

THE ABOLITION
OF INHERITANCE

HARLAN EUGENE READ

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G. G. Weidley



**THE ABOLITION OF
INHERITANCE**



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THE ABOLITION OF INHERITANCE

BY

HARLAN EUGENE READ

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TO my wife and to our children,
John and Katherine: and to
all children of all parents every-
where, for whom the future holds
the glorious hope of equal oppor-
tunity at the cradle.

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“This I assert to be a human right — that all workers are entitled to all reward ; and all transfer of money without service, in whatsoever form such transfer takes, is a direct violation of that right.”

HARLAN EUGENE READ.

PREFACE

The Need of Great Funds for War. The Present Status of the Inheritance Tax. The Inheritance Privilege Must be Entirely Abolished.

MARSHALL FIELD died in 1906. His immense fortune, estimated at one hundred and twenty-five million, passed into the hands of trustees for his grandsons, then twelve and ten years old respectively, to be held for them, on account of their incapacity, until they should become fifty years old. The public was suddenly shaken from what Milton calls "the secure falsity of an old opinion"; viz., that great fortunes are quickly dissolved in the hands of heirs, and therefore not dangerous. The certainty that our law of inheritance can and does create a money aristocracy as dangerous as monarchy itself, was vigorously discussed in press, pulpit and platform. The *Chicago Tribune* and nearly every other big paper in the country printed the Marshall Field will in full. Theodore Roosevelt, then President of the United States, always quick to understand and respond to the current of popular thought, injected into his annual message¹ the

¹ President's Message to the 60th Congress, Dec. 1907: "The

principle of a special and graduated tax upon swollen inheritances.¹ We of the United States suddenly discovered that we were not as far advanced as other nations in this respect,² Switzerland, for instance, Italy, Belgium, Australia, New Zealand, Tasmania! Such discoveries are humiliating.

Handicapped by our state constitutions, as to methods of taxation, the people of the United States began to take up the theory of inheritance taxes seriously — intending to make inheritance

Government has the absolute right to decide as to the terms upon which a man shall receive a bequest or devise from another. — A heavy progressive tax upon a very large fortune is in no way such a tax upon thrift and industry as a like tax would be on a small fortune. No advantage comes either to the country as a whole or to the individuals inheriting the money, by permitting the transmission in their entirety of the enormous fortunes that would be affected by such a tax.— Our aim is to recognize what Lincoln pointed out — to insist that there should be an equality of right before the law, and at least an approximate equality in the conditions under which each man obtains the chance to show the stuff that is in him when compared to his fellows.”

¹ There are two ways of restricting inheritance, taxation and escheat. The method of taxation most in favour is a graduated tax, that is a tax increasing in percentage as the fortune grows larger. The method of escheat most frequently referred to is the establishment of a maximum amount allowed to be inherited by any one heir. Some early writers, notably John Stuart Mill, recommended the plan of escheat; but the overwhelming preponderance of choice as to method is today in favour of a gradually increasing tax.

² See Blakemore & Bancroft *Inheritance Taxes*, pp. 13 *et seq.*

taxes a substantial part of the revenues of states.¹ The subject became an important one in nearly every state in the Union, not so much with reference to the making of laws (for inheritance laws then existed in all but nine of our states), but rather with reference to the spiritual values that belong to public discussion and moral awakening.

Even before the beginning of the European War in August, 1914, the people as a body were sufficiently roused to produce a considerable result in concrete action. Up to January 1, 1917, forty-three states² had inheritance tax laws ranging from a minimum of 1 per cent on direct inheritance in seven states, to a maximum in California where direct inheritances are now being taxed from 1 to 15 per cent and collateral inheritances from 3 to 30 per cent, which is designated by Mr. Bancroft

¹ In Illinois the method of escheat was proposed but defeated in 1887, the state adopting the progressive inheritance tax instead, eight years later. The defeated bill was introduced to the legislature on recommendation of the State Bar Association, and proposed a limit of \$500,000 on direct and \$100,000 on collateral inheritances.

² The five states without inheritance tax laws on January 1, 1917, were: Alabama, Florida, New Mexico, Mississippi and South Carolina — all southern states. Prof. E. R. A. Seligman in *Essays on Taxation* (Macmillan), p. 133, says: "The inheritance tax today scarcely needs defence. It is found in nearly every country; and the more democratic the country, the more developed is the tax."

as "a near approach to confiscation." In most of the states on January 1, 1917, the minimum direct tax was 1 per cent, the maximum 3 to 5 per cent.¹

With our entrance into the Great War, however, the impetus given to the subject of the taxation of inheritances has become greater than before.

From January 1, 1917, to the present date, April 1, 1918, twenty-three states have amended their inheritance tax laws, the object in every case being to make them more rigid. In nine of these states taxes were considerably increased. These nine states were Arkansas, Connecticut, Missouri, Oregon, Pennsylvania, Vermont, Washington, Wisconsin, and Virginia. In Mississippi about April 1, 1918, an inheritance law was passed for the first time. This reduced the number of states without inheritance laws to four, namely, Alabama, Florida, New Mexico and South Carolina.

The Federal Government increased its rates twice during 1917. The Federal law of September 8, 1916, established a scale of rates from 1 to 10 per cent; on March 3, 1917, the rates were raised to 1½ to 15 per cent and on October 3, 1917, a special war tax raised them to a scale running from 2 to 25 per cent, the 25 per cent applying to fortunes over \$10,000,000.

¹ See Appendix I.

There are now twenty-one states in which the state tax runs as high as 10 per cent or more on collateral inheritances of the most remote degree and of the largest amount. There are fifteen states where these state rates reach a maximum of 15 per cent or more, and four states where the maximum rate is 25 per cent or over, namely, Arkansas 32 per cent, California 30 per cent, Missouri 30 per cent, and Nevada 25 per cent. Thus a fortune of \$10,000,000 or more, left by inheritance in Arkansas to a collateral of the most remote degree or a stranger in blood, will pay a tax of 32 per cent to the state and 25 per cent to the nation; in Missouri and California 30 per cent to the state and 25 per cent to the nation; in Nevada 25 per cent to the state and 25 per cent to the nation.

It must be remembered, however, that these extreme rates just mentioned apply only to large amounts and remote degrees of relationship. In California, for instance, the widow or a minor child has an exemption under the state law of \$24,000 and an exemption under the federal law of \$50,000. The California rate starts at 1 per cent, the federal rate at 2 per cent. These rates do not become really confiscatory, even when combined, except in the case of a collateral who inherits a vast sum.

A comparison of the table of rates on January 1, 1918,¹ with the similar table of rates on January 1, 1917, presented in the appendix will show what tremendous strides were made in inheritance taxes throughout the United States during 1917. The increases in rates during 1917 furnish ample evidence of the importance attached to inheritance taxation as a fiscal measure by our legislators. They do more than this. They furnish evidence of the change that has been gradually taking place in civilized minds toward the institution of inheritance itself; and the present attitude toward inheritance reform, as toward many other reforms, has been crystallized in the minds of men by the imperative financial demands of the great war.

Necessarily the first question in regard to the support of the war is "How much will it cost?" Be it said to the everlasting credit of the American people — there has been no weakness, no hesitancy, no delay, on account of the amount involved. Uncle Sam has proved himself as prodigal as he can be prudent, as bold as he can be conservative. Congress voted the first appropriation of two billion dollars "with eyes shut," to paraphrase the now famous expression of Congressman Kitchin, and thus indicated its willingness to vote money

¹ See Appendix II.

without stint for the support of the war. Seventeen billion was appropriated for the first year of the war,— a sum equal to two-thirds of the entire expenditure of the United States Government from 1789 to 1916.¹

The second question is, “Where will the money come from?” The extraordinary burden of such a tremendously expensive war cannot be borne either in Europe or America, by the poor. It cannot be borne by industry. *It must come from unearned wealth*,— and the form of unearned wealth that is the most easy to understand, the nature of which any child can comprehend, is inherited wealth.

Students who are interested in the history of the movement in favour of increased inheritance taxes will find valuable data in Blakemore and Bancroft,² Max West,³ and Hugh Bancroft.⁴ The early work of Blakemore and Bancroft and the later work of Bancroft alone are especially complete as to legal data;⁵ but the most interesting fact connected with

¹ The total expenditures of the United States Government for the first 127 years (1789–1916) were \$26,150,991,471.00.

² Blakemore and Bancroft. *Inheritance Taxes*.

³ Max West, Monograph on the *Inheritance Tax*, Columbia University Studies, Vol. 4, p. 180 *et seq.*, Columbia College, N. Y.

⁴ Hugh Bancroft. *Inheritance Taxes for Investors*.

⁵ See Appendix III.

this historical and legal data is that courts have upheld the constitutionality of the inheritance tax with almost absolute unanimity.¹ These court decisions cover many vital points with regard to inheritance taxes.²

That these decisions are based upon a fundamental principle of English and American Law may be easily appreciated when it is realized that they find their original sanction in law in Blackstone.³

They have an equally strong justification from the standpoint of political economy as expressed in the profound sentiments of John Stuart Mill.⁴

From the standpoint of practical politics the inheritance tax meets every requirement of wisdom, simplicity and effectiveness;⁵ and the principle of cradle equality as to economic opportunity has been repeatedly emphasized by philosophers and moralists from Pascal⁶ to Emerson⁷ and is being voiced by hundreds of sincere writers, speakers and preachers today.⁸

Among thinkers everywhere there is a constantly

¹ See Appendix IV.

² See Appendix V.

³ See Appendix VI.

⁴ See Appendix VII.

⁵ See Appendix VIII.

⁶ *Harvard Classics*, XLVIII, 383.

⁷ *Harvard Classics*, V, 51.

⁸ See Appendix IX.

broadening view as to the wisdom and justice of increasing inheritance tax rates, especially as applied to large fortunes; but the present inheritance tax rates¹ do not even yet justify the conclusion that it is the intention of the United States Government² to secure as large a portion of its revenue as it should from the estates of deceased persons.

The plan proposed in *The Abolition of Inheritance* is that inheritance taxes shall be increased until they absorb all of the wealth that passes by descent, with exceptions in favour of widows' rights of dower and reasonable sums for the care and education of invalids and minor children.

Because of the tremendous drain the present war will make upon our national resources, the discussion of inheritances, the rights of heirs, the rights of non-heirs, and all the long train of topics which the subject naturally calls forth, is more than appropriate at this time. It is vital. Whether this war shall be paid for mainly by workers or mainly by beneficiaries of privilege is the great economic question of the period.

The cost of the present war, at the end of the second year, was \$75,950,000,000, a sum nearly four times as great as the total income of the United

¹ See Appendix II.

² See Appendix X.

States from 1789 to 1909,¹ only half of which was expended for wars and pensions. If the United States pays to the War-God a sum equal to only one-eighth of the cost of the war for the first two years (which would be less than her fair proportion), the amount will be as great as all her expenditures on war for the first one hundred and twenty years of her history. The only possible conclusion is that the workers will refuse to pay it. They will place the burden upon non-workers, who receive the surplus values of the world.

Who are these non-workers, who receive the surplus values of industry? That is the question all the workers of the world are now asking,—the question they are forced to ask. And there is little doubt that in the search for them, the heir will first be found, because his lack of title through labour is undebatable,² and also because the amount of inherited wealth is sufficient to pay the entire cost of the war unless that cost far exceeds³ even the wildest prophecies.

¹ See Booklet on *War Loans and War Finances* published by the Mechanics and Metals National Bank of New York.

² See *Blackstone's Commentaries*. (Vol. 2, Comm. 10 *supra*.)

³ In 1862 the United States Special Revenue Commission reported that 2 per cent of the entire wealth of the nation changed hands each year. Today, Max West points out (*Inheritance*

Reference has been made to the unwillingness of workers to pay for the present war through taxation. It might be more to the point to state that workers *cannot* pay for the present war. There is a limit to the burden that can be placed upon the back of labour. The theory that wages tend to the margin of subsistence (i. e., to as low a point as the labourer can maintain life upon) is an accepted doctrine of political economy.¹ When that point is reached, the wages of labour can go no lower. Resort is then had to bonding issues, requiring industry in the future to pay what industry cannot pay today. But there comes a limit even to that, and in the present war that limit has been nearly reached already. Our Civil War bills are not entirely paid, after fifty-six years, yet we have al-

Tax, pp. 228 *et seq.*) that one thirty-third to one thirty-sixth of the private wealth of the country changes hands annually by inheritance, and that if an exemption is made of \$10,000.00 to each heir, one-fiftieth of our wealth, or 2 per cent, will still change hands annually, these figures being based upon a careful analysis of estates in New York and Massachusetts. The country's wealth was estimated in 1913 by the United States Department of Commerce as 187 billion; and on July 25, 1917, W. S. Kies, Vice-President of the National City Bank of New York, estimated it at 240 billion — two per cent of which is four billion eight hundred million dollars.

¹ See Adam Smith, *Wealth of Nations*, Book I, Chap. VIII, p. 75. John Stuart Mill, *Political Economy*, Bk. II, Ch. XI, p. 333. Henry George, *Progress and Poverty*, Bk. III, Ch. VI.

ready appropriated for the first year of our participation in the World War more than the entire cost of the Civil War, including pensions.¹ If our industries cannot pay the bill, either immediately or in the future, we must turn for funds to those who receive without labour.² There is no other solution.

Of course, no one knows exactly how much added burden can be shifted upon our business men and labourers. That a certain amount can be and will be, goes without saying, but there seems to be a common agreement of minds upon the fact that the war has already produced burdens that cannot be deducted from either profits or wages in the form of ordinary taxation of property.

The high taxes that Congress placed upon inheritances on October 3, 1917 (2 to 25 per cent), added to the already existing state taxes (see appendix I) naturally raised the question as to the justice of inheritance of money; and this book has been written for the purpose of examining the basis

¹ The Civil War cost in round numbers five billion dollars or three and a half million per day. Civil War pensions up to 1916 have amounted to four and three-fourths billion. In 1915 there was disbursed for pensions the sum of \$164,387,942.00.

² "It is not fortunes that are earned, but those that are unearned, that it is for the public good to put under limitation," John Stuart Mill, Book V, Ch. II, Sec. 3.

upon which the privilege of inheritance exists.

“The power to tax,” said Chief Justice Marshall, “is the power to destroy.” If it be shown that there can exist no right in reason or justice by which a child can inherit a million dollars, or a hundred million, will it not follow that, with taxation as the means, the wrong can easily and quickly be adjusted? Many of the arguments that are used in defence of an inheritance tax law are in reality basic arguments against the privilege of inheritance itself.¹ It is against the privilege of inheritance itself that this book has been written; and it may be appropriate to say here, therefore, that *The Abolition of Inheritance* is by no means an argument for the inheritance tax merely as a revenue measure, nor a discussion of the various phases in the development and growth of that tax. It is an argument for the complete destruction of the inheritance principle.

That our system of inherited wealth was once necessary to the world's progress or useful to its political organizations, it is not the purpose of the author to deny. The family was the first natural political group, and until larger groups were formed, the self-protection of each family group demanded the inheritance of property within that

¹ See Appendix XI.

group. In feudal ages, the dominance of ruling families made the same law of inheritance necessary, even to the extent of primo-geniture (or inheritance by the eldest son only) in order that the family power might be maintained. But when democracy came into the world, it became necessary to exterminate the idea of "family power." This has slowly been accomplished so far as the right to rule by virtue of birth is concerned. Beginning with the United States Revolutionary War in 1776 and the French Revolution a few years later, the world has progressed toward democracy until its principles now seem to be approaching universal recognition, as to forms of government. "Family power" in government has served its day as a principle of progress and development. That it served the world well in feudal days may be admitted without modifying the fact that the time of its final extermination has now come.

But while "family power" as a factor of visible government is about to make its final exit from the stage of national life, the rules it evolved for its own protection have not yet been radically changed. Civilized nations ¹ have long recognized that inherit-

¹ Augustus Cæsar 6 A. D. imposed a 5 per cent. inheritance tax. Nerva, Trajan, Hadrian, Marcus Aurelius and Caracalla modified it, and it continued in force until the time of Gordian IV.

ances ought to be subjects of special taxation;¹ many economists have declared against the principle of collateral inheritance altogether; and some have boldly attacked all inheritance privileges, especially in cases of intestacy; but notwithstanding the general recognition of the fact that an inheritance tax is essentially democratic, it has been and is still a comparatively small tax in the United States. As Max West, perhaps the greatest modern authority upon the subject, has aptly said,² "The inheritance tax seems to be pre-eminently an institution of democracy. It is found in nearly every civilized country on the globe, but it is only in the most democratic countries — Great Britain, France, Switzerland, Canada, the Australasian colonies — that it reaches its fullest development. The United States seems thus far to be an exception to this rule."

While recognizing to its fullest extent the part that inheritance has played, in former ages, in holding together the resources and power of feudal families during periods of history when "family power" was important; and while recognizing also that the conservatism of democratic peoples in ap-

¹ See Pollock and Maitland, *History of English Law*, Chap. VI, also, Blakemore and Bancroft, *Inheritance Taxes*, p. 13.

² Monograph on the *Inheritance Tax*, Max West, 1912.

proaching the present problem of swollen inheritances has been natural and perhaps excusable heretofore, I believe that the time for a sweeping reform along this line has now come. It was apparent a generation ago that the great danger of America was the rapid pyramiding of great fortunes, many of the beneficiaries themselves realizing it fully;¹ but each year has seen an alarming increase of that danger, until today, with the world's greatest war forcing us to devise new means of raising national revenue, it becomes a part of the leading question of the hour.

In the discussion of the subject that is presented in this book, I have purposely refrained from commenting in the text upon many legal and statistical aspects of the question to which reference has been made in the foot-notes and preface. This plan has been followed not only because citations and statistics are tiresome to the reader, and therefore best handled through foot-notes, but for other reasons as follows:

First: Former laws are of interest only historically. While reforms should always proceed with due regard to existing constitutional obligations, the laws of the past do not and cannot affect the fundamental rights of man. My argument is for

¹ See Appendix XII.

the destruction of the inheritance privilege *no matter how much or how little may have been done previously along this line by law-makers; and no matter whether heirs are receiving without labour one-half of the world's wealth or two-thirds of it.* As an historian I am interested to know how many states in the Union and how many countries in the world have a form of inheritance tax — but as a reformer I am only interested in showing why in all states and all countries the privilege of inheritance should be utterly abolished. As a statistician I am interested to know what amount of revenue was brought into the treasury of New York by the Inheritance Tax in 1916, but as a friend of mankind I am only interested in showing you that the privilege of securing money without earning it is morally wrong and must be destroyed. As an admirer of Blackstone I am interested in knowing that the great jurist declared inheritance to be a civil convenience only, and not a natural right — but as a logician I am only interested in showing you that the principle of inheritance is morally wrong and unjust, whether Blackstone said it or not. This book is intended to be a logical proof of the worker's right to what he produces and of the violation done to that right by our system of inheritances.

Second: The presentation of side comments of an historical, judicial or statistical nature is confusing to the average mind, interrupting the logical sequence of the argument and detracting from its power.

Third: The quoting of statistics, dates or opinions is unnecessary when the truth sought to be made clear is that the practice attacked is entirely wrong. For example, burglary is wrong regardless of the amount of booty secured. The common observations of the average man have taught him the importance of the subject of inheritance to his own welfare. He need not know the *exact* value of Vincent Astor's inherited fortune. He merely needs to know that, whether it is one hundred million or eight hundred million, it was unearned by Vincent Astor. He does not need to know the *exact* number of children in South Carolina who are working in sweatshops, nor the *exact* number dead of tuberculosis in New York City, nor the *official count* of unemployed men in Pennsylvania. All these items are of interest and value to some people, but I have not stopped to present them because I have had something more vital on hand than the counting of the wounded or the numbering of the dead; and I am willing to risk the carping and faultfinding of those small souls who refuse to

shoot a coyote until they have ascertained how many sheep it has killed and whether or not it has been led by precedent to believe it has the right to kill sheep.

After one becomes convinced of the right or wrong of any proposed reform, his interest in its progress becomes quite a different thing from the quibblings of those reactionaries who attempt to throw statistics, dates and precedents as stumbling blocks in the path of the honest investigator. For the benefit and instruction of those who are interested, I have endeavoured, through foot-notes, to refer the student to the chief sources of legal and statistical information; but as the argument against the principle of inheritance is fundamental, and based upon *natural rights*, my endeavour has been to keep the text itself simple, plain and directly argumentative, appealing solely to those who have the courage to think for themselves, freed from the awe of precedent and unhindered by the thought of those political sanctities claimed now, as they have always been, by the beneficiaries of governmental privilege.

HARLAN EUGENE READ.

April 1, 1918.

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THE MAN WITH THE HOE

Written after seeing Millet's Famous Painting.

“God created man in his own image, in the image of God
created He him.”

Bowed by the weight of centuries, he leans
Upon his hoe and gazes on the ground,
The emptiness of ages in his face
And on his back the burden of the world.
Who made him dead to rapture and despair,
A thing that grieves not and that never hopes,
Stolid and stunned, a brother to the ox?
Who loosened and let down this brutal jaw?
Whose was the hand that slanted back this brow?
Whose breath blew out the light within this brain?

Is this the thing the Lord God made and gave
To have dominion over sea and land;
To trace the stars and search the heavens for power;
To feel the passion of eternity?
Is this the dream He dreamed who shaped the suns
And marked their ways upon the ancient deep?
Down all the stretch of Hell to its last gulf
There is no shape more terrible than this —
More tongued with censure of the world's blind greed —
More filled with signs and portents for the soul —
More packed with danger to the universe.

THE MAN WITH THE HOE

What gulfs between him and the seraphim!
Slave of the wheel of labour, what to him
Are Plato and the swing of Pleiades?
What the long reaches of the peaks of song,
The rift of dawn, the reddening of the rose?
Through this dread shape the suffering ages look;
Time's tragedy is in that aching stoop;
Through this dread shape humanity betrayed,
Plundered, profaned and disinherited,
Cries protest to the Judges of the World,
A protest that is also prophecy.

O masters, lords and rulers in all lands,
Is this the handiwork you give to God,
This monstrous thing, distorted and soul-quenched?
How will you ever straighten up this shape;
Touch it again with immortality;
Give back the upward looking and the light;
Rebuild in it the music and the dream;
Make right the immemorial infamies,
Perfidious wrongs, immedicable woes?

O masters, lords and rulers in all lands,
How will the Future reckon with this man?
How answer his brute question in that hour
When whirlwinds of rebellion shake the world?
How will it be with kingdoms and with kings —
With those who shaped him to the thing he is —
When this dumb terror shall reply to God,
After the silence of the centuries?

EDWIN MARKHAM.

PART I

**IMPORTANT PRELIMINARY
CONSIDERATIONS**

THE ABOLITION OF INHERITANCE

CHAPTER I

THE SUBJECT STATED

I AM to write to you of the means whereby each generation may be free of the inequalities of the past. I intend to prove to you that inherited wealth is the foe of freedom; — that it is a violation of the rights of the unborn; that it is the perpetuator of inequalities, robbing the cradle of its opportunity and fastening upon a living generation the authority of the tomb; that it must follow monarchy and slavery into the record of things past, because it is like them both in essence and in detail. Inherited wealth is the father of poverty and aristocracy, and the hearts of mankind today are sick unto death of both.

The case against inherited wealth is simple and clear, but the evil has been so long entrenched, and the minds of men are so reluctant to admit the ex-

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istence of a new world or a revolutionary thought, that I ask your most careful and honest attention to my arguments. I ask you to forget for a time all preconceived ideas and to open your minds frankly and liberally to the truth, no matter how strange and new it may appear. I ask you to forget, for the time, all obstacles to the accomplishment of the proposed reform and merely to consider whether the principle of inheritance is right or wrong. When that question is settled we will consider next what can be done to remedy the condition in which we find ourselves. But first let us seek with open mind to discover what is right.

I must assume, at the outset of my argument, that each reader is interested,—deeply interested—in the vital problem I am to present. I must take it for granted that I am writing for sane, healthy, earnest men and women; who feel, as I do, the miseries of little children; who hear, as I do, the groaning of strong men burdened with the yoke of undeserved poverty; who hope, as I do, that the time of deliverance is at hand. More than that,—I must assume that my proposal to destroy the privilege of inheriting fortunes suggests a possibility of relief that is well worth the thought that you, as readers, have undertaken to give it.

Let me explain then, at the very beginning, that

it has been necessary for me to lay a foundation in the first seven chapters (pages 1 to 32) consisting of certain fundamental principles which each reader must clearly understand before undertaking to read the argument that follows. I shall make those chapters as interesting as I can — with the earnest hope and prayer that you will read them patiently — may I hope even eagerly? — in the desire to lay a secure foundation for my subsequent presentation of the subject. And here let me say, too, that while I should like the respect and approval of political economists I have not written in their terminology, but in the language of common speech, hoping to convince you not of my scholarship but of the truth of what I say, expressed in language that all people of ordinary education can understand.

CHAPTER II

IGNORANCE CONCERNING HUMAN RIGHTS

THE Declaration of Rights was issued by the French people at the time of the French Revolution. I desire at the beginning of this inquiry to call your attention to one of its sentences.

“Ignorance, neglect or contempt of human rights are the sole causes of public misfortunes.”

Ignorance; neglect; contempt. Note the three words. They afford a simple classification of all those people who are not definitely working for the recognition of human rights. The vast majority are *ignorant of what their rights are*, to say nothing of the means for attaining them. Of the remainder, those who really know what the rights of men are, some neglect either to secure their own rights, or to grant those of their fellow citizens, while others are definitely opposed to justice and liberty, and fight against them in every conceivable manner.

To those who look upon the rights of the disinherited with *contempt* no word need be said save

a word of warning as to the political adjustment that is certain to take place within a few years in all civilized countries. To those so callous to the cries of the poor as to turn to them the deaf ear of *neglect*, an appeal through logic and reason may be useless. But for the sake of those who fail to understand their rights, or the rights of others, through *ignorance*, no labour of education or exhortation ought to be too tedious to be undertaken by those who love mankind and wish it well; and I have therefore written this argument especially for those earnest persons who, having a good understanding of many other problems of life, are ignorant of the extent to which inherited wealth brings into the world poverty and takes out of it that liberty, fraternity and equality that we have come to designate by the single word democracy. I shall make every attempt to state each proposition in its clearest and most simple form, requiring of the reader not deep scholarship, but merely the *courage to think*.

CHAPTER III

THE COURAGE TO THINK

So important do I consider this *courage to think* that I desire to call your attention to a few simple historical illustrations of changes in the world's thought that have been more revolutionary than the one herein proposed; because the consideration of them will have a tendency to enlarge the vision and free the mind.

Until 1492 practically the entire world believed that the world was stationary and flat. Geographers declared it. Theologians proved it by the Bible. Many who denied it were sent to the stake. Yet, Sir John Mandeville, knight, traveller and geographer, had written in 1352, a complete scientific demonstration of the sphericity of the earth;¹ — one hundred and forty years before the New World was discovered; and it took a courage almost unequalled in history for Columbus to demonstrate practically what had been proved scientifically a century and a half before,— what sailors and travel-

¹ Ridpath, *History of the World*, Vol. V, Book 17, p. 161.

lers had thought they perceived with their glasses for hundreds of years.

Another familiar illustration of a significant change in the world's thought that required centuries is slavery. The right of man to be free of masters has always existed, but the United States was the last great nation to recognize it, and men are still living who believe in the justice of the institution of human bondage.

A third illustration is monarchy. It has taken all the history of the world thus far to convince mankind that God did not personally appoint and ordain kings to rule by divine right; and there are many who still believe it, including kings and others. But monarchy has been discredited and opposed for three hundred years and is today in the last stages of extinction.

It requires a most tremendous effort to right any established wrong. Think what a sacrifice of wealth, comfort and of life itself has been necessary to overcome so plain an evil as the burning of witches.¹ Even Martin Luther believed in devils who travelled around the country clapping horns

¹ Several hundred thousands of innocent persons were executed for witchcraft in the fifteenth, sixteenth and seventeenth centuries. Ridpath, *History of the World*, Vol. VI, Book 19, p. 525.

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upon the heads of bewitched people, or changing human hands to griffin's claws, and our own forefathers in Salem solemnly burned old women whose only offence was that some frantic child in the neighbourhood had had a fit.

Men endorse the most ridiculous and wicked absurdities because they are afraid to think, and fear to trust the plain evidences of reason.

The hardest thing in the world is to free the mind. The divinest possessions of man are reason and courage — the power to think and the courage to believe what reason has presented.

The power to reason correctly on certain fundamental subjects is not learned in schools and does not depend upon scholarship. Even the most ignorant of men have the ability to think and to decide for themselves the great essentials.

For instance, it may require a board of statisticians to decide how money should be divided between five hundred labourers and five capitalists who are at work together. But it does not require anything beyond the most ordinary reason to see that he who does nothing at all is entitled to nothing at all. Yet upon this simple proposition hangs the fate of a world torn asunder by war and decimated by the scourge of poverty.

Free your mind then, my friend! Do not deny

the divinity of your own common sense. Think simply and deeply if you can, but *honestly* at all costs and we shall travel one of the paths to industrial freedom together. Do not be afraid of an idea because it is new to you. Open your mind to truth and join the company of those who believe what they see. Columbus is in this company, and Galileo and Bruno; Newton, Isaac Watts and Franklin; Cromwell, Patrick Henry and William Lloyd Garrison; Thomas Edison and Marconi; Tolstoi and Henry George. If, mayhap, the thought that bursts into your mind is more radical than your accustomed ideas, be of cheer, for you have good company, both among the crowned prophets of yesterday and the uncrowned kings of thought today.

CHAPTER IV

THE RIGHT OF PRODUCERS TO ALL PROPERTY

THE two greatest documents ever written in behalf of the liberties of mankind are the American Declaration of Independence written by our forefathers during their rebellion from Great Britain, and the Declaration of Rights written by the French National Assembly in August, 1789, when they threw off the yoke of hereditary aristocracy. In the Declaration of Independence the rights of man were broadly defined as life, liberty and the pursuit of happiness. In the Declaration of Rights, the French patriots defined these rights as liberty, property, security and the resistance of oppression.

The right to the peaceable possession of the property that he creates is one of the inalienable rights of man.¹ This principle, established as it is

¹ "The produce of labour constitutes the natural recompense or wages of labour." Adam Smith, *Wealth of Nations*, Book I, opening sentence of Chapter VIII. In this connection read *Wealth of Nations*, Chapters V to VIII inclusive and Henry George's comment thereon in *Progress and Poverty*, Book I, Chapter III. See, also, *Social Problems* by Henry George, Chap. X. See also, the *French Declaration of Rights*, Article VI. A

by all civilized peoples, might reasonably be taken for granted as the basis of our thought. But since there may be some readers who have never had the reasons for this clearly presented to their attention, I shall, in passing, briefly mention them.

First: The word property itself indicates proprietorship, and it is merely stating a truism to say that all property must belong to some proprietor or proprietors. It must either belong originally to the person or persons who create it with hand or brain, or it must belong in whole or in part, to those who do not create it. Since it cannot belong to the latter in the beginning, there being yet no pretext at all for title on their part, the very absence of proper title in any one else necessarily leaves such original title to be vested in the creators of the wealth alone. Any assertion to the contrary would be an assertion of the right of property in others, or slavery. Hence, we are forced to the conclusion that the *first* title to all property must reside in its producer.

Second: The title of the worker is established complete and unanswerable defence of this principle, with special application to the question of inheritance, is found in J. S. Mill's *Political Economy*, Book II, Chap II. "The essential principle of property," says Mill, "is to assure all persons what they have produced by *their* labour and accumulated by *their* abstinence." (The italics are mine.)

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by the fact that the property would not exist without him, and his very power to refrain from producing, argues his right to the produce when it is created. There is no property in the real sense of the term that is not created by human labour. A forest is not available as wood until the hand of man has felled the trees and transformed them into lumber. A field is not of service to mankind until the plough has been put into the soil and the produce drawn from the bosom of the Earth Mother by human effort. Even the fruits of trees, the berries upon the ground and the water in the spring are not of life-giving value until the effort of man has been put forth to bring them from where nature placed them, to the hand or mouth of the person to whose needs they minister. And since to the producer alone belongs the right to produce or to refrain from producing, his right to the first or original title to any product must therefore be incontestable.

Third: The worker's right of choice as to what he shall produce is evidence of his title to the product. If any other person or persons may in justice claim the product after its creation, the same right whereby they claim it would logically embrace or include the complete authority to dictate what the worker should produce, and when,

and how much; in short, an absolute mastery over his life. There is no halfway point in production between freedom and slavery. To maintain that a man is free to produce what he chooses, and yet that the product belongs to another is a manifest absurdity.

He who claims the right to appropriate my product must also claim the right to compel me to produce what he chooses, else his first claim is easily shown to be illogical and ridiculous. Conversely, my own power to choose my own industrial occupation must infer an absolute proprietorship in my fair share of the result.

Fourth: The employment of force, fraud or cleverness in taking property from its producer cannot create an inalienable right thereto for the victor. The very fact that an opposing and stronger force can take away the supposed right proves that the title of the first user of force was not inalienable according to his own definition of it. And that which contradicts itself cannot be true.

Since property cannot be shown to belong originally to any one else than its producer; since it cannot come into existence without him; since he cannot be compelled to produce at the command of another, except we admit slavery; and since force used in taking his property from him cannot con-

fer a just title, we must therefore concede that one of the inalienable rights of man is the right to the peaceable possession of the property he creates. It is his by title of nature itself, for nature placed it first in his hand, to encourage and reward his labour. It is his by direct declaration of God who commanded that in the sweat of his face he should eat bread.¹ It is his to have and to use, to barter and exchange. It is his against all the world; and any law designed to annul or abridge this right is a violation of the natural rights of man.

The real source of human rights is not in documents. It is in those sentiments of justice and liberty for which men have fought and sacrificed since the world began. And from the very existence of these sentiments in our breasts, we know that the original title to property, if it be a just title can be vested only in the original producer of that property. I pass this subject, therefore, not as being completely disposed of here (for volumes could be written thereon, and have been, by most eminent writers) but as being taken and accepted universally by mankind.

¹ Genesis iii, 19.

CHAPTER V

INHERITANCE VIOLATES THE PRODUCER'S RIGHT

IF, then, the right of a man to the property he creates is incontestable, let us see whether our system of inheritance interferes with this right. Let us consider whether the act of granting inheritances to children yet in the cradle is merely an act of kindness to those favoured children, or a mathematically demonstrable robbery of all other children. Let us examine into the justice or injustice of an inheritance of one hundred and sixty million dollars being granted to one boy¹ in a land where millions of workers are below the breadline, forced to work for less than enough to maintain a family in decency,² and to take their little children out of schools to toil in factories for less food and clothing than even health and common comfort require.

¹ Vincent Astor's fortune, inherited from his father, who perished in the *Titanic* disaster, was variously estimated from 70 to 160 millions. The Astor fortune has come down from father to son for five generations, and was originally secured mainly through increases in the value of real estate.

² See Report of the United States Industrial Commission, 1915, quoted in Chapter XIV of this book.

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The world rocks with the furious conflict of two classes of workers struggling for a fair share of the rewards of industry, roughly described as labour and capital. Yet it is impossible for either labourers or working capitalists, as such, to participate in the incomes from the uncounted millions of dollars ¹ that quietly pass into the hands of heirs who do nothing to earn them.

Labour and capital are fighting to the death for only a part of the world's wealth, while the beneficiaries of privilege who are neither labourers nor working capitalists, live luxuriously, taking no part in productive enterprise, simply gathering more dividends and preparing to pass them on in time to others of their blood.

