

# LAND OWNERSHIP IN DENSELY POPULATED AND INDUSTRIALIZED COUNTRIES<sup>1</sup>

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## RELATONSHIPS BETWEEN MAN AND THE LAND

Man-land relationships are social phenomena. That means that the rules a man has to obey, when he wants to establish, to continue or to break a certain formal bond between himself and land, without getting into conflict with his fellowmen and the existing political powers, do not exist independently, but are related to society as a whole, to its culture, its structure and its function.

The foregoing does not imply that every change in the character of our society is immediately accompanied by a complete and consistent adjustment of the rules pertaining to the rights in land. In the Middle Ages many and important remnants of the man-land relationships originating from the period that the tribal system dominated the society in western Europe, still existed and in a certain sense flourished. In the eighteenth and nineteenth centuries, common property in land which played such an important part in medieval agriculture and rural life disappeared gradually in England as well as on the continent, because it was incompatible with the new technical and economic developments and with the ideology which accompanied them. But certain forms of leasehold, for example dating back to the Middle Ages, remained in existence not only in England but also on the continent, even where Napoleon's 'Code Civil' apparently exterminated all traditional civil law.

Though it is a kind of basic law of sociology that all social phenomena are related and interdependent, we have to acknowledge that certain aspects of social life are far less influenced by the general trend in the development of our society than others. Certain laws, rules or

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institutions come into existence in a certain period of history because they meet a felt need and because the power structure in society is such that they can be established. But afterwards they continue to exist under social conditions under which they never would have actually come into being. They are not necessary under these new conditions nor are they incompatible with them, and because change always means an effort and tradition is a value as such, they remain as they were before. They are more or less indifferent to social change at least for a long period. If they disappear, it is often because the legislature wants to make a clean sweep and not because they are a real hindrance. To this kind of phenomena the forms of leasehold I just mentioned belong. But even social institutions which are directly related to important functions of society do not as a rule change immediately when the functions to which they are related change or disappear. Social change is always accompanied by what we, since Ogburn, call cultural lags, a lagging behind of norms, formal rules and institutions by essential changes of the characteristics and the way of functioning of our society. These norms, institutions, etc., become in this way, at least to a certain degree, what the American sociologist Merton called disfunctional.

#### PRIVATE PROPERTY IN LAND - A CULTURAL LAG

The question which I should like to discuss here is whether in modern, industrialized and densely populated countries private property in land is still in accordance with the real needs and functions of society, or that it has to be considered, at least partly, as a cultural lag and therefore as being disfunctional.

As an example I shall rely for the greater part on the situation in The Netherlands. The Netherlands is on the one hand one of the most densely populated countries of the world and is still showing a rather rapid increase of the population while on the other hand, especially since World War II, it has shown a remarkable development of industry and a quick growth of economic life in general. Therefore this country constitutes a good example of a modern industrialized and densely populated country. A second reason to rely primarily on data, taken from my country, is that it is, because of a lack of comprehensive literature, almost impossible to get a good picture of the real situation with regard to land ownership in countries other than one's own. One gets a fragmentary picture from occasional publications on certain aspects and from private information, but as is the case

with all phenomena which show a rapid change, one can get only a more or less complete view of the situation as a whole by daily experience.

Let me state first that there is nothing sacred or eternal about private property in land. It is clearly only one of the possible forms of man-land relations and not the 'natural' or 'self evident' form. When in western Europe the tribal system of social organization was still predominant, real private property in the land did not exist, as far as we know. In the Middle Ages, private property in land existed, but was often still surrounded by a number of restrictions. Selling land outside the family, for example, was often only allowed in cases of great emergency. Besides, almost everywhere in western Europe, a varying but important part of the land was still common property. Though already at the end of the Middle Ages private property in land gradually tended to get its present character, common property continued to exist for centuries. It is only in the eighteenth century (as in England) and partly only in the nineteenth century (as in The Netherlands and other countries on the continent) that the final attack on common property in land was launched. Even then, this attack often met with heavy resistance. Farmers often still considered common landownership as an integral part of their social life and their economy. In The Netherlands the real end of common property (the legal end came rather earlier) as a part of the regional agricultural system in certain areas came only at the end of the nineteenth century. It was only at the end of the nineteenth century then in western Europe that the remnants of common property in land became a part of our folklore.

