin Niemöller, who spent seven years in a Nazi concentration camp, understood this:

First they came for the Socialists, and I did not speak out—Because I was not a Socialist.

Then they came for the Trade Unionists, and I did not speak out— Because I was not a Trade Unionist.

Then they came for the Jews, and I did not speak out— Because I was not a Jew.

Then they came for me—and there was no one left to speak for me.

If we remain silent when the property rights of the other guy are threatened, then we should not be surprised when the other guy remains silent when our right to property is threatened. If we want our property rights protected, then we must defend the principle of property rights.

A principle is a general truth that serves as the standard or guide when making choices about specific, concrete issues. For example, if we accept the principle that theft is immoral, we apply that truth to stealing anything—a pack of gum, a wallet, an automobile, and everything else. If theft is wrong as a matter of principle, then it doesn't matter what the particular item is. If violating property rights is wrong as a matter of principle, then it doesn't matter how that violation occurs or who the victim is—it is wrong.

If we remain silent when a farmer in West Texas is deprived of his property through eminent domain, then we implicitly accept the principle that violating property rights is acceptable. If that farmer remains silent when San Antonio enacts a preservation ordinance or restricts short-term rentals, then he implicitly accepts the principle that violating property rights is acceptable.

Of course, it would not be practical for the farmer or San Antonians to fight every proposed property rights violation in the state. But what is practical is defending the principle of property rights. In doing so, we defend each Texan's right to property, from El Paso to Beaumont, from Amarillo to Brownsville. In defending the principle of property rights, we defend the freedom of each Texan—farmer, business owner, rancher, and home owner—to use his property as he thinks best.

Too often, the victims of property rights violations focus on a narrow issue. A railroad wants to take land for a new track. A city enacts an ordinance protecting trees. A pipeline company condemns land for a new project. A town restricts the operation of short-term rentals. In each of these examples, the victims focus on the immediate threat. They protest against the railroad, pipeline, or ordinance, but they do not challenge the principle that government can control and regulate private property. They only complain when those controls and regulations go “too far.”

The principled approach requires us to say that depriving individuals of their property is immoral, and this is true whether the deprivation occurs at the hands of a lone burglar, a street gang, or a government agent. It is true whether the victim is a farmer, a business owner, a rancher, or a home owner. When we complain that a regulation goes “too far,” we are addressing a single issue. When we say that depriving an individual of his property is wrong, we defend the principle of property rights.

Further, defending the principle of property rights is the only practical approach. Claiming that a regulation goes “too far” turns the issue into a subjective debate over what “too far” means. What is “too far” for the victim may now be far enough for others. And since “too far” is undefined and undefinable, no rational resolution is possible.

But if we defend the principle of property rights, the debate focuses on the essential issue. Are property rights sacrosanct or not? Are property rights really rights, or just temporary permissions that may be revoked whenever legislators or judges think it appropriate? When an issue is framed in terms of nonessentials, it works to the advantage of those who wish to violate property rights; the debate is centered on the irrelevant or inconsequential. When an issue is framed in terms of essentials, it works to the advantage of those who are defending their rights; opponents must justify their desire to deprive individuals of their property.

When we defend the principle of property rights, we also get a synergistic effect. The farmer not only defends his right to property, but he also defends the property rights of business owners and urban home owners. The businessman or home owner not only defends his right to property, but he also defends the property rights of the farmer and rancher. Both the rural owner and the urban owner has broader support for his own rights. Neither is fighting alone or in isolation.

In 1836, Texans stood together to defend individual rights, including property rights, against a tyrannical government. It is time for Texans to again stand together to defend the right to property. The war that we are fighting today is an intellectual war. And our chief weapon is the principle of property rights.



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

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