I shall endeavour herein to show you that the

¹ While exact information is not available, the following comparison will be illuminating: In 1915 there were 7,509 persons in the United States who reported annual incomes of over \$50,000.00, that is to say, 7,509 persons who acknowledged themselves to be millionaires, since it would require a fortune of a million dollars, at least, to produce an income of \$50,000 a year. The combined fortunes of these 7,509 people have been estimated at thirty-three billion dollars. An Act leaving to each estate one million dollars appropriating the remainder through taxation would produce \$25,500,000,000.00, approximately a billion a year for a generation, which is nearly twice as much as the average expense of the U. S. Government from 1904 to 1915. The total ordinary expenditure of the U. S. Government from 1789 to 1916, inclusive, a period of 127 years, has been \$26,150,991,471.00.

greatest power of the world is in the hands of those who inherit the accumulated values of past generations; that there is no method whereby men who are entitled to all they produce, can get it while this important power is being bequeathed from generation to generation to those who do not earn it; that a small part of the world is mad with money aristocracy while countless multitudes are crushed to earth by undeserved poverty; and that the remedy for this terrible condition is so simple that nothing but the most inexcusable blindness of soul is keeping the earth in misery. I shall show that the bequeathing of an estate to other than the man and woman who created it, constitutes a denial of the inalienable rights of all other men and women to the property they create. And I ask you to examine the claims upon which this denial of human rights is based, and see whether there can be any sentiment, either of justice or of benevolence, upon which our law of inheritance is founded.

The moment that we admit that self-effort is the foundation of a just claim to wealth, that moment does the doctrine of hereditary succession to wealth become an absurdity. The wealth of the world is the product of all the labour of the world and to admit any person or persons to share in the product who had either no share or a very dispropor-

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tionate share in the labour that produced it, we have introduced two principles that are mathematically opposed to each other. We have granted to two people a title to the same thing. One of those titles must give way. In point of fact every time a title to property is granted without self-effort on the part of the person who receives the property, that precise measure of reward must be taken away from those who are by labour entitled to it. This, I believe, will be made perfectly clear in the following chapter.

CHAPTER VI

HEIRS ARE SUPPORTED BY THEIR OWN GENERATION

IF we think clearly, nothing is more evident than that an heir is supported not by his father but by capitalists and labourers contemporaneous with himself,¹ who supply him from their own earnings and who have an incontestable right to withdraw that supply.

To understand this thoroughly it is merely necessary to consider what man's chief physical wants are and how they are supplied. They are generally agreed upon as being food, clothing, shelter, and the luxuries of life. Let us consider each.

As to food — the proposition that each generation produces its own is well-nigh undebatable. Practically no food does or can remain in an edible state for over a year, to say nothing of a life-time. In cases when it can be preserved longer than a single year, as in the case of grains, the shrinkage of the food and the tying up of capital, render it

¹ See Henry George, *Progress and Poverty*, Book I, Ch. IV, p. 74.

inadvisable to hoard it save as an emergency measure in time of war or famine.

After food has been prepared for use, the situation is even more extreme. Ordinary bread can hardly be preserved longer than a week. Fruits and meat, to be kept eatable even for a few days, must be carefully packed and specially treated. Even water stales if not kept in motion. And to cap the climax, after any food is cooked (and cooking is an enormous factor in production, estimated in hours of labour of millions of cooks) it must be eaten *within a few minutes* to be palatable.

As to food, then, the fact that each generation produces its own is clear and unquestioned.

As to clothing the situation is nearly as extreme. The destruction of clothing by time itself makes a ten-year-old garment of little service unless it has been packed and preserved with care, while changing styles and conditions render the use of old clothing as socially undesirable, as years of non-use make it an economic waste, by the tying up of capital. Modern economies have made it necessary for clothing to be sold generally within a year of its manufacture, and the merchant who carries old-style clothing in stock seldom remains in business long enough to become a very significant factor therein.

So as to clothing it is also evident that the dead parent does not provide it.

As to houses and store buildings the situation is not so extreme. While the average life of a building is said to be less than twenty-five years, due to fire, weather damage and the changing needs and styles of a community, there are many houses that endure for a much longer time, and some public buildings that stand for ages. Yet even in such cases, the repair of the building during the long years of its existence entails a much greater cost than its original erection; and the labour expended upon caring for it daily to make it serviceable can hardly be estimated. This labour must always be performed by living hands; and there is no more certain evidence of this, if evidence were needed, than the fact that when these ministrations are said to be performed by the voiceless dead to whom heirs look for their titles, the very heirs themselves are the first who are inspired by fear to desert the haunted house. The far greater part of the labour connected with the shelter of each generation must be performed by it.

So also with the tools of industry and the conveniences and luxuries of life. A generation or less sees their destruction through corrosion and decay if not through use or the rapidly changing

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conditions brought about by invention. Each generation is called upon to provide its own implements of labour and conveniences of luxury and to do the work necessary to keep them in condition for use.

Reduced to its last analysis, the theory that a son is supported by his dead father¹ or grandfather becomes the most senseless and feeble of claims.¹

¹ Louis F. Post, Asst. Secretary of Labour and well-known political economist, in *The Public*, New York, August 10, 1917:

“ Nobody can any longer doubt that mankind lives from hand to mouth. Never again will any but impostors assert nor any but easy dupes believe, that men may live upon accumulations of the past. The war has made it clear that none lives otherwise than by the work of his time. It follows that no one can be rich enough to live without working unless he lives at the expense of the work of other living men. Is it, then, unreasonable to predict that hereafter he who does not earn his own living, be it that of a beggar or that of a millionaire, will be spotted for an industrial parasite? Who can long be dull enough to doubt that any one's living, if he does not earn it himself, is being earned for him? Not *has been* earned for him by industrious and despoiled contemporaries.

Ancestors leave no accumulations of life's necessities worth considering in connection with the problem of living without working. Houses that last for a little time, jewels for a longer time, machinery for a shorter time—these they may leave. But even the most enduring necessities and luxuries of life are soon gone. Before they are worn out, the heir must part with them in exchange for food unless his ancestor from whom he inherits them has left him also some magic recipe for commandeering food without earning it.

For food is not enduring. Most of it is needed for consumption as fast as it is produced. This is virtually true of all

The only benefits that one generation can leave to another (outside of public improvements, buildings, roads, etc., upon which each generation must do its share) are the examples of right living, reforms in civilization, inventions in mechanical science, and in general benefits of an intellectual or spiritual nature, the details of which are preserved in tradition and in books.

A certain absurdity in the claim of the right of heirs to property because of the services of their fathers, becomes apparent when we consider the nature of the real benefits that are handed down from generation to generation. If any sons should be considered entitled to immunity from labour on account of their fathers' service, it would seem reasonable to believe that these should be the sons of inventors, scientists, writers, libertarians and scientific and moral reformers. Yet the children of these great men have been utterly neglected by posterity — for who has yet had the audacity to

necessaries, but of food it is literally true. As "an army moves upon its belly," so do the nations. All their people must be fed with food produced as they go. Today's production is virtually, almost literally, today's only supply for consumption.

It is a natural law. There is no such thing as accumulation in any comprehensive sense. Work, productive work, continuously productive work, is the price that Nature exacts of mankind, alike for living and for killing. Pay as you go, and pay in work! This is Nature's unalterable rule.

propose that we should excuse from honourable toil the heirs of Robert Morris, or Abraham Lincoln or Henry George, because of the greatness of their fathers? How did it fare of olden times with the heirs of Martin Luther in Germany, Shakespeare in England and Galileo in Italy? And how much by way of inheritance did the world bestow upon the sisters of Jesus, the nieces of Columbus or the grandchildren of Robert Fulton?

Instead of such reward our histories record with a bleak monotony of repetition the transfer of the fortunes of accumulators, speculators and thieves. William of Normandy, who by the rule of legitimacy was himself barred from inheritance, founded with his sword a dynasty of money-kings that impoverished Britain. The Duke of Westminster, whose father was certainly not a great civilizing or educational factor in the life of England, owns by mere inheritance a big proportion of London. The heirs of that grand old railroad-wrecker Jay Gould, have more power today than the King of England; while a goodly number of the Vanderbilts and Astors reward the generation that supports them at its own expense, by taking the majority of their New York drafts to London.

The theory that the services of the father create a just title for the heir certainly fails of demon-

stration when the services of fathers are measured in any terms but those of money; and when measured in terms of money the theory that the parent supports the child falls to the ground. We are led by logic to the unavoidable conclusion that idlers are always supported by the generation in which they live, at the heavy cost of poverty and ignorance to the workers, with disease and helplessness as the perpetual lot of unfavoured children who must continue to carry the heavy burden of privilege upon their backs.

CHAPTER VII

INHERITANCE A PRIVILEGE, NOT A RIGHT

It is necessary here as a last "preliminary consideration" to draw a clear distinction between labour, industrial capital and privilege.

Labour is the name given to all productive effort whether of hand or brain.

Industrial capital is the stored-up product of labour which is used to assist new labour. It consists mainly of machines, buildings, improvements and money.

Privilege is the permission to secure *capital* either without labour at all, or without adequate labour. It involves investment without regard to industry, or with but little regard to it. It consists almost entirely of a legal franchise to do something which others must refrain from doing, to own something that others must refrain from owning, or to secure something without rendering any service at all.

The forms of privilege are almost innumerable, but a few illustrations will suffice to show what

privilege is. A franchise to supply gas, electricity or street car conveniences for a city is a privilege, — a monopoly granted by the Government. The right to own an oil-well or a mine to be held idle is a privilege. The power to own land not in use, holding it for a rise in price, is a privilege, generally known by the term “speculation.” The power to inherit a sum of money is a privilege. In short, every method of securing profits through a monopoly or speculation or by doing nothing at all, is a privilege.

It is impossible to separate labour from industrial capital. Their objects are the same, and the result of their co-operation is mutually beneficial. Broadly speaking an injury to one is an injury to the other, and privilege is the enemy of both.

Privilege is very insidious. It arises nearly always from the supposition that some reward is necessary in a proposed enterprise beyond the ordinary rewards of industry,—some special favour to induce the investment of funds in the undertaking; and the form of favour usually granted is monopoly.

It must be borne in mind that privileges are rarely one hundred per cent favours. There is usually a certain per cent of service demanded for the privilege granted, though often, through cor-

rupt legislatures and other law-making bodies, these privileges of government have been sold for a mess of pottage. This per cent of service, too, is usually larger at first than in the later years when the corporation so favoured has forgotten its obligations of service and remembers only its monopolistic grants;¹ so that the tendency of all government privileges is to become more oppressive as the years go by than was intended at the time of their first granting.

But while, in most cases, some service is demanded by the government in return for privilege, there is one privilege that may be described as an "hundred per cent" privilege because nothing at all is done or attempted to be done in exchange by the person receiving it. This is the privilege of inheritance; and my purpose in defining labour, industrial capital and privilege, has been to enable the reader at this point to properly classify an inherited fortune as a privilege distinct from and opposed to earned capital.

¹ An interesting illustration is that of the Western Pacific Railroad grant in California in the "good old days" of railroad land grants. Ten alternate sections on each side per mile, or 12,800 acres for each mile of road to be built, was granted. The original grantee *sold* the franchise minus the land grant and *kept the land himself!* The history of the United States has been filled to overflowing with similar incidents in connection with all sorts of federal, state and municipal franchises.

With this in mind let us examine the claims put forward by the defenders of this privilege of inheritance: first, the claim that a father has the right to decree by will that his son shall have property that the son did not earn; second, the claim that the son has a right to receive it; and, third, the claim that such a transfer of property without service upon the part of the beneficiary is for the public good.

PART II

INHERITANCE EXAMINED FROM THE
STANDPOINT OF HUMAN RIGHTS

CHAPTER VIII

THE RIGHT OF THE DEAD TO GIVE

IF our system of inheritance is founded upon justice, it must be shown that the father who leaves an estate to his son¹ has a right to so dispose of his property, that the son has a right so to receive it, and that the transfer injures no third person.

¹ In my entire argument I have used the case of father and son for illustration because I wish to present the issue in its strongest light, from the viewpoint of the defenders of the inheritance privilege, discussing the question of direct rather than collateral inheritances. ("By direct inheritance is meant usually property passing to a father, mother, husband, wife, child [including adopted child] and lineal descendant. Some states include brothers and sisters and also the wife of a son and husband of a daughter. By a collateral inheritance is meant property passing to other more distant relatives or to strangers"—Bancroft.) Collateral inheritances are taxed more heavily than direct inheritances under nearly all governments, and soon destined to final extinction. To this form of inheritance nearly all distinguished economists have been opposed, whether they opposed direct inheritance or not. The list includes Bentham, Mill, Bluntschli, Infantin, Max West and R. T. Ely, the last-named stating the argument as follows: (*Outlines of Economics*, p. 363.)

"Why should collateral inheritance apart from a will be allowed at all except among near relatives? Why should third cousins inherit from one another at all unless money is left by will? Are third cousins nearer to one than the town or city

First; as to the father — (and this must include both parents, since man and wife are jointly creators of the family wealth and no will should be necessary to fully secure to the wife at least those property rights in her husband's estate that she now possesses) — there are two distinct kinds of estates that must be considered if we are to judge correctly the right of a father to bequeath an inheritance. They are:

1. Estates founded upon money secured through privilege.

2. Estates founded upon money earned.

With respect to the first, estates founded on privilege, it ought to be perfectly evident that the founder of such an estate, having no title in justice to his wealth, cannot pass on to an heir a better title than he himself possesses, and that even though his wealth was amassed under laws declared legal in his day, the discovery of their injustice by a later generation would fully justify society in refusing

in which one has lived and where one has been able to acquire a fortune? The extent to which intestate collateral inheritance is carried is a survival of the sentiment of the time when people lived in clans, and is ridiculous in our day. Right and duty should be co-ordinated. Ought I to be compelled to support an uncle who is unable by incapacity to earn a livelihood? Then I should inherit from him. . . . The modern clan is society, and to it belong all claims to inheritance falling outside the circle of vital relations."

to validate a will that would pass attained property to an heir.

With respect to the second, estates founded on money earned, the fact that society recognized the right of the founder of the estate to the full reward of his labour and guaranteed to him its peaceable possession, entails upon that society the necessity of granting a similar right to all other men. And since the granting of an estate to those who did not earn it robs the workers of the world of a part of the full product of labour, any argument in favour of inheritances because they were honestly earned in the first place, becomes a strong, nay overwhelming reason why all future estates also should go only to those who earn them. Thus such a plea for the privilege of inheritance not only falls of its own weight, but if rightly considered becomes the chief reason *against* the deeding of property by will.

Each generation has the right to make its own laws, and ratify or reject laws already made, for it is the living, not the dead, whose interests are to be served, and whose rights are to be determined.¹

¹ CAN ONE GENERATION BIND ANOTHER?

(Thomas Jefferson's letter to James Madison.)

It was the custom of statesmen, in Jefferson's time, to embody their opinions in letters to their associates. Even the

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When a man's life comes to an end, his wants, desires and powers cease at the same time. Having no longer any rights to be defended or wants to be supplied, he has no longer any authority in the world's affairs.

democratic and daring Jefferson feared to announce in public his fundamental ideas upon the rights of man lest they should be misunderstood. This letter from Jefferson to Madison, his successor in the Presidency, was written in the first year of Washington's first administration and is one of the most remarkable of these quasi-public letters written by Jefferson during the early period of American Independence.

"PARIS, September 6, 1789.

. . . "The question whether one generation of men has a right to bind another, seems never to have been started either on this or our side of the water. Yet it is a question of such consequences as not only to merit decision, but place also among the fundamental principles of every government. The course of reflection in which we are immersed here, on the elementary principle of society, has presented this question to my mind; and that no such obligation can be so transmitted, I think very capable of proof. I set out on this ground, which I suppose to be self-evident, that the earth belongs in usufruct to the living; that the dead have neither powers nor rights over it. The portion occupied by any individual ceases to be his when himself ceases to be, and reverts to the society. . . . This principle that the earth belongs to the living and not to the dead is of very extensive application and consequence in every country."

The topic of inheritance was a favourite with Thomas Jefferson. The mind that conceived and the hand that penned the Declaration of Independence belonged to a man whose soul and talents were dedicated unalterably to the great fundamentals of human liberty.

The following quotation from his writings leaves no doubt as

No parent has authority to bind or control the acts of his son past the age of twenty-one, even when living. How then has he the right to bind or control the acts of an entire generation toward that son? If he cannot bind the son to acts of goodness and mercy, if he cannot control his son's financial management of the property left to him, upon what real right can he bind the world to

to the position of the great democrat upon the question of the control of one generation by another:

“That our Creator made the earth for the use of the living and not of the dead; that those who exist not can have no use nor rights in it; no authority or power over it; that one generation of men cannot foreclose or burden its use to another, which comes to it in their own right, and by the same Divine beneficence; that a preceding generation cannot bind a succeeding one by its laws or contracts, these deriving their obligation from the will of the existing majority, and that majority being removed by death, another comes in its place with a will equally free to make its own laws and contracts — these are axioms so self-evident that no explanations can make them plainer; for he is not to be reasoned with who says that non-existence can control existence or that nothing can move something. They are axioms, also, pregnant with salutary consequences. The laws of civil society, indeed, for the encouragement of industry, give the property of the parent to his family on his death, and in most civilized countries permit him to give it by testament to whom he pleases. And it is also found more convenient to suffer the laws to stand on our implied assent as if positively re-enacted, until the existing majority repeals them; but this does not lessen the right of that majority to repeal whenever a change of circumstances or of will calls for it. Habit alone confounds civil practice with natural rights.”

THOMAS JEFFERSON.

recognize the authority of his son? If he cannot command his son to contribute in labour toward the world's support, upon what theory of justice may he require the world to feed, clothe and shelter his son? Make no mistake here — the father who is dead is not supporting the son. The son is being supported entirely by his own living fellow-citizens. The father merely *earned* support of himself, and wrongly secured the legal authority to command the coming generation to support the son. It is of importance here to realize that the will written by the father is entirely a one-sided document, commanding that the son be supported, yet powerless to command the son to pay in service for his support.

The dead parent gives a command that unborn millions of children must obey; yet the dead man and the unborn children of the next generation have not had and will not have any point of personal contact. What possible obligation can rest upon the unborn child to support the son of the man who departed from the world before he came into it? What principle of equity can be produced whereby one spirit passed away can hold in fealty other spirits not yet flung into the world from the hand of the Creator?

If the wealthy father has a natural right to de-

clare that his son shall be supported at the public charge, why cannot the son of an indigent father be required to pay his father's debts? In the latter case we recognize that such an obligation placed upon a son would be unfair. Is it not clear that the inheritance of a fortune is as unfair to the public as the inheritance of debts would be unfair to the son?

No more absurd and unreasonable situation can be presented than the generally accepted rule that men who have passed beyond the tomb, having no present relation to the living world, must be obeyed because they wrote on a piece of paper, the rules to govern the unborn. And when to this we add the consideration that we only obey those privilege-creating rules regarding money that are written into wills, and reserve the right to utterly neglect the moral counsels that the parents may have given while alive, the absurdity becomes criminal, the injustice too grievous to be borne.

A government of the people, by the people and for the people can be possible only when it is conducted by those geographically and physically present. Government should be for those who live under it. It refers to the problems that effect the living, and only the living have a natural right to conduct it. The assertion that the will of the dead

must be obeyed is merely the effort of the favoured class to call tradition and superstition to the aid of privilege, and is an insult to the memory of that much larger number of ancestors who loved justice.

If we are to obey the will of our ancestors, let us consider not merely a few, but all of them. It is the uniform folly of those who base their defence of large inheritances upon the rights of ancestors, that they select only a certain class of ancestors upon whom this power is conferred. They do not include them all. They include only a small number, most of whom were themselves heirs. They do not even include men selected for their wisdom, scientific knowledge, honesty or other special qualifications that might fit them to administer such a trust wisely.

The power to name heirs is conferred only upon the wealthy. The mass of ancestors is ignored. The millions of our forefathers who fought, bled and died to free this nation and to preserve it, are not invoked as authority by the advocate of swollen inheritances. Their sanctity as ancestors is as rudely ignored as their rights as men would be if they were living today.

Make no mistake. The appeal to the sentiment of respect for ancestors as authority for the privilege of inheritance is as hypocritical as it is il-

logical. It is an appeal for *some* ancestors as against *all* ancestors. It is the appeal of aristocracy, opposing democracy.

If we are to apportion the earth's blessings according to the wishes of our forefathers, let us include them all, and we shall come out right, for then we shall come to see that the Father of All is God Himself¹ and that we are all of one ancestry, the intermediate stages of descent modifying our natural talents but not our natural rights. Just as we today condemn the presumptuous son who endeavours to break the will of his father in order to obtain a larger share of the family wealth, so we should condemn him who attempts to break the will of the Divine Father of All, who gave the earth to all mankind for an inheritance.

But our inheritance laws go much farther than to merely compel obedience to the will of the dead. They have created in the minds of heirs the feeling that they, *as heirs*, are entitled to money even when it was the desire of the deceased that they should not receive it; and such is the arrogance of this class of people that in thousands of instances the most impudent efforts are made by them to break the will of the testator and force a recognition of their claims to the inheritance of unearned money.

¹ Malachi ii, 10.

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And often in these cases the most vile reflections are cast upon the memory of those whose money has become the object of the disgraceful contest.

If the people of a past generation, or of all past generations, were disposed to permit these inequalities of the cradle that come with inheritances, that does not and cannot lessen the right of this generation to be free of them. The denial of the property rights of others that is made whenever an heir is granted, without labour, a part of the property control of the world, enforces a degree of slavery upon the rest of the world in proportion to the size of the estate inherited; and when any document, signed by no matter how many testators, witnesses and notaries public, solemnly consigns a fortune worth as much as a kingdom to the sole ownership of an infant, it speaks a language that would merit no further reply than Homeric laughter, did not the human slavery that it represents bring such a clutching misery into the hearts of the thousands who must toil terribly for enough bread to live, while they are being stripped of that share of their earnings that the non-producer by this arrangement must necessarily receive.

Look at it from whatever angle you will, hereditary succession to the power of money is more than an absurdity. It is a crime against all posterity.

A man dead, who cannot so much as lift a verbal protest against the iniquities of an heir, who has no power to regulate any of his moral delinquencies, whose control has been taken utterly away from every detail of the heir's conduct, is yet pointed to as the source from which this beneficiary derives the mastery of a thousand human lives! An authority granted by the powerless! A right derived from one who cannot enforce a duty! A living power established by the tomb!

CHAPTER IX

THE RIGHT OF HEIRS TO RECEIVE

SINCE, then, it is true that the living can gather no real authority from the dead, the claim to an inheritance must arise from some other source. Naturally there are only four physical factors to the transaction,—the dead person, the heir, the document known as a will, and the living people who consent thereto.

Having examined and disproved the theory that the dead person has a right to control the living, let us next examine the claims of the heir.

Before considering such of these claims as are based upon argument, I wish first to turn your attention to a most powerful influence or claim of the heir that is founded upon the sentiment of family superiority — the feeling that one's family is better than other families. There are many who have this feeling, just as a man naturally considers himself superior to a horse, or a white man feels himself superior to a negro or an Indian.

So far as this feeling applies to respect for one's

ancestors and hope for the success of his posterity, it is a worthy feeling; but a clear distinction must be drawn between a wholesome emulation between families in the attainment of mental and moral superiority to others, and the evil wish to use one's family as a means for the attainment of selfish and unjust ends. Just as Abraham Lincoln said of the negro,¹ "I agree with Judge Douglas that he is not my equal in many respects—certainly not in colour, perhaps not in moral or intellectual endowment. But in the right to eat the bread, without the leave of anybody else, which his own hand earns, he is my equal and the equal of Judge Douglas and the equal of every living man," so I may say of a person I consider to be of inferior family "He may not be my social equal, perhaps not my mental equal; but in his right to all the produce of his labour, he is the equal of any man living; *and I have no right to any special privilege of receiving money without earning it, for thus I deprive him of a part of what is his.*"

Passing, then, from the consideration of family superiority as a basis for economic privileges, let us consider such claims of the heir as take the form of logical argument.

To him who claims the right to an estate because

¹ See Lincoln-Douglas debates.

his father earned it, I have this to reply: The fact that my father earned a vast sum of money simply entitled me to have a father who earned a vast sum of money. There is nothing further in that coincidence so far as *my* natural right to money is concerned. There is no reason given in that statement for *my* receiving what *I* have not earned. The statement that a man is entitled to money because his father earned it is a *non sequitur*. It is a mere statement, containing nothing whatever of reason or argument. Reduced to its lowest terms it is equivalent to saying "A is entitled to money because B earned it."¹

The fact that the father earned it merely proves that the father was entitled to it. It contains no shred of argument to show that the son is entitled to anything. In fact, to the extent that it proves that some other person earned it, it shows conclusively that the son is *not* entitled to it.

If the privilege of an inheritance were one to which the son is entitled by inalienable natural

¹ "Property rights cannot justly be based upon consanguinity, and blood connection confers no merits upon a claimant; for so far as his own efforts are concerned consanguinity is purely an accident. To give any man wealth merely because his father was wealthy is no more just than to hang another son because his paternal ancestor was a murderer or to imprison him because the latter was a thief." George Richardson, *King Mammon*, p. 132.

right, it would be necessary to go much farther than merely to grant the father's right to transfer his estate to his son. It would be obligatory upon mankind to pass laws compelling a testator to so dispose of his property. In the case of a widow we very properly grant to her certain dower rights, since the widow must be considered her husband's partner and jointly with him the creator of the family estate. We should grant to her at least those property rights to her husband's estate that she now possesses; our action in granting a certain minimum with or without her husband's consent is a recognition of her natural right thereto; and this same reasoning applies to children in the helpless state of their minority. But we make no such compulsory provisions for any child except in his minority. The father may "cast him off" if he desires, and in permitting this the law clearly shows that *it does not consider the privilege of inheritance as based upon or proceeding from any inalienable right of the heir.*

The answer is immediately urged, however, that the father, being entitled to it himself, has a right to give it to whomsoever he pleases, and that the right of one to give implies the right of another to receive.¹

¹ For legal decisions disproving this assumption see *State vs.*

I deny the right of a man to give anything that he pleases to any person whom he chooses. No sentiment is more tender than the affection that inspires the giving of gifts of remembrance. The heart warms and the soul responds to the giver of such gifts. It is in imitation of the Giver of all things good that the lover of mankind gives of himself to all; and the most tender expression of individual affection is the giving of a gift that has cost effort and thought, by one who loves to one who is beloved. But there must be a rule of reason and justice in this as in all other human actions. Where the gift works an injury upon the community, the people have a right to forbid it.

The legality of governmental restrictions upon gifts has always been recognized and is recognized today in many particulars. One may not give money to a criminal for the purpose of assisting him in crime. He may not furnish money or supplies to any enemy of his country. He may not legally give money to a drunkard to purchase liquor, nor pay the railroad fare of a woman to aid in an immoral purpose. He may not give money for political uses, beyond a certain reasonable amount. He may not furnish weapons to the insane, nor sell

Ferris, 53 Ohio St. 314, 41 N. E. 579, and other cases cited in appendix.

poison to one who desires to use it to commit crime or suicide. Hundreds of similar cases might be cited. There are today a large number of limitations upon the right of the possessor of wealth to give it away, and these limitations gather around the general principle that no gift may be made, the result of which is an injury to the public good.

In the case of large inheritances the injury to labour and earned capital is too grievous to be borne. Sorrow, poverty and crime, stalk at the footsteps of the heir to unearned millions, and the disinheriting of the rest of the world is not the accidental but the inevitable consequence. Low wages, high prices and hunger-enforced prostitution are necessarily increased in the proportion that unearned inheritances bear to the total of the world's wealth. The evil of inherited millions is too terrible for the subject to be laid aside by a mere declaration that a man has the right to give what he pleases to whom he pleases.

Nor is the situation changed one whit by the statement that to forbid the gift of fortunes by will necessarily involves the prohibition of the gift of fortunes before death. This statement is not necessarily true, for it is reasonable to suppose that if inheritances were forbidden, the holders and earners of fortunes would *not* give away before

their death any larger sums than would be wisely used by the recipients. But, if we grant that the withdrawal of the privilege of inheritance would require the forbidding of dangerous gifts before death, then the reasoning that supports the denial of the former upholds also the denial of the latter. The world is coming grandly into the recognition of certain social truths, and of these there are none of as great economic importance as the fundamental underlying principle that every man has a natural and inalienable right to the full product of his toil. Any privilege, whether of monopoly or gift, that interferes with the fair operation of this principle, is wrong morally, and should be destroyed. The entire course of the modern development of law seems to indicate the attempt to limit the evil of inheritance by denying the principle of free and unrestricted giving. The laws of the United States (and of most other countries as well) forbid primogeniture and entail. That is, they discourage the custom of retaining vast estates in the hands of the eldest son, and forbid the tying up of estates longer than a period of twenty-one years after the death of the last living beneficiary. Civilization has accomplished this much in the right direction, and the very air is electric today with the thought

that we should now go a step farther and prohibit the privilege of inheritance altogether.

If no injury to the rights of others were involved in the descent of estates, such descent could not always imply a right to receive even when the acts of receiving and giving took place at the same time; but surely the right to give *can never imply* the right to receive when the two acts take place under different circumstances and relations. For what might have been wise before the testator died (but what, incidentally, he refused then to do), might prove unwise after his death.

The advocates of this theory, I think, should be called upon to *prove* the right to receive which they declare is *implied* in the right to give. As beneficiaries of reward without labour it is not sufficient for them to *infer* what they ought to be required to prove. And there is no basis of justice or desert upon which they can establish such a proof. They hold their privilege of inheritance by sufferance only — and when that sufferance or permission is withdrawn it will at once be seen that there remains no natural right upon which their claim may be founded.

CHAPTER X

BASIS OF NATURAL RIGHT TO PROPERTY

THE statement is made that the heir did not come into the world of his own choice and has therefore the right to expect his parents who were responsible for his existence to provide funds for his care. If this is true of the heir to a fortune it is also true of all the rest of the children born into the world. The theory of the divine right of heirs must therefore rest upon some other argument,—upon some claim not equally true of all human beings.

The claim that the son, during the life of his parents, has been raised to expect luxury and should therefore not be deprived of that expectation, would not merit reply save that it is so commonly made.

The plain and short answer to this claim is that under a proper social organization, men will not *expect* inheritance they have not *earned*,¹ and that

¹ This proposition is cleverly stated as to collateral heirs by the profound Jeremy Bentham and applies with equal logic to direct heirs:

“The heir would suffer no hardship, for hardship depends on

when claims to property are based upon that expectation, the removal of the expectation will necessarily destroy the basis of the claim. Under monarchies, princes expect to accede to their father's power; but no son of a president of a republic expects to inherit his father's position, or feels abused because the idea of granting it to him is not thought of. Under a just law as to inheritances, no parent would repeat the error of raising his son to anticipate luxury, but would give him instead an education and training to enable him to fight the battle of life. The existence of the wealthy young snob raised to expect his accession to his father's power is one of the serious mistakes of modern society, as the Harry Thaws of today clearly demonstrate.

Of a similar kind is the argument that the son of a millionaire really requires finer nourishment disappointment; disappointment on expectation, and if the law of succession leaves him nothing, he will not expect anything." Again, "Suffer a mass of property, in which a man has no interest to get into his hands, his expectation, his imagination, his attention at least fastens upon the whole. Take from him afterward a part . . . the parting with it cannot but excite something of the sensation of a loss . . . Take from him now (I should not say *take*) but *keep* from him the whole, so keeping it from him that there shall never have been a time when he expected to receive it; all hardship, all suffering is out of the case."

than does the son of the Hungarian, Polish or Russian labourer. This is only partially true, and under a just inheritance law need never be true; for if the power to inherit were destroyed, a father would raise his children to work, and to live upon wholesome food, of which there would be plenty for all. The education of the rich would be for service, and the son, instead of inheriting his father's money, would be more likely than he is to-day to inherit his ability.

The argument, or excuse, that an heir, if incapable, will soon lose his fortune, and that the evil of inheritance is therefore not greatly to be feared, is an evasion, of the most false and dangerous character. As an argument it merits no reply save the dignified silence of contempt, but as an appeal to a fancied security from the dangers of vast estates, where no such security exists, it demands the most vigorous and emphatic denial.

To secure a fortune not based on any privilege requires the exercise of great intelligence and industry; but the preservation of that fortune requires very little. In these days of government bonds and other high-class securities absolutely safe in their character, it is not necessary to have a great amount of ability to preserve a large fortune once accumulated, or even to increase it.

To tell a child who sees other children thus presented with the stored-up capital of the world, that he is free and equal with them, is the height of satire. It is like placing him in a desert and telling him he is free to eat. It is like dropping him in the Atlantic Ocean and telling him he is free to walk ashore. The only freedom he has is in his opportunity to learn through poverty how to fight for wealth; and in this struggle he is constantly under the disadvantage of laws made in favour of those who already have the wealth he is seeking to obtain; and those favoured persons, unable to defend their own cause, hire others to conduct their defence against him — indeed, are constantly endeavouring by fair promises and the lure of present ease, to hire *him!*

Fortunes being hereditary and brains frequently not so, means are constantly being devised to make estates “fool-proof”—to preserve family fortunes even against the utmost incapacity of heirs; and where a parent perceives his son to be of small intelligence, he specifies in his will the means that must be used to preserve the money for him. Thus a son not even able to keep that which is given to him, is cared for by trustees and trust companies.

Any student of history will at once recognize the fact that these are precisely the same measures

that have been used for hundreds of years to protect the Crown in monarchical countries. Where a "prince" has been too young to govern, and sometimes even yet unborn, but expected, a regency has been established, to guard for him his "sacred right" until he has become of age. Even in cases of insanity or complete idiocy, the fiction of the prince's authority has been preserved by its delegation to one with no greater natural right to it than the incompetent son himself had. And in these cases, as in the case of the heirs of fortunes today, the administration of the trust has been a source of easy gains to those who assist in it, men and organizations willing to perpetuate a wrong because of the profits they secure thereby.

The natural right to a fortune can only be based upon one proposition — that the title to it must arise from the labour of the person receiving it. Yet there are so many who urge that the heir has a right to it because of the necessity of preserving the unity and efficiency of existing business organizations, that I am inclined to consider this for a moment.

First, if it were true that the accession of the proprietor's son to his father's place and power would help preserve a great business, this fact would prove not the *natural right of the son* to the

position, but the *advantage to the people* of having him occupy it; so that as an argument in favour of the son's natural rights it falls at once to the ground. As a matter of fact, however, the son does not so often preserve the usefulness of a large organization as destroy it. So notoriously true is this that we have evolved a saying which is false in fact but universally accepted as a description of the capabilities of heirs, that it is but "three generations from shirtsleeves to shirtsleeves." The modern business man who desires to preserve his business even during his lifetime has devised the corporation, a form of organization least calculated to suffer by the loss of any one person in it. The son of the successful business man is so seldom his father's equal that his failure has become a byword among men; and a form of organization whereby the new manager would be chosen upon merit rather than by birth would of necessity obtain for business establishments a security now altogether lacking.

It was, and is, a favourite argument for monarchical forms of government, that the stability and security of government is promoted by the accession of the son to his father's power, and that the people ought therefore to prefer peace with slavery to the hardships of the attainment of liberty

through revolution. But wherever the chains of royal slavery have been cast off by a freedom-loving people the blessings of self-government have been shown to be of greater worth than the security that is said to come with bondage; for a fettered security is never more than temporary, while the blessings of freedom are eternal.