But even if private property in land does not belong to the basic institutions of our society, this does not mean that it does not have deep roots in this society. The fact that it came into existence in a certain period of our history means, of course, that society, or at least certain groups in society, felt a need for it. But more important, when we want to consider its position in our present society, is that it has existed for ages, that its social importance has gradually but permanently increased since the Middle Ages and especially, that in a rather recent period like the nineteenth century it could widen its scope as much as it did. This indicates that only recently it was still consciously accepted as a system of man-land relationships which could serve certain social and economic aims of society better than other systems. This means that we have to be cautious if we should be inclined to answer in a negative sense the question whether private

property in land is still the adequate system of man-land relationships in our time.

The best way to tackle our problem, it seems to me, is to investigate how land functioned in society when private property in land flourished and how it functions in present-day society. As a period in which private property in land was in its hey-day on the one hand, and which we can compare best with our time on the other hand, we can use the nineteenth century.

#### USES OF LAND IN THE NINETEENTH CENTURY

In the nineteenth century land had the following functions:

1. It served as a basis for an agricultural economy which was clearly beginning to liberate itself from traditional patterns and for which a hopeful future could be expected if the farmers were willing to accept the opportunities which were offered by the rapid development of science and technology. Direct government interference with agriculture did not seem necessary. On the contrary, it appeared possible in a number of European countries to abolish all protective tariffs for agricultural products without doing harm to this industry. Some countries did not even protect agriculture during the heavy economic crisis at the end of the nineteenth century. It seemed, that, in the end, this was only to the benefit of the farmers. Technical change in agriculture in the nineteenth century, for the greater part, meant an improvement in the cultivation of the land; mechanization was still of minor importance. This meant that on the one hand common use of land became a hindrance for the development of agriculture, but that on the other hand there was no urgent need for a redistribution of land to create larger units. Small farmers as well as owners of big agricultural estates could in principle benefit in the same way by the opportunities offered by the new agricultural techniques. Transfer of land from one user to the other was therefore incidental and not an aspect of a general change in agriculture. Therefore there was no need for government interference with land property except in the case of the division of common property. To summarize, some aspects of the development of agriculture in the nineteenth century made private property in land more beneficial for agriculture than before, while on the other hand there was no aspect of this development for which private land ownership was a hindrance.

2. Land served as building sites for housing. In the nineteenth century, housing was still considered to be a private affair. For the

higher and middle classes it was normal to live in a separate house, detached or not detached. Even an important part of the lower classes lived in single houses, sometimes owner-occupied, sometimes rented. In the rapidly expanding industrial towns and cities the nineteenth century showed, of course, the development of a new type of housing, the monotonous rows of small, uniform dwellings and the tenement houses built by private persons and companies and rented to the poor workers. We now tend to consider this system of providing the poor with houses on a pure profit basis, without any government control and any government interference, as one of the deplorable phenomena of the last century. One has to take into account, however, that probably for ages housing had been looked upon as one of the most private affairs in human life – much more private for example, than business – and that, as a consequence, it took some time before it was accepted, even by many of the victims of the system, that government had to do something about housing. It is clear that when housing in fact, and even more in the minds of the people, is a private affair, private property in land for housing is almost self evident and it did, taking this starting point for granted, function well in the nineteenth century.

3. Land was used for developing industry, to build factories, shipyards, stores, mines, etc. Though by their concentration in certain places, some industries became of decisive importance for the town or region in question, every separate factory was according to our yardsticks still a small business, often in the beginning no more than an expanding workshop of a craftsman. It was still the creation of an individual or a few individuals. It seems quite understandable that not only businessmen themselves but also government authorities considered it as almost natural that land for industrial and commercial purposes should be unrestrictedly private property.