Even in cases where the son is capable, honest and industrious, no natural right to the privilege of inheritance attaches to him thereby; for, if capability, honesty and industry were the factors of an inalienable right to inheritance, the heirs of the world would be an entirely different set of people than those who are now so favoured, and the evil of inheritance would not have become so terrible as to demand the adjustment that is today beginning to take place. It has never been conceded, even by our most liberal exponents of inheritance privileges, that the most honourable, or virtuous, or self-sacrificing of our citizens should be rewarded by inheritances. The discoverers of new worlds, the prophets of new religious and economic ideas, and the revolutionists whose memory we honour today, were persecuted, hung, burned and crucified; and their children were heirs not to fortunes, but to poverty and social ostracism.

Neither virtue nor wisdom constitute an in-

alienable and natural right to money on the part of the person himself, to say nothing of his heirs. The only natural right to property that exists is the right of him who labours, to receive the full product of his toil. There is no decree from heaven or law of earth, that wisdom and virtue be coupled inseparably with hereditary accession to money power, and we ought to decline to show that favour and partiality to the wise and prudent that we deny to those who need it more. We ought to decline to distribute the bounties of earth to favoured persons, for God acted upon the opposite principle when He bestowed the blessings of seed-time and harvest upon all in proportion to their diligence and ability. When we see that the Creator appears to disown and disacknowledge the hereditary system by the kind of heirs with whose accession he has cursed it, there remains no shred of reason for the continuation of such an evil save the ignorance of those who suffer and the greed of those who are privileged. The moral character of the idle rich is below that of workers in all countries. One is insane, another degenerate, another a fool, and many a combination of all three, with idleness to increase their folly and heighten their degeneracy. This is not true of all, but it is certainly far more true of the idle rich, and the idle poor who are in-

separably the result of them, than of the great middle class of people. It is impossible to support our system of inheritances in the name of either reason or justice. Common sense rejects it and the conscience of every man alive is a crying witness against it.

Is it wise to make an estate hereditary that requires ability and judgment for its management? And if business management does require these qualities, is it not evident that by bestowing title without examination as to merit, we injure the general interests of mankind by our folly?

Hereditary succession is a burlesque upon property. It represents it as a trust which any child, idiot or lunatic can fulfil whom nature has made the son of an accumulator. It requires some talent to be a brick-layer, a butler or a sewer inspector. Even membership in the sanitary brigade of a hotel or livery-stable requires that the candidate present some sort of evidence of ability to perform the labour for which he or she is employed. But to be an heir requires no test of efficiency except a doctor's certificate of birth accompanied by a marriage license certifying legitimacy; and to make it more absurd, even this requirement depends not upon the heir but upon his parents.

In our common law of contracts we have this

principle established: that any contract, to be valid, must contain a "sufficient consideration"—that is that if one person is to receive property as a result of the contract, it must be shown that he also gave a "consideration"—and a "*sufficient consideration*"—in return. This is recognized as being just, because it conforms to the first rule of honest business, that a fair bargain must benefit both parties.

In the case of an inheritance, however, we have an heir receiving without giving, a bargain that contains a benefit to only one party, an agreement between the heir and the community that the heir is to receive certain special benefits from which all the rest of mankind are excluded, without giving *any* valuable consideration whatever, to say nothing of a "sufficient" consideration.

And to make a bad matter worse, such is the construction of the human mind that this very favour, conferred by the community, has a tendency to make the heir a worse citizen than he would otherwise be, and to give him a station or position exalted above his fellow-men who support him.

Moreover, in the making of ordinary civil contracts both parties are required to be "competent"—that is to have the necessary legal qualifications as to age, sanity, freedom from penal servitude,

etc. To suppose that any unborn heir can be a competent party to the contract whereby he receives an estate, is to suppose him to have powers before he came into existence; and to suppose him capable at birth, like Jason's warriors springing from the dragon's teeth, is as great an absurdity as the myth it recalls, with less poetic and sentimental excuse.

The document called a will, therefore, not conforming to the usual rules of fair exchange required in civil contracts, has to fall back upon false sentiment and precedent for what little of argument or logic is presented in its support. How false this sentiment is, which favours one child at the terrible cost of a thousand, and how wicked the precedent that brings economic ruin upon a struggling world, are subjects for later consideration; but for the present let us not lose sight of the importance of the main point just discussed, that the claim to an inheritance cannot be based upon any natural right of the heir, since the cause to be adjudged lies between him and the other living people of his generation, his father being dead.

There is only one basis of a natural right to property. That basis is the creation of the property in question.

CHAPTER XI

THE LAST WILL AND TESTAMENT

THE last will and testament of a man who is deceased is a unique document. It is the only document in the world that enables a man to dispose of property after his death which he was unwilling to dispose of during his life-time. It stands almost alone as the means whereby the hand of the dead can rule the living world.

With the exception of seven or eight years during the reign of Henry VIII in England, it has been for centuries a recognized instrument of perpetuation of power in the line of a family. Without it, power would have to be earned by merit, or at least by effort. With it, power is transferred without regard either to merit or to effort.

This document gives to the heir the authority to enter upon and possess property that he did not earn, and perhaps has never seen. It gives him the legal privilege to consume without labour food that others are producing, and wear without labour clothing that others are making, to secure without

service in return, shelter, luxury and opportunity. Wills confer upon heirs as a class the value of the entire sum of capital that each generation passes on to the next.¹

An inheritance is a *privilege*, not an earned property, and the will by which it is transferred confers a legal power upon the heir to live without labour upon the products of others.

To say that a will or any other document gives *rights*, is, to a certain extent, misleading. Human rights are natural and inherent in all human beings; and all that any legal document can do is to certify and make plain to both the ignorant and the oppressor what those rights are conceived by the government to be.² If the law corresponds with

¹ In the United States alone this sum is estimated at four billion eight hundred million dollars a year. See *Preface*, p. 18, note 3.

² Blackstone, whose famous *Commentaries* are still recognized in England and America as a basic authority, is under no illusion as to the source of authority for the document known as a will. He says (Book II, Ch. 1, Sec. 2): "There is nothing which so generally strikes the imagination and engages the affections of mankind as the right of property, or that sole and despotic dominion which one man claims and exercises over the external things of the world, in total exclusion of the rights of any other individual in the universe. And yet there are very few that will give themselves the trouble to consider the original foundation of this right. Pleased as we are with the possession, we seem afraid to look back to the means by which it was acquired, as if fearful of some defect in our title;

human rights, the document adds authority to natural right and confirms it. If the law is wrong, as is often the case, the document gives authority and strength to error. Governments ought therefore to be especially careful, when they issue such certificates, not to oppose the natural rights of the community of men by granting special privileges to any favoured class.

If a will, devising a hundred million dollars to an heir who did not earn it, should state in terms what its clauses make inevitable, it would say, "I hereby instruct or decree that to the extent of one hundred million dollars the workers of the next

or, at best, we rest satisfied with the decision of the laws in our favour without *examining* the reason or authority upon which those laws have been built. We think it enough that our title is derived from the grant of the former proprietor, by descent from our ancestors, or by the last will and testament of the dying owner; not caring to reflect that (accurately and strictly speaking) there is no foundation in nature or in natural law why a set of words upon parchment should convey the dominion of land; why the son should have the right to exclude his fellow-creatures from a determinate spot of ground, because his father had done so before him; or why the occupier of a particular field or jewel, when lying on his death-bed, and no longer able to maintain possession, should be entitled to tell all the rest of the world which of them should enjoy it after him. These inquiries, it must be owned, would be useless and even troublesome in common life. It is well if the mass of mankind will obey the laws when made, without scrutinizing too nicely the reason for making them."

generation shall produce and not receive." That is precisely the effect that such a will has, and those who wince at it or try to avoid its unavoidable conclusion, merely deceive themselves, or, worse, add hypocrisy to injustice by pretending to think what they do not.

All charters, wills, deeds and franchises have a direct affirmative operation that includes and requires an equally direct negative operation. A license to run a railroad, own a special lot, or receive an inheritance, is mainly valuable because it forbids all other people in the world to use the railroad right of way, to occupy the lot, or to get an equal inheritance. Whenever the community receives a fair value for such monopolistic privilege, it is no doubt wise to grant it; but when such privileges are granted without a return to the generation granting them, as in the case of an inheritance, the negative operation of the grant is at once apparent. The conferring of wealth upon those who have not earned it, is a denial of the natural rights of all other living persons to the full reward of their toil; for inheritances consist of property taken from the world's total product, leaving less for workers every time a part is given to a non-worker.

The will, like many other injustices, calls superstition to its aid and makes a bad use of religion.

“In the name of God, amen!” was the old-fashioned verbiage at the beginning of this document, and still is often used. The deity is called upon to sanctify the acquisition of millions by a scape-grace heir. The name of God is invoked to justify and lend dignity to a robbery of the workers of the coming generation. “In the name of God, so be it!” is a phrase that calls upon the Maker of the world to support a profanation of His Divine plan to shower the resources of beneficent nature upon all mankind in proportion to the sweat of their brows.¹ This phrase: “In the name of God, amen!” when used to legalize a violation of God’s high ordinance, is blasphemy.

It is impious, in a will, or in any other document, to introduce the name of the Creator as a witness to the degradation or spoliation of the people He created in His image. That God could approve an inequality of the cradle as to the common right of all men to their own earnings, is unthinkable.

“I give, devise and bequeath to my son, his heirs, executors, administrators and assigns for ever.” The world is moving toward justice and freedom — toward the ultimate ideal of the earned to the earner only; yet, so impudently does this document assert the right of the idler as to confer upon him

¹ Isaiah lxxv, 22.

unearned millions, without desert upon his part, and for ever! And these millions, though unearned by him, must in the very nature of things be earned by those who labour.

There are no limitations here, no statements that he shall enjoy for a time and then relinquish what is not his, to take his chance in the world by the rendering of service; no limitation even upon his death. But to him is given the legal right to bestow upon *his* heirs, that which the testator, being dead, has no power to guarantee to *him*.

The very word "Will," whereby we describe the instrument through which an estate is made perpetual, becomes a misnomer and contradiction of itself the moment the act by which it becomes effectual takes place. The will of a man is a power of his mind, and the testator being now dead, his mind is non-existent, save as it may be preserved by its creator in a form we know not of. The "will" of the mind does not now exist. It existed when the testator was alive; but we have no means of ascertaining what it is after his death. No doubt the Infinite God, welcoming the passing soul into His dear bosom has shown to the spirit of the dead what the living could not perceive, that his human will was at enmity with the plan of God because it

forbade the reward of their toil to uncounted millions of His children yet unborn.

After the death of any man, the will to bestow unearned money upon his son, must be the will of the workers of the living generation that supports itself. The "will" of the testator then becomes a request which, if fair and just to all mankind, should be granted, and if unjust, improper or of bad policy, should be refused.

How strange it is that if a penniless man living today should arbitrarily declare himself entitled to live without labour in the enjoyment of the income on a million dollars, we would put him in an insane asylum; yet if he should produce the certificate of a certain dead man to the same effect, we would at once support him in his claim.

CHAPTER XII

“DIVINE RIGHT OF KINGS,”—AND OF HEIRS

THE natural property rights of man are founded as we have seen, upon the application of labour to natural resources, whether that labour be of the mind or of the body.

All subsequent rights to property must be based upon that fundamental title granted by nature. It therefore follows that any seizure or appropriation of property by one who lacks the title granted by nature, is robbery if committed in violation of law and tyranny if committed with its sanction.

Whence arose, then, the idea that the handing down of inheritances from father to son is a just custom? Why, viewing the misery it has produced and is today producing in poverty, crime, disease and death, do human beings whose hearts flame at the injustice of cradle inequality, submit to it as a matter of course? For what cause is it that the millionaire baby is merely envied and not disenthroned?

It is not because mankind does not inherently love

justice, for most men do, even among those who seem to prosper through privilege.

It is not altogether because of fear, though in this as in most of the affairs of life our worst enemy is a fear of truth that forbids us to even think logically and clearly, so sure are we that if we think we shall be forced to alter an ancient conviction!

It is not entirely because we love and worship precedent, for in the smaller concerns of life, such as labour-saving devices, methods of housing, styles of clothing, etc., we change customs as rapidly as necessity and taste require, perhaps more so.

The reason for our indifference to the subject of inheritance is a composite of the above and many other active causes; but among them all is one direct influence that overshadows all, historically, and is of such vital importance to a clear understanding of the plight in which we find ourselves, as to demand careful consideration at this point. That is the fact that the doctrine of the right of inheritance is the legitimate offspring of the theory of the Divine Right of Kings. And since that theory, now entirely disproved, bears so many points of exact similarity to the present claim for the Divine Right of Money Kings, I wish to pay it some particular attention.

The impudent claims of divine authority for kings are familiar to all students of history, as are also the distressing stories of the wrongs of the people at their hands. The power of kings has been modified in form and extent throughout the ages from the early periods of modern civilization when the nod of a Nero or a Caligula could exterminate a life, to the present day; but in its essence it has remained the same up to the very threshold of the century just past — *a right said to be inherent in the king himself*. Even as recently as the time of our Revolutionary War, Burke said in Parliament, “The King of England holds his crown in contempt of the Revolutionary Society,” Louis XV even more arrogantly put it, “I am the State,” and Fox, carrying the same doctrine one generation farther, asserted, “The Prince of Wales has a right *in Himself*, as heir in succession, to assume the government, *with or without the people’s consent*.”

It was not contended by the supporters of Henry the Eighth that his ideas of family life were pure; it was not claimed of George the Third that he was not insane; no defence of Louis XV included any considerations as to his profligacy; it was simply asserted of these men that the throne was theirs *by right*, and of their heirs in succession that the right to rule a people was transferable by inheritance;

as Fox put it “*with or without the people’s consent.*”

The absurdity of this claim of Divine Right and especially the entanglement into which it draws the Creator by its implications, becomes positively monstrous when we consider the character and abilities of the entire list of kings who were ruling Europe at the very time these words were spoken. Upon this point we have the statement of Thomas Jefferson who spent several years in European courts between the end of the American Revolution and the beginning of the French Revolution. Writing twenty years later to Governor John Langdon of New Hampshire, Jefferson says :

Monticello, March 5, 1810.

“When I observed, that the King of England was a cipher, I did not mean to confine the observation to the mere individual now on that throne. The practice of Kings marrying only in the families of Kings has been that of Europe for some centuries. Now, take any race of animals, confine them in idleness and inaction, whether in a sty, a stable, or a stateroom, pamper them with high diet, gratify all their sexual appetites, immerse them in sensualities, nourish their passions, let everything bend before them, and banish whatever might lead them

to think, and in a few generations they become all body and no mind; and this too by a law of nature, by that very law by which we are in the constant practice of changing the characters and propensities of the animals we raise for our own purposes. Such is the regimen in raising Kings, and in this way they have gone on for centuries. While in Europe, I often amused myself with contemplating the characters of the then reigning sovereigns of Europe. Louis the XVI was a fool, of my own knowledge, and in despite of the answers made for him at his trial. The King of Spain was a fool, and of Naples the same. They passed their lives in hunting and despatched two couriers a week, one thousand miles, to let each other know what game they had killed the preceding days. The King of Sardinia was a fool. All these were Bourbons. The Queen of Portugal, a Braganza, was an idiot by nature. And so was the King of Denmark. Their sons, as regents, exercised the powers of government. The King of Prussia, successor to the great Frederick, was a mere hog in body as well as in mind. Gustavus of Sweden, and Joseph of Austria were really crazy, and George of England, you know, was in a straight-waistcoat. There remained, then, none but old Catherine, who had been too lately picked up to have lost her common sense.

In this state Bonaparte found Europe; and it was this state of its rulers which lost it with scarce a struggle. These animals had become without mind and powerless; and so will every hereditary monarchy be, after a few generations. Alexander, the grandson of Catherine, is yet an exception. He is able to hold his own. But he is only of the third generation. His race is not yet worn out. And so endeth the book of Kings, from all of whom the Lord deliver us, and have you, my friend, and all such good men and true, in His holy keeping.¹

THOMAS JEFFERSON.”

The claim of Fox that “ The Prince of Wales has a right *in Himself*, as heir in succession, to assume the government, *with or without the people’s consent* ” passes from the absurd to the outrageous, in the light of the cold facts stated by Jefferson. Yet, outrageous as it is, it is not a particle different in any essential respect from the claims of heirs to-day. It needs only to have the first words, and one other, changed, to precisely express the defence of inheritance in the twentieth century. “ *The son of a millionaire has a right in himself, as heir in succession, to assume his father’s fortune, with or without the people’s consent.* ”

¹ Thomas Jefferson, *Letters and Addresses*, edited by Parker and Viles. Sun Dial Classics Co., Pub., N. Y.

In 1688 the people of England, having no king of their own, and presumably no one in England with blood blue enough to handle the job, imported William and Mary, the former a foreigner who could not speak the English language except crudely, to rule over them — a piece of subservience to the idea of royalty that is almost unthinkable in its absurdity. “We do most humbly and faithfully submit ourselves, our heirs and our posterity *for ever*,” said Parliament, to this imported king and queen. Passing for the time, the utter impossibility of people submitting their *heirs* and *posterity* to anything or anybody,— and the injustice of so binding future generations even if the power to do so existed, could any “Declaration of Insignificance” be more outrageous than this? Is it possible that men made in the image of God have said these things and are saying them today?

Yes, it is possible: These things are being said, in a different form, but with precisely the same meaning. “*I give, devise and bequeath, to my son, his heirs, executors, administrators and assigns, for ever*” the right to command the labour and secure the profits of others. This has no difference in meaning from the “Declaration of Insignificance” of the English Parliament to William and Mary, and to make the parallel more exact, this declara-

tion of ours is being made today in the United States, to thousands of non-resident and even foreign heirs, who receive inheritances from a country that they have deserted, and spend their patrimony upon an alien soil.

“ My parliament,” says the King of England.

“ My mujiks,” said the now deposed Czar of Russia, and with the title of possession came also the power of life and death. Almost overwhelming in its pathos is the very style of expression used by rulers. “ I will defend *my* frontier,” said the Czar of Russia in 1914, “ if it takes my last mujik,”¹ and it reminds the reader of that harangue of the general in merry fiction who said, “ Soldiers, I will defend my honour if it takes the last drop of your blood.”

“ Mine ” and “ thine ” are words that should have thrown over them the sanctity of nature’s only title to ownership; and the poverty of the world arises from a failure to make the right distinction between them, just as its wars have been so created. “ My money ” spoken by an heir of wealth that he has not created, is precisely analogous to “ my mujiks ” spoken by a Czar.

¹ It is interesting to note that the Czar lost his last mujik, and that the mujiks lost their last Czar, before the words quoted were three years old.

CHAPTER XIII

ARGUMENTS FOR MONARCHY AND INHERITANCE IDENTICAL. THE INHERITANCE PRINCIPLE A ROOT EVIL

THE reasons advanced in favour of the doctrine of the Divine Right of Kings, bear a striking, almost startling, similarity to the arguments in favour of the inheritance of money.

First it is claimed that the dead king so desired. If he was a bad king achieving his throne by usurpation certainly this should be a reason against the accession of the crown prince rather than for it, on account of the danger that he might inherit his father's evil qualities. If he was a good king, and secured his power by the choice of the people, any theory in favour of his right to the title on those grounds would demand that the field be left open for the people to a similar freedom of choice of his successor.

Second, it is asserted that the crown prince has an inherent right in and of himself, to ascend the throne. Nothing can be more false than this; for

if the crown prince is the choice of the people, no such declaration of his rights is necessary; whereas if he is *not* the choice of the people, no amount of claims of divine right can possibly sanction his coronation.

Third, it is alleged that the stability of government depends upon the peaceable accession of the crown prince. The truth of this claim is a question always, of the individual case. Since history began, the monarchical form of government has been unstable on account of the conflicting claims of heirs; the uncertainties of heirship have been and are a constant contradiction to the doctrine of stability through lineal accession. The pages of history are stained with stories of civil wars, royal murders and court intrigue caused by the claims of quarrelling heirs, each asserting a divine right which none possessed.

Fourth, royal families are said to be more capable of ruling than are common people. Again the question becomes one of fact, to be determined in individual cases, with the evidence of history through century after century, contradicting the claim, by sending idiots, lunatics, drunkards, degenerates and weaklings into the families of royal blood until in Europe their incapacity and weakness, to say nothing of the syphilitic strain that

runs throughout certain royal families, has made a byword for the general tongue. Few European kings are remembered today as great, though all the world's opportunities have been thrust upon them; but history resounds with the glory of the names of peasants, scholars, scientists, warriors and rulers who have risen to great heights against almost insurmountable obstacles.

And, finally, as a last argument for monarchy, comes precedent. "It has always been so," say the defenders of all iniquities! Yet, until its justice is shown by study and analysis, a general practice seldom proves anything except the fact of its own existence; and evil rules by custom where good must find a reason.

All these familiar arguments for aristocratic government were seriously advanced (at least they were seriously *received*) all over the earth until at Lexington was fired the shot heard round the world. Their absurdity is today acknowledged by all thinkers, yet few have taken the trouble to see that they are practically identical with the arguments advanced today in favour of inherited wealth. Few realize that the title to wealth on the part of one who did not earn it cannot come from a dead man no matter how well that man governed and managed the workers whom he gathered around him by

his merit. Few consider that the right to what he has not produced is not and cannot be inherent in any heir, "*with or without the consent*" of those who are daily producing his food and clothing. Few have given thought to the terrible inefficiency and instability in business that results from the selection of managers by the accident of birth. Few consider the vital damage that results even to the "sons of idleness" themselves, in moral blight and physical incapacity, from their accession to undeserved power. And, above all, so great is our worship of things as they are, that the small number of men who do see the truth clearly, are overwhelmed in the rushing current of an unjust precedent.

In making our adjustment from monarchy to democracy in the United States, we rid ourselves of the outward form of tyranny, but did not destroy its substance.

This is not to be wondered at. All upward progress is slow, and privilege, which is the essence of tyranny, is not easily shaken off. Recognized in one disguise, it readily assumes another, and its enemies, elated by their success in destroying the form they recognize, are not quick to perceive its new mask.

We, of the United States, and our fellow reform-

ers of France, in destroying monarchy, made the error usual to mankind, of mistaking the form of tyranny for the substance. We rid ourselves of those creatures who bore the titles of King, Duke and Count, but forgot that the inherited title was never anything but a name, and that the real power of inheritance lay not in the inheritance of a name, but of an estate.

We allowed the inheritance of estates to continue, congratulating ourselves because we had taken away the offensive titles,—not pausing to reflect that the real evil would be much more difficult to recognize as soon as one of the easy means of its identification had been removed. We were pleased that while we could not, or did not, decrease the financial power of an heir, we now had a system whereby all were equal in their accidental right to become heirs.

But of what avail is an accidental right when the power to control the event is lacking? No child has the smallest particle of power to name the family into which it shall make its appearance. Under Monarchy, children of powerful men inherit power. Under our present inheritance laws, precisely the same evil condition exists. We need not change a word or letter of the phrase—“*Children of powerful men inherit power.*” It applies now

as then. The wrong of financial inequality of the cradle is an indefensible evil. The evil of the theory of the Divine Right of Kings is identical with the evil of the Divine Right of Inheritance. The one source of injustice and inhumanity is special privilege, and the privilege of starting life with an inheritance of a million dollars earned by somebody else is one of the most flagrant forms of special privilege that the world can know. It has no redeeming features, and no defence save in a sentiment of family selfishness that mocks at the undeserved poverty of millions, and sits unashamed while a world of disinherited children are stumbling through factories and streets into hospitals, jails, brothels and poor-houses.

There is scarcely an argument against hereditary monarchy that does not apply with equal force against hereditary wealth.

The right to inherit a kingdom is no more absurd than the right to inherit a fortune. There are a hundred fortunes in the world today that carry with them more power than the King of England has possessed for a century and a half.

As hereditary monarchy produces incompetent rulers, so hereditary wealth places authority in the hands of the unfit.

As hereditary monarchy perpetuates inequali-

ties of station and breeds a family pride that is out of keeping with any personal merit of the prince, so hereditary wealth fosters and encourages a claim to breeding in the scions of families in which the strain of strong blood has been long extinguished.

As wars and misery follow in the train of monarchy, so strikes and poverty increase with each fresh injury to business through hereditary incapacity. "My father chastised you with whips but I will chastise you with scorpions" are words that have a familiar ring in them today. The founder of a business seldom has the same contempt for his employés and the same sublime certainty of his right to money as has the heir who succeeds him.

The inherited kingdom and the inherited fortune will moulder together and be together forgotten in the dust of a dishonourable oblivion. They arose through similar assumptions of power, through authority conceived to be secured from the dead, and will be together relegated to the history of outgrown tyrannies by a generation of living men. A people awakening to industrial freedom is as certain to cast off the yoke of inherited money as it has been vigorous in discarding the robes and titles of royalty,— and for the same reason.

The evil of monarchy and the related and consequent evil of money aristocracy, find their chief pro-

tection in the inheritance principle and in this principle lies the only really great danger to the progress of democracy. It is necessary therefore to pay it some attention at this point.

“If some men had not been born slaves and othes born masters,” says George A. Richardson, “slavery would have extinguished itself.” That this is true and that it applies with as much force to economic inequality as to chattel slavery, must be evident to any one who gives the matter a reasonable amount of thought.

Had there never been in the world human beings born into slavery, inheriting the condition of servitude from their parents, but each child born free, it would always have been necessary for those who wished slaves to conquer men born free. Such an enterprise would have been of doubtful issue in many cases and the prospective master would have hesitated to undertake a contest which might result in making him a slave instead of a master. This, indeed, was the repeated experience of nations in ancient days when the accepted result of battle was slavery for the vanquished. As a matter of fact slavery brought about by conquest completely extinguished itself over a thousand years before the institution of *hereditary* slavery was abolished.

The most successful form of slavery and the form

most difficult to eradicate was that form that was founded upon the hereditary principle. The slaveholding class even as late as the nineteenth century in the United States, repeatedly rejected proposals providing for the gradual abolition of slavery through a provision that children born in the future should be born free. Whether consciously or instinctively the class who lived by the sweat of men's brows, realized the certainty of the defeat of their designs if the hereditary principle should be made to operate against them instead of operating in their favour. Those who analysed the subject knew that the enslavement of men born free had been long ago proven impossible. Their sole reliance was placed upon the hereditary feature of their system.

It is in such a relation to the continuance of privilege that the defenders of unearned wealth stand today. Either consciously or instinctively the beneficiaries of privilege of all kinds realize that the bulwark of their power as a class is the hereditary principle whereby children from their birth are forced to recognize the existence of an economic inequality against which they have neither the power to fight nor the courage to protest. In the minds of the disinherited is a natural feeling that it is vain to struggle against an economic status fixed before their birth. Being children when the first discov-

ery of their handicap is made, they become accustomed to the contemplation of the hardship before them while their minds are not sufficiently formed to grasp its significance; and when they reach the estate of maturity they accept the conditions of life as they find them.

Just as it was impossible for slavery to long exist among free-born nations who sought to enslave each other; so today it would be impossible for special grants of money to be secured by a favoured few at the expense of another class of men, if both classes were born with equal opportunity at the cradle. All men would fear to introduce measures proposing that inequalities of inheritance should take place *after* an equal start in life had been secured, on account of the dread that they might prove to be the victims instead of the favourites of fortune. Each man's fear that he might himself be placed at an economic disadvantage would operate to prevent him from attempting to inflict upon others a disadvantage that might fall upon himself. Such a system must be inaugurated before the children are born who are to be required to submit to it. Take away the hereditary principle and the whole theory of favouritism among heirs will be at once abandoned by mankind. No other principle of selection for special unearned awards will take

its place, because no other such principle is entrenched in the customs of mankind. The principle of self-protection will lead all men to grant equal rights to others in order thereby to attain them more certainly for themselves.

As in the case of both monarchy and slavery, the root evil in transfers of money without an equivalent in service is the hereditary principle.

PART III

INHERITANCE EXAMINED FROM THE STANDPOINT OF ECONOMIC RESULTS

CHAPTER XIV

CONCENTRATION OF WEALTH IN THE UNITED STATES

“PRIVILEGE” is the hateful word whereby we designate the legal permission to get without giving.

As previously explained, it should be carefully distinguished from earned capital and labour, both of which confer benefits upon the community.

Earnest and thoughtful people may disagree as to the proportion of their joint product to which *labour* and *earned capital* are respectively entitled; but as to the part of that product to which *privilege* is entitled, there can be no question whatever in any sane mind. It is entitled to *nothing*. When labour and earned capital together exterminate privilege there will be found easy means to adjust such small inequalities as shall then exist between them. Manifestly, however, they should first unite to eliminate their common enemy.

The speculator who *owns without using*, and the heir whose merit is simply *that he was born*, are not now, and never have been, entitled to what they do not earn. Yet these favourites of fortune control the largest part of the world's wealth.

The extent of their power is so well known as to scarcely require a fresh portrayal here, yet it is so vital to an understanding of the importance of our topic that I shall present certain facts briefly, gained from the official figures of the United States Government.

The report of the United States Industrial Commission in 1915, states that the rich, who comprise two per cent. of the people, own sixty per cent. of the wealth, the middle class (thirty-three per cent. of the people) own thirty-five per cent., and the poor (sixty-five per cent. of the people) own only five per cent.¹

Three-fourths of the male wage-earners earn less than \$750.00 a year.² Three-fourths! A figure supported by our own government statistics! One-third of the families of wage-earners, secure from

¹ Three-quarters of a century ago, Daniel Webster, foreseeing the calamity of concentrated wealth that has since come upon us, declared:

“The true principle of free and popular government would seem to be so to construct it as to give to all, or at least to a very great majority, an interest in its preservation; to found it, as other things are founded, on men's interests . . . The freest government, if it could exist, would not be long acceptable if the tendency of the laws were to create a rapid accumulation of property in a few hands, and to render the great mass of the population penniless.”

² See Final Report of the Commission on Industrial Relations, 1915, p. 25.

the earnings of father, mother and children, less than \$500.00 a year, which in this country means a condition of abject poverty. One-fifth of the farm land of the United States is owned by less than one per cent. of the farmers, and of these huge holdings only 18.7 per cent. (or less than one-fifth) is cultivated, while 2,250,000 farmers are struggling along on less than fifty acres apiece, and uncounted multitudes for whose use God created the earth and who want to get access to it, are idle and miserable, tramping city streets.

Of the eight million women working for their daily bread less than half get \$6.00 per week. American society was founded and still exists on the theoretical basis that the father is the support of the family until the children become of age; yet 37 per cent. of the mothers of the working class are compelled to do daily work for a living and are able to give their children only the most scant attention.

What a contrast does the condition of the rich present! In the United States there are 1598 people who have incomes of \$100,000.00 per year, and 44 families who have incomes of over \$1,000,000.00 per year.¹ Six financial groups and their affiliated interests employ 2,651,684 people.

¹ The *New York World* in 1913 published a list of a few of

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The concentration of wealth is enormous. In the twenty-two years from 1890 to 1912 the total wealth of this country increased 188 per cent., but the the largest incomes in excess of a million dollars a year, which is given below :

Name.	Capital.	Income.
John D. Rockefeller	\$500,000,000	\$50,000,000
Andrew Carnegie	300,000,000	15,000,000
William Rockefeller	200,000,000	20,000,000
Estate of Marshall Field	120,000,000	6,000,000
George F. Baker	100,000,000	5,000,000
Henry Phipps	100,000,000	5,000,000
Henry C. Frick	100,000,000	5,000,000
William A. Clark	80,000,000	4,000,000
Estate of J. P. Morgan	75,000,000	7,500,000
Estate of E. H. Harriman	68,000,000	3,400,000
Estate of Russell Sage	64,000,000	3,200,000
W. K. Vanderbilt	50,000,000	2,500,000
Estate of John S. Kennedy	65,000,000	3,250,000
Estate of John J. Astor	70,000,000	3,500,000
W. W. Astor	70,000,000	3,600,000
J. J. Hill	70,000,000	3,500,000
Isaac Stephenson	74,000,000	3,700,000
Jay Gould estate	70,000,000	3,500,000
Estate of Mrs. Hetty Green	60,000,000	3,000,000
Estate of Cornelius Vanderbilt ...	60,000,000	2,500,000
Estate of William Weightman ...	50,000,000	2,500,000
Estate of Ogden Goelet	60,000,000	3,000,000
W. L. Moore	50,000,000	2,500,000
Arthur C. James	50,000,000	2,500,000
Estate of Robert Goelet	60,000,000	3,000,000
Guggenheim estate	50,000,000	2,500,000
Thomas F. Ryan	50,000,000	2,500,000
Edward Morris	45,000,000	2,250,000
J. O. Armour	45,000,000	2,250,000
Total of 29 fortunes	\$2,756,000,000	\$176,150,000

These twenty-nine fortunes alone, are equal to the entire expenditure of the United States government for all purposes for the four years of 1913, 1914, 1915 and 1916.

wages of labourers in the basic industries increased only 95 per cent., the remainder of the increase going to enlarge the holdings of the few.

These figures are not the mental wanderings of a loose-tongued, tangent-minded fanatic. They are taken directly from statistics compiled by a commission appointed by Congress to report upon conditions that required a year and a half to investigate; and the facts that they reveal were used within six months of their publication by the government itself in its advertising posters soliciting the enlistment of young men in the navy.

This is the advertisement, which was spread broadcast over the United States:

“Young men, think over what you have NOW and what promise the FUTURE holds out for you; then, learn what the navy offers you. Check up each and every item in the two columns which follow; compare each item in the Civil Life column with the opposite item in the Navy column — then judge which column sums up higher.

IN CIVIL LIFE

1. Jobs uncertain; strikes; lay-offs, sickness.
2. Promotion and advancement uncertain and slow.

IN THE NAVY

1. Steady and healthy employment with good pay.
2. Promotion quick and sure for deserving men.

98 THE ABOLITION OF INHERITANCE

3. Favouritism and partiality frequently shown.
4. Pay small and limited while learning a trade.
5. Same old, monotonous, tiresome grind every day.
6. Stuffy, gloomy, uninteresting working-place.
7. When sick your pay stops and doctor's bill starts.
8. If disabled or injured you receive little or no pay.
9. If you die your family get only what you have saved from your small wages.
10. Little CLEAR money; nearly all your pay goes for living expenses.
11. Old age, sickness, little money saved, your job goes to a younger and more active man.
3. No unfairness of preference; the best man wins.
4. Pay good with chance to learn a useful trade.
5. Travel, education, knowledge, change of scene.
6. Fresh air, sun, sea; clean, healthful, athletic life.
7. When sick, pay goes on, doctor and hospital free.
8. If you are disabled you get a generous pension.
9. If you die, six-months' pay goes to your family — with a Liberal pension.
10. Your pay is CLEAR MONEY; no expense or outlay for clothing.
11. After 30 years' service, retirement on three-fourths pay, plus \$15.75 for allowances.

“This advertisement,” says William Marion Reedy, “tells more about the condition of the workingman, and tells it more effectively than anything you can find in the writings of Eugene Debs, Bill Haywood or Emma Goldman. This is a summary by our Uncle Sam himself. It is the government speaking, convicting itself out of its own mouth.”

Men *earned a living* one hundred years ago when

there was no modern machinery or popular education. Today with electricity, steam, trains, telegraphs, telephones, automobiles, power plants, harvesting machines, typewriters and all the thousands of similar devices that lighten labour and multiply production, one twentieth of the former labour of the world should produce the same result. Why has it failed to do so? Why is poverty most marked and unemployment most terrible in the very districts where industrial progress most abounds?

It is because privilege stands at the source of all industry, demanding and receiving its tribute from labour and earned capital alike without rendering any return.

Practically all the swollen fortunes above mentioned, declares the Industrial Commission's Report, are so hedged about with restrictions, that they have become absolute perpetuities. They pass on from generation to generation, to heirs who perform no service in return, and who make use of their wealth to wrest from constructive and intelligent capitalists the control of future industries to which they are legitimately entitled.

Are figures dry and uninteresting? I have purposely used few of them, and shall in the future use but few, preferring to rely upon the general knowledge of conditions that nearly all people of ordi-

nary intelligence possess; but these figures, I think, are wet with the tears of dry-breasted mothers as they look with hungry longing at the faces of thin children. And I think, too, that they are wet with the dripping sweat and blood of men who toil terribly for a sum so small that three hundred thousand of them must work a year for the amount the Astor boy received in 1912 in one vast inheritance, only to find at the end of the year that they have spent their all for food and clothing, while the Astor child, unless he has spent as much as eighteen thousand of them have received during the year has more money at the end of it than at the beginning.

The 1642 families mentioned in the report have property worth not less than the annual labour of four million working men. Even if every dollar of these fortunes had been earned by the labour of the person holding it, the danger to society of such tremendous concentration of wealth would be great. When we consider the privileges through which most of it was no doubt secured, this danger becomes a fearful menace; and when we add to this its transfer to the new hands of men who had no part in its acquirement, and *could have had none*, being not yet born, it seems the height of insanity to dismiss the subject without a mighty and immediate attempt at its solution.

The danger of the concentration of capital in a few hands can be well apprehended by imagining the property of the whole earth inherited by a single individual. This is not so remote from the bounds of possibility as might be supposed; for, several years before the investigations of the United States Industrial Commission from which figures have been quoted, Senator La Follette¹ pointed out the fact that seven financial institutions practically controlled all the big enterprises of the United States; and the situation is similar in other countries. If it is right for one man or boy to inherit \$160,000,000.00 it would be right for him to inherit a billion; and it would be *right* for him to become the owner of the whole earth by the same means.

Indulge me by imagining such a case for a moment. Would not this man have absolute power, so long as his right to all property was recognized, so that the only wage necessary for him to pay to any man would be enough to keep him from starving to death? And does not the ownership of sixty per cent. of the wealth of the United States by two per cent. of its people have a like effect?

But there is this to be observed. The very omnipotence of the power of one man who owned the

¹ Speech in Senate on "Centralization of Control in Industry and Finance," Mar. 17-24, 1908 (S. 3023).

whole earth, might make him so sure of his future as to lead him to treat all mankind generously, as a god would treat them; but the two per cent. of our people who own sixty per cent. of our wealth are so fearful of losing what they have in the silly struggle for more that they are compelled by the very irony of circumstances to grind the faces of the poor continually, until the blood of their brethren cries out to them from the ground.

CHAPTER XV

CONCENTRATED WEALTH THE RUIN OF FORMER NATIONS

HISTORY supports the statement that the concentration of wealth has preceded the decay and ruin of the greatest nations of the past. One of the most remarkable of ancient civilizations was that of Egypt. Her educational system, her libraries, her temples and her tombs were the wonder and mystery of an uncultured world. Lost are many of her arts today, and modern man, mechanical Briareus though he is, has not been able yet to duplicate them.

When the Nile Kingdom was finally overthrown, she was destroyed by her own weakness from within. Two per cent. of her people owned 97 per cent. of her wealth.

So also when the sword of the conqueror came upon Persia. One per cent. of her population owned all the land. A nation of free men cannot be easily conquered; it is only when men are industrially dependent that they welcome a foreign prince.

When haughty Babylon fell, she of the hanging gardens and the wine-filled cups, practically all her wealth was in the control of two per cent. of her population, and the degradation of the masses was most fearful.

The decline of world-conquering Rome commenced when the agrarian system she had adopted was abandoned, and 1800 individuals virtually owned the empire of the Cæsars. We have it upon the authority of Pliny that "great estates ruined Italy" as they had ruined Greece, and in this opinion historians in general concur.

CHAPTER XVI

HISTORIC ATTEMPTS TO CHECK THE CONCENTRATION OF WEALTH

ATTEMPTS have not been lacking in all historic times to check the tremendous concentration of power that results when wealth gravitates into the hands of a few. Like the first efforts to check chattel slavery, these attempts have been fragmentary and unsuccessful, yet they have pointed out the path of liberty; and thinkers of all ages have noted them, and, with them as beacon lights, have preserved as much of the principles they expressed as the progress of the race would permit.

Moses, the first great law maker, decreed that every fiftieth year should be the Year of Jubilee, when liberty should be proclaimed through all the land unto all the inhabitants thereof, and every man should return unto his possessions,— the year when the inequalities of the past half century should be obliterated, and the disinherited should be granted that equal right to opportunity to which the very fact of their existence entitled them.

Lycurgus, King of Sparta, through ostracism,

banished citizens whose wealth had become so great as to constitute a menace to the state, and divided all the lands in Laconia into 39,000 lots, one lot for each citizen of Sparta or free inhabitant of Laconia.

Through the influence of Lucinus Stolo, a Roman legislator, a law was enacted in accordance with which no single person was to be allowed to own more than 500 acres of land.

Nor are ancient instances the only illustrations of the attempts of wise men to forestall the doom of governments grown vile through concentration of riches. Even in modern England and America, these attempts have recently been made and are being made today. So conservative a political economist as John Stuart Mill has said in his *Principles of Political Economy*, Volume I, page 289, "Were I framing a code of laws according to what seems to me best in itself, without regard to existing opinions and sentiments, I should prefer to restrict, *not* what any one might *bequeath*, but what any one should be permitted to *acquire* by bequest or inheritance. Each person should have power to dispose by will of his or her whole property, but not to lavish it in enriching some one individual beyond a certain maximum, which should be fixed sufficiently high to afford the means of comfortable independence."

In an address that electrified America, Roosevelt, the Strenuous, then President of the United States, declared, "I feel that we shall ultimately have to consider the adoption of some such scheme as that of a progressive tax on all fortunes beyond a certain amount, either given in life or devised, or bequeathed upon death to any individual — a tax so framed as to put it out of the power of the owner of one of these enormous fortunes to hand down more than a certain amount to any one individual."

Such sentiments may well be said to express the feeling of both England and America; for Mill was too careful a political economist and Roosevelt too astute a politician to pursue wild fancies or recommend impossibilities. The civilized world is wrestling with the problem of unearned money, and of this class of wealth, those funds that are transferred at the cradle furnish so conspicuous an example that all humanity is in rebellion at the injustice they typify, save only those few who hold this terrible power in their hands.

There is not a state in the United States of America in which the issue is not being fought out today, in legislature and precinct polling-place. There is no country in Europe, America or modern Australasia where the problem is not hastening to its solution. And in America as well as in Europe the

Great War has brought the question of inheritances and the need for taxes into such juxtaposition, as to leave the answer indelibly written in the minds and hearts of all citizens. Make no mistake, dear friends! The sons of dead soldiers are not going to continue to support the heirs of those who stayed at home to accumulate!

The greatest war in all the world will be the war against unearned money. Let us hope that it will be fought with ballots rather than bullets.

CHAPTER XVII

HOW INHERITED WEALTH CAUSES INHERITED POVERTY

It is a law of evil, as of good, that it grows stronger as it becomes more firmly established by custom.

The evil of inheritance, perhaps, not great in early ages, has grown to gigantic proportions with the modern increase in individual fortunes and concentration of wealth. There is perhaps no menace to society the dangers of which have been more clearly pointed out during recent years; but despite laws to the contrary, means have been found to perpetuate and enlarge family fortunes throughout many generations without the performance of service upon the part of heirs.

To gain a clear conception of the extent of the power that is transferred to heirs,—to get a vivid mental picture of it,—let us imagine all the property owners of an entire generation dying on the *same day* and that their heirs, who receive the property, are all born on the same day that their fathers die — an old generation passing away and a new one entering the world, all at the same moment.

It goes without saying that our existing inheritance law would not be tolerated for a moment under such a condition. The evil of it would be so apparent, the injustice so absurd, that not even the beneficiaries would dare to make such a vile proposal as that they should receive an advantage over others at birth. But passing that thought for the present, let us consider now only the *extent* of the property thus transferred. *It would be all the property of the world.*

Such a transfer of the world's *real* property would be tragedy enough. Every house, every machine, every book, every factory, every stock of merchandise, every ounce of gold and silver, would fall into the hands of a few favoured, and all the rest would be compelled to work half way to old age to even begin to compete in the markets of the world for a fair share of what had been given, without labour, to the favoured ones, who, with leisure, culture and education paid for in advance, would have an infinite variety of advantages in the unequal contest.

But when to this real, or tangible, property is added the *fictitious property* of the world the extent of the power transferred is inconceivable. In addition to the factory that one child receives, he secures also a piece of paper that entitles him to

deny permission to his competitor to build another factory on a piece of vacant land. In addition to the house he receives, he holds another piece of paper that entitles him to receive interest upon a government debt. In addition to the stock of merchandise that he inherits he holds a third piece of paper that entitles him to the future dividends of an industry in which a thousand men are employed and from which a hundred thousand workers must purchase their supplies. And this paper like other papers that he holds, carries with it a right to cast a controlling vote as to how the industry referred to shall be managed and whom it shall employ.

The favoured heirs of whom we are speaking receive not only all the real, created *things* that labour has produced; they receive in addition the power to secure what *will be* produced. Not content with appropriating the actual property of the past, the felonious fingers of the parasite are thrust into the already empty pockets of posterity to anticipate the earnings of the years to come.

Has it occurred to you, reader, as surprising that every nation in the world has an enormous national debt, mounting into the billions? That every city in this country and most of the cities all over the face of the earth have great issues of bonds

to be paid? That even townships, dotting this nation every six miles, have their accumulations of debts, all to be paid somewhere, sometime, by the workers of the future? These debts are not to be paid by one nation to another, by one city to another, by one township to another township. They are simply the inconceivable burden to be paid by all the children of the future to the favoured heirs who receive government bonds, municipal bonds, and other evidences of indebtedness from their parents. I am not commenting now upon their validity, or the justice of the claims they represent — but merely upon their size. They represent burdens that were too heavy for the fathers to bear, faithfully though they worked — burdens that have been flung upon the shoulders of the coming generations — to be paid not to those who rendered to the state or city that service for which the bonds were issued,— but to be paid to heirs who do not toil.

Heirs receive practically all their values *not in tangible property, but in evidences of indebtedness*. The beneficiary of an estate does not usually find that a very large proportion of his wealth consists in machines, or buildings, or clothing, or food, or furniture; he finds it in pieces of paper in his father's safety deposit box, that certify to indebted-

ness which must be paid by those who did not incur it, to those who did not earn it; and the excessive danger in inheritances lies in the fact that these pieces of paper can be and are so manipulated as to express an amount of indebtedness on the part of the world that is so far in excess of the actual inventory values of the property of the world, that the latter becomes nearly negligible. I do not desire to be understood as saying that it would be fair for even the actual property of the world to be thus transferred from sire to son; for the principle would be just as wrong when applied to real property as when applied to evidences of indebtedness; but I wish to point out the method whereby the fortunes or power of heirs are enlarged far beyond the actual inventory of the world's wealth, and are made to represent the privilege of exacting a tribute incalculably larger than the actual value of the world's man-created property. And I desire to call attention to the fact that such evidences of indebtedness as are represented by government and municipal bonds and certain other forms of stocks and bonds, are most easily transferred to heirs. Moreover, they acquire a security in later hands that they lacked in the hands of the first owners, for if graft be discovered or privilege unmasked in later years, the very fact that the thief is dead and

cannot be punished, gives a security to those to whom he has transferred the property.

The issuance of stocks and bonds in so far as it facilitates business transactions is not objectionable. It is necessary and desirable. Nearly all forms of commercial paper are a business necessity, and, as between those who secured a benefit and those who conferred that benefit when the original transaction was entered upon, no objection can be found to them *when they correctly state the value for which they were issued*. But when, as is often the case, they represent watered stock and other inflated values that anticipate the earnings of a commercial enterprise for a generation in advance, or bonds for debts created by men now dead, they compel the sons of the disinherited to pay in sweat and blood for every bad bargain their parents were either induced or forced to make.

Nothing can be more clear than that heirs secure not merely the property of the world, but a power that is vastly in excess of the value of that property. Whether it is twenty times as great (as most economists believe), or one hundred times as great, is not to the point. It is large enough — this purse of privilege — to enable the favourites of fortune to prevent industry except upon their own terms as to both wages and the cost of living.

It is this power, transferred from father to son, that constitutes the menace of the privilege of inheritance. Instead of destroying inequalities at least once a generation, we pass them on enlarged.

But let us return to consider our illustration of all the parents of one generation dying and all the children of the next generation being born, upon the same day. What, think you, would be the extent of the power of those who thus received *all* the property and privileges of the world, against the great majority who received *none*?

Assuming no rebellion, but a quiet, peaceable obedience to the existing law, what power would the favoured ones hold? The answer is: All the economic power in the world. That power, received not all at once, but a part of it each year, is the power that heirs inherit today; and when we perceive this, we cease to wonder that there is poverty in a world of plenty; suffering, disease, crime, prostitution, drunkenness and atheism in this paradise of God; child-labour where machines should create luxury,— we cease to stand in amazement at suicide;— we cease to gasp with shuddering surprise at tuberculosis and war;— we only wonder why God saw fit to create a being who could understand that two halves make a whole, without understanding that if one-half the wealth of the world is

transferred without service, those who labour must *necessarily* receive only the other half of what they earn.

This is the tragedy of those who toil. Labour and earned capital, in a democracy, are all-powerful. Ninety-eight per cent of the ballots are in their hands. But their eyes are closed. They cannot see that privilege is despoiling them both.

It may be observed here that the fact that all the past generation do *not* die on the same day, and that all the existing generation are *not* born on the same day, is responsible for the existence of our unjust inheritance law. Imagine again for a moment, the impossible condition of all the old generation dying upon the moment that all the new generation were born, and that all the new generation at the moment of birth were capable of logical thought and vigorous action. Suppose it were proposed by the sons of those parents who were wealthy, to the sons of those who were poor, that the present inheritance law be adopted, a few of the new community receiving all the real wealth and power of the world, the majority nothing. I say that the children making that proposal would be either laughed at or pronounced insane; and if they insisted upon enforcing their doctrine they would undoubtedly be put to death. Yet because the ques-

tion does not come up before us for decision in this dramatic form, but only one thirtieth of it each year, it is concealed from our sight and is not understood.

The importance of the money power today is beginning to be seen more clearly than ever before. We are beginning to realize that while government by legislature and congress affects the purses of taxpayers once a year, and then only to a very small degree, government by financial authority affects the price of daily bread, clothing, and shelter. While the police power terrorizes only criminals, the money power fills strong men with the fear and dread of want. Government by ballot, initiative and referendum offers to citizens an absolute authority over their elected officials whenever they choose to exercise it, but the control of money kings is not to be taken from the families of those that hold it, even by death. It is passed on from father to son, through succeeding generations.

A fundamental error of thought into which many seem to have fallen with respect to inheritances is the idea that the confirming of an inheritance is not a matter that concerns or effects an entire people. They think of an heir as receiving, without thinking of all the rest of the world as paying.

This error of thought is the stumbling block that

prevents men and women from thinking clearly upon the entire subject of unearned money of every kind, who, if they would stop to consider carefully, would instantly see that all property is created by somebody, and if some of it be withdrawn without service, it diminishes the property of all workers to just that extent. Thus, if a thousand men labour for a year to create a million bushels of wheat and then one-half the wheat be seized or taken without labour, the thousand workers lose one-half of their earnings. Thus, also, if any person receives a million dollars without labour, he does not get it out of the air, or from nowhere. He gets it from the pockets of those who earn it; for somebody labours to produce each thing that men consume.

We scrutinize with great care the direct expenditure of our government, which we feel in the form of taxes. If the tax rate is raised thirteen cents on the hundred dollars, a general outcry is raised and the political arena is stirred from centre to circumference. Often we fail to re-elect a state administration for the sake of a few hundred thousand dollars not stolen or given away, but simply unwisely spent. Yet a child inherits a hundred and sixty million dollars, another child two million, another a hundred million, all on the same day, and nowhere is the cry of justice raised save in the

aching hearts of a few thousand mothers who on that day bring into the world children foredoomed to poverty, disease and crime for a vague unknown cause that they cannot understand. We seem utterly to ignore the fact that one million dollars received by a single person without service is a burden of exactly one million dollars in capital, or sixty thousand dollars a year in interest, upon somebody. This burden of unearned wealth in the United States is a thousand dollars per capita, on which an interest charge averaging sixty dollars a year must be indirectly paid in high prices for living necessities by each man, woman and child. The average family of five is thus contributing to the coffers of privilege three hundred dollars a year; yet the United States census of 1910 shows the average wage of fourteen million workmen of the lowest grade to be \$521.00 a year.

Think, you who seek to understand the soul of Christ, and to follow in his footsteps, what three hundred dollars a year would mean to a family that can live on five hundred and twenty-one! What a wonderful world of education, comfort and business opportunity would this amazing sum open up to these! The pen hesitates to prophesy the astonishing result in a country where, advanced as we are, not ten per cent of our children complete the reg-

ular school course,— where hundreds of thousands of them work their stunted lives away in factories, who should be yet upon the playground,— where thousands of the residue find their heavy, sodden footsteps tending toward the house of prostitution, the insane asylum and the jail, before their eyes are even opened to the light around them, while organized charities and foundations fostered by privilege are spending millions to prove the evident lie that girls and boys do not go wrong on account of low wages!

Think what sunlight would be brought into twenty million homes by an increase of sixty per cent in the wages of every producer! Think what an impetus would be given to schools, to churches, to clubs, to every broadening avenue of life and culture! And when to this is added the freedom from oppression that capital and labour would experience, with privilege out of the way, the extent of the blessing is inconceivable.

In February, 1915, when an appropriation of one hundred and forty-eight million dollars was being urged in Congress through the Army and Navy Bill, the people held indignation meetings protesting against such expenditures even in a time of almost universal war. It was pointed out that to

raise one hundred and forty-eight millions of dollars would require an average of one dollar and a half from every man, woman and child in the nation, six dollars from every family. Yet, *every nine days*, we as a nation contribute a sum of this size to heirs who labour not. Forty times this proposed military expenditure — (which was to be incurred only once) — is contributed annually in interest to the children of accumulators; for the capitalized value of that part of the wealth of the United States which is held by those who did not earn it is over one hundred billions of dollars, and the interest thereon is over six billions per year, or sixty dollars per inhabitant, counting men, women and children.

Inheritance is, in one sense, the most important and injurious form of privilege, since all money, earned as well as unearned, eventually is passed on to the future generation by this means. As other forms of privilege are destroyed, the evils of inheritance must disappear proportionately; but even if there were no other form of privilege remaining, this form would be tremendous in its importance. It occupies a supreme position as the most glaring of all forms of privilege, because there is behind it no service whatever, and not even any attempt at

service, or pretence of it, upon the part of the heir. It stands forth, impudently, as the modern expression of the Divine Right of Privilege, to take what it claims "*with or without the consent of the people.*"

CHAPTER XVIII

INHERITANCE SYSTEM THE CENTRE OF CORRUPTION

GREAT as is the sum of money that is handed down to heirs during each generation, its exact amount is not the question at issue. That the total is tremendous none will deny, not even its beneficiaries; nor will any sane person refuse to admit that the direct power it confers is almost beyond calculation. But it is only after we examine its indirect influences that the horror of it is seen in its real enormity.

Foremost among these indirect influences is the fact that wealth transmitted from generation to generation develops aristocracy.

Forms of government, titles, names and symbols have little to do with aristocracy, when we come to consider its fundamental characteristics. Aristocracy is at base a mental attitude that finds expression in the demand for privileges. It is the feeling of family superiority; history has yet to produce an example of aristocracy unsupported by

claims of superior descent. What matters it whether the claim be founded upon an estate or a throne? The evil, at its root, lies in the claim itself, which is a denial of the impartial parenthood of God, a prenatal mortgage upon the bounties of Nature.

That aristocracy is produced by the inheritance of money to a greater degree than by the inheritance of either mental or moral powers, is so plainly evident that any argument to the contrary is grotesque, for if the son of a man of intellect or spiritual insight should claim an award of money on account of his birth, he would become at once a laughing stock.

The maintenance of any privilege depends upon the consent of the governed, and the heir to money is able to purchase a consent to his superiority of position, which the world has denied from time immemorial to the sons of its scholars and spiritual leaders. An aristocrat is not appointed by himself. It is the consent of others that makes his privilege possible, their flattery and fawning that constitutes his aristocracy — and the subservient must be paid in the mintage of the realm, C. O. D., net, no discount. Thrift follows fawning; the only true aristocrat is the one who can pay as he goes, and the sons of genius cannot do this. Hence when

we speak of aristocracy in a republic we mean only one thing, namely, money aristocracy.

But this is only the first of the long list of evils that follow in the train of inherited wealth.

The holder of an unearned fortune, which must be defended at all costs, becomes the centre around which all manner of graft and corruption is generated. Give to a child a million a year and the power to award or refuse places in industry that it represents, and the property of capitalist and labourer alike is not and cannot be secure. The child, at first through those who manage for him, and later upon his own motion may hire and therefore does employ the ablest of lawyers to defend his unnatural privileges. His contribution supports a church and lures its pastor to plead for charity instead of lifting his voice against the fundamental causes of poverty. His endowment of a university colours the economic teaching of its professors. His campaign contributions write themselves into the platform of his party. So great is his influence that he deceives not so much the labouring classes as the working capitalists themselves who fondly imagine him to be one of them, though the dollars that he receives come as much from their bank accounts as from the pockets of labour. So great is the power of privileged peo-

ple as a class that when there arises from the working class a young man of genius, they are able to employ him to plan the means and accomplish the results by which his own father and brothers are kept in poverty.

One of the most pathetic features of the evil of privilege is the fact that the system is really supported by the intelligence and capability of lawyers, preachers, editors and teachers who, under just social conditions, would secure many times the remuneration that they now obtain.

Privilege is the centre of corruption and social decay. Living at the expense of the real creators of wealth, the receivers of money they do not earn, of whom the heir is the most conspicuous example, gather around them every kind and species of sycophant, from the obsequious personal servant, who publicly acknowledges the servility of his position, to the dignified professor who looks with horror upon all theories of reform that are not a hundred years old and approved by the authorities.

The man who receives a million a year through inheritance, or through any other privilege, promotes charities to hide the cancerous effect of the unjust system whereby he profits, and becomes the very last person in the world to aid any genuine reform, lest it might reach his own purse. And so

much does he make it to the interest of his banker, his college president, his lawyer and his pastor to defend the existing régime, that without the exercise of any intelligence above the bullying selfishness of the hog, he builds around himself a series of defences as impregnable as a dozen miles of modern trenches.

Were it not for the multitude of lesser abuses that privilege protects, it would vanish quickly from the earth. It makes friends by dividing the spoil, at first liberally, but at the last with that criminal niggardliness that starves the defenders who bear the brunt of its battle.

I have commented heretofore upon the fact that inheritance is a privilege, not a right; a civil institution, not a natural act of justice. It may perhaps be appropriate to the consideration of the many related evils that group themselves about the inheritance of unearned money, to show here how governments exhibit toward the sons of the wealthy, a partiality they decline to show toward the sons of their own soldiers.

In the instance of pensions to war heroes and their widows all civilized nations undertake to support only those men who have sacrificed their earning capacity and risked their lives for their native land, and their widows who have shared in their

sacrifices. This usually extends not to their children except in orphanage and minority, and the principle is, I think, a just one, the general population of the state being required to support or pension the identical persons who have made sacrifices for them, and not their adult relatives or descendants, who ought to support themselves.

But in respect to the transferring of estates, an entirely new doctrine is introduced, that of the right of the heirs of men and women who have rendered a service to continue to receive from the state, a reward to which their parents only were justly entitled. The inference is plainly made that the service of an accumulator justifies a consideration to his heirs which the service of a soldier does not justify. It requires but a flash of thought to see how ungrateful and illogical is this conduct of governments. The soldier gives up his business and risks his life in addition, to serve his country, while the accumulator stays at home and raises the price of food; but to the heir of the accumulator we grant what we are not willing to concede to the child of the soldier.

Having considered the enormous extent of inherited estates, the power they represent and the multitude of lesser abuses that gather around them, we now come to the final catastrophe that the

system of inheritances inflicts upon us, in the class of owners and managers of industries that it breeds. We need no stronger evidence of the absurdity of hereditary money power than we have in the incapacity of the descendants of those men who were once famous in business. There are a few cases like that of the Morgans, where great ability seems to have found its residence in father, son and grandson. But what of the Goulds, the Astors, the Vanderbilts, the Goelets, the Thaws, the Brokaws? And what of the thousands of lesser names known only locally? In many cases there seems to be a total reversal of character and ability, if not a sweeping family degeneracy. How pathetic the misfortune that requires labour and earned capital not only to contribute to the support of idle heirs, but also to place them in positions of supreme command in industry! The power of privilege, terrible as it is in the hands of a capable and benevolent despot, and sheltering as it does a myriad of smaller evils, becomes infinitely more dangerous when it is passed on to incapable hands, infinitely more difficult to overthrow when the money leaves the open tills of the original toiler and enters the closed safety deposit box of a Trust Company, where capable men are hired by the month to take charge of the life-long interests of incapable heirs.

By permitting the continuance of this injustice, man is constantly subjecting himself to the most humiliating ordeals. He permits a person to rule over him, to become his employer, whom he would not employ as a janitor, and who, as a bookkeeper or salesman, would be a charge against the business.

We do not permit a young man to vote until he is twenty-one, assuming him to be, up to that time, of too small experience and knowledge to have even this slight part in the affairs of a nation. Yet if he inherits a large fortune he is trusted even as a babe with the destinies of thousands. It is true that we establish a sort of regency over him, in the shape of a guardian, but this is only a partial check upon him; for who does not know the powerlessness of a guardian in the case of a wilful heir? And what cannot that heir perform that he desires, his creditors knowing that he will attain the fortune at twenty-one that he thus at any time possesses in actual fact?

To make hereditary money power consistent with successful business organization, the heir should not only be born full-grown, but also with the full measure of his father's ability. Even in such a case, however, successful business organization would not be consistent with justice, for justice

would demand that such a man should earn his right to what he controls, in a fair field, and not have it given to him without labour.

The evil of inheritance, insignificant in the early ages of the world, has attained to gigantic proportions partly because of the very insidiousness of its growth. But it has attained to such proportions that policy and interest will now dictate what reason and justice have been unable to accomplish. What step should be undertaken in this direction, a later chapter will discuss. For the present, having shown the overwhelming importance of the form of privilege known as inheritance, I shall proceed to examine further into the great question of human rights that is involved in this issue before us.

PART IV

INHERITANCE EXAMINED FROM THE
STANDPOINT OF MODERN IDEALS
OF SOCIAL JUSTICE

CHAPTER XIX

NOT A PRODUCT OF CIVILIZATION BUT AN ACCOMPANYING EVIL

THE argument is often advanced in favour of this vested privilege of inheritance that it is one of the products of civilization and must therefore be respected and left unchanged, lest an attack upon it prove to be an attack upon human progress itself.

On account of this argument it is appropriate to consider at this point what civilization is, and whether our law of inheritance promotes or opposes it.

The word "civilize" is defined as meaning "To reclaim from a savage state. To instruct in arts and learning. To educate. To refine."

The meaning of "savage" is given as "Fero-cious; untamed; rude; brutal; barbarous; cruel; in-human; fierce; pitiless; unmerciful; atrocious."

The object of a government should be the welfare of its people; hence if civilization is desired, gov-ernments should favour such measures as promote the education and refinement of the largest possible proportion of their citizens.

This same general principle would seem to apply not only to education but also to the cultivation of morals and the appreciation of life's artistic and æsthetic comforts. That nation should be considered most advanced in civil progress, or civilization, in which government is most justly administered so as to allow the participation of all in the opportunities and advantages that an advanced state of society creates.

Then it seems to follow quite naturally that, in any nation professing civilization and earnestly desiring it, those citizens are most to be commended whose influence is devoted most conspicuously to a *general diffusion* of the arts, education and moral teaching, and who favour legislation that has in it less of the ferocious, the brutal and the inhuman.

On the other hand if there exists in any nation a class of citizens whose personal or political acts promote brutality, crime, and disregard of human rights, and whose support of privilege prevents the spread of common education and opportunity, it would seem reasonable to consider them not promoters of civilization but its enemies and destroyers.

When a single child inherits one hundred and sixty millions of dollars, a million children of his generation must earn one hundred and sixty dollars

each which they do not receive, in order to make up the sum paid to the favoured child; for, as we have seen, wealth is not a mere nothing taken out of vacancy, but it represents real property created mainly by the generation that consumes it. The adverse influence of inherited fortunes upon civilization is too marked to admit of doubt. Only ten per cent of the children of the United States graduate from the common schools. Hundreds of thousands of boys and girls from ten to fourteen years of age are forced to abandon their schooling, by the poverty of their parents. They are thrown by the remorseless hand of privilege into factory and mine while yet the thinning blood of childhood is coursing in their veins. Hundreds of thousands of young men and women who find their pay inadequate because so large a proportion of the product of their toil is being appropriated by those who toil not, are forced into crime and shame.

Hundreds of thousands die annually of tuberculosis. Millions have less food than they need. Sixty-five per cent of the entire population of the United States receive less than they earn; thirty-three per cent receive about the equivalent of their earnings; and two per cent the balance of what the sixty five per cent earn.

The system that produces these horrors is not a

product of civilization. It is savagery and barbarism, a relic of mediaeval days that civilization has not yet succeeded in exterminating. It exists in defiance of civilization, not in aid of it; and a perfect civilization cannot exist until the power to inherit wealth is entirely destroyed.

The men in any nation who accept special privileges and encourage the bad principle upon which they are founded, are not the products of the civilization that surrounds them. Their luxury is at the cost of millions of human beings who are denied opportunities for moral and spiritual growth. The child raised in the gutter has privilege to curse for his depravity. The consumptive babe in the tenement dies with the stain of its blood upon the fingers of the privileged idler. The woman dragged down until the soul within her is dead must inevitably bring a heavy charge against the system that robs girls of what they earn, by the simple crime of giving over half of it outright in bulk to those who do not toil.

The beneficiaries of the labour of a past generation become the arch-foes of the labour of today, the champions of injustice, the defenders of starvation and moral obliquity. They are as positive and direct in their opposition to civilization as the straight line of transfer whereby their luxuries are

drawn from the legitimate rewards of labour and capital; for as all the wealth of nations is produced by labour and capital applied to the earth's resources, so all the wealth appropriated by privilege must necessarily be withdrawn directly from labour and capital.

The average person, if asked to name the most characteristic difference between civilization and savagery would probably speak first of education, morality, art and invention which are encouraged by the peoples we call civilized and ignored by the savage. He would then enumerate the efforts of government to defend the person and property of all citizens. Having seen that the tendency of privilege is to discourage and prevent the wide diffusion of learning, morality and art by creating conditions under which their popular growth is impossible, let us now discover whether privilege encourages security of person and property or militates against it.

As to security of person, civilization has at last won an almost complete victory over privilege. In the days of Rome a majority of the population of the entire civilized world was bound in chattel slavery, even white men being slaves to other white men. Today, in the upward march of freedom, chattel slavery has been completely exterminated,

even in the case of an alien and different-coloured race. We have left practically only one important relic of the influence of money over personal security. This is the power of a wealthy man to employ better counsel in legal causes than the poor can secure, so that men of wealth often escape punishment for the same offence for which a poor man might be imprisoned. This, coupled with our system of fines, whereby the rich may go free for offences that would bring a poor man into the workhouse, is a relic of that injustice that manifested itself in the institution of slavery in the days when free men were made slaves for debt, and could purchase their freedom by ransoms or payment of money.

The coming of the Public Defender, who will defend those whom the State's Attorney prosecutes, presages the happy time when lawyers will be officers of the court in the same sense that judges are today, and the equality of all before the law will become a fact as it is theory now.

Personal security, with the exception just noted, has practically been attained; but as to the security of property the influence of privilege is so great that we are still in a state of savagery, which civilization is now engaged in a titanic struggle to destroy.

In the transition from slavery to modern special privilege the fact of the appropriation of the services of another remains nearly the same as before. Only the form has changed.

While this change in the form of appropriation is one of the necessary steps in the march of human freedom, it serves temporarily to becloud the issue and causes many well-meaning people to believe that the victory has been won. Inheritance and monopoly, however, have made the exploitation of labour nearly as easy as slavery itself did. It is no longer necessary to personally supervise the labourer, seize the product of his toil, and then go to the trouble and expense of feeding and clothing him. Through enormous inheritances and the advantages of monopoly, privilege seizes the lion's share of the world's produce and power before legitimate capital and labour get a chance at it. Privilege is always standing at the base of supplies, in the form of inheritance, inflated stocks, or monopoly of natural resources, taking its inheritance, or watered capital, or land-rent, before it will allow capital and labour to go to work. Privilege, in its various modern guises, saddles upon civilization forms of expropriation in comparison with which slavery was dangerous, unscientific and expensive.

The power of the heir to appropriate what others create, must be entirely destroyed before civilization can boast that it has rid itself of the chief enemies of property rights. For the chief enemy of the property rights of others is he who consumes the property that they create without rendering service in return.

In the seizure of property by those who do not earn it, the personality of the offender is concealed by a system, to the evils of which custom has blinded our eyes. Precedent has given to this form of expropriation the sanction of law, just as that sanction has been given in times past, to brigandage and to slavery. And the importance of inherited wealth as one of the two real causes of poverty among the disinherited is concealed from many of the wise and prudent and revealed unto babes. For what disinherited man did not as a child rebel against the inequalities of the cradle that gave to his boy friend the prospect of unearned millions from which he would be for ever barred? What American child ever read Mark Twain's *The Prince and the Pauper* without a hot heart and a burning mind?

If civilization is the education, refinement and advancement of a people, it will not be attained until governments are able to protect the property

earned by their citizens, the use of which is necessary to such advancement. As long as the power to use billions of dollars' worth of property is each year transferred to heirs who are not earning it, the government is failing to protect the property of those who do earn it, and from whose labours the living of all idlers is drawn.

Civilization instead of being promoted by our inheritance law, demands its removal. The heir is not the friend of progress. He is its enemy, a parasite upon both capital and labour, a hindrance to democracy, a foe to equality, an insurmountable obstacle to the property rights of every man who toils with hand or brain. He is not a product of civilization but exists in defiance of it, preying upon the educational, artistic and spiritual growth of all mankind.

CHAPTER XX

ANTIQUITY *NOT* A DEFENCE OF WRONG

THE privilege of inheriting an estate has existed for thousands of years, and its antiquity is urged as a reason for its continuance.

Antiquity cannot of itself prove the right of any custom. Slavery called the history of the past to its defence and was overthrown. Monarchy calls upon antiquity to save it, and is rapidly passing away. Antiquity has failed to save the life of many an ancient wrong because it proves nothing but itself.