4. Land was used for private pleasure-grounds. Though in and near towns and cities public parks were laid out – often by private persons or companies – recreation in the open air was in the nineteenth century still a privilege of the well-to-do classes. The labourers and the lower classes in general had neither time, money nor transport facilities to show much interest in this type of recreation, while on the other hand the relatively low costs of land and labour permitted the rich to buy, to lay out and to maintain large parks and woods of their own. Even the public parks were often primarily laid out for the middle and higher classes. The tea-gardens, club-houses, restaurants, etc., we often still find in these nineteenth century parks were certainly not built for the poor.

5. Land was used for constructing roads, railways and canals. Except for the Napoleonic period on the continent, the nineteenth century was not a road-building era, because the developing mass transport was taken over by the railways and partly by canals. For the greater part people in the nineteenth century used the roads which already existed from past ages. They were, for an important part by tradition, common property in one way or another. Partly they were modernized and came under the control of the local and sometimes of the central government authorities; but road construction hardly posed a problem with regard to the principle of private property in land. Streets in new quarters of towns and cities were often laid out primarily by private development agencies and only afterwards transferred to the local authorities. The most important encroachment on the principle of dealing with land on a completely private basis came from the construction of railways. It was impossible to acquire the land needed for railways by means of negotiations on a private basis. Here charters and concessions and expropriation had to be used to find a solution. The same was the case on a smaller scale with canals.

Leaving aside the less important forms of land use, we may conclude that in the nineteenth century the way in which land functioned in society meant that private property in land and dealing with land on a private basis – with a few exceptions – was, or at least seemed to be, the most appropriate form of land ownership. It was not only ideology and the defence of their own interest by the ruling classes which gave private ownership such a strong position. In general it suited modern society in its first development quite well and its disadvantages only gradually became clear.

#### EROSION OF PRIVATE PROPERTY RIGHTS

But what can one say about the present situation? It is clear that private property in land has already suffered several heavy blows. Expropriation of landowners which in The Netherlands, for example, was a few decades ago only possible by special law, has now become rather easy. It is possible, for instance, for the local government authorities in that country to expropriate land which has been zoned for building purposes, industry, etc., without any legal procedure of importance. Town and country planning in general, on the continent as well as in Great Britain, has deprived the landowner of many of the rights to dispose of his land he still had at the beginning of this century. Especially in a densely populated country like The Nether-

lands, zoning is strict and has to be strict. There is not a single square foot in that country for which a detailed plan has not been made. Even the use of land outside the built-up areas and the areas zoned for housing, industry, etc., is subject to many restrictions. In many rural areas in the western part of The Netherlands, for example, the building of hothouses for horticulture is forbidden. Reclaiming of waste land in The Netherlands has become almost impossible. In many countries the government interferes in one way or another with rents and prices for land. In The Netherlands the interference with rents is still strict and after a few years of free prices for land the possibility of interference with these prices is being discussed again. The landowner must not only accept that he is expropriated for the constructing of motor-roads, but also that an increasing number of pipelines are dug into his land and that powerlines are constructed over his land.

But as a principle, private ownership is still accepted everywhere in non-communist Europe. Even the socialist parties do not seem to be much interested in the question of land ownership. They are mostly quite willing to restrict the rights of the landowner when they consider it necessary for public purposes, but they do not make an important point of the question of land ownership in principle. When one of the prominent members of the Dutch Labour Party posed the question of the inadequacy of private landownership for agriculture a few years ago he got no response from the official leaders of his party. Thus private land ownership seemingly has still a rather solid basis in the minds of the population of western European countries. But does it still work?

Let us look first at agriculture again. It is a platitude to say that agriculture in the western countries is in a crisis. There is no need to go into the causes and all the aspects of this crisis here. One of the main difficulties is, however, that many farms have become too small to give the farmer a living which is considered to be decent nowadays. Another problem is that the parcels of land have become too small and are too scattered to permit the degree of mechanization which is necessary to make the income of the farmer as high as possible. One of the means of solving these problems is by re-allocation schemes which are now carried out in most of the western European countries. In The Netherlands re-allocation of land, combined with related activities like improving the drainage systems, moving farm buildings to more suitable places, enlargement of farms by means of buying land from those who do not want to continue farming and redistrib-

uting it, etc., is one of the major activities by the government to ameliorate the conditions for farming. During the last few years the government spent about 150,000,000 guilders a year on re-allocation, which means about 4 per cent of the total national income from farming. But what are the results? One of the great problems of re-allocation is that it has to serve two masters, the landowners and the farmers, while it should serve primarily a third master, the future of agriculture. Re-allocation as it is now, is in principle a re-allocation of the land of landowners, not of the land as it is used by farmers and other land-users. Every owner has the right to get back after the re-allocation one or more lots of land of about the size and of about the same quality that he owned before the re-allocation. This means, because the land within a certain re-allocation project always shows differences in quality and because in The Netherlands almost all landowners are small owners, that it is very difficult and often impossible to make parcels which are large enough for mechanized agriculture on a scale as it exists partly already today and as it will be necessary tomorrow. Another consequence of the dominant position of the landowners is that it often prevents the scattered lots of land used by one farmer being combined into one or a few parcels near his farm buildings.

On the other hand the re-allocation authorities have to take into account the fact that in the area in question a certain structure of agriculture exists with regard to size of farms. They can try to buy a few farms and to use the land to enlarge other farms, but the great majority of the farmers want to continue farming after the re-allocation, and they want to have the land located in a way which suits them best in their present situation. This means that re-allocation tends to conserve and to fix in the new system of land division the size of the farms as it was at the moment that the re-allocation started, while everyone knows that probably in the next ten or fifteen years, at least 50 per cent of the farmers will drop out. This implies that for this reason too, after a few years, the new system of land division will prove inadequate.

In a really rational system of re-allocation one should aim primarily at making large, well-shaped parcels of land, accessible from good metalled roads, and in all respects fitted for large-scale mechanized agriculture. The present structure as to size of farms should be considered as only of secondary importance, in the sense that only after shaping good parcels should the re-allocation authorities try to fit in as well as possible the existing farms, with their existing acreage. That would often mean that a number of the newly laid-out, large parcels



would have to be temporarily sub-divided to accommodate two or more small farmers. But this sub-division should be such that if a number of farmers drop out in the near future, as is to be expected, a redistribution of the land among the remaining farmers could take place without technical difficulties and without major cost. One may expect that if this system were to be adopted, in the future the remaining farms would all consist of one or more of these newly shaped, large parcels. But shaping the right type of parcels as well as a regular and systematic redistribution of land after farmers drop out, is only possible when all the land is in one hand. Under the present system of land property it is almost impossible to get a reasonable system of land division which could give the right basis for agriculture in the future.

Re-allocation has been practised now in The Netherlands for about thirty years. One of the sad experiences is that some of the districts where re-allocation was applied in the beginning of this period are now asking for a second re-allocation. One can expect that this demand for a second and later for a third re-allocation will be an ever recurrent phenomenon. Re-allocation will become in this way like a dog trying to catch its own tail, requiring billions and billions of guilders for an endless number of years to come.

*Rising land prices:* Another phenomenon which threatens agriculture today in densely populated, industrialized areas is the ever increasing price of land. Land becomes more and more scarce. On the one hand the area of land used for non-agricultural purposes increases permanently. It is a well-known fact that the area of land used directly and indirectly *per capita* of the non-agricultural population tends to increase year by year. The population of Amsterdam, for example, hardly increased within the municipal boundaries during the last thirty years, but the built-up area almost doubled. Though in The Netherlands, because of the strict system of zoning, the greater part of the land used for agriculture is more or less safeguarded against buying by potential non-agricultural users, the prices of agricultural land are indirectly influenced by this increasing use of land for non-agricultural purposes. Farmers whose land is expropriated because it is needed for expanding towns and cities, etc., mostly get rather high compensation. They are able and willing to pay high prices for land and farm buildings they can get elsewhere. In this way they are inflating land prices in general.