The present generation alone is responsible to itself for its laws and customs; and in itself contains the power to change both when occasion demands. When reason shall prove to it the injustice of unequal fortunes at the cradle, it will respond by the abolition of this curse upon humanity as former generations destroyed feudalism, the torture and the stake. It is out of the question to argue that the power to inherit has existed since Noah; for so also has drunkenness, prostitution, poverty and

war. The *right* to inherit has never existed at all.

The world is progressing mightily. Men once claimed the *right* to burn heretics. We now know that they never had any such right. Men once claimed the *right* to property in other men. We now know that they have no such right and never did. Men once asserted, all over the world (and still assert in the major part of it) that they had a Divine Right to rule over other men as Kings, and to transfer that right, by the laws of inheritance, to their heirs. We now know they had no such right, in the past, do not have it now, and never can have it.

The claim of antiquity alone as authority for any act, is void. Indeed, unless it be clearly shown that the conditions of the ancient world were precisely or nearly similar to the conditions of today, this claim of antiquity becomes an argument *against* the custom it is intended to support; for, if the world has radically changed in its recognition of liberty and democracy, the older a custom is, the less appropriate to modern life is it likely to be.

The form that the spirit of liberty and justice has assumed has radically changed in the last two thousand years. The authority of the ruling class in the time of the Cæsars was that of masters over

slaves; in the Middle Ages it was that of the feudal landlord over the serf; in later centuries it has been that of the privileged over the unprivileged. The privilege of inheritance has during all these ages bound the inequalities of one generation upon the shoulders of the next; and has only recently come to its inevitable accounting. But it has come.

Whether the inheritance of wealth was once necessary to encourage and revive the spirits of naturally unambitious peoples, is not now a question of importance. It may have been; but it is not now, and serves today only as an obstacle to the moral improvement of heirs and a damper to the ambition of millions of the hopelessly disinherited.

The great difficulty with those who base the defence of wrongs upon antiquity, as has been so often pointed out, is that they do not go back far enough. Let them go back to the first man and the first woman, and they will find that God, when He created mankind and the world that was to minister to its needs, gave no title to property except the title of labour. Let them go back to nature and they will find no soil that will give its product to any one but the identical person who sows and gathers, no tree that yields its fruit to any hand but the hand that plucks it, no spring or river that presents its pure blessings to any but the person

who comes after it; no bird that gives its song to any save those who listen; no mines that transfer the treasure from their dark, unfathomable depths save to the toiler who digs down into the bowels of the earth.

CHAPTER XXI

PRECEDENT A LEGAL, NOT A MORAL OR ECONOMIC DEFENCE

BUT now comes the legally minded person who, being duly sworn, deposes and says that even though inheritances are shown now to be wrong in principle, the fact that we have recognized them through so many centuries, "establishes the precedent" so firmly that to depart from it would be a violation of recognized right. He calls the past to bear witness for the heir and throws about him the mantle of dignity and respect.

A safe standard of the morals of a man may be established by the consideration as to whether he excuses his sins and meanness by reference to the cruel and barbarous laws of two hundred years ago or measures his aspirations and ideals by the high standard that is certain to be attained two hundred years hence.

Precedent is valuable as a principle of law. It prevents too rapid changes in legal fiat, and gives to living men a reasonable idea of what the law will

hereafter expect of them, by showing a decent respect to what it has heretofore required. And a proper deference to precedent may demand that even the most necessary changes be made with great deliberation in order that men may accommodate themselves thereto with as little injury as possible. Every reform is first discussed by good citizens for a considerable period of time, usually for centuries; and legalized violators of liberty have due warning of coming changes, and may adjust their lives and practices accordingly. Then when the changes are made, they will affect only those who have been stupidly blind or brutal, too blind to see the evil whereby they have profited, or too brutal to care for those who have suffered. Of these things I shall speak in a separate chapter at the close, merely reminding you here that precedent and custom have an invariable tendency to protect established evils and will retard the day of judgment for all offenders; so that reformers need give themselves little worry that they are proceeding too fast. Precedent always delays justice, and perhaps this is wise; but the opinion that it should permanently *stand in the way* of reform is as dangerous as the product of the need of the reform multiplied by the age and universality of the precedent. Men ought always first to decide whether a certain proposed

measure is right or wrong, regardless of precedent. Thereafter, precedent will of itself modify the speed with which the reform is brought about.

If precedent is to be considered as a guide to action, however, it is reasonable to examine into all of its aspects. Let us investigate not only the laws regarding inheritance that have established the evil among us, but also the popular sentiment that has been *opposed* to these laws. Let us examine both sides of the question of precedent, and we shall see that legal precedent has been forcibly maintained from the beginning, by the minority. During all the centuries in which the privilege of inheritance has existed, its beneficiaries and advocates have been the few,—its enemies the many. Is it to be conceived that the millions of disinherited in each of the past generations have witnessed their own degradation without inward rebellion and heart burning? Is it imaginable that the poor have not cried out in all ages as they are crying out today, against the injustice of the system that has brought their children into the world as paupers while the children of the rich have come into it with royal power?

Inheritance privileges have never been consented to by the unprivileged. They have been submitted to because no remedy appeared to be in sight.

While in some instances they have been vigorously opposed by ballot, by argument, and even by force, yet in the vast majority of cases, they have been dumbly acquiesced in by the multitude of human toilers; not so much through ignorance of their natural rights as through a lack of the means to secure them; for the disinherited of all ages have been so hard put to it to keep clothing on their backs and bread in the mouths of their loved ones that they have been powerless. They have not only been deprived of their own education; they have been compelled to take their children from school to toil beyond their strength in field and factory, that the few might add still more to the fortunes they were to leave to the unborn. The parents of the poor have always been forced to assent to the inheritance laws whereby they and their children have been kept in poverty.

But even had the parents of each generation given their full political and moral consent to the inheritance laws that pauperized their children, the children in the next generation would in no sense be obliged to assent thereto. It is no comfort, but rather a bitter aggravation, to a son in slavery, to know that his parent placed him there, even though in all parental love, the parent had supposed it was for the son's good.

From the dawn of Creation men have rebelled against the privilege of inheritance. The Bible story of Jacob and Esau is a sad commentary upon its absurdity.

For how great a "natural right" is this that can be traded for a mess of pottage? And later confirmed by a Goat-skin fraud? And, still later, when discovered, cannot be remedied? What better conduct could be expected of such a thief as the author of the celebrated mandrake scheme, is a mystery to me; but the point of interest here is the complete demonstration in this scriptural story, of the entire lack of "natural right" associated with the early conception of the inheritance privilege. But the fraud of Jacob shall be overthrown by the force of Esau, and the children of men shall again attain the equality of children of God — for these are the words at the end of that hateful story in the thirty-seventh chapter of Genesis — this the prophecy of the patriarch Isaac to Esau his defrauded son,—“and by the sword shalt thou live and shalt serve thy brother; and it shall come to pass when thou shalt have the dominion that thou shalt break his yoke from off thy neck.”

And Esau said, “Then will I slay my brother Jacob.”

Jesus Christ in one of his parables gave an illus-

tration of the husbandmen who, seeing the heir coming, said, "Lo, here is the heir; come let us kill him," thus showing the feeling of hatred that has existed in all ages against the monstrous favouritism of inheritance laws. The Bible gives us a fair picture of the feelings and sentiments of men for several thousand years, reflecting as it does the cry of the poor for justice; and there is not a reference to Heaven between its covers that does not picture the future world as a place where that equal justice shall be given to all which is denied them here. Heaven is pictured as a place where all who dwell therein shall inherit equally the kingdom prepared from the foundation of the earth; where no favouritism will be shown even to the faithful sons of Zebedee themselves; and this desire for the place of justice expressed the outcry of the people for thousands of years just as today it expresses the deepest and fiercest longing of the human heart.

It is the longing for a chance at happiness, the longing for peace, for contentment, for rest, for a fair opportunity to obtain the full reward of honourable toil.

If history be called upon to give its evidence, it will show ninety and nine who have protested against privilege to every one who has been contented with it. If we desire, therefore, to conform

to the wishes of the majority of the dead, we shall unhesitatingly declare that precedent itself, when considered from the standpoint of popular opinion, authorizes the destruction of the iniquity of inherited estates.

The authority of legal precedent is based not upon the claim that the majority have always preferred that heirs should receive property without labour, but rather upon the fact that the minority, who have had power, have enacted this crime into law. Here we find, as those always can who search earnestly, the fallacy of the claim that precedent favours privilege in inheritance. This fallacy is the idea that law expresses popular opinion. It does not. Popular opinion is opposed to the laws in favour of privileged heirs. One by one the laws of privilege have been destroyed — *slavery has gone, monarchy is going, and inheritance will follow.*

When we consider the matter aright, precedent disappears as an argument against reform, and points the way clearly to a continuation of the forward march of democracy.

The time and place of the birth of a child cannot justly be considered as affecting his natural rights, nor can his parentage. Every boy or girl born into the world derives its existence from the Divine Creator of all. The world is as new to that boy or

girl as it was to Adam, and his natural right to it and dominion over it must be precisely the same as that of the first man who ever came into it.

As government conforming to principle is the noblest of social institutions, so government by precedent, when the two are not in accord, is the most vile. In cases too numerous to be counted, the precedent ought to be considered a warning rather than a thing to be imitated or followed. As to inheritance laws, no thoughtful person can deny that they have not only created gross inequalities of birth, but they have perpetuated and increased them in the family line; and that times without number, heirs fight against the very principles for which the earner of the original fortune stood. Inheritances keep alive the feudal spirit of the past; they form the centre around which multitudes of lesser evils gather; and they have, in all ages, stood alone as the one class or form of privilege in defence of which the beneficiary does not even claim for himself any merit or desert. Certainly the precedent of laws favouring heirs, stained as it is with blood and tears, poverty and crime, ought to operate as a warning instead of an example, to the world of today. The backs of the disinherited are bent with the blood-stained burden of cradle inequalities; and for the struggle to throw this burden

off, a precedent will be found in the fair fields of Runnymede, the hallowed walls of Faneuil Hall, and every other spot made immortal by the flaming tongues of the voiceless dead whose love of liberty and equality still lives in the hearts of men and finds an echo in their ballots. But in this struggle let it be ever remembered that hating tyrants is not the same as hating tyranny. Economic wrongs demand fundamental remedies; it is the system that must be reformed, and the remedy is not hate, but education. An idea as old as Abraham must be supplanted by a principle of justice that antedates the everlasting hills. Civilization, to produce temporary progress, has for ages made use of the principle of inheritance, as for ages she utilized the principle of slavery. Each, in its time served a purpose, and each in its turn produced evils greater than the temporary benefits it secured. As chattel slavery, now for ever gone, was forced to yield to a better economic system, so inheritance by gift is yielding today, and must give way tomorrow, to an economic system under which each child born into the world will enter it with a fair start and an equal chance under the law, unhandicapped by the unearned wealth of hereditary princes of trade or leisure; and the less we are

moved by hatred for individuals, the more clearly shall we apprehend the single, scientific means whereby the victory over an unjust system shall be won.

CHAPTER XXII

THE RIGHTFUL OWNERSHIP OF THE PROPERTY OF THE DEAD

HAVING disposed, as I believe, of the claims of those who do not labour, to the property of the dead, I wish now to declare the rightful ownership of that property.

No value is or can be created except by the application of labour to natural resources. As has already been shown, nature does not offer to mankind even so little a gift as a cup of pure water without imposing the condition that labour must extend its arm to secure it; and in all the major operations of industry, capital, which is stored-up labour, must co-operate. The value of labour and earned capital is, in all cases, personal and individual to him who works, and his inalienable right to this value is no longer disputed by any considerable body of people.

The value of natural resources, however, is social in its nature, being created by the existence of population. It belongs to all. It is the common gift of God to mankind.

Now, while both the individual worker and the social organization exist, they have the right to contract with each other, to allow to the worker the value of all he creates from natural resources during the period of their partnership, that is, during the period that the worker is capable of enjoying the product. After the conclusion of that period, nature has provided that he shall enjoy it no longer, and that he shall have no means whatever of managing it personally or, indeed, of even expressing his opinion with regard to it.

The natural title to the use of property being the title of labour and earned capital, no person living later can have such natural title after the death of him who laboured, and expediency as well as justice and common sense would seem to indicate that the title should revert to his partner in production, the social organization.¹ Indeed, unless this be done, the social organization must deny to others what it originally granted to him, viz: the entire value of their labour.

In geometry there is a rule known as the *reductio ad absurdum*, whereby the falsity of a proposition is shown by following it out until it has become at last *reduced to an absurdity*. The claim of any liv-

¹ See Thomas Jefferson's statement on this point, p. 37, Note 1.

ing man to a right in an estate he does not earn may thus be reduced to an absurdity by following it out, until it be clearly shown that when any government guarantees to its citizens the security of all property they create, while at the same time it grants to others without labour a part of what is being created, it has granted two titles to the same thing, only one of which can possibly be valid.

The right to control any nation must reside in the living generation affected in that nation. The maker of a gift of property to another does what, for himself and for the generation consenting thereto, he has a right to do if his gift be not injurious to the rights and welfare of others; but when he makes a will decreeing what shall be done with his property when he is dead, he assumes another right which neither he nor his generation possesses,—that of binding posterity to the third and fourth generation, or for that matter to the end of time itself; giving property to one who did not earn it, “to him, his heirs, executors, administrators and assigns, for ever,” and thereby preventing the workers of the next generation from securing all the result of their labour.

Often the laws whereby property is acquired are wrong for the generation for which they were made, to say nothing of the next, yet under our inheritance

law, property earned a hundred years before by means that would violate every modern idea of justice and decency, is preserved intact and respected by people who should think of its accumulator with loathing and disgust.

But even were the property laws wise in the generation by which they were made, the right to perpetuate the estate they produced is entirely lacking; and the right of one legislature to make a law respecting inheritances can in no way affect the equal right of a subsequent legislature to modify or abolish it.

There never has, does not now, and never can exist a legislature, supreme court, or any other body of men with power to bind a succeeding generation; and all laws so intended, save as they appeal to the self-interest and wisdom of the coming generation, are necessarily subject to change, since the new arrivals upon earth are and must ever be the masters of their own destiny. The existence of people with demands to be satisfied, is what gives all things value, and no value can attach to anything except by virtue of a demand for that thing. It is only the living who give value to things that can be expressed by money or price. The power of one generation over the generation to follow it is non-existent; and is as ridiculous as an assertion of its

power over the generation that preceded it. No assertion of human power is more blasphemous and absurd than the impudence of attempting to govern beyond the grave. Each generation creates its own property rights, and the heritage of the past must be regarded as an addition to the resources of nature, to which all mankind are entitled to access for use.

Inheritance of property, to the extent that it enables the heir to demand the services of others, without rendering an equivalent service in exchange, is an application of the principle of human slavery; for to the extent that the workers of the world must labour without sufficient pay, it is slavery whether the service is rendered to an individual taskmaster or to an industrial machine the profits of which are appropriated by privilege. Laws of inheritance are the chattel deeds of slavery upon a wholesale and class plan,—making entire families, or classes of people, the servants of others, whose personal identity is concealed in a system, but who, in the United States, will secure without labour that 60 per cent of the wealth of the nation that their parents have accumulated while a labouring force equal to $32\frac{1}{2}$ times their number secure 5 per cent of it,—one heir thus averaging as much reward as 390 workers.

All just title to property must come through the labour of the identical person enjoying it,— not his ancestors. Only a small amount of intelligence and common sense is required to see that though laws made in one generation often continue in force thereafter, yet they derive their legality not from the mandate of the past, but from the consent of the living present. When a law is not repealed it is considered as remaining in force, yet the right to repeal it exists in the living generation and cannot be taken away.

The right to declare a man the heir of wealth must fall upon those who are called upon to bear the actual burden of his support. These are not the dead, but the living, for neither idlers nor workers live upon stored-up food. What is eaten, worn, and used today is being created today — and no dead man can decree that his descendants shall be fed, clothed and sheltered without labour. “He that will not work, neither shall he eat.”

We have seen that the rightful ownership of property is inseparable from the labour that creates it, and that each generation supplies all its own wants. We have also seen how it follows that, when a vast inheritance is bequeathed, the thing that is transferred from father to son is not actual property that he has created (except to an almost

negligible degree) but a power to command the use of food, clothing, shelter and services that are in the future to be created. To the extent that this fact is clearly conceived, it must be also evident to all who give it thought, that the generation to which the son applies to enforce his father's decree that he be supported, must have the right to determine whether it will accede to the demand, or decline to obey. If a sentiment of respect for the parent urges them to accede, a like sentiment should urge that they support by similar donations the children and relatives of men who served the former generation as its public officials, pastors, priests, teachers, inventors and in a hundred other capacities more honourable and more useful than the accumulation of a surplus in a bank; and a further extension of the same sentiment would decree that they pension the sons of the soldiers, and of the labourers whose toil in field, furrow and ditch brought to the coming generation the most substantial of all the purely economic benefits that it received.

If reason be accepted as our guide we shall heed the dying wish of the penniless missionary or the bed-ridden hospital surgeon as freely as we obey the commands of the accumulator; and we shall realize, in any event, that the disposition of the property created jointly by the worker and the

social organization in which he laboured, is both by right and by power, in the hands of the social organization when its partner in the transaction has passed on to that undiscovered country where the light of the eternal morning is shed upon high and low with an equal radiance of glory, and where there shall be no more tears, neither sorrow nor crying.

PART V

INHERITANCE AND SENTIMENT

CHAPTER XXIII

THE SENTIMENT OF PARENTS FOR CHILDREN

I HAVE heretofore considered the question of inheritance from the standpoint of human rights and economic justice. It is not upon this view of the question, however, that the advocates of inherited wealth base their strongest assertions. Admitting the legal right of labour and earned capital to all their joint product, and hence compelled to concede the economic wrong of granting a large portion of this product to those who do not participate in production, they fall back upon the defence of sentiment. They assert that the father labours for the child as the animal fights for its young; and that any attempt to remedy the manifest evils of vast inherited estates, is a violation of the right of the parent to live and die for those he loves.

This view of human rights is of the utmost importance. If it be true that men do labour for the purpose of providing for the future wants of their offspring, it is vital to a correct understanding of our problem that we first consider how many men and women there are in the world to whom the wel-

fare of their offspring is a motive power in life.

I assert that there is not to be found so much as one natural parent in the world to whom the welfare of his young is not one of the deepest considerations of life. Go where you will, from the palace of the king to the hut of the peasant, from the captain of industry to the miner digging hidden treasure from the bowels of the earth, and you will find men who live from sunrise to sunset every day with the inspiring vision of wife and child before them, sustaining their every effort and lightening every moment of toil. Huns, Slavs, Chinese, the stokers of ships, the tillers of the soil, Europeans, Americans, Catholics, Turks, Baptists, janitors, salesmen, day-labourers — there can be found no class of people to whom the voice of the child crying in hunger is not the voice of God, justifying even crime itself, if only the child may live. Seek the world over and you shall not find, save among the demented and degenerate, mothers who will not sell even virtue itself to save their young. The perpetuation and preservation of species is the strongest instinct in life, more powerful than self-preservation, more universal than love. No race can be found in which it is lacking, no sound-minded individual who does not possess it. It is one of the common traits and possessions of mankind.

Any theory, therefore, that has reference to the service of parents for their children, if it be based upon either justice or sentiment, must of necessity consider *all* the parents of *all* the children. It is not sufficient to observe that the two per cent who fare sumptuously, work for their children (though, as has been shown, an increasingly large proportion of these do not really work at all), but it must be borne in mind that all other human beings also labour for the benefit of those they have brought into the world.

With this fact before us, what a wonderful light is thrown upon the whole matter! We see now that we must not only respond to the summons of sentiment in considering *some* cases, but that we must heed it in *all* cases. We see that when a farmer or a "renter" or a mechanic has spent his entire life working for freedom and a fighting chance for his children, we must not violate the principles of humanity by forcing his loved ones to work for heirs at half the wage to which they are entitled. We see that when the widow of a labourer is forced to go to work in a factory to earn bread enough for her babes, we wrong her when we bestow the factory itself, without labour, upon an heir. We see children robbed of their birthright by other children. We see girls forced into factories at wages

reduced fifty per cent, to pay dividends to other girls. We see boys torn from the public schools by the necessity of supplementing their parents' earnings, to pay the interest on bonds owned by other boys. And in this picture, through it all and above it all, clear as the gaunt outlines of poverty itself, we see the haggard faces of men and women who live and labour for *their* children, whose sole legacy to them will be the memory of how they yearned to give them a fair start and an equal chance, but could not; because they, too, were paying *half* their earnings to the sons of their fathers' employers.

No fallacy is more clear than that of those defenders of inheritances who postulate their argument upon the sentiment of parental affection without taking into consideration *all* the parents and *all* the children in the world. The affection of the wealthy for their young is no greater than the affection of the remainder of mankind for theirs. Indeed, it can be much doubted that it is as great, when we consider how customary it is for nurses to take mothers' places among this class of people, and when we bear in mind the bitter and sometimes even criminal attempts that heirs so often make to secure money sooner or in larger amounts than the parent himself desires to give it.

But it is asserted that men would lose their desire to accumulate more than they themselves need, should the privilege of transferring it to their heirs be withdrawn.

To this I first reply that, in the cases in which it would be true, it would be a great economic blessing to the world.

When a man continues to labour past the time when he has laid aside enough for the needs of himself and wife and minor children, he does it either because he loves his work, or because he loves power, or because he desires to accumulate.

If he labours because he loves his work, or because he loves power, he will continue to labour no matter what becomes of his money when he dies.¹

¹ Certainly no man could be found more appropriately fitted by personal experience to render a fair opinion upon this subject than Andrew Carnegie. He says :

“The growing disposition to tax more and more heavily large estates left at death is a cheering indication of the growth of a salutary change in public opinion. . . . The budget presented in the British Parliament the other day proposed to increase the death duties ; and, most significant of all, the new tax is to be a graduated one. Of all forms of taxation this seems the wisest. Men who continue hoarding great sums all their lives, the proper use of which for public ends would work good to the community from which it chiefly came, should be made to feel that the community, in the form of the State, cannot thus be deprived of its proper share. By taxing estates heavily at death the State marks its condemnation of the selfish millionaire's unworthy life.

The State's refusal to transfer it when he dies will not affect his work and neither his own business nor the community will suffer. If his interest in his business is the mere desire to accumulate, both the business and the public will be benefited by his retirement. Such a man will pinch and grind his employés and his customers while he ought to be advancing and improving his business. Whether he is seeking to accumulate money for himself or for his children, he is the type of man who is not looking forward. He is as much of a detriment to the world as the lover of his work is a benefit.

I am of the opinion that there are few of this

It is desirable that nations should go much further in this direction. Indeed, it is difficult to set bounds to the share of a rich man's estate which should go at his death to the public through the agency of the State, and by all means such taxes should be graduated, beginning at nothing upon moderate sums to dependents, and increasing rapidly as the amounts swell, until of the millionaire's hoard as of Shylock's at least.

"The other half
Comes to the privy coffer of the State."

This policy would work powerfully to induce the rich man to attend to the administration of wealth during his life, which is the end that society should always have in view, as being by far the most fruitful for the people. *Nor need it be feared that this policy would sap the root of enterprise and render men less anxious to accumulate*, for, to the class whose ambition is to leave great fortunes and be talked about after their death, it will attract even more attention and, indeed, be a somewhat nobler ambition, to have enormous sums paid over to the State from their fortunes."

latter class, in comparison with the former. Most business men of vast capabilities love their work and the power of their position too much to quit working because they have enough for their own needs; and the business men are not different in this respect, I think, from artists, writers and professional men of all kinds. To imagine a President of the United States who would refuse to do his work unless the position he holds be promised to his son, is no more absurd than to imagine that any good soap manufacturer would go off in a rage and quit the presidency of his company because the people no longer agree to turn *his fortune* over to *his son*.

There is no great money centre in the world, and no manufacturing city of any considerable size that does not furnish noteworthy examples of old bachelors and childless widowers working long after their own fortunes are a hundred times the size that their personal necessities require.

These are the words of Charles M. Schwab, multimillionaire head of the Bethlehem Steel Corporation. "I'm not working for money. I've made more money now than I'll ever spend. I'm not working for my children. I haven't any. I'm working for the sake of my work. It's my child,—my all. Not long ago I had a fabulous offer for

my business. I refused it. What would I do without my work?" What Schwab says is common-sense. Any child can realize its truth. No man alive works past the million mark because his children need the money — and the claim to the contrary is merely a desperate effort upon the part of the defenders of inheritances to frighten the world into believing that its great masters, its leaders, its geniuses, will throw away their pens, destroy their factories, and sulk like Achilles in his tent before Troy, unless their accumulations be passed on to their heirs.

Yet even if it were true that men of great talents would abandon their business enterprises if their sons were no longer to be allowed to inherit vast power, this would be far from an unmixed evil. They would be free to devote their time and attention to the public service, and the positions of honour and trust that are today occupied by men of small capabilities, or worse, would tomorrow be filled by men of power.

Moreover, the coming generation, for whose sake these vast fortunes are said to be accumulated, would be morally benefited to an extent hardly to be conceived, were the heirs to realize from birth that instead of being the favourites of a corrupt system of inherited power, they were to be tried in

the crucible of service, in common with the remainder of mankind.¹ They would indeed be still the beneficiaries of their parents' abilities to an enormous extent. They would have better educa-

¹ The evil results of inheritance upon the heirs themselves is thus stated by John Stuart Mill :

“The claims of children are of a different nature; they are real and indefeasible. But even of these I venture to think that the measure usually taken is an erroneous one; what is due to children is in some respects underrated, in others, as it appears to me, exaggerated. One of the most binding of all obligations, that of not bringing children into the world unless they can be maintained in comfort during childhood, and brought up with a likelihood of supporting themselves when of full age, is both disregarded in practice and made light of in theory in a manner disgraceful to human intelligence. On the other hand, when the parent possesses property, the claims of the children upon it seem to be the subject of an opposite error. Whatever fortune a parent may have inherited, or still more may have acquired, I cannot admit he owes to his children, merely because they are his children to leave them rich without the necessity of any exertion. I could not admit it, even if to be so left were always, and certainly, for the good of the children themselves. But this is in the highest degree uncertain. It depends on individual character. Without supposing extreme cases, it may be affirmed that in a majority of instances the good not only of society but of the individuals, would be better consulted by bequeathing to them a moderate, than a large provision. This, which is a commonplace of moralists, ancient and modern, is felt to be true of many intelligent parents, and would be acted upon much more frequently, if they did not allow themselves to consider less what really is, than what will be thought by others to be advantageous to the children.”

— J. S. Mill, *Political Economy*, Bk. 2, Ch. 2, p. 218.

tion, better surroundings, better food, a greater opportunity for physical improvement, and superior advantages of every possible kind; but they would not expect to inherit vast estates and would realize the necessity of becoming what their physical and mental stock ought to produce — real leaders of men.

They would not pity themselves. They would not consider themselves deprived of anything, for they would be educated not to expect advantages past the age of their majority. The first generation of princes and noblemen's sons in France no doubt thought themselves "deprived" of power when the privilege of inheriting titles was taken away; but the sons of presidents, governors and senators in the United States today do not consider themselves "deprived" of their fathers' power. They have never expected to receive it.

I stand for sentiment — for the tenderest sentiment in life, the sentiment of the uncounted poor whose children are disinherited to create positions of power for the children of accumulators. I stand for the sentiment of broken-hearted widows who watch their defenceless offspring go down into ignorance, poverty and crime, unable to leave tub and factory and the menial services performed for others long enough to minister to the bodies and souls of

those they love. I stand for the sentiment that the sons of a hundred farm renters shall not be deprived of their small inheritances in order that the sons of one farm speculator may have a large estate; that a million workers shall not stand for ever near the bread-line to furnish luxury to a thousand heirs who labour not. I show you the hungry mouths of the disinherited, the uneducated minds of children torn from school, the bleeding hands of girls who work in factories, the hopeless faces of the parents of the poor. I show you these not as one asking for them charity, but as one demanding that they, with the working capitalists who cooperate with them, be no longer compelled to do one hundred per cent of the world's work for forty per cent of its wealth, in order to pay the remaining sixty per cent to idlers.

This I assert to be a human right,—that all workers are entitled to all reward; and all transfer of money without service, in whatsoever form such transfer takes, is a direct violation of that right.

The case against inheritance is stronger than can be expressed in the mere terms of justice, all conclusive though these are. It is founded and established upon the tenderest sentiment of the human heart, viz., the right of *all* parents to leave to *all* children the inheritance of opportunity that is

theirs by the unchangeable law of God; and the right of *all* children to a fair chance and an equal start.

It is manifest that the property of the past generation must be transferred either to the children of the rich, or to the children of the poor, or to both.

If an appeal be made to the sentiment of favouritism alone, it would seem fitting that the children of the poor be so endowed or pensioned rather than the children of the rich, since the latter, during the life-time of the parents, enjoyed so many more advantages of comfort, culture and opportunity than did the former. But no such sentiment should actuate a just and generous people. Any decision as to the apportionment of the accumulated wealth of the past generations should be based upon considerations of *justice* and *universal love*. In accordance with these considerations all lovers of the right must put forth every possible effort to secure both to the rich and to the poor that exact proportion of the benefits of industry that is represented by the efforts and ability of each. And this must not be in proportion to the effort and ability of parents, but in proportion to the effort and ability of the identical person to whom the reward is granted.

It is sometimes urged that the refusal of govern-

ment to transfer fortunes to heirs would have such an effect upon our social organization as to actually destroy family unity and devotion; that it would make a man's relation to his children little different from his attitude toward all the other children in the world.

To the extent that such a condition would actually deepen the interest of great business men in the condition of those about them, this state of affairs would be of great encouragement to those who love mankind and wish it well. But as to its lessening the power or tenderness of the family bond, no statement could possibly be more illogical and false.

The love of children for their parents is not based upon money considerations. To the extent that desire for an inheritance influences the conduct of a young man or woman toward his parents, the existence of the coveted estate has killed the natural emotions of affection that should exist in the mind of the heir. While it is true that children in their minority learn to love their parents because of their parents' daily sacrifices in their behalf, the situation changes the moment the child begins to base his affections upon the expectation of a future inheritance. If this were not true it would be at once manifest that if the expectation of an estate

were a cause of filial love, the lack of that prospect would be an equally powerful cause for hatred; and thus the proposition would instantly disprove itself, for we know that the children of the poor do not hate their parents, but on the contrary, love them with a surpassing devotion.

No love is genuine that is based upon the expectation of pay. Such a feeling is not love but the prostitution of it. It is an insult to the purity of the sacred sentiment that binds families together, unites the hearts of all mankind, and brings the human into communion with the divine.

Do American children hate their parents because their parents cannot leave them monarchical power? No; and they would not hate them if they could not leave them money. Do the offspring of the poor despise the father whose hands are worn with toil? I venture the opinion that parents are best beloved in that great class of families known as the middle class, where children are well brought up to their majority, but expect little or nothing in the way of an inheritance.

It is the existence of great wealth that makes deep poverty necessary; and the elimination of large inheritances would lessen the number of the idle rich at the same time and for the same reason that it would decrease the multitude of idle poor.

The tramp and the millionaire idler are twin manifestations of the same economic evil, and they will disappear together with the destruction of privileges, among which the privilege of inheritance is most conspicuous and vicious.

There is and can be no proper objection to great wealth as such. No reasonable person or group of persons ever have objected or ever will object to the accumulation of fortunes no matter how large, provided they are not amassed through privilege. Nor indeed would many object to privilege itself if the amounts were small. But fortunes amassed through privilege have become so large as to be the most serious menace to civilization that has ever existed in the world's history; and the privilege of inheritance is today producing fortunes of such vast extent that the actual measurement of them is impossible. The poverty these produce not only indirectly, but directly too, can by no means be estimated.

Those who seek to defend the passing down of estates in the family line, appeal to the parental sentiment of a few as against the parental sentiment of the many. They ignore the ninety-eight per cent in their eagerness to favour the two per cent; a situation as un-sentimental, as dry of real compassion, as it is unjust and unwise. But when

we consider how far afield of common sense they are led in other respects than mere percentages, we wonder at the simplicity of mind of those who believe them.

There are two aspects of the case that these defenders overlook, either purposely or through bias of mind. The first is the large number of estates that do not pass from parents to children, but to collateral heirs. The second is the still larger percentage of estates that were not even accumulated by the parents who gave them, but by ancestors dead half a century, or two centuries, before either the parents or the children who figure in the inheritance were born.

As to the former, an examination of the probate records of any state will suffice for all the rest, to show what an amazing percentage of the estates of dead men pass not to sons and daughters, but to distant relatives, to whom none of the usual arguments in defence of inheritances apply.

As to the latter, exact figures are not easily available, but it requires only a little thought to gain from general knowledge a realization of its extent. In European countries fortunes of international importance have been handed down in the family line for centuries. The Marlborough fortune, the Westminster fortune, and dozens of similar family

fortunes in England are thoroughly familiar even to the readers of ordinary fiction or newspapers. There are not lacking family estates that are over a thousand years old. What sentiment can explain or justify such an unthinkable relationship between a present day Duke, and an ancestor forty generations removed? Between a twentieth century count and a twelfth century nobleman of different name, different religion, different language and in some cases, even different colour?

When we consider, then, that not over two per cent of our people have large estates to leave, and that in a large proportion of these cases the estates are not earned by the father of the heir, the force of the appeal based on the father's sentiment as a justification for the son's privilege is greatly diminished; and when we thereafter remember the rights of the remaining ninety-eight per cent, it disappears altogether. In its stead comes to us the burning hope that in the days to come we shall see the sunlight of new mornings, when all children born into the world shall have an equal chance to obtain the rewards of toil. If we are believers in God as the Creator of all, we must consider all children as coming directly from Him, with an equal claim to divine origin and an equal right of access to Nature's bounty. To consider it other-

wise would be to construct a God more unjust and inhuman than we would be ourselves. God gave no rights to Adam that He did not intend for all of Adam's posterity alike. To imagine a God approving the bestowal of a hundred millions upon one of His children, and for that purpose necessarily taking it from the rest, is as preposterous as it is unfair. The right of every child to the full reward of his own industry is as true of the children of this generation as of those of any preceding one. It would be impossible for any child to come to earth without that right; for the coming of that child would mark and commemorate the sanction of slavery by the Author of freedom,—the assassination of virtue by the God of purity — the approval of crime by the righteous Judge of all the earth.

CHAPTER XXIV

CONCERNING SUPERIOR NATURAL ENDOWMENTS

IT is frequently said that since God created men and women of diverse gifts; some strong, others weak; some talented, others dull; some beautiful, others ugly; some ambitious, others of slovenly mind;—it is presumptuous in man to seek for equality in inheritance when God himself has denied it in natural endowment.

I think those who advance this apology for injustice omit from their thought the idea that, in nature, the advantage given to any one person is never given at the cost of another. My friend is not weak because I am strong, not dull because I am talented, not slovenly of mind because I am ambitious. I detract nothing from his strength of body, mind or spirit. The man who is blind was not made thus because I can see; nor does my acquisition of knowledge injure the mental faculties of any other person.

In economic relations, however, precisely the opposite condition exists. No set of men can receive what they do not earn without securing it directly

from the fund that has been earned by some one else. What privilege gets, it obtains from the pockets of labour and earned capital. Hence every dollar secured by inheritance is taken directly from the gross production of living persons.

Physical health, intellectual power, and spiritual graces are *the gifts of God*. They are unlimited in quantity. They are given to those who have them *without* taking anything away from those who have them not.

But the property of the earth is the reward of the labour of men. It is limited in quantity to precisely what men produce by their own effort. When it is received by those who have not earned it, it is *necessarily* taken from those who have.

To argue for inequality of opportunity under human laws because a diversity of natural gifts has been granted by divine law, is like arguing for monarchy or robbery for the same reason. God created superior natural advantages in some men, bestowing them as free gifts without injury to others. But man cannot create advantages without labour, and the man who, not having created these advantages, arrogates to himself the right to bestow them, is doing more than claiming the authority of God. He is claiming the authority of an *unjust* God for even in the bestowal of natural

gifts of body, mind and soul, though God awards them in varying degree, He never subsequently gives to one the improvements accomplished by another. The increase that I bring about in my own physical strength, brain power, or spiritual comprehension, can never be taken from me by another. If God's example is to be set up before us as a model for our actions, certainly nothing is clearer than that God intends for every man to have the full product of his toil; for in all the functions of body, mind and soul, He has made it impossible for one to steal the faculties of another. Each of us must cultivate his own personal power. It was evidently the intent of the Creator that reward and effort should be synonymous terms. But we have builded our Tower of Babel. We have attempted to set aside the law of effort and reward that God uttered in Eden's Garden, and have builded our Tower of Privilege by means of which idle men hope to escape from the righteousness of His judgments. Therefore He has sent upon men a confusion of tongues so that the rich cannot understand the language of the poor, and those of low estate cannot interpret the speech of those of high degree. The tower of Privilege, aiming at the omnipotence of God, and claiming for the fortunate a divinity that is sacrilege, has brought about a separation and diffusion

of the people, which will persist until the democracy of God shall come upon them, and they shall be able to speak unto each other, to hear and to be understood.

God's law is the law of reward for service.

He who said of olden time, "In the sweat of thy face shalt thou eat bread," cannot be called upon to prove the contrary now.

I have previously called attention to the attempt that is often made to justify the injustice of inheritance by the statement that "it is only three generations from shirtsleeves to shirtsleeves,"—the inference being that in the cycle of events the turn of any given person is likely to come next; and that at worst the evil is limited by being "passed around."

This is cold comfort to the second generation—the only one that counts. As I sit here at the window writing, I see a neighbour of mine unlocking the front door of his house. He is a mechanic, a skilled labourer whom I know to be a man of superior ability, yet today getting (of what he earns) just enough to live upon comfortably. His two daughters have not been to college, nor will his son be able to go, for all three had to "go to work early" before finishing the High School. How much do you suppose that it concerns him whether the great fortunes inherited within the last

twenty years will pass "from shirtsleeves to shirtsleeves in three generations" or will be in the same family lines a thousand generations hence? What is of prime importance to him is that *he* has received less than half what *he* would have received had not *his* earnings been cut down by that proportion of them that non-workers have received and are receiving, *right now*. As he reads his histories of England, France, Germany, Italy, Russia and even the United States, he knows that the saying "from shirtsleeves to shirtsleeves in three generations" is a damnable attempt to justify an iniquity by a lie; for he knows that even in the United States the number of the poor who can break through the crust of privilege and enjoy it themselves is getting smaller and smaller as the monopolization of resources and the growth of inheritances increases; while in older civilizations the impossibility is so great that Dick Whittington has been regarded in the light of a fairy story for over a hundred years, and the idea of a Cinderella marrying a prince is as nearly impossible as it ought to be natural. And, more than this, my neighbour knows that, under a *system of privilege*, his only individual hope to attain is to become a part of the system himself, to dwarf his own soul by learning to deny to others the justice he has always longed to secure for him-

self,— by mounting the Juggernaut himself, and riding to prosperity over the torn bodies and ruined souls of the men and women who are not a part of the machine of privilege.

If the statement that family estates die out in three generations were true it would merely prove that heirs are incompetent and unworthy. But it is not true. All the cleverness of the world's best attorneys and trust company directors is being applied to the task of making estates as nearly perpetual as possible. Whether the heir himself has brains sufficient to look after his interests or not, is becoming year by year a matter of smaller importance.

PART VI
THE CLAIM OF EXPEDIENCY

CHAPTER XXV

PRIVILEGE NOT JUSTIFIED IN NATURE

I HAVE devoted the former parts of this book to an investigation of the privilege of inheritance from the standpoint of justice and of sentiment, thinking it inappropriate to examine into its expediency before thoroughly analysing its more important phases. I desire, however, to pay some attention to this feature of the subject now.

Expediency, when it is opposed to justice and true sentiment, is seldom justified, even in small matters, wherein fundamental principles are little involved. In the tremendously vital and basic question of inherited estates, the theory that expediency demands the continuation of injustice, is most dangerous to human rights.

The law of reward for service only has been shown to be an invariable law of nature;¹ and he who wars against nature never conquers her. To conquer nature is to understand her. To know the laws of na-

¹ Says Blackstone: "The law of nature suggests that on the death of the possessor, the estate should become common, and become open to the next occupant."

ture is a first and necessary step before advantage can be taken of them.

Not even for virtue, purity or philanthropy does nature offer so much as a grain of wheat or a glass of water without effort. This is the law of nature and we do well to consider whether that is most expedient which corresponds with nature, or that which sets her at defiance. And it is perhaps wise to begin our reasoning by ascertaining, if we can, why it is that nature refuses food, clothing or shelter except as a result of effort.

Why does not nature give to those who do not labour? If it were desirable or expedient that a specially favoured class receive without effort, why in all her manifestations has nature decreed the opposite? The answer has been given to us by the most eminent of the world's scientists. The improvement of species, whether animal or vegetable, depends upon selection, upon the survival of the fittest. Nature has many tests to determine which animals of any species are most fit to survive,— activity, hardiness, strength, intelligence, adaptability — and all these tests make some requirement of exercise or resistance. To gratify the demands of the stomach without the use of the arms or legs would deprive those limbs of the exercise necessary for nature's continuous test of efficiency — and thus

nature would defeat what seems to be her primal law of development. And hence it is, that nature refuses to drop food into the mouths of the privileged or to place clothing upon the bodies of those who set her law of labour at defiance. It is left for man to do that,—to fetch and carry for the idler. The law of the survival of the fittest, so often used to excuse injustice, becomes, when properly regarded, the very strongest argument for a fair field and an equal chance so far as human ordinances are concerned, so that the fittest man will really become the leader of men instead of being starved in the cradle, discriminated against in his education, and chained to the tread-mill of poverty in his manhood by human laws that prevent the fair testing of his capabilities in free and equal competition with other men.

The unused muscle withers. The dead log decays. The water that is stagnant becomes polluted. The man chained to a dull routine task by the necessity of doing double work to support the idlers of the world, hears no divine call of new and lovely thoughts. His mind atrophies and his ambition dies.

Nature has not found it expedient to create even wild animals that live by such an absurdity as modern privilege. It is true that savage beasts fight

for their food and tame ones seize whatever they personally find. But not even a dog will carry a bone to an idle dog; and when it comes to piling up bones mountain high for a favoured dog, in numbers so abundant that the idle animal could not consume one hundredth part of them, but must build a fence around them to keep away the starving dogs who got them in the first place,— there is no animal but man that has ever been guilty of it. Nature permits competition among animals,— a competition even of the tooth and claw — but the absurdity of such a privilege as inheritance has no place in all the laws of animal life. Nor is it only among the lower animals that the idea of selection and favouritism without merit is repudiated. Brought face to face with primordial conditions where organized governments do not exist or are powerless, man rejects privilege as naturally as he everywhere resents it. In the Arctic journey known as the Greeley Expedition, before the rescue of the explorers by Commodore Schley, the survivors were reduced to a condition of starvation. Certain rations were divided among the men daily and each man who desired was permitted to save a portion of his food against the greater need that seemed certain to arise; but when a member of the party died he was not allowed to give what he saved

to any other one member, even though a relative. The supply he had saved reverted again to the community. It went into the common stock. The privilege of inheritance was denied.

The power of the vast estates today is great enough to justify the recognition of this same principle among us on the same ground of expediency.

Expediency does not and never will demand the existence of a privileged class of men in industry. The new notorious declaration of Baer, the coal baron, that the interests of labourers will be best served "not by the agitators but by Christian men to whom God in his infinite wisdom has confided the property interests of the country," deserves to be placed beside the equally infamous exclamation of that Louis who said, "I am the State." The two sentences should be branded together with the infamy they merit. There has never been a more emphatic statement of the opposite principle than that of Jesus Christ himself addressing this class of hypocrites. "Woe unto you! For ye devour widows' houses and for a pretence make long prayer. Therefore ye shall receive the greater damnation!"

Hypocritical pretences merely aggravate the evil they are intended to conceal, and Baer's inference that the granting of privileges to Christian men is

necessary for the benefit of the unprivileged, was an inadvertent avowal of the most contemptible of frauds, a fraud that seeks to shield itself by a pretence of religion.

Injustice always attempts to conceal its form, and the defence of idleness upon the grounds of expediency is a striking illustration of this; but nature abhors idleness in all her provisions for mankind, and beings of intelligence should imitate her in this respect.

CHAPTER XXVI

HYPOCRISY OF THE EXPEDIENCY ARGUMENT

THE hypocrisy of those who defend injustice on the plea that it is "for the worker's benefit" to have some more capable person securing his money, is so specious and so wide-spread, that an especial notice of it is appropriate here.

In the first place, if it were true that the prosperity of the worker would be best served by the granting of special privileges to the most cunning or forehanded of their fellow-mortals, the sole judges of that supposed benefit ought to be the workers themselves and never any other persons. If any man offers me a benefit it is certainly a natural right of mine to declare whether I will accept or decline. There are millions of living persons who would decline prosperity rather than accept it at the price of liberty,—who would rather earn their own livings than become the recipients of charity,—who would prefer to suffer hardships in the struggle for fundamental justice rather than to secure plenty by submitting to the autocratic control of others.

In the preceding chapter I quoted the well-known statement of a coal-baron named Baer that the interests of labourers will be best served "not by the agitators but by Christian men to whom God in His infinite wisdom has confided the property interests of the Country"; and I now desire to pay some particular notice to this statement.

No reader will mistake it for the statement of a labouring man, so I need pay no further attention to that phase of it than to suggest that God in His infinite wisdom should have selected a more skilful spokesman to represent the Christian men referred to, who would have been able to conceal his own bias with a trifle more ability. Baer has got the Almighty to making a personal and confidential selection of the guardians of property interests; and instead of choosing men like Isaiah, Jeremiah, Jesus and the Galilee fishermen, God seems to have seen His mistake and resolved to take a chance on Russell Sage, Hetty Green, and Jay Gould whose special capabilities seemed to be along the line of preventing riot, debauch and injurious luxury on the part of the working classes.

The spirit of Baer's words, if approved by the labouring men themselves would be a spirit of servility for the sake of food and clothing. Expressed by the defenders of privilege it is the spirit of aris-

tocracy, the expression of a sort of tyranny that seeks justification by a promise of industrial results.

It infers that the claim of the monopolist can be successfully defended by his payroll;— that the great principle of human rights can be settled by the cash book of the speculator;— that men's rights are limited by the showings of day-books and journals;— that a man's title to freedom depends upon his efficiency. And to make a bad matter worse, the worker is not to be himself the judge of the extent or desirability of these results. The plain inference of the clause is that his interests are to be "served" by some other men whom the coal baron sacrilegiously refers to as "Christian men," thus once again besmirching the revered name of Jesus of Nazareth, who taught a gospel of absolute industrial justice.

"Give me liberty or give me death" are words immortal because they expressed an utter denial of the sneaking hypocrisy that places industrial prosperity above liberty, and because they thrilled an eager nation into seven years of poverty and death who might else have fattened under foreign masters and lived luxuriously drinking English tea.

Men face death for liberty — never for prosperity; liberty first means prosperity second, and when

nations barter their liberties in exchange for prosperity, they destroy the very foundation of freedom, which, being gone, men are left at the mercy of those to whom special privileges have been granted.

Those whose interests and rights are at stake are therefore the ones who must be permitted to decide whether or not they will accept the benefits said to be offered to them by those who demand privileges — and any seizure of a privilege under the guise or cloak of a desire to serve the interests of others, is an act of tyranny and hypocrisy that condemns itself.

We must conclude, therefore, that any offers to curtail the liberties of workers by placing their affairs under the management of others, should not be heeded when they come from those who are seeking authority.

But, passing from the consideration that this statement of divine authority was made by a beneficiary of the existing system and not by one of its sufferers, the claim that the interests of the working man will be best served by the granting of privileges to the most capable, or cunning, or forehanded, is of itself, false. The beneficiaries of privilege retain its results for *themselves*, not for others, as the rise and fall of every wealthy nation of earth has shown, from Babylon to Rome. Men seek privileges under

the pretence that the grant is for what has been designated as the "larger good"—but there is hardly to be found in any civilized country in the world today a single instance of a privilege-founded corporation with which in the end the people have not been compelled to engage in a death-struggle to keep it from running away with the government mint. The railroads, land development corporations, street car companies, gas and electric corporations, express companies and the like that came into existence during the great era of America's extravagance in giving away her natural resources have been attended with graft, robbery and murder for two generations. Today, red of tooth and claw, they are claiming the right to close against labour the unused resources of the nation, and in defence of that claim they are protecting their property with the guns of private hired soldiers.

This is the sort of men who have in all history asserted the right to control labour "for its own good"—and who are still voicing that claim today—a claim as hypocritical as it is tyrannical.

Any assertion that the inheritance of wealth from generation to generation is for the benefit of the workers who get none of it, is the height of impudence and of arrogance. It deserves to be placed in the same class with the act of a master who

would steal from a servant in order to increase the servant's efficiency, or deny a merited raise in salary for fear the employé would spend the money for drink. The insolence of the claim of divine authority for industrial injustice stands without a parallel as the most amazing hypocrisy of the world.

But even though this false theory be accepted as true, that it is necessary to grant special privileges to a certain class in order to provide the incompetent with rulers, the method of selecting that class by the accident of birth is the most senseless of legalities, the most idiotic of lotteries. Even the most enthusiastic advocate of the super-man theory must admit that the privilege of inheritance cannot produce the superman, but that by every scientific law it proceeds precisely to do the reverse! If it be necessary to have a ruling class in industry (which I deny with all vehemence, and elsewhere disprove, I think), then in the name of common sense let the selection of those in authority be made upon the grounds of physical perfection, mental ability, and spiritual power. The selection of favourites by birth is the most stupid of follies — and the very method of their selection utterly disproves all claim to such favouritism based upon any sup-

posed desire to benefit the worker. On the contrary it is proof that the claim of a desire to benefit the worker is fraudulent, and that the naming of God as a party to such a transaction, is blasphemy.

CHAPTER XXVII

EXPEDIENCY ARGUMENTS FALSE. WHO ITS SUPPORTERS ARE

THOSE whose thought upon human relations is based upon utility or results, may often be led far afield from justice and truth. Establishing results as that which is to be desired, they care not how many eternal principles of right they trample upon, if only they attain that temporary prosperity which they seek.

Such men are they who approve monarchy if they conceive a people to have more sleek bellies under a king than a president; who glorify war because by it the ideas of an aggressive state are forcibly exploited; who laud slavery because they allege that condition to be "better for the slave"; who make a defence for child labour in factories on the theory that it produces prosperity; and whose acid test in every economic question is its effect upon imports, exports and bank clearings.

Those who base their opinions upon the consideration of human rights, however, are never led far from the truth. Having only a very simple ques-

tion of justice to consider they are not misled by the promises of kings, courtiers, world conquerors or child-murderers; and as a result the problems they are obliged to face are not usually very complex.

Questions of expediency are naturally more difficult to decide than questions of right and wrong.

In considering the moral aspect of a subject, conscience is at hand ready to guide those who will listen to its promptings — but conscientious scruples vanish when the point to be decided is the result in weights and measures.

When right and wrong struggle, a little child can oft decide between them; but when figures and estimates are desired, expert statisticians frequently disagree.

Moreover, a moral truth is the standard of a world. Established as a principle, right becomes the proper goal of all mankind; while expediency has invariably two sides, each of which favours different people. Murder, theft, lying, adultery, hate, covetousness, are always wrong in principle, but often expedient for certain individuals, measured in terms of personal advantage.

Thus it is that while it is easy to prove the expediency of the privilege of inheritance for the great mass of mankind and to demonstrate its injury to the majority, we must nevertheless admit

the expediency to others. We must recognize that it is powerful because of its supporters, many of whom profit greatly because of it, others of whom think they do, and still others of whom imagine that they will in the future.

Let us discover, if we can, who the supporters of the privilege of inheritance are.

They are first, the heirs themselves, who as a body, have by far the largest money interests of any small class of people in the world. Having a direct privilege to defend they have a compact organization, while their opponents, the disinherited, but dimly realize the real cause of their impoverished condition, and are not organized.

Second, come the employés of the privileged, who lend them a support that is indispensable. As has been shown, household servants, caterers, politicians, lawyers, and even doctors, professors and preachers, have as many temporary reasons for maintaining the iniquity of cradle inequalities as there are salaries and fees to be derived from the service of the privileged.

The partisans whose direct pay is drawn from the coffers of the privileged or dependent upon them, are few in number, however, in comparison with those who favour the injustices of privilege, in spite of their present suffering, because they hope to

profit by them in the future. A long training and education has produced in them the hope that they will themselves some day become beneficiaries of the system. Stories in school books, from the First Reader up, glorify the sudden inheritance or acquisition of unearned wealth, which children ought to be taught to condemn with loathing and disgust. Novels produce heroes with vast, unearned fortunes proceeding from nowhere, produced by nobody. Newspapers fan the ever-increasing flame by stories of miraculous wealth acquired over night. A sentiment has been created so favourable to this element in business that thousands, nay millions, begin to believe that luxury can never be possible without privilege.

It is true that today while privilege exists, only those who enjoy a privilege can succeed in obtaining luxury. But tomorrow, when privilege shall be wiped out for ever, every worker shall have luxury. The earth is overflowing with abundance and nothing but the stupidity of man prevents all from enjoying the luxuries that are today appropriated by the few.

That there are many who benefit by the inheritance privilege, directly and indirectly, cannot be denied, but that these form an idle class whose interests are opposed to the interests of all workers is

equally clear. The utmost that can be said in favour of the expediency of our present system of unearned estates is that there are some who profit by it; and the bitter reflection that must immediately accompany this thought is that their profit is withdrawn directly from the industry of the community, and therefore from the labourers and capitalists who are the sole producers in all industry.

The very essence of privilege being its opposition to the rights of labour and earned capital, how then can the claim of expediency be made for it except in mockery and humour? Privilege does more than feed upon labour; it thrives only by its limitation. Whether in the form of inheritance or monopoly, it becomes greater in proportion to its ability to limit the value of all else beside itself. This is the very essence of money power. The heir unites with the speculator to buy and hold property in non-use and thus to artificially limit the natural resources of the world.

Not the niggardliness of nature, but man's artificial restriction of natural opportunities is what causes high prices and low wages, and the unearned wealth of the heir is what enables him to play his master part in what Tolstoi called *The Great Iniquity* — the locking up of nature's resources by monopoly.

CHAPTER XXVIII

RESULTS

EXPEDIENCY, far from suggesting the continuation of our present system, under which equality of wealth and opportunity have become a menace to the very existence of free government, absolutely requires the opposite. Second only to the consideration of human rights as a reason for the destruction of cradle wealth, comes the consideration of that regard for self-interest that we call expediency.

The evil of excessive accumulation will disappear when inheritance is done away, for the limit of the accumulation of wealth will then be placed at the life-time of a single individual. The amount that any one person can accumulate will be the amount that he can accumulate himself. The extraordinary differences that now exist between men of equal capacity will be minimized by the fact that all will secure an equal start. The power of the few to control all the terms and conditions of manufacture and agriculture will be curtailed. Geniuses born poor who attain great wealth will still

continue. Commonplace and incapable heirs who maintain or even increase an inherited fortune will no longer exist. There will be differences in wealth, in some cases great differences, but there will be few, if any, cases of wealth unjustified by ability. The holders of the world's great financial power will be capable men.

While the number of vast fortunes will be decreased, the number of moderate fortunes will be increased, and the conditions of labour will be improved more marvellously than ever before in the history of the world; for the thing that holds labourers and managers down today is that they are sitting in a game in which the aces, kings and queens are dealt to the favourites of fortune before the game starts. Labour and earned capital can demand and will receive their full share of the reward of industry the moment that privilege is eliminated.

Gigantic speculation will disappear. Men who are engaged in productive occupations have need of their funds for legitimate purposes. Speculation is the first-born of privilege and monopoly; and under a condition in which the most outrageous form of privilege is removed and the extent of each fortune limited to the earnings of a single lifetime, speculation will be dealt so severe a blow that its

chief defenders will be shorn of their power, and the objection to laws against speculation will be speedily removed.

Monopoly, which is the necessary basis of successful speculation, will tend to disappear with the vast fortunes that have made it possible. It will still be an enemy of no mean proportions, but the rapid growth of the theory of Henry George and, also, of a sane modern socialism, both indicate that the days of monopolies are numbered. The extermination of the privilege of inheritance will speed the day when monopoly shall be with us no more, by limiting the funds with which it operates, as well as the period of time during which the monopolization of any specific resource can exist in the hands of one individual.

Together with excessive accumulation will disappear its companion evil, poverty. Poverty and great wealth are natural counterparts. The palace and the hovel explain each other. The tramp and the idle millionaire are twin brothers. Their idleness springs from the same source and will disappear upon the application of the same remedy.

Child labour with its million horrors, the modern Juggernaut under the wheels of which we have cast our children, and have thereby been drawn ourselves, will disappear with the coming of conditions

that will make it possible for the head of a family to support that family without the assistance of his wife and children. The disgrace of South Carolina will disappear together with the iniquities of the probate court, and a reform of the surrogate will produce the improvement of factories. The degeneracy, consumption and ignorance that restrictive laws have failed to eliminate through child labour legislation and Reform Schools, will disappear by a natural economic process, when the pyramid of inherited wealth these babes have supported is reduced in size to the individual earnings of a single generation.

Prostitution, intemperance and crime, at least such portion of these iniquities as find their reason in poverty, must disappear in proportion as that reason is removed. For who is there who would sell her body for bread were there an easier method of securing it? And who would steal if labour were well paid? The existence of these crimes would be limited to the personal degeneracy of offenders; and even this personal degeneracy would be lessened in amount because it finds its physical basis in poverty and its mental cause in ignorance.

Deceit and dishonour, the necessary props of undeserved riches, and the inevitable weapon of the cheated man as well, must continue to exist in a

society unfairly organized, but will vanish when by the adoption of fundamental principles of equity society places its seal of approval only upon methods of money-getting that are free from the blemish of the unearned. Suicide, last refuge of the despairing will tend to disappear when we cease to fasten hopelessness upon the babe in his cradle, and open up to him a world that is not appropriated by the favoured few.

In the place of excessive accumulation, gigantic speculation, monopoly, poverty, child labour, prostitution, intemperance, crime and ignorance, we shall substitute better education, better morals and better business.

The two great enemies of education today are poverty and despair. Boys and girls leave school before they have completed the sixth grade mainly for two reasons: first, the fact that their earnings are needed at home; and second, the feeling of utter discouragement that comes even to the mind of a child when he feels that the odds against him are too great for him to surmount. It is the common testimony of educators that these are the two factors that limit the schooling of children more than all other factors combined. The establishment of an equal sharing of the benefits of past generations by all the heirs of earth, will go far to eliminate

these two factors that operate against the education of children.

By a similar process will the morals of the coming generation be improved. How much immorality is due to the old Adam within, and how much may be laid to the door of bad housing, vile surroundings and limited opportunity, I leave to others to discuss; but that there is a large proportion of it due directly to the latter, no observing person can deny. There is not a church or school-house in the land that does not bear witness to the belief of mankind that clean surroundings awaken a desire for a higher spirituality. There is not a charitable organization in the world that does not present as one of the arguments for its existence the theory that better morals are the direct result of better food; and there is no person in the world capable of thought who will not grant that fair rules in a game make honest players, that equitable laws make respectable citizens and that fair play in business makes honest employés. The feeling that will come over mankind when unearned inheritances are done away will be a feeling that equity and justice have come to earth; and that feeling will produce good morals.

That better business will be produced by a system that gives all men a fair start and an equal chance,

would be unnecessary to prove did there not exist in the minds of so many the theory that business on a large scale can only be carried on by the granting of privileges; and that silence best becomes those who are unprivileged lest the world be overwhelmed with ruin, if these unfair advantages are taken away. This is the feeling that has operated in the past in favour of every iniquity. Slaves were assured that they would starve to death without their masters; subjects of kings were informed that only the magic of their monarch's name could protect them from the assaults of other nations. Fear, gripping the throats of ignorant and downtrodden men, has made them in the past endure the ills that are, rather than fly to others they know not of.

Business will be quickened as never before by the strong new inrush of capable blood when a fair start and an equal chance becomes the inheritance of all. Enthusiasm will quicken the efforts of every worker from labourer to corporation president. The certainty of an adequate reward for effort will fire the ambition of millions who now struggle hopelessly.

Enterprises that by our present system are manipulated for profit only, will feel the quickened impulse of hundreds of thousands of hands and brains of men actuated by the purpose of doing their

work well. "We have but one life to live and cannot dictate the policies of the future," they will say, "therefore, let us do what good we can while we may." Capable men who are now hired at small salaries to produce profits for idlers will secure under the new system bigger profits for themselves. Labourers held down today to starvation wages in order that a great estate may be perpetuated and enlarged, will in most cases be paid better wages voluntarily; and if not they will be in a position to enforce their demands; for business will be good. Business will be better, bigger, more equitable and more profitable; because privilege, which now takes from business an enormous proportion of the total profits without making an adequate return, will be cut off altogether from the source of supply, and every dollar created by business will become the property of those who participate in it.

One of the greatest results of a proper inheritance law is the changed attitude toward government that is certain to come on the part of the common people who make up the great body of every government's subjects.

From time immemorial common people have regarded government as an institution that produced only expense. The government was something that must be supported,—something that cost money.

This expense was regarded as a necessary evil. Men paid it with or without complaint as the case might be. Taxation was the government's weapon. The government taxed people. The people must pay.

Governments falling into the hands of the few were used by the few for their own interests. They became the bulwarks of privilege. Men who already had privileges to defend, and men who desired to secure privileges, took an interest in government and learned to control and direct it. The common people paying taxes grew into the feeling that these taxes were used for the support of governments, the chief function of which was to protect and defend the privileged, sustain them in their crimes and make the people pay the bill. Search history and you will find that nearly every war or rebellion has been founded upon a protest against a tax or a special privilege. Investigate modern politics and you will learn that the deciding issue in most local elections is a question of taxation; that the biggest national question in the United States for fifty years has centred around a question of indirect taxation called the tariff; that local officials are elected or defeated in accordance with whether the people believe they will reduce or increase taxation. Search even deeper than this and you will

find that men lie about their personal property to the assessor, that they conceal their wealth to avoid taxation.

All of these facts would not be true were it not true that some general principle connected with taxation is wrong. Men are substantially honest. These repeated and uniform attempts to escape taxation really indicate something fundamentally wrong about the entire system whereby governments become an expense to the citizen, while they support the treasuries of the privileged.

I declare that governments ought not to be an expense but rather a source of profit to each individual citizen.

The reversion of inheritances to the government will produce this condition. This property which will be drawn from the entire surplus of preceding generations, will pay the ordinary expenses of the government many times over. The total ordinary disbursements of the United States government for 1916 were \$724,492,998.00, practically three-quarters of a billion. I have shown in another place that the appropriation of inheritances in excess of one million dollars would produce over a billion a year (p. 18, note 1) and that if no inheritances at all were allowed the revenue would be four billion, eight hundred million per year (preface, p. 18,

note 3). In either case (and a conservative measure will probably lie somewhere between the two extremes), the sum at the disposal of the government will be so much in excess of its ordinary demands that roads can be built, public buildings erected, old age pensions established, hospitals conducted, sanitary measures adopted, and, if desired, actual money payments made to each citizen for no better reason in the world than that *he is a citizen*, and with his fellows joint-heir to all the property of the past.

Not only will the revenue be adequate for the expenses of Government, and for great social improvements as well, but it will be of such a nature that it will constantly increase, as the wealth of mankind increases. To assume that it will decrease when great inherited fortunes are absorbed by the community is to pass judgment without reflecting that the real property so absorbed would not be *destroyed* but *transferred* to where it would again play its part in the industry of the world, and a greater part than it played before.¹

¹ If estates to the maximum limit of one million dollars were allowed to pass by inheritance, then the sum total of money received from estates in excess of one million dollars would decrease in the proportion that other measures, such as the taxation of unused natural resources, were adopted to prevent the securing of large unearned fortunes. In this case the sum re-

It is this misapprehension of the nature of real property that causes many earnest people to despair of the effectiveness of reforms whereby property must be taken from those who have no just claim to it. This fear was felt in regard to the abolition of property in slaves. Four billion dollars' worth of capitalized value was said to be "destroyed" by the Emancipation Proclamation, but as a matter of fact no real property was destroyed at all, since the real property, which consisted of labour power, resided in the arms and legs of the negroes, and this real power was merely transferred from those who had no right to it, to those to whom it belonged.

Now, the transfer of inheritances from heirs to the state, will not affect their value to the world, in the purchase of materials and the employment of labour. The money thus obtained will be spent. It will find its way into the pockets of working capitalists and labourers. They will spend it for food, clothing, shelter and luxuries. It will travel the same industrial route as at present, but ceived from inheritances would become less as the sum received from other sources became greater, hence there would be no diminution in revenue to the government. If no estates were allowed to pass by inheritance, however, the sum total of such receipts by the government would not decrease under any circumstances. It would simply be composed of a much larger number of estates of smaller size; and the gross amount would increase as the prosperity of the country increased.

with this significant difference, that it will come quickly into the possession of those who are entitled to it through self-service. These men will secure and divide it in accordance with the laws of fair competition,—competition freed from the inequities brought about by inheritance. These men, like their predecessors, will acquire wealth. Their fortunes will be smaller, but there will be an immeasurably larger number of them; and the total is certain to be as much larger as the new generation of workers is more hopeful, more vigorous and more successful than the old.

Imagine, if you please, a government not an expense but a source of profit to each individual within its jurisdiction,— a government giving to its members more than it takes from them,— a government under which speculation, monopoly and vast accumulations in the hands of individuals are discouraged,— a government under which poverty, child labour, prostitution, intemperance and crime are exceptional conditions, with education, public morality and fair competition the rule. Will not such a government demand and obtain a loyalty, patriotism and spirit of service from its citizens the like of which has never been known in history? Yet this is a plain and easy possibility in any country and every country in the world.

The abolition of inheritance is not indeed a panacea; but is it not a necessary condition? Can we have equality of opportunity at any time in life unless we start with equality in the cradle?

CHAPTER XXIX

ABOLITION OF INHERITANCE NECESSARY BEFORE OTHER REFORMS CAN BE SECURED

SUCH portions of this book as have been devoted to answering objections to the Abolition of Inheritance, have been, of necessity, addressed mainly to readers of a conservative tendency.

It is fitting that a short statement be made here in answer to objections urged by radicals.

Such objectors are not likely to deny the justice of the abolition of inheritance. They are inclined, rather to urge that

- a. The abolition of inheritance is too mild a measure, leaving untouched the causes of inequality arising from monopoly and speculation.
- b. The adoption of other reforms will make large estates impossible. The abolition of inheritance will therefore be unnecessary.

I shall reply here to these two points, and in so doing I shall show that the abolition of inherited money power will be of incalculable aid in bring-

ing about any other reforms that are just and needed.

a. *Is the Abolition of Inheritance an Inadequate Measure?*

Those who hold that the proposed measure is too mild because it leaves untouched other sources of unearned wealth, are right in the contention that the abolition of inheritance is not a panacea. No single measure is or can be.

Admitting that the abolition of inheritance will produce cradle equality, they desire to go far beyond this, and to produce laws or conditions that will guarantee equality of opportunity after the cradle is past.

With the aims of these reformers I heartily agree — and of the final success of the war against privilege, in one guise or another, I am certain. I believe in the future equality of opportunity of all mankind as devoutly as I believe in God. To me human justice and divine love are identical terms. All good must come to mankind in due season and as rapidly as mankind is capable of receiving it.

With my Single Tax critics I agree in this: That the monster evil with which the disinherited must struggle is the monopolization of natural resources, held out of use for a speculative profit.

With my Socialist critics, also, I agree that all means of transportation, communication and exchange must be socialized.

But to both I say that the most powerful single weapon of privilege today is inherited wealth. It is as natural for huge inherited fortunes to unite in self-defence as for a bird to fly or a fish to swim. There need be no agreement between heirs that they shall buy control of the earth's resources. That means of self-defence is as clear as sunlight. It is not sufficient to say, as Henry George said, that large estates cannot continue to exist in their present size when the ownership of natural resources in non-use is forbidden; one must go farther and see clearly that the power of those who hold natural resources out of use can never be broken until the inheritance of money power is forbidden.

I have shown that the real strength and coherence of money-power lies in the inheritance principle. The strangle-hold of privilege is in the grip it has upon the transferred wealth of the past generations. It will be as impossible for privilege to continue, once it is stripped of the bulk of its sinews of war, as for monarchy to endure with the inheritance feature lacking. The inheritance feature is what makes monarchy perpetual. In the history of the world, no elective monarchy has ever endured.

Similarly, no species of privilege will be found able to long survive the shock of the abolition of inheritance.

The abolition of inheritance is not a mild measure. It is a radical measure. Its success will create an atmosphere in which all inequalities will find it difficult if not impossible to thrive. You cannot successfully debate the justice of a privilege with a man who already holds it. But men who start upon an equality, are likely to seek more earnestly for means to maintain a guaranty of equal terms in competition.

The strategic point for attack is the defenceless point. Those who make war upon monopoly, speculation and franchise privileges find that the public mind has difficulty in disassociating the element of privilege from the element of service because these elements are so often combined in the same person. The John D. Rockefeller who has monopolized oil is also the John D. Rockefeller who rendered a magnificent service in the construction of pipe-lines. The speculator who grabs the unearned increment of a city or a town is frequently the same person who owns and operates a factory that gives employment to labour and helps to build up the town or city. The franchise promoter who waters the stock of his corporation often also con-

ducts an otherwise clean business, useful to the community. The economic thinker can clearly distinguish between what these men are not entitled to, and what they deserve. He can see that the landlord is entitled to a profit as builder of a building and not as mere owner of the lot made valuable by the community. But the untrained thinker cannot see this. To him John D. Rockefeller is either wholly bad because he is a monopolist or wholly good because he has rendered a service.

The heir has no such defence. He does not combine in his person both privilege and service, for he has never rendered any service. The plain, common citizen can see and will see the iniquity of inheritances more clearly than he will see the iniquity of speculation.

The present law of inheritance is the vulnerable point in the armour of privilege. Far from being a mild measure, the proposal to abolish inheritance is radical, timely, and vital to the success of other reforms.

b. *Will the Adoption of other Reforms Make Large Estates Impossible?*

The first answer to this question is that no reform that will prevent the accumulation of vast fortunes is likely to precede the abolition of inheritance.

So long as inheritance is permitted, it alone will produce oppressive fortunes.