Another reason for high prices of land is that many farmers feel

that under existing conditions their farm is too small and that they could farm more land without increasing their labour force and equipment. They tend to buy land, even against high prices, when they can get it, and in this way they help to inflate prices. The burden of land ownership is made heavier in the last few years by a steady increase of the rate of interest. Traditionally The Netherlands always has been a country with a low rate of interest. Even for a long period after World War II this rate was seldom higher than 4 per cent. Now it is already more than 7 per cent and it is still increasing, and mortgage interest is still higher. In this situation the attitude of land owners who let their land on lease is ambiguous. On the one hand landed property is attractive because its value increases. On the other hand, because rents are controlled and very low as compared with the prices of land, land owners get at present, for the money invested in land an extremely low interest. It seems that at the moment in The Netherlands the tendency to sell land predominates. This means that in some cases the farmer is obliged to buy land against high prices to be sure that he does not lose his basis of existence. That farmers are not inclined, however, to buy land when it is not necessary, is shown by their attitude with regard to the land in the Zuiderzeepolders. The land reclaimed from the former Zuiderzee is owned by the State, but under certain conditions some of the new settlers in this area can buy land from the government. Though, taking into account the quality of the land and the layout of the polders, the prices would be relatively low, the interest of the settlers in buying land in the polders is almost nil.

The burden of the enormous investment one has to make to buy a modest farm is further increased by the steadily growing amount of money which is needed to buy the necessary modern machinery. The difficulties do not become clearly apparent as long as a farmer farms land which he bought years ago. But when he retires and one of the sons wants to take over the farm, he has to pay such an enormous amount of money to buy out his brothers and sisters, that a decent living in the future is an illusion for him. Under the present conditions as to prices of land and the interest rate for mortgages, it would not be exceptional for him to have to pay yearly an amount of money for his land about four to five times as high as he would have to pay when he rented the land. It is understandable, therefore, that under such conditions amongst farmers the system of land ownership is under discussion. Though the majority are undoubtedly still emotionally attached to the principle of private property, a man who,

amongst farmers, defends the idea of state property in the land will not nowadays be considered crazy or a communist.

#### GOVERNMENT PROPERTY

Private property in land in relation to housing has also become problematical. In several respects, housing is hardly a private affair nowadays. The building of houses has become for the greater part mass production. The man who builds his own house, according to his own ideas and his own wishes has become an exception. Even if houses are built as detached or semi-detached, they are mostly built in great numbers at the same time and of the same type. Perhaps of these semi-detached or detached houses a number may be sold afterwards to the future occupants, but even in the middle and higher classes, renting a house has become a normal phenomenon. Owning the land on which one's house is standing has lost much of the psychological value and status it had for so many in the nineteenth century.

Another aspect of the changes with regard to housing since the nineteenth century is the extensive interference with housing questions by government agencies. In countries with a strict system of physical planning like The Netherlands, no house can be built outside the areas which have been zoned for housing. It has become normal in that country for the local government authorities – the municipalities – to buy the land zoned for housing and prepare the building sites. They buy the land zoned for housing, often years in advance, or they expropriate it, they level the land, they cover it with a layer of sand, as is mostly necessary in the western part of the country, and they lay out the streets and sewerage. In the so-called municipal extension plan is indicated in detail the type of houses which have to be built at a certain place. The majority of the houses which are built afterwards are called 'woningwetwoningen' (law-on-housing dwellings). These houses are often built by semi-official building corporations, with money which is provided at a low interest rate by the central government. Often – and especially after World War II – the municipality has taken over a part of the building of houses itself. The land used for streets, parks, official buildings and houses built by the government remains, of course, in the hands of the local government authorities. But in an increasing number of municipalities even the building sites which are used by private persons and private companies are not sold, but let on long lease. The municipality of

Amsterdam introduced this system of long lease at the end of the nineteenth century and has adhered to it since that time. Many municipalities followed that example. Their consideration is that it is probable that after some decades the new quarters which are built now will have to be reconstructed, and that in that case the municipality would have to buy again, and against much higher prices, the land it is selling today. One can say that at the moment in The Netherlands, with minor exceptions of a few per cent, all the land which comes into use for non-agricultural purposes becomes, at least temporarily, government property. When we include streets, parks, etc., the majority remains government property. How many of the building sites proper after they have been built over remain directly (government housing-schemes, long-lease) or indirectly (semi-official housing corporations) under government control is not known exactly, but perhaps about 50 per cent nowadays. Much of what has been said about housing also holds true for industry, commerce, shipping, etc. Almost all building sites for industry are prepared and at least temporarily owned by the municipalities. This municipal policy serves two ends. First of all the municipal authorities want to control the establishment of industry from the point of view of public health, traffic, fire risk and other aspects of public welfare. But they also use their position as the owners of land available for industry in the pursuit of the economic aims of the community. They can refuse to sell or to let land if they do not want a certain industry or industry in general. On the other hand, however, they can prepare industrial sites in advance so that good opportunities are always available to encourage new industry. They can even sell or let land to industries they want at specially low prices. Municipalities often use their position in this way to stimulate economic life. Sometimes they even erect buildings for industry and let them to interested parties. In the so-called Development Areas in The Netherlands the central government helps the municipal authorities in certain municipalities by means of subsidies to attract industries in this way. As to harbours and docks, the municipalities (of Rotterdam and Amsterdam, for example) have adopted the same policy.

Summarizing, we can conclude that in The Netherlands, private property in land as an institution hardly plays a role nowadays in the process of allocating land for housing, industry, commerce, shipping, etc. This role is taken over by government policy.

## PHYSICAL PLANNING RESTRICTS INDIVIDUAL PROPERTY RIGHTS

Serious problems for private property in land as an institution originate also in other respects from the strict system of physical planning that exists in The Netherlands. The essence of physical planning is fixing the use which shall be made in the future of a certain area of land. This means by implication that using it for other purposes is forbidden. Strict planning means that the use is fixed in detail. Almost everyone in The Netherlands is convinced that in a densely-populated country like theirs, strict physical planning is indispensable and almost all political parties press the government to keep the country viable in the year 2000 by means of such planning. But people tend to forget, or at least to neglect, that fixing the future use of land means also fixing, within certain limits, its value. If by a municipal extension-plan your land is zoned for housing or industry, and you sell your land to the municipality or it is expropriated, you will get a very high price for your land which will perhaps permit you to retire very comfortably. But your neighbour whose land is zoned for agricultural use and who would like to retire also, will get perhaps no more than one fourth, or even less, of the amount you will receive, while if there were no planning he would get the same price. If a certain area is zoned for restricted agricultural use because the planners want to protect the scenery, that may mean that it is forbidden to build hothouses and therefore you cannot sell your land to a market gardener, who perhaps, if your land is suitable for horticulture, would be willing to pay you two or three times as much as normal farmers can do. If your land is zoned for providing drinking water, it may mean that you are compelled to build a concrete cistern for liquid manure which has no economic value for you.