Of course the tendency of any successful attack upon privilege will be to reduce the size of the tremendous estates that are such a menace to democracy today; but until inheritance itself is destroyed, large sums of unearned money will continue to be an evil of great magnitude. The conservative Socialist who secures government ownership of monopolies, but leaves individual wealth in the hands of those who have it, will find such wealth an absolute preventive of equality and a constant meddler in governmental management until such time as he secures the abolition of inheritance as a necessary step in his program. The Single Taxer will find the heir in possession of great wealth even after his ownership of natural resources has been made a source of no profit to him. Henry George recognized this fact, when he said:¹ "This (the confiscation of land rents) would largely reduce the Duke of Westminster's enormous income, but would still leave him his buildings and all the income from them, and doubtless much personal property in various shapes. . . . So would the Astors of New York remain very rich."

The heir who receives stocks and bonds based

¹ See *Progress and Poverty*, p. 450.

upon unearned increments of future values would lose those values upon the adoption of the doctrines of Henry George. He would lose the power to secure vast revenues from watered stocks. On the other hand, he would not lose the values based upon actual investment in railroad tracks, cars, stations and equipment. He would not lose the values based upon telegraph wires and instruments, upon telephone wires and equipment, upon electric power-plants, upon factories and machinery, upon vast stocks of merchandise, upon cash and all other personal property. These would be more safe and secure than ever before, and of far greater value. Henry George was right, gloriously right, in seeking to destroy speculative values; and the world is ringing today with the sounds of victory for his cause. But Henry George did not claim that the abolition of speculative values was a panacea. He said "The reform I have proposed . . . has the qualities of a true reform, for it will make all other reforms easier."

This observation applies with equal force to the abolition of inheritance. In an eminently practical sense the extermination of inherited estates will make the Single Tax itself easier, as well as all other reforms; for it will take from the merciless hands of the idle the one weapon they know how

to use,— the money itself with which they hire lawyers, buy newspapers, control governments and close every avenue of public opinion.

It is true that the adoption of other reforms will limit the size of the inherited estates of the future. God grant it. May it come soon. But let us not delay the wheels of justice now, as they move along this plain and easy road to freedom. Let us not leave this monster unattacked in the hope that he will die a natural death in the happy times to come. Let us exterminate him now, remembering that in his death the other monsters to which he is related will lose their courage and their strength. The heir supplies the original funds with which privilege operates. To end his power is to leave all other favourites of privilege without their most important financial supporter.

The Great War now devastating the world has brought to the public attention, in a remarkable way, certain doctrines which may be described in a general way as the “philosophy of force,” which must be considered here. To a certain extent, this philosophy has animated governments for thousands of years, and it has found its last and most terrible expression in the cataclysm by which we are now being overwhelmed.

Stated in simple words this philosophy is as fol-

lows: The evolution of the race from lower forms to higher is the most important thing in the world. Nature's method of accomplishing this evolution is the weeding out of the weak and incapable, as explained by Darwin in the famous phrase "the survival of the fittest." The law of the survival of the fittest being nature's method of perpetuating those forms of life that are hardiest and best adapted to the higher activities of life, mankind should apply the same law to itself, and thus evolve the super-man. The most advanced nation, in conquering those less advanced, confers a blessing upon humanity. The race is either benefited or exterminated, progress is insured, the super-man is developed. Therefore might is right, and theories regarding justice must give way to the actual might of the conqueror, which in the end will produce a stronger and more intelligent human race.

The bearing of such a doctrine upon the question of inheritance, as well as upon all other reforms now being agitated in the civilized countries of the world is too definite and too important for me to pass it by without suitable reply.

I shall not undertake to dispose of the doctrine by a logically complete presentation. That would require greater space than is at my disposal. It is sufficient for our present purpose to note that it

is a doctrine that would justify a prize fighter in killing the President of the United States, and by virtue of which it could be shown that a tiger in destroying a human being, was acting in line with the common good. The most advanced nation is often small and weak physically.

The practice of drawing analogies from nature is vitally wrong and illogical. If we are to imitate the lower animals, which one shall we imitate, the rooster, that is polygamous, the migratory bird, that has a different mate each season, or the mourning dove or ostrich, that is monogamous? Shall we imitate the bee that feeds and nourishes the drones of the hive, or the drone that waits to be fed? The she-bear that will fight for its young to the death, or the tom-cat that will devour its own offspring?

The habits that govern the conduct of animals differ greatly; and are especially at variance upon the question of force. Bulls, stags and roosters fight each other for the possession of females. Shall man therefore justify himself in doing the same? Man's very triumph over the lower forms of creation has been the substitution of intelligence for force; and the use of force would seem therefore to be a reversion to a lower form rather than an advance in civilization. True, force for self-defence

is undebatable, because it is unavoidable if the freedom of either an individual or a society is to be maintained; but the justification of the use of force in aggression upon the ground of the example of nature, is an absurdity when applied to man, for it was by the substitution of brain for muscle in the evolution of man, that nature placed this being in a superior class, to which the rules of base animal life cannot apply. I do not wish to place man upon the level of the dog, the horse, the coyote, or the hyena.

But, passing the question of examples drawn from nature, the apostles of forceful aggression argue that man being as he is, force is the rule of the world,—that the final arbiter of all questions is the sword, in the hands of the super-man, or the super-race.

For the present purpose it is not necessary either to deny or to affirm this statement. It is essential from the very viewpoint of these advocates of the super-man theory, that a *real* super-man be developed, instead of a *fictitious* one, one who is wise, not ignorant; strong, not weak; virtuous, not vile.

If force is to be admitted as the determining factor in evolution, then that very force should be used so as to create conditions under which the strong will not be accidentally deprived of oppor-

tunity at birth. Yet force, when it supports privilege, encourages a system whereby the weak and incapable heir is permitted by law to control a property, and all prospects of improvement in the race through the profitable use of that property, must be abandoned. The advocate of the force theory, when he defends privilege, is aiming a vital blow at that very advantage which he offers as the main defence of his system. He is creating conditions under which the rise of the super-man will be delayed if not rendered altogether impossible.

If physical strength were the chief attribute of the super-man, as of the draft-horse or the elephant, even then man should repudiate that system whereby those physically strong at birth are left to the mercy of hunger and disease. But when we consider that mental and spiritual attributes are what is mainly desired in the coming man, the folly of raising two-thirds of our children in ignorance, without proper schooling or moral influences, in order that a small number shall be ruined even more effectually by idleness becomes apparent. We begin to see the philosophy of Nietzsche, and Treitschke and Von Bernhardi as it really is, an amazingly impudent invention of sophists who desire to give the colour of scientific approval to the most vile attacks upon the liberties of mankind.

The philosophy of aggression falls of its own weight. Only through freedom can the human race advance; and only through equality of opportunity can the super-man arise bringing freedom with him.

If it be true that only the test of strength can produce a race of superior men, by weeding out the incompetent, then let that test begin without advantage to any, so that those who are selected will be the really strong, and not merely the lucky, who may be strong or weak as accident or favouritism may direct.

Let those who look to nature for an example look far enough and they will find that there are real lessons to be learned from her. They will see that nature while creating animals and plants with advantages of strength, beauty and location, over others of their kind, ceases her partiality there. She makes no robin that will carry food to an eagle,—no sparrow that will fetch feathers for a peacock,—no horse that will either carry oats to another horse, or drive hungry horses away when it has had enough. Nature, while granting even to its humblest creatures a full title to the use of what each needs, has created no animal but man that will hold possession of what it cannot use, or attempt to dictate to its kind, beyond the grave.

Among the birds and beasts there is no being with any likeness to the lawyer who will help a corporation do an act that robs the common people to whom he and his family belong. There is no animal with feathers, fur or fins that performs a function similar to that of the preacher who preaches the blessings of poverty to the starving of his kind. And even where leaders are chosen from flock or herd, they are not fed without a labour of their own, nor honoured by hereditary succession. The hive is a democratic monarchy; the ant-hill is a republic; and when birds fly their leader is selected for age, for wisdom and for strength. Accumulators in the animal world are without honour, save as they accumulate for the general good, and the principle of inheritance of property, being against nature, is not known among animals at all.

PART VII
THE REMEDY

CHAPTER XXX

TAXATION THE MEANS OF REMEDY

THE inheritance of unearned money, then, is a legal injustice, and the enormous extent of such inheritances is a grave danger to the state.

I do not ask the reader to bear with me if I have failed to conclusively prove this. I do not beg the privilege of a compromise if the contention I have made appears to be only partly true. I make no apology, and crave no lenience. What I have said is true or false. If false, I ask you to go no farther. *If true, I ask you to follow me to the end.*

Unearned money is the direct, unquestionable cause of its opposite, undeserved poverty; and unmerited poverty will never cease until the power to get money without earning it is utterly overthrown.

Apologists for the system of privilege under which we live will tell you that this cannot be done, that unearned money cannot be separated from earned money, that the best we can do is to com-

promise with the evil the best we may, seek to control it, and trust to the generosity of the human heart to alleviate such suffering as cannot be avoided.

I say that the privilege of securing money without labour can be and will be entirely destroyed, that unearned money can be positively identified and separated from earned money and that the day of complete deliverance is at hand.

I shall, in another book, take up the subject of unearned money of all other kinds, but in this book I have been obliged to confine myself to inheritances. This form of unearned wealth indicates, as I have shown, no possible element of desert upon the part of the beneficiary, and, moreover, no claim thereto is made by him, or on his behalf. In this respect at least, inheritances differ from all other forms of unearned wealth, for they are simply gifts acquired without merit or even a claim to merit. A clear line can be drawn between the earned and the unearned in this case at least, because an inheritance is *all* unearned.

For the destruction of the privilege of inheritance no revolution is necessary. It is not necessary to institute any new form of government or to invoke the aid of any new constitutional powers. No civil wars need be required, no dripping guillotines, no

dynamited parliaments. The means is as convenient as the necessity is evident. It is taxation.¹

“The power to tax,” said Chief Justice Marshall, “is the power to destroy.” Certainly the power to destroy a privilege that brings poverty to its people is not only the right but the duty of a government.

The right of a government to appropriate all wealth to which individuals have no labour title, is as nearly undebatable as any question may in

¹ John Stuart Mill, who imbibed many of his ideas from Bentham, favoured limitation of amount by direct enactment rather than by taxation. He says: “The inequalities of property which arise from unequal industry, frugality, perseverance, talents, and to a certain extent even opportunities, are inseparable from the principle of private property, and if we accept the principle, we must bear with these consequences of it; but I see nothing objectionable in fixing a limit to what any one may acquire by the mere favour of others, without any exercise of his faculties, and in requiring that if he desires any further accession of fortune he shall work for it. I do not conceive that the degree of limitation which this would impose on the right of bequest would be felt as a burdensome restraint by any testator who estimated a large fortune at its true value, that of the pleasures and advantages that can be purchased with it; on even the most extravagant estimate of which, it must be apparent to every one, that the difference to the happiness of the possessor between a moderate independence and five times as much, is insignificant when weighed against the enjoyment that might be given, and the permanent benefits diffused by some other disposal of the four-fifths.”

— J. S. Mill, *Political Economy*, Bk. 2, Ch. 2, p. 232.

reason be; and if governments will adopt the fundamental principle of supporting themselves not by levying taxes on the industry of individuals, but by simply appropriating those values that are in their very nature the common property of all living people, yet not capable of being justly divided, industry will flourish and privilege decay; the ambitions of the worker will be realized and the royal privilege of the heir will vanish into the oblivion of outgrown follies and iniquities overthrown. Let us but start right and honestly, upon a platform of reward for service only, and the elimination of unearned wealth will become a problem as easy of analysis as the terror of its existence is a miserable reality. Let us but eliminate from our own souls the dwarfing hope for what we do not deserve through effort, and we will be rewarded by a vision of the present causes of our suffering that will lead us to see clearly how to remedy it; and as a natural consequence, prosperity, peace and plenty will come to high and low, in varying degree of course, but in such abundance that there shall be no more death, neither sorrow nor crying — for God shall be in the midst of us, and the kingdom of the Eternal shall be among us.

Last night, eager to write those sentiments that I have just recorded, in conclusion of this book,

I sat writing until near the approach of dawn, and then, when I had finished, turned out my light and stepped out upon the porch of our home to refresh myself in the cool air of the night. It was a moonless night, so thick the clouds that even the stars I loved behind them, shone to no purpose. I could not even see the hands with which I groped my way. Darkness impenetrable covered all. The sky was as black as the earth, and no line of demarcation separated them. I stood in the uncharted centre of the huge bowl of night, feeling rather than seeing the darkness around me. Presently the east wind drove the clouds before it and a dozen tiny stars first twinkled in the darkness and then faded in a gentle glow that suffused the eastern sky and heralded the coming of the sun. The light grew stronger, the sun shot his splendour into the thick gloom of night and the morning came, majestic, inspiring, full of new delight!

Daylight is here! The dawn is breaking! Ignorance, greed, superstition, and privilege are no longer the masters of the earth.

CHAPTER XXXI

THE STRUGGLE

FOR the conditions of poverty in which we find the majority of this the wealthiest nation upon earth, the multiplex remedies offered by privilege through its conscious and unconscious representatives, fairly make one dizzy. Charity, protection, regulation of trusts, prohibition, religious revivals, national purity crusades, and a thousand other cures are presented. In this maze of suggestions we have become so bewildered as to overlook the plain and easy road to freedom, viz: *the extermination of privilege by the existing constitutional method of taxation.*

Is the inheritance of vast estates unjust — the cause of poverty? Tax it to death.

The attempt has always been made, and is now persisted in, to make government appear mysterious; — and, truly, as generally administered, it seems to be so. But I deny that there is any necessity for mystery if we will but speak plainly and demand the extermination of the privileges that now require for their defence and explanation three-

fourths of the time and attention of legislators. All control of wealth through inheritance is in its nature tyranny; and the support or denial of such tyranny as this is the greatest problem of government today.

An inherited estate, carrying with it a royal and almost immeasurable power over the lives and property of the disinherited, can have no other explanation than that mankind is hereditary property. Inheritance is the mastery of the property of others, and the disinherited person is in the part and character of a slave in precisely the proportion that he is deprived of what is his by having it given to another. The man who, earning fifteen hundred dollars a year, receives only six hundred, is in that position *because* unknown, and unidentified beneficiaries of privilege are securing the remainder without labour. His six hundred dollars will barely keep him and his family alive. He is as much a slave, economically, as though his obedience were due to some one individual master, with the difference that, while a master would be required by self-interest as well as public sentiment to support him in the winter and between seasons, he is left devoid of such protection under a system that robs him of his labour without identifying any one responsible person. He is powerless. He

wants the full reward of his work and does not know where to go, or whom to seek, to make his demand.

I do not mean that his position is worse than that of the slave. Far from it. He has his self-respect, and he is getting his education. Like the escaping galley slave who has leaped into the sea, he is temporarily in a more dangerous position than if he were still labouring in chains upon the ship under the eye of his master. He is in danger of drowning, of sharks, of rocks along the shore. When he reaches the shore he will struggle against quicksands, and fight with wild beasts until he has established him a home and secured a supply of food. Then a long, perilous journey will be before him until he reaches his native land. But reach it at last he will, and there in the arms of his loved ones he will breathe the air of freedom, and fill his soul to overflowing with life and liberty!

Those who base their defence of inheritance upon the point of expediency, object to the right of all children to be well-born as to property, on the ground that it is a levelling system. On the contrary, it is the system of inheritances that we now have that is a levelling system. It admits to its advantages every species and kind of human being

from the mental giant to the idiot, from the Hercules to the consumptive wreck. Virtue and vice, ability and incompetence, wisdom and folly, learning and ignorance, health and disease, in short every species of human inequality, is here placed on the same level with chance and evil as the directors of destiny; whereas, with a fair and equal start, virtue, strength and wisdom would gain for each possessor his just reward, while vice, weakness and ignorance would be shorn of their present power to dominate in the activities of life. There would be distinctions and differences among men as before, but with justice as referee, rather than the chance of inheritance.

Our system of inheritances puts children over men, weaklings over strong workers, moral wrecks over spiritual leaders. It is impossible to conceive a more uncertain and unfair method of levelling men commercially than the system of entailed fortunes under which we now suffer.

Privilege is merely the modern form of conquest and tyranny. What was once accomplished by William the Conqueror and by Robin Hood, is now brought to pass through the control of law-making bodies. The direct levy then made by the soldier and the highwayman, is identical with the direct levy now made by the heir, for it is money obtained

without service. But whereas the soldier and the robber had at least the filament of a claim to privilege based upon personal activity and strength, the heir is devoid of even this slender pretext. And whereas the old time favourite of fortune was able to contribute at least the shrewdness or brutality of a strong mind to the maintenance of his privilege, the modern scions of inherited wealth are protected in their property entirely by the laws made and perpetuated by their own innocent victims, who are unconscious of the mighty power that they, by virtue of democracy, possess.

CHAPTER XXXII

CONCLUSION

If we desire to be either logical or just we can come to no other conclusion than that inheritance is a privilege, not a right, and that since all values are being created daily by living people, any property secured without service on the part of the identical person obtaining it is *necessarily* appropriated from the supply of living people who *are* rendering service.

Property is for the living, not the dead.

The dead cannot use it.

Only the living can or do have any power to give it value. Only the living suffer when that value is appropriated by those who do not create it. An authority granted by the bloodless in violation of the rights of those who breathe, is of necessity null and void.

The father, being dead, has no wants or powers.

The son, except as to what he earns, has no right to receive the property of the past.

The principle of inheritance is derived from monarchy. It is usurpation of the rights of la-

bour and earned capital. It is a contradiction and denial of the authority to control property which is inherent in those living persons who are entitled to it by the eternal principle of reward for service.

The extent of the evil of inheritance is unbelievable even in the minds of those who suffer from it most, for in their misery they do not see that the very simple reason that they fail to get what they earn, is that they are giving it to some one else. Nearly every other sort of answer to the puzzle is being made by those who benefit from wrong, yet the real answer, so clear, so plain, so undebatable, seems almost to have been overlooked. *The exact amount of all created products is the exact account of service rendered in the world.* Every penny earned is secured by some one, because values are never lost. Every penny paid to any one who does not earn it is taken directly from the pockets of those who are earning it. Heirs do not receive without injury to others. Every dollar that they receive is a direct robbery of labour and earned capital; and the thing that makes this robbery most pathetic is that the unprivileged and disinherited are ignorant of the cause of their misfortunes. They do not know that when a boy inherits a hundred million without earning it, they must pay

every dollar of it in high prices and low wages, as long as the privilege of that fortune exists.

With a degree of material progress during the last century that is so amazing as to surpass the miraculous, we yet see wages at the margin of subsistence, women and children toiling in factories, human babies dying like rats in tenements, the souls and the bodies of the workers of the world, fettered and confined. We see prisons filled with men and boys driven to desperation, ignorant of the simple means of attaining justice without violence. We see brothels filled with the hopeless and the betrayed. We see poor-houses and insane asylums crowded to their utmost capacity by men and women who have lost their courage and their health in the unequal contest. We see a vast body of men and women of moderate means, professional folk, persons of dignity and learning, supporting things as they are, because they fear to lose what little they have, and seeking only to retain their hold upon that relation so aptly described as that of "little brothers of the rich." And, most astounding of all, we see all but a comparatively few of the rich themselves (except the idle rich) so torn with worry and anxiety lest they should themselves become the victims of the terrible system we have set up, that nervous prostration,

indigestion and a vast multitude of diseases resulting from sedentary habits and mental strain, have robbed even them of the real and abiding value of the advantage of fortune that they seem to possess.

Yet, oh my people! The earth is young and God's mercies are sure to come. In comparison with the millions of years since this world began, the cry of freedom has been in the last two thousand years like the wail of a lusty infant growing into the adolescent gutturals of a young man. We are upon the threshold of an era of progress that shall remove the barbarisms of the past for ever from the diary of today to the sealed history of yesterday. Yet we shall not do this save as we are willing, step by step, to analyse situations and determine upon lines of concrete action, with a courage equal to the demands of the times, and with ears and hearts sensible to the cry of the disinherited and the oppressed.

The road to freedom, so far as the evil of inheritance is concerned, is as plain as the road to market. The custom of inheritance being based not upon right but upon privilege, it is perfectly proper that the privilege be taken away from heirs altogether and at once. Yet the fact that this evil has been so long recognized and permitted among us would seem to indicate that we should proceed slowly

both to stop its advance and to limit its future power. We must have well in mind the constitutional obligations that have been thrown about it; and we must as far as possible see to it that the means adopted for its correction, while fully adequate to amend the most terrible evils brought upon us by it, shall not be so radical as to take away the means of subsistence for *persons now living* whose ability to labour has become atrophied not through their fault but through the fault of the system as it now exists.¹

For this reason I think that the limitation of inheritances to which we should now address ourselves should not apply to the rights of wives and widows in any case, should provide for the maintenance of the children up to the age of twenty-five and should not affect inheritances of reasonable size for the present.

What constitutes "reasonable size"?

✓ If we are to establish the principle that a father should be allowed to leave to his son *power*, we can

¹ This suggestion will bring to the aid of such a measure thousands who favour the principle of inheritance as to small inheritances only. "The reasons which justify the institution of inheritance do not apply to very large amounts," says Max West in *The Inheritance Tax* (page 296), "for in such cases inheritance is not an incentive to useful industry but may become an encouragement to idleness."

set no limit. No amount of money is sufficient to satisfy such a demand, nor should any sum be granted upon such a principle.

If we are to establish the principle that a father should be allowed to leave to his son *luxury*, the evils proposed to be remedied would still exist, for the sum demanded would be extraordinary and difficult to establish, varying with the tastes and follies of the heir.

If, however, we merely desire to meet the honest objections of those parents who desire to leave to their children a sum sufficient for their *protection and education*, the problem becomes simple. The sum required, even upon a liberal basis, will be comparatively small and easy to arrive at.

The exact amount that should constitute an inheritance of reasonable size will vary in accordance with the period and circumstances of its adoption. In Chapter XXVIII I discussed the amount of revenue that would accrue to the United States government if a maximum of one million dollars were allowed to any one heir, and also the amount that would accrue to the government if no inheritance whatever were allowed. I suggested in that chapter that a conservative figure would lie somewhere between these two extremes. I may add here my personal opinion that the sum of

\$100,000.00 would produce a steady income of at least \$4,000.00 per year, which, at our present cost of living would be ample to support any person comfortably, being over four times as much as the majority of labourers receive. Hence, if I were called upon to set an amount, I would establish the figure at \$100,000.00, the sum to be gradually reduced on a sliding scale, as the minds of men become more and more capable of understanding the principles of that exact justice that will be attained when inheritances are abolished altogether.

But even if the maximum amount of each individual inheritance were placed at a million dollars, the reforms springing from the relief of poverty that would instantly occur, would constitute an era in the world's history as great in its influence upon the progress and thought of the world as the discovery of America or the inventions of the nineteenth century. A candid examination of the figures presented in the footnotes and page 18, note 1, should convince any fair investigator that this is not an overstatement.

As to the wife, I believe she should be considered the partner of her husband, entitled not as a privilege, but as a right, to at least all of the power of inheritance she now possesses.

Nature has so arranged the part of woman in the

scheme of things as to make it impossible for her to earn an independent living and raise a family at the same time; so that when, for social reasons, government approves and ratifies between one man and one woman a contract whereby the woman necessarily becomes economically dependent upon the man, it thereafter devolves upon the government to guarantee to that woman an adequate provision for the future.

For a similar reason, children should be supported from the same fund up to that age at which it is customary for such support to be given by living parents. While it is true that in the vast majority of cases the support of living parents is necessarily withdrawn from children varying in age from ten or twelve to sixteen, yet, when young people secure a thorough technical or professional education, they are usually without other means of support up to the age of twenty-two to twenty-five. The government recognizes the age of twenty-one as the limit of a young man's minority, at which time his father's liability for his bills ceases even if the father is alive, but the gradually increasing demands of professional education and early training for business efficiency, would seem to indicate the wisdom of allowing for any son or daughter a support equal to what their parents

should have given them for such purposes had they lived. Any support past the age of twenty-five is injurious in almost every case today, and should be withdrawn.

Provision should be made for physical infirmities, and I am of the opinion that though the poor in such cases are now required to accept a very inadequate support from state or county, yet the responsibilities of parenthood are such that it is both just and wise to give to parents the assurance that the children they bring into the world, if physically infirm, will be cared for in the event of their invalidism, with all possible tenderness and sympathy.

As to my third point, viz : that inheritances should be granted to privileged heirs up to a reasonable sum for each son, daughter or other direct heir, this would be in my opinion a concession to those who believe in the right of a parent of means to provide against any possibility of want for his children, without conceding him the privilege of transferring great power to them. Twenty-five thousand dollars put into safe mortgages or bonds at six per cent will yield fifteen hundred dollars a year, a sum fully adequate to the physical needs of any individual person in the world, and nearly three times the annual wage of the majority of our

working men. No opponents of justice in inheritance laws can possibly argue that the new system will bring starvation and ignorance, as it is admitted that the present plan does. None could argue that we had violated the proper sentiment of a parent as expressed in his desire to see his own offspring *protected from the hardships of the world*, for fifteen hundred dollars a year will do this. But the exact amount is not the point at issue. A maximum of one hundred thousand, or even a million dollars, would accomplish amazing results.

The only possible objectors to the plan proposed are those who assert the right of a parent to give to his offspring *luxury* or to bequeath to him *financial power*, and the heir's claim to these is an absurdity so great that argument upon it ought to be unnecessary; and would be, if it were not for the general ignorance of mankind upon the importance of the subject.

Is this a dream, this vision of a new heaven and a new earth? I think not, for if it were then would the song of all the ages be hushed in silence and the hope of millions of people now living and to come be snatched for ever from them. There are today uncounted multitudes who believe that the

kingdom of heaven is among us: that the prayer of Jesus "Thy will be done on earth as it is in heaven" was a prayer made not foolishly nor figuratively but in the positive expectation of an answer. There are untold myriads of toil-worn, weary men and women who believe that the time is coming and is now here when "they shall not build and another inhabit, they shall not plant and another eat"; and that the earth was intended for the children of men, each to enjoy the full fruit of his toil, so that all may go singing to their labour in the morning and return at eventide with laughing hearts to the sweet happiness of home, where in the starlit darkness they may sit at peace and echo in their hearts the song of the great multitude of heaven "Hallelujah! For the Lord God omnipotent reigneth!"

And there are, beside these, unnumbered women and children and old men, gasping for breath in fetid tenements, weeping over the helplessness of that poverty that is filling cheap graves with the victims of dirt and poisoned food, snatching boys and girls from school to toil terribly for the millions that other boys and girls are to inherit, and sending young men and women remorselessly into worse than death. These are crying out today as never before to you strong souls who think and feel and

act, to rise in your manhood and glory and tear from their shoulders the dreadful incubus of undeserved poverty. For you that are strong must bear the burdens of the weak, and you that are wise must fight the battles of the ignorant.

What shall it matter, then, whatever else of good or ill may come to you when the King who dwells in your heart, shall say, "Come ye blessed of my Father, inherit the kingdom prepared for you from the foundation of the world: For I was an hungered and ye gave me meat: I was thirsty and ye gave me drink: I was a stranger, and ye took me in: Naked, and ye clothed me: I was sick and ye visited me: I was in prison and ye came unto me." For then, when you and those with you shall say, "Lord, when saw we thee an hungered and fed thee? or thirsty and gave thee drink? When saw we thee a stranger and took thee in? or naked, and clothed thee? Or when saw we thee sick, or in prison and came unto thee?", then the King shall answer and say unto you: "Verily, I say unto you, Inasmuch as ye have done it unto one of the least of these, my brethren, ye have done it unto me."

ANSWERS TO COMMON OBJECTIONS

ANSWERS TO COMMON OBJECTIONS

IN the body of the book I have met and answered many objections urged against the destruction of the Privilege of Inheritance. I have found it so difficult, however, to do this without disturbing my continuity of argument that in many cases answers to objections were not complete and in other cases not attempted at all. I have, therefore, gathered together the most common objections to which I shall make brief replies.

Objections to any proposed reform are likely to disappear or at least to lose much of their significance once the reader is thoroughly imbued with the spirit of the reform that is contemplated and a knowledge of the benefits shown to issue from it. These replies to objections might be inadequate to satisfy or convince one who has not read the book, but they are not intended for him. They are intended rather as supplementary information to those who have read the book and pondered over the problem it presents. It is my hope that, to such, the answers to objections given here will prove ample and satisfactory.

The numerical order in which the objections are presented and answered has no significance.

OBJECTION No. 1

“Destruction of the privilege of inheritance would involve a destruction or at least a lessening of the family bond between parents and children.”

A complete reply to this objection has been made in Chapter XXIII. It may be summarized as follows: The bond of affection between parents and children does not depend upon money. It exists in a most marked degree, and probably in its greatest degree, in families where no inheritance is expected, at least no large inheritance. If a bond between parents and children does exist on account of the expectation of inheritance, that is not a bond of affection but of selfishness, that in countless cases produces family quarrels the result of which is alienation, accompanied sometimes even by murder. But even if it were true that the expectation of money produces an increase of filial affection, then that very fact would suggest at once the wisdom of adopting a system under which all children alike would share in the benefits handed down from the previous generation and all would become filled thereby with affection for their parents.

OBJECTION No. 2

“The inequality of wealth is due to character and industry.”

The plain answer to this statement is that it is utterly false. An examination of the character of our super-wealthy men and the means they used to obtain their wealth (see Myer's *History of Great American Fortunes*) will dispel this impression. But even if the statement were true the inference that a son is entitled to a reward on account of the industry of his father, is entirely illogical. See Chapter IX.

OBJECTION No. 3

“If an equal division of wealth were made tomorrow, inequality would again exist tomorrow night.”

This is a common answer made to all proposals for reform. It is an insult to human intelligence because, while it is true, it has nothing to do with the case at issue. It is like opposing the restitution of stolen property upon the ground that even if it is restored it will be stolen again. There is, and probably always will be, inequality between men both in their power to produce and in their desire

to accumulate. My proposal is that the rules of competition be so adjusted at the cradle that the man or woman of superior ability or industry will secure a superior reward, and that the custom of granting this superior reward to one who has not earned it be discontinued. I contend for an inequality of fortune based on merits against an inequality of fortune based upon heredity.

OBJECTION No. 4

“We have always had rich and poor and always will. It is useless to struggle against nature.”

It is not my contention that the abolition of inheritance will cause differences in wealth to cease. It would be a misfortune for the incompetent, ignorant and lazy to receive as great a reward as the capable, educated and industrious. What I propose is a system whereby the reward will not go to the incompetent but to the capable, not to the ignorant but to the educated, not to the lazy but to the industrious. The objection here raised is dangerous because it is a half truth. It defends an inequity by a statement that has nothing to do with that inequity, and yet because it is a true statement it leads those who do not think deeply to believe that a point has been scored against the pro-

posed reform. This objection, like the one preceding it, has no reference to the reform proposed.

OBJECTION No. 5

“ If men who labour are paid cash for their work what difference does it make whether their employer has earned or inherited his money? Has not the labourer received all that he is entitled to? ”

This is one of the most dangerous arguments advanced against equality in inheritance because it considers only the direct earnings of the labourer and not his share in community values. He, indeed, receives an agreed-upon price, but the privileged heir and his associates have been placed in a position to control that price. He, indeed, receives pay for his labour, but he and his fellow labourers as a class are compelled to support in idleness all those living persons who are not rendering a service for their support, as fully explained in Chapter VI.

The case may best be answered by analogy. Suppose a burglar steals a hundred dollars from A and then proceeds to pay to B the agreed-upon price of \$20.00 for a suit of clothes. Suppose the same burglar steals one hundred dollars the next night from B and pays A the sum of \$20.00 for board and lodging. Is it not clear that while the

burglar has paid the agreed-upon price to both A and B that he has in reality secured his subsistence from them for nothing and that he is being supported at the cost of extra labour upon their part?

Now, you have simply to add another step to the process to show that the analogy is exact. Suppose that instead of being a burglar the man is an heir, and suppose instead of stealing one hundred dollars from A and one hundred from B that he has had given to him in the cradle the sum of two hundred dollars, which, had it not been given to him, would have been equally divided between him and A and B. Is it not clear that he is receiving his subsistence for nothing and imposing an added burden upon A and B just the same as if he were a burglar? I do not mean to cast out the inference that an heir is a burglar. I simply wish to show that the economic effect is the same and that the fact that the burglar or the heir paid an agreed-upon price for his food and clothing does not in the least modify the fact that in either case an added burden was thrown upon the shoulders of A and B.

OBJECTION No. 6

“In family enterprises the heir has helped build up the fortune. Why should he then not receive his proper share for such service?”

He should. He should receive it at the time the service is rendered. Where that is not possible, in cases where the family fortune is held in one basket and that in charge of the father, a proper payment should be made to him either at the father's death or at any other suitable time. In such a case he would not be receiving an inheritance but a payment for service rendered and this is precisely the point upon which I have insisted in every page of *The Abolition of Inheritance*.

OBJECTION NO. 7

“Labour is the title to wealth, and the man who has built up an estate holds a complete title and has the right to transfer it.”

I have shown clearly in Chapter IX that the power to give does not imply the right to receive, and this is amply supported by the legal decisions quoted in the preface. The real answer to this objection, however, lies deeper. The objector assumes that labour is the title to wealth. This is not true. *The title to wealth is the labour of the identical person receiving the wealth.* Your labour cannot establish my title. The right of gift whereby this wealth may be transferred without consideration is quite different from a title through

service. We have always recognized this right of gift when gifts are small and not injurious to any third party or to the public, but the time has come when it is recognized that gifts injurious to any third party or to the public may properly be forbidden. Many things right in themselves cease to be right when conditions change and they become acts injurious to persons other than the parties performing the acts. Statesmen, philosophers and lawyers very generally agree upon the proposition that liberty is the right of a person to do what he pleases so long as he does not interfere with the similar right of other persons to do what they please. It is where liberty ends that law begins. Law undertakes to define and specify the point at which a person's right to do as he pleases must give way to the superior right of the community. It is to such a point that the civilized nations of the world have come now in the march of progress. The transfer of immense fortunes, once looked upon complacently and indeed in former ages serviceable to the world in its condition of progress in those times, has become a monster whose power throttles justice and threatens to exterminate the liberty of all else beside itself. The old doctrine that labour is the title to wealth must give way to the new doc-

trine that the labour of the identical person receiving is the title to wealth.

OBJECTION No. 9

“The complete ownership of anything implies power to make over the ownership to another.”

This is a restatement of the previous objection. No additional observation need be made here except the statement that if complete ownership implies power to transfer such ownership (which in the preceding reply I have denied) then we have come to a point in the history of civilization where complete ownership is no longer desirable. Certainly, if a man can be said to completely own anything, that form of complete ownership would apply to his body. Yet we deny a man the right to make over the ownership of his body to another even though he do so voluntarily; for we have discovered that slavery, whether voluntary or involuntary, is an injury to society. We also deny to a man the right to use his body as he pleases, the minute that use interferes with the liberty of another. He may swing his fists as hard as he pleases and in any direction he chooses, but the moment they come into collision with a third party, or threaten to do so, we

proceed to curtail his individual liberty. Up to the discovery of tubercular germs he might expectorate freely in the streets; but modern science has produced developments the knowledge of which have made it necessary for us to restrict this ancient personal privilege. He may shout or sing or talk as loud as he pleases but when the exercise of these prerogatives interferes with the peace of a hospital, church, school or public meeting or intrudes upon the sacred stillness of the night we proceed to deprive the offender of what would otherwise be an inviolable personal liberty.

If a man has the natural right to bequeath his property to any person he chooses, he would by the same principle have the same right to withhold it from all persons, to destroy it, burn it or sink it in the bottom of the sea. This privilege we deny even in the minor affairs of life. It is illegal for a man to destroy one coin, to say nothing of a million. In most parts of the world he would be liable to punishment for burning his own house, and certainly in all civilized countries he would be restrained from destroying quantities of food or clothing before his death, to say nothing of the contempt with which his will would be received if he directed his descendants with torch or dynamite to destroy such property after his departure from the earth. We would

not be content with declaring him insane, we would utterly repudiate the suggestion that he had any right to accomplish such wanton and wholesale destruction of property, although his sanity be beyond question. The same theory of human life and government that gives us the right to stay his hand from a wanton destruction of property gathered together no matter how honestly, can properly be invoked to prevent him from making any other disposition of it that operates against the rights of the community that aided him in its production.

OBJECTION No. 10

“Governments must be supported by taxation, each person being taxed in proportion to his ability to pay. Any other interference with property rights by governments is tyranny.”

This objection contains three statements, all of which are objectionable:

a. “*Governments must be supported by taxation.*” This is true only when no better means for support than this is at hand. Taxation is defended as a necessary evil, yet there is hardly a nation in the world that does not own property of its own, producing a revenue that pays at least a portion of its expenses. The government of Monaco is sup-

ported entirely by the earnings of a joint stock company (the famous gambling establishment of Monte Carlo) and does not tax its citizens. This is not a very elevating business but it demonstrates the proposition that at least one government in the world is supported without taxation. Yet all governments, large and small, have certain industries or properties by which large amounts of the cost of government are defrayed, and in many governments, notably Germany, the tendency towards supporting a government by the earnings of its industries and commercial departments is decidedly pronounced.

b. "*Each person should be taxed in proportion to his ability to pay.*" This doctrine is slowly giving way to the theory of Henry George that citizens should be taxed in proportion to benefits received, and that we should remove taxation from all forms of industry, placing it upon unearned increments or values created by the community.

c. "*Any other interference with property rights (except taxation) by governments, is tyranny.*"

The theory that the government, in appropriating social values, is exercising tyranny over individuals who have seized them, is the last stronghold of the defenders of all forms of privilege. Under the principle of *eminent domain* governments rightly claim

jurisdiction over all property the possession of which is necessary for the public welfare, as well as all property the rightful ownership of which is not established as residing in any individual. It is under an application of this theory that I make the claim that it is not only the right but the duty of governments to appropriate the property of the dead, there being no living person entitled to inheritances by virtue of his labour.

OBJECTION No. 11

“If an estate can be shown to be unearned or built up by fraud it should be taken by taxation but not otherwise.”

All estates are unearned by the heirs and should, therefore, be taken by taxation.

OBJECTION No. 12

“The measure you propose is confiscation.”

That depends upon what is meant by confiscation. If government seizure of any property is confiscation then the appropriation of estates would be confiscation precisely as the emancipation of slaves was confiscation; but if by confiscation you mean the *unjust* seizure of a man's property then

my proposal would not be confiscation because an estate is not the natural nor the rightful property of the heir.

OBJECTION No. 13

“The limitation of the amount any one child could receive by inheritance would disturb industry and make it impossible for great businesses to be continued without fatal interruption.”

This has been the immemorial argument against reform since the silversmiths of Ephesus complained that Saint Paul was injuring their business. An injury to business, even if certain, would be by no means the most terrible of evils. But let us consider a moment what the exact facts are. The vast majority of the large businesses of the United States are owned by corporations. The thing that is transferred from father to son in such case is a certificate of stock or a bond. These certificates of stock and bonds are constantly changing hands regardless of the death or the life of the persons who own them. In fact the handling of such commercial papers is one of the largest businesses in the world. There are brokers in every town or city in all the civilized nations of the earth who are engaged in selling commercial paper. The manage-

ment of a corporation is in no way affected by this transfer of stock. The vast majority of it can be transferred and is transferred without the knowledge of the manager of the business until such time as the purchaser may desire to record his purchase on the books of the company. Statistics are not available as to the exact proportion of the large fortunes of the world that are thus owned by people who have no relation whatever to the management, but the reader may get an excellent approximate idea by a brief examination of the list of the 700 largest corporations in the United States such as may be found in the supplement to *Inheritance Taxes for Investors* by Hugh Bancroft, or the manual of securities of any important investment broker of Chicago, New York, St. Louis, London or Paris. According to the census of the United States, 1910, practically 80 per cent of the manufactured goods of the nation are produced by corporations, the other 20 per cent by firms and individuals. From this one-fifth we may eliminate all those organizations, the management of which at the time of the death of the original proprietor is in the hands of any one other than the original proprietor's son; since it is manifest that neither the government nor any other new proprietor would be any more likely to discharge the present manager than the

heir himself would be. This leaves for our consideration only cases where the son is in actual management of the property at the time of his father's death. In this case the son would be entitled to and should have an interest in the property long before his father's death; but in cases where he has not, then the question as to whether the industry would be continued under his management or not, would be an open question with the chances indicating that he would be retained.

The proposition of any great injury to organized business through a just inheritance law is thus seen to reduce itself to an absurd minimum. On the other hand consider the businesses now injured by passing into incapable hands. Reflect upon the self-evident fact that under a just inheritance law these businesses would be saved from ruin, and the bugaboo of a ruined business disappears as completely as that similar scarecrow that none could govern nations but monarchs, and that if hereditary monarchs were overthrown the people would be unable to govern themselves.

OBJECTION NO. 14

“If you deprive a man of the power to dispose of his property to his friends do you not force him to spend it all upon himself?”

No! Many of our wealthy men have been childless, from Stephen Girard to Chas. M. Schwab. I have elsewhere quoted Schwab as saying that rich men continue in business for the sake of personal power, long after their personal wants or those of their families are gratified to the most liberal extent. Common observation shows this to be true. The claim that the rich would become more extravagant if prevented from leaving money to heirs, is most absurd. The class of men most affected by my proposal, is a class of men who even under present conditions have no limit to their personal expenditures. They have more than they desire to spend,—more than they even have time to spend.

OBJECTION No. 15

“Every child has an equal right under the law to acquire property and that is all the equality that is necessary.”

In the first place the statement that every child has an equal right under the law to acquire property is not true at all as to property already at his birth given to others. He has a right to acquire it on the terms imposed by the heir, but this cannot be said to be an equal right with that of the heir,

even in a legal sense, since the very object of the law is to give the heir a *superior* right to that of any other person. The legal rights of heirs and non-heirs to acquire property are therefore unequal as to all inherited property. They are equal only as to uninherited property. Since all property from a preceding generation passes by descent, it follows that the only *legal* equality of right to acquire is with respect to property not yet created. This legal fiction, however, has little to do with the case; since it is the actual economic condition confronting mankind that is of the only real importance. When this alleged "equal right to acquire" is considered from an economic point of view, it becomes an absurdity too abysmal for laughter, too deep for aught but despair.

It requires only the slightest exercise of common sense to see that if a certain property is bestowed upon an heir then those who are not heirs have no right to acquire the property equal to the heir's right to hold it. When a piece of property has been given to one person for nothing with the privilege of selling it or holding it, and it is withheld from another person, who can only buy it upon securing the consent of the first person, the claim of equal right would be sheer insanity, even if the technical legal right were in fact equal. Were the

actual property not given to the child, but if he were given instead merely the money to buy, it might be technically said that the heir and the non-heir had an equal *legal* right to acquire the property, but even then the technical right to acquire it would amount to nothing where all the means of easy acquirement had been given to a favoured child and withheld from others.

Let me make the proposition clear by illustration — I offer a prize to five boys for rowing a boat to a certain destination. There being only one boat I select one of the boys and give him the boat, which is beautifully equipped with strong oars and oar locks and is well made inside and out. I give him a legal title to the boat and place the prize in it. The boy whom I have selected gets in the boat with a number of hired experts to show him how to row it and indeed to row it for him if desired. Then I say to the other four boys, “Now you all have an equal right under the law to the prize that is in that boat. Get your axes, hammer and nails and proceed to make boats for yourselves. Then if you can catch the boy who has the prize, to which you have an equal right, you have merely to overcome him and his crew of experts, and take the prize away from him. It is simply necessary for you first to learn how to build a boat, then work a number of

years for fishermen along the shore until you have earned enough money to buy an ax, lumber, nails, screws, pitch, paint, etc. Then you can start out to catch the boy who now has the prize to which you have an equal right and who has been spending his time hiring still more people to prevent you from getting axes, nails, screws, pitch, lumber, etc., and other men who will place obstacles in your way as you row. I assure you, however, that you have an equal right under the law to the prize in the boat."

The boys, if they had the ability to think at all, would reply: "In the first place we have not the *equal* right under the law for you have already placed the prize in the boat of the first boy and while we have a legal right to it, if we can get it, the fortunate favourite actually has now the legal right *plus* the possession while we have a technical legal right *without* possession. You cannot call *his* legal right and *our* legal right equal. But in the second place even if we have an equal legal right to it, you know very well that you have started us out under a handicap that makes our victory practically impossible."

OBJECTION No. 16

“Your proposal would not produce equality of wealth except in the cradle. It would not remove other causes of inequality of wealth.”

Equality of wealth is neither desirable nor just. It is not desirable because tastes differ and expenses differ in the various conditions of life to which men by their own ability have raised themselves, or to which through their own fault they have lowered themselves. It is not just, because it is a denial of superior reward for superior service. But there is a vast difference between equality of wealth and equality in the opportunity to secure wealth. We would not permit our horses to run in a race where by design one of them had been deprived of food, another saddled with a hundred pound weight, a third placed on the outside of the track fence. We stand for fairness even in a dog fight. Yet we think it not amiss that our *children* are sent into the world with all its beauties, conveniences, and mental satisfactions as the prize, with millions of children under the handicap of poverty in the cradle while a select few inherit sums so vast as to give them the complete mastery of conditions from the moment they are born until they die, leaving the same mastery to the children who follow them.

It is true, however, that my proposal does not provide for the removal of all causes of inequality of opportunity. I make no such claim for it. I shall in another book discuss inequalities arising from private ownership of natural resources, especially in non-use.

OBJECTION No. 17

“The privilege of inheritance has been recognized by the laws of all civilized countries for thousands of years.”

The same has been true of slavery, monarchy, polygamy and murder. I was reading to my children one day some stories of cannibalism and of the killing of infants in barbarous lands when one of them said “Papa, is it true that people actually ate each other or is it only a story?” I think that in the beautiful future day whose morning beams are already flooding the world with radiance and light, it will be thus with the monstrous story of monarchy and inheritance. Some sweet child raised in the sunlight of that new day will listen to the terrible tales of the night of greed when men and women were bound to the chariot wheel of the heir and children sacrificed to turn the wheels of the mill. The child will say: “Papa, is it really true

that one child was born with a hundred million dollars while other children were born without enough to keep them alive, or is it only a story?" When mankind shall outgrow the theory that privilege is a necessary preliminary to progress, the twin fallacies of inheritance and ownership in non-use will be looked back upon with horror and disgust. That the truth of this anti-privilege sentiment, while recent, is epoch-making in its rapidity, can be plainly shown by a mere summary of the Inheritance Tax laws of the last century, in the United States.

C. J. Bullock, professor of economics, Harvard University, gives the following facts in his essay on the "Position of the Inheritance Tax in American Taxation" written in 1907:

The first inheritance tax imposed in the United States was in Pennsylvania, 1826. The inheritance taxes in Pennsylvania and elsewhere in the United States were not successfully applied until about 1885.

In 1885 New York levied a collateral inheritance tax adding a direct inheritance tax in 1891.

In 1894 Maryland and Pennsylvania collected \$663,000 in inheritance taxes.

In 1892, six states collected \$3,107,000.

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In 1902, 28 states collected \$7,138,000.

In 1905, 30 states collected \$10,600,000.

To Mr. Bullock's statement I may add that in 1918 there are 44 states collecting inheritance taxes and a heavy Federal tax is being imposed in addition to the existing State taxes. Mr. Bullock goes on to say, "Manifestly the taxation of inheritance is no longer a debatable issue but must be accepted as an accomplished fact of American Finance." To this comment also I take the liberty of making an addition in paraphrase: "Manifestly the ultimate extinction of the inheritance principle is no longer a debatable issue, but must be accepted as an inevitable step in the economic emancipation of the masses, toward which the whole world is travelling today with indescribable speed."

APPENDICES

I. U. S. INHERITANCE TAX RATES ON JANUARY 1, 1917

The following table shows the rates in each state on Jan. 1, 1917: (From pp. 7 and 8, Bancroft, "*Inheritance Taxes for Investors.*")

State	Direct Inheritances		Collateral Inheritances	
	Rate per cent.	Exemption	Rate per cent.	Exemption
Alabama	—	Not taxed	—	Not taxed
Alaska	—	Not taxed	—	Not taxed
Arizona †°	1	\$5000	2-6	\$500
Arkansas †°	1-8	\$1000-3000	3-24	\$500
California	1-15	\$10,000-\$24,000	3-30	\$500-\$2000
Colorado °	2-4	\$10,000	3-10	\$500
Connecticut	1-4	\$10,000 a	3-8	\$500-\$3000 a
Delaware	—	Not taxed	1-5	\$500
District of Columbia	—	Not taxed	—	Not taxed
Florida	—	Not taxed	—	Not taxed
Georgia °	1	\$5000	5	Nothing
Hawaii	2	\$5000	5	\$500
Idaho	1-3	\$1000-\$4000	1½-15	\$500-\$2000
Illinois	1-2	\$20,000	2-10	\$500-\$2000
Indiana	1-3	\$2000-\$10,000	1½-15	\$100-\$500
Iowa *b	—	Not taxed	5	\$1000

† The exemption in the States marked with a dagger depends in part on the size of the estate as a whole, and in part on the size of the individual share.

° In the above States the distinction between direct and collateral inheritances is not exactly followed in making the rates of tax.

* The exemption in the States marked with an asterisk has been construed to apply to the estate as a whole rather than to individual shares.

a Only one exemption allowed in each class.

b Iowa taxes non-resident aliens 10-20 per cent.

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<i>States</i>	<i>Direct Inheritances</i>		<i>Collateral Inheritances</i>	
	<i>Rate per cent.</i>	<i>Exemption</i>	<i>Rate per cent.</i>	<i>Exemption</i>
Kansas	—	Not taxed	3-15	\$200-\$5000
Kentucky	1-3	\$5000-\$10,000	1½-15	\$500-\$2000
Louisiana *c	2	\$10,000	5	Nothing
Maine	1-2	\$500-\$10,000	4-7	\$500
Maryland	—	Not taxed	5	\$500
Massachusetts ..	1-7	\$1000-\$10,000	3-10	\$1000
Michigan	1	\$2000-\$5000	5	\$100
Minnesota	1-4½	\$3000-\$10,000	3-15	\$100-\$1000
Mississippi	—	Not taxed	—	Not taxed
Missouri	—	Not taxed	5	Nothing
Montana *	1	\$7500	5	\$500
Nebraska	1	\$10,000	2-6	\$500-\$2000
Nevada *	1-5	\$10,000-\$20,000	2-25	Nothing-\$10,000
New Hampshire °	—	Not taxed	5	Nothing
New Jersey	1-3	\$5000	2-5	\$500
New Mexico ...	—	Not taxed	—	Not taxed
New York °	1-4	\$500-\$5000	2-8	\$500
North Carolina .	1-5	\$2000-\$10,000	3-9	Nothing
North Dakota d .	1-3	\$10,000-\$20,000	1½-15	Nothing-\$500
Ohio *	—	Not taxed	5	\$500
Oklahoma	1-4	\$5000-\$15,000	5-10	\$2,500
Oregon °	1	\$5000	2-6	\$500-\$2000
Pennsylvania ..	—	Not taxed	5	\$250
Porto Rico	1-4	\$200-\$5000	3-12	\$200
Rhode Island f ..	½-3	\$25,000	5-8	\$1000
South Carolina .	—	Not taxed	—	Not taxed
South Dakota ..	1-3	\$3000-\$10,000	1½-15	\$100-\$1000
Tennessee	1-1¼	\$10,000	5	\$250
Texas	—	Not taxed	2-12	\$500-\$2000
Utah *	3-5	\$10,000	3-5	\$10,000
Vermont	—	Not taxed	5	Nothing
Virginia	—	Not taxed	5	Nothing
Washington * ...	1	\$10,000	3-12	Nothing
West Virginia ..	1-3	\$10,000-\$15,000	3-15	Nothing
Wisconsin	1-3	\$2000-\$10,000	1½-15	\$100-\$500
Wyoming *	2	\$10,000	5	\$500

United States: Tax is on estates of residents exceeding \$50,000, 1½-15 per cent. No exemption to non-residents.

* The exemption in the States marked with an asterisk has been construed to apply to the estate as a whole rather than to individual shares.

° In the above States the distinction between direct and

collateral inheritances is not exactly followed in making the rates of tax.

^c Louisiana exempts property that bore its just proportion of taxes during owner's life.

^d North Dakota taxes non-resident aliens 25 per cent.

^e Oregon exempts entire estate if less than \$10,000 direct; \$500 to \$5000 collateral.

^f Rhode Island also imposes a tax on the net estate of $\frac{1}{2}$ per cent.; exemption, \$5000.

II. U. S. INHERITANCE TAX RATES ON JANUARY 1, 1918

The following table shows the rates in each state on Jan. 1, 1918, except that the rates shown for Virginia and Mississippi are those adopted March 15, 1918, and April 1, 1918, respectively:

State	Direct Inheritances		Collateral Inheritances	
	Rate per cent.	Exemption	Rate per cent.	Exemption
Alabama	.....	.....	.....	.....
Arizona	1	\$5,000	2 - 6	\$500-2,000
Arkansas	.....1 - 8	1,000- 3,000	4 -32	500-1,000
California	.....1 -15	10,000-24,000	3 -30	500-2,000
Colorado	.....2 - 4	10,000	3 -10	500
Connecticut	.....1 - 4	10,000	3 - 8	500-3,000
Delaware	.....1 - 4	3,000	2 - 8	0-1,000
Florida	.....	.....	.....	.....
Georgia	1	5,000	5	0
Idaho	.....1 - 3	1,000- 4,000	1½-15	500-2,000
Illinois	.....1 - 2	20,000	2 -10	500-2,000
Indiana	.....1 - 3	2,000-10,000	1½-15	100- 500
Iowa	.....	.....	5	1,000
Kansas	.....	.....	3 -15	200-5,000
Kentucky	.....1 - 3	5,000-10,000	1½-15	500-2,000
Louisiana	2	10,000	5	0
Maine	.....1 - 2	10,000	4 - 7	500
Maryland	.....	.....	5	500
Massachusetts	..1 - 7	1,000-10,000	3 -10	1,000
Michigan	..... 1	2,000- 5,000	5	100
Minnesota	.....1 - 4½	3,000-10,000	3 -15	100-1,000
Mississippi *	.... ½- 3	4,000- 7,500	5 - 8	500
Missouri	.....1 - 6	5,000-15,000	3 -30	0- 500
Montana 1	7,500	5	500
Nebraska 1	10,000	2 - 6	500-2,000
Nevada1 - 5	10,000-20,000	2 -25	0-10,000

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State	Direct Inheritances		Collateral Inheritances	
	Rate per cent.	Exemption	Rate per cent.	Exemption
New Hampshire.	5	0
New Jersey .....1 - 3		\$5,000	2 - 5	500
New Mexico
New York .....1 - 4		500- 5,000	2 - 8	500
N. Carolina.....1 - 5		2,000-10,000	3 - 9	0
N. Dakota .....1 - 3		10,000-20,000	1½-15	0
Ohio	5	500
Oklahoma .....1 - 4		5,000-15,000	5 -10	2,500
Oregon .....1 - 4		5,000	2 -10	500-1,000
Pennsylvania ... 2		0	5	250
Rhode Island.... ½- 3		25,000	5 - 8	1,000
S. Carolina
S. Dakota .....1 - 3		3,000-10,000	1½-15	100-1,000
Tennessee .....1 - 1¼		10,000	5	250
Texas	2 -12	500-2,000
Utah .....3 - 5		10,000	3 - 5	10,000
Vermont .....1 - 5		10,000	5	0
Virginia .....1 - 5		10,000	2 -15	1,000-4,000
Washington .....1 - 5		10,000	3 -15	0
West Virginia...1 - 3		10,000-15,000	3 -15	0
Wisconsin .....1 - 5		1,000- 2,000	2 -15	100- 500
Wyoming 2		10,000	5	500
United States....2 -25		50,000	2 -25	50,000

* From Mississippi House Bill 556 reported Mar. 11, 1918. The bill was approved about Apr. 1, 1918, possibly with slight alterations.

III. BLAKEMORE AND BANCROFT. *Inheritance Taxes*

Among the interesting historical facts that may be found in the first chapter of this great text-book are these: Inheritance tax laws were in effect in all but nine states of the Union in 1912, and in all civilized countries, especially the Australasian, where the maximum tax is as high as 13 per cent in New Zealand and 20 per cent in Queensland. No capital has been driven away by these taxes, and great satisfaction with them is expressed, the rates being increased in most cases, from time to time. The United States Federal Government has used the Inheritance Tax as a special revenue producer after each of its great war periods: viz., in 1797-1802, 1862-1870, 1896-1902.

The remainder of the time, inheritances have been taxed by the states only. The bulk of the book is devoted to court discussions of importance and to the presentation in full of the laws of the various states. The rates of taxation are given for the various civilized countries, the maximum varying from 6 per cent in Great Britain and 8 per cent in Russia to 20 per cent in Switzerland, where the proceeds are used for education and charity. In the United States, previous to the War Taxes of 1917, the rates were much lower than in other civilized countries.

IV. MAX WEST ON CONSTITUTIONALITY OF INHERITANCE TAX

Max West (Monograph on the *Inheritance Tax*, p. 265) says: "The constitutionality of the Inheritance tax has been repeatedly tested in the courts and has nearly always been sustained." The exceptions have been in the states of New Hampshire, Minnesota, Wisconsin and Oklahoma, with unusual circumstances prevailing in each case. Other courts have commented adversely upon the four decisions referred to, and the United States Supreme Court has invariably upheld the constitutionality of the tax. Details of court decisions are given in Blakemore and Bancroft *Inheritance Taxes*, a number of them being quoted in Appendix V.

V. COURT DECISIONS ON INHERITANCE TAX LAWS

Some of the most important points are as follows:

An inheritance tax is a tax on succession: i.e., on the right to receive rather than the right to give.

Pullen vs. Commissioners, 66 N. C. 361 (Supreme Court of N. C.): "We do not regard the tax in question as a tax on property, but rather as a tax imposed on the succession."

Wallace vs. Meyers, 38 Fed. Rep. 184 (United States Circuit Court): "The tax is not a tax on property, but on this privilege of acquiring property by inheritance."

Knowlton vs. Moore, 178 United States, 41, 48, 49, 20 S. Ct. 747, 44, Ed. 969 traces the history of European legislation and

shows that the thing taxed is not the property, but the privilege of receiving transmitted property.

State vs. Ferris 53, Ohio St. 314, 41 N. E. 579 shows that the right to receive rather than the right to transmit is taxed. See also *People vs. Griffith*, 254, Ill. 532, 98 N. E. 313.

In re Macky, 45 Colo. 316, 102 p. 1075. "A tax upon the right to acquire interests by will or inheritance."

Blakemore and Bancroft (*Inheritance Taxes*, p. 7) distinguish between (a) The right to dispose of property during the lifetime of the owner, which cannot be separated from the property itself; (b) The right to dispose of property by will, which is a right not so closely connected with the property, and in which case it is not clear that such right may not be taxed; and (c) The right to receive the property, which is a privilege distinct and separate from the property itself, and may be taxed whether the property is disposed of by the owner during his lifetime or after his death. That this tax is not a property tax, but a tax on the succession, these authors declare is affirmed by decisions in nearly every state in the Union. See statement of Max West, *supra*.

The right to inherit is not a natural right but a privilege, a creature of statute.

In re Magnus, 32 Colo. 527, p. 853, and ten other cases (see Blakemore and Bancroft, p. 28). "The right of succession on death is the creature of law and not a natural right."

Strode vs. Comm. 52 Pa. St. 181: "The constitution guarantees to the citizen the right of receiving, possessing and protecting property, Article 1, Section 1, which includes also the right of disposal; but the guarantee ceases to operate at the death of the possessor. There is no provision of our constitution or that of the United States which secures the right to any one to control or dispose of his property after his death, nor the right to any one, whether kindred or not, to take it by inheritance. Descent is a creature of statute and not a natural right."

Magoun vs. Illinois Trust and Savings Bank, 170 United States 283, 290: "The right to dispose of property by will has

always been considered purely a creature of statute and within legislative control." See also *in re Wilmerding's Estate*, 117 Cal. 281, 284, 49 p. 181 and *United States vs. Perkins*, 163 United States 625, 627.

Booth vs. Commonwealth, 130 Ky. 88, 113, S. W. 61, shows that inheritance is a privilege, not a right, and is therefore subject to taxation.

The State has superior rights respecting the disposal of estates.

Matter of Swift, 50 N. Y. St. Rep. 81: "The theory of sovereignty, which invests the state with the right and power to permit and to regulate the succession to property upon its owner's decease, rests upon a fact of actual dominion over that property . . . not because the legatee is subject to its laws . . . but because the state has a superior right of ownership."

Eyre vs. Jacob, 14 Gratt (Va.) 422, 430, 73 Am. Dec. 367: "The right to take property by devise or descent is the creature of the law and secured and protected by its authority. The legislature might, if it saw proper, restrict the succession to a decedent's estate, . . . or it may tomorrow, if it pleases, absolutely repeal the statute of wills and that of descents and distributions and declare that, upon the death of a party, his property shall be applied to the payment of his debts, and the residue applied to public uses. Possessing this sweeping power over the whole subject, it is difficult to see upon what ground its right to appropriate a modicum of the estate, call it a tax or what you will, . . . can be successfully questioned."

Per *Berkett, J.*, in *State vs. Ferris*, 53 Ohio St. 314, 41 N. E. 579, approved in *Gelsthorpe vs. Furnell*, 20 Mont. 299, 51 P. 267, 39 L. R. A. 170: "Properly understood it is not the right to transmit, but the right and privilege to receive, that is taxed. The right to dispose of property during the lifetime of the owner cannot be separated from the property itself, and therefore to tax the right of disposal by contract in the lifetime of the owner, even though it take effect at his death, is to tax the property itself. But the right to dispose of the property by will or descent, taking effect after the death of the owner, is not

so closely connected with the right of property and it is not clear that such right may not be taxed. But when the right to receive the property is considered, it is clear that the right is distinct and separate from the property itself, and the state may tax this right to receive property; and this is so whether the property is disposed of by the owner during his lifetime or at his death. This right to receive property is under the control of the legislature and it has the power to regulate and lay such burdens thereon as it may see fit, within the provisions of the constitution. To regulate by taxation or otherwise the privilege or right to receive property is not in conflict with the first section of the bill of rights, which recognizes the inalienable right of acquiring, possessing and protecting property. Were it otherwise all our laws as to wills, descent, distribution and conveyances would be unconstitutional."

In re Inheritance Tax, 23 Colo. 492, 48 P. 536 shows that the state is held to have plenary power to regulate descent, or tax it, or prohibit it altogether.

People vs. Griffith, 245 Illinois 532, 98 N. E. 313 shows that the state levies inheritance taxes as a condition for passing title to property, for transmission of which the authority of the state is complete and supreme.

The tax cannot be evaded by gifts made in contemplation of death.

In re Gould, 156 N. Y. 423, 428. The will of Jay Gould recited that, his son having conducted his business for many years with great ability, he had fixed the value of his son's services at five million dollars; and evidence was introduced that this legacy was by agreement in view of his son's services and was for compensation and for no other purpose. The court, however, held that the gift was a "transfer" and subject to the inheritance tax.

Merrifield vs. People 212, Illinois 400, 72 N. E. 446, shows that gifts made by the living in contemplation of the death of the donor, cannot escape the inheritance tax even though the stipulation be made that the gift was absolute.

People vs. Kelley 218 Illinois 509, 75 N. E. 1038 shows that

the question of whether or not a gift was made in contemplation of death is a question of fact and the finding of the court is final.

In re Palmer, 17 N. Y. App. Div. 360, 102 N. Y. Suppl. 236, shows that the burden of evidence in transfers in contemplation of death is upon the heirs, who must show good faith.

VI. BLACKSTONE ON INHERITANCE

Blackstone's Commentaries, Vol. II, Chap. 1, Sec. 10: "The most universal and effectual way of abandoning property is by the death of the occupant; when both the actual possession and intention of keeping possession ceasing, the property which is founded on such possession and intention ought also to cease, of course. For, naturally speaking, the instant a man ceases to be, he ceases to have any dominion; also, if he had a right to dispose of his acquisitions one moment beyond his life, he would also have a right to direct their disposal for a million of ages after him; which would be highly absurd and inconvenient."

After explaining that our inheritance law is a "civil convenience calculated for the peace of mankind"—which was of course true in Blackstone's day,—the great jurist continues: "We are apt to consider that it (inheritance) has nature on its side; yet we often mistake for nature what we find established by long and inveterate custom. It (inheritance) is . . . clearly a political establishment."

VII. FAMOUS POLITICAL ECONOMISTS ON INHERITANCE

See John Stuart Mill, *Principles of Political Economy*, Book V, Chap. XI, Section 3. Mill advocated not only progressive inheritance taxes but the abolition of the collateral inheritance altogether, and a limitation of the amount which any one should be allowed to receive either by inheritance or bequest. In his *Autobiography* (Ch. VII) he says: "We (his wife and himself) looked forward to a time when society will no longer be divided into the idle and the industrious; when the rule that

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they who do not work shall not eat, will be applied not to paupers only, but impartially to all."

Jeremy Bentham, eminent jurist and economist, "wished to restrict inheritance and extend escheat (the reversion of estates to the government) and thus abolish taxation altogether." R. T. Ely (*Outlines of Economics*, p. 363) makes a masterly argument against all collateral inheritances; i.e., inheritances by others than the immediate family. Max West in his *Monograph on Inheritance Taxes* (pp. 195-6) cites many prominent economists in favour of heavy inheritance taxes.

VIII. MODERN AUTHORITIES ON TAXATION COMMEND INHERITANCE TAX

The following, from the Report of the Minnesota Tax Commission, 1910, is singularly emphatic: "This method of increasing the public revenue is wise, simple and effective — wise because it does not touch private property during the life of the owner and thus places no burden on business activity; simple because the tax is easily ascertained and collected while estates are in the probate court; effective, because by the application of progressive rates, it adds no burden to the poor, but permits those who have much to contribute to the government somewhat in proportion to their ability to pay. It invades no natural rights. It violates no maxim of the law. It over-leaps no constitutional barriers. It is neither revolutionary nor socialistic, but is on the contrary a measure of practical wisdom and social justice, and has been truly styled 'an institution of democracy.' Another desirable feature of the inheritance tax is that it cannot be shifted."

Arthur B. Hayes, United States Solicitor of Internal Revenues, commends the inheritance tax as a fiscal measure in the following words: "The inheritance tax has been approved generally by writers upon political economy and systems of taxation, and it is almost universally held that no tax can be less burdensome or interfere less with the productive and industrial agencies of society. . . . Such tax laws have demonstrated thoroughly their utility as a successful means of raising

revenue, and many eminent economists urge them in their utmost severity as conducive of the public good. . . . Experience has demonstrated the comparative ease with which this tax can be collected, and the exceedingly small percentage of cost in its collection.—Expediency and political good judgment all seem to be in its favor.” Arthur Hayes in *Arena*, Vol. 39, p. 33.

Mr. Don Passos, one of the greatest authorities on inheritance tax laws, in his work on this subject, after stating that real property bears the brunt of direct taxation, says: “Personal property, however, in proportion to its immense value, generally escapes the hands of the collector . . . to an alarming extent. An inheritance tax presents the most complete system for reaching the class of personal property and privilege which it is framed to embrace because . . . the dead man’s property . . . must pass through a Surrogate or Probate Court.”

Augustus Jacobson in *Higher Ground*, Chap. XVIII, p. 42, says in speaking of an inheritance tax: “This tax would not and could not fall heavily upon anybody, because where there was no estate there would be no tax. It would not annoy a man of business struggling with difficulties because it would not be levied upon business, but only upon accumulations actually left at death. If the estate were small it would be a very small tax, at a very small rate. If the estate were large the estate would pay a large tax, at a rate high in proportion to its size. If there were no accumulation there would be no tax.”

IX. CHARLES F. AKED ON INHERITANCE

Chas. F. Aked, minister of the Fifth Avenue Baptist Church, popularly known as “Rockefeller’s Church,” says, in approval of the inheritance tax: “In a word, there are two parties to the accumulation of that wealth, the man and society. The man has had the enjoyment of it, society hitherto assenting. The ‘heir’ has had nothing to do with the creation of it, and society is entitled to take back at least a part of that which it created.”

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X. INHERITANCE TAX REVENUES IN GREAT BRITAIN AND FRANCE

United States Senate Document No. 114, 60th Congress, 1st session, 1907, gives the following summary of inheritance tax rates and revenues in Great Britain and France: Great Britain, direct 1 per cent to 15 per cent; collateral 1 per cent to 23 per cent. Annual revenue, \$86,000,000. France — direct, 1 per cent to 5 per cent; collateral, one per cent to twenty per cent. Annual revenue, \$55,000,000. In Great Britain, 4,172 estates were affected, with an assessed value of \$1,091,000,000. The United States federal tax of March, 1917, though in contemplation of war needs, was not as great as those British and French taxes of ten years previous. Even added to our state taxes it was not much larger. (See Note to Preface, page 9, Note 2.)

XI. ROBERT H. WHITTEN ON INHERITANCE TAX

As a splendid example of such arguments, note the following from the address of Dr. Robert H. Whitten before the National Tax Conference, 1901, which would apply with equal force to the escheat of estates:

“One of the strongest arguments in favour of the inheritance tax arises from the recognized right and duty of the state to regulate inheritance to such an extent as the public welfare may require. The right of bequest and inheritance is a natural right only to the extent that it is socially useful; that it furnishes an incentive to the creation of wealth or furthers its preservation or judicious management. Although we uphold devise and descent as the best known means of securing this end, yet we must admit that it is open to very serious objection and this very often fails completely. While the man who acquires wealth by that act gives evidence of his ability to manage it properly, it is by no means so certain that his heirs will possess that qualification. It is most fitting, therefore, that the state in apportioning the burden of taxation should take cognizance of this condition, and obtain a portion of its revenue from estates at the time of

their transfer to hands that have given no evidence of their ability to manage them economically. Such a tax, if the rate be moderate, can only further the true social function of devise and descent; i.e., the furtherance of the creation and judicious management of wealth. The tax is an incentive rather than a hindrance to the creation of wealth, and insures that after its transfer at death, a certain portion at least will serve a socially useful purpose."

XII. CARNEGIE AND OTHERS ON THE INHERITANCE TAX

"By taxing estates heavily at death, the state marks its condemnation of the selfish millionaire's unworthy life. It is desirable that nations should go much farther in this direction." Andrew Carnegie in *North American Review*, Vol. 148, p. 659.

"The Almighty Dollar bequeathed to children is an 'almighty curse.' No man has a right to handicap his son with such a burden as great wealth." Andrew Carnegie in *The Gospel of Wealth*.

"The drastic application of the inheritance tax is eventually to be one of the most efficacious instruments in preparing the way for economic equality." *The New Nation*, March 4, 1893.

In 1886, Pierre Lorillard, wealthy tobacco manufacturer, proposed a 10 per cent. tax on all estates over \$200,000. See *N. A. Rev.*, Dec., 1886.

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