The most important troubles are caused by the need to protect nature and above all by the necessity to meet the ever-increasing need for recreation in the open air. Since the number of people who seek recreation outside the towns and cities in the week-ends and during their holidays is increasing every year by hundreds of thousands, The Netherlands shows an increasing shortage of space for this type of recreation. In the thirties and even in the first few years after World War II reclaiming waste land was a kind of national hobby. Increasing the opportunities for employment in agriculture and strengthening the national basis for food production were the main considerations. These considerations have lost their value in the minds of the

people who are responsible for economic policy and planning in The Netherlands. The conviction, on the other hand, that as much as possible has to be done to conserve and to expand the space for recreation in the countryside has rapidly gained ground everywhere, even with those who are responsible for the agricultural policy. One of the results has been, as was mentioned previously, that reclaiming of waste land, unproductive woods, etc., virtually has come to an end. It is not necessary to mention here in detail how the government can stop these activities, but it has the legal power to do so and almost without exception this is used. In most cases the owner is not allowed to use waste land for profit-making forms of recreation, like bungalow-camps, camping sites, restaurants, etc. This means that for the owner it has hardly any economic value, while if he was free he could in most cases sell it for a high price.

In some cases the restrictions imposed on agricultural use of land on behalf of conservation of the scenery for recreation or for the protection of nature are so severe that any form of gainful agricultural production in the future seems doubtful. Changes in the exterior of farm buildings, in the parcelling of the land and the planting of trees, etc., are subject to many restrictions in these areas.

In the western part of the country, besides some very extensive artificial woods and parks, a number of so called buffer-belts between the cities are planned, to prevent the cities from Amsterdam to Rotterdam becoming undivided urban agglomerations. These buffer-belts are not meant to be parks. It is supposed that agriculture will be continued, at least partly. But on the other hand the interests of the city-dwellers are considered as absolutely dominant in these areas, so that agriculture will be reduced in fact to a kind of decoration of the scenery which probably will make gainful farming in the future an illusion.

Not everywhere are all these restrictions on the use of land felt as a heavy burden. In areas which are still predominantly agricultural and rural the landowner will experience only incidentally the existence of these restrictions, though he may feel very disappointed when it transpires that he is not permitted to use his land for digging sand, gravel or clay. The need of land for different purposes, however, increases day after day. In the end almost everywhere the decisive influence of physical planning in general, and of the provisions for open air recreation in particular on the use and the value of land will become evident, as it is now in the western part of the country.

For this attack on the value land would have on a free market, and

on private ownership of land as a system, as a consequence of planning, there is, under the existing conditions, no real remedy. In clear cases of direct damage the regulations on physical planning in The Netherlands open the possibility for compensation, but to apply a general system of compensation to all cases in which the rights of a landowner are or might be curtailed, is an impossible and endless task. As to waste land and woods which an owner wants to use for other more profitable purposes, but which the government wants to conserve for recreational purposes or for the protection of nature, the government sometimes solves the problem by buying the land at a reasonable price. One of the ministries has a yearly item on its budget for this purpose, but this does not solve the problem in principle. In principle, planning is considered as a legitimate action of the government for which no compensation is due.

#### LAND USE PATTERN DOMINATED BY THE MOTOR-CAR

Before summing up, one more aspect of the recent development of our society with regard to landed property has to be mentioned, *viz.* modern traffic and more particularly modern motor traffic. Modern motor traffic demands its own network of straight and broad motor roads, superimposed on the traditional topography of the country in question. In a densely-populated country like The Netherlands and in the western part of the country in particular, the construction of motor roads means that gradually, but in a rather short time, its shape as it has developed during hundreds of years is torn to pieces. At the moment there are in The Netherlands about 300 miles of proper motor roads. There is a master plan now for the year 2000 which is based on the assumption that at that time there will be 3,000 miles of such roads. Already the construction of motor roads, in the western parts in particular, is beginning to destroy the original structure of the country. Small villages and hamlets are cut into two pieces. Village centres are cut off from the surrounding land. Farm buildings are separated from their land. The system of secondary roads and country roads is crippled. Often the scenery is spoiled. Social contacts between people are severed. The boundaries of local government districts become inadequate. And so one could go on. But this is only the beginning. The picture which gives a map with the planned roads in the year 2000 is alarming. The western part of the country especially will be covered by a close network of motor roads. In many cases, pieces of land of a few square miles will be

surrounded on four sides by motor roads. In general, the country will be divided by the motor roads in blocks which have no relation to the original geographical and social structure. Underpasses and fly-overs of secondary roads can only partly solve the problems which are created in this way. The only solution will be in many cases a total reconstruction of the areas between the motor roads. A re-allocation of the land will not be sufficient. Farm buildings will have to be moved to other places. Villages, secondary road systems, drainage systems and the public utilities systems will have to be reconstructed. Often the economic structure of the area in question will have to change, sometimes because new opportunities – for instance for recreation – occur, sometimes because existing opportunities disappear. The landscape will have to be adapted to the new conditions by cutting trees at one place and planting new trees elsewhere. The need of such a reconstruction will occur so suddenly and will be so urgent, that one cannot imagine that satisfactory conditions will come about by just leaving the initiative to the private landowners. Often they will consider the necessary changes not attractive from their private point of view. The only possibility is an overall reconstruction by government agencies. Such a reconstruction by government agencies implies, of course, that they can re-allocate land, including non-agricultural land.

Even if at a certain moment the reconstruction is urgent, this does not mean that in a short period new conditions can be created which will hold for many years in the future. The construction of motor roads will not stop at a certain moment but will go on for an interminable period, even if after a few decades it will perhaps slow down a little. Besides, one may expect that after some time the revival of public transport by rail and new technical developments we cannot yet foresee, will lead to new demands for land for traffic and will also tend to disturb the present structure of rural areas. Reconstruction of those areas will become a more or less continuous process. It seems almost impossible that such a process could go on smoothly and efficiently if after each reconstruction the land in question were to return as private property and had to be bought, expropriated, or brought into a re-allocation scheme every time the necessity of a new reconstruction occurred. We often speak of the urbanization of the countryside, but mostly we neglect that one of the important aspects of the urbanization of the countryside is the fact that land use becomes more and more mobile. And permanent changes in the use of land in the countryside as well as in the cities, will tend to increase government interference with property in land.



## PRIVATE PROPERTY IN LAND-DISFUNCTIONAL

I have tried in the foregoing to give you a kind of survey of the way in which private landownership is functioning in our present society as compared with the nineteenth century. I do not believe that many of the facts I have mentioned are new to you, even if I have referred for the greater part to The Netherlands. In essence, the same phenomena occur in all densely-populated areas in the western countries. But seldom has one to deal with all the aspects of the changes in land use in modern society and their consequences at the same time, and therefore we mostly do not realize the magnitude of the process as a whole which is going on. I therefore hope that the survey I have given may be useful. When I took this subject for my paper I was convinced already, of course, that something was wrong with private property in land. But it was only during the writing of my paper that I realized completely how much private property in land as a system has already weakened and how badly it functions in our present society. There is little exaggeration in the statement that in densely-populated, industrialized countries, private property in land tends to become a cultural lag and is already for an important part disfunctional. Depending on one's political ideology, one can be in favour of private property and private enterprise in general or not, but it would not be right – in general again – to say that they do not work in our society. As to private property in land, however, one has to conclude, I believe, when one leaves aside one's general political views, and tries to look at the matter as objectively as possible, that in densely-populated western countries it does not work nowadays.

What will be the future of land ownership in these parts of the world? It is a fact, as I mentioned previously, that from the political point of view, the position of private land ownership still seems to be strong. In the western countries, nationalization of private property is not really a political issue at present. When nationalization is discussed, the interest is concentrated on basic industries, not on land. In The Netherlands, nationalization is not a practical political issue at all, not even with the communists. Thus it seems improbable, unless a political landslide we cannot yet foresee takes place, that private property in land will be officially abolished in the near future.

What we can expect is that it will gradually fade away. This process is already going on, and in the future it will probably speed up. As was mentioned previously, expropriation of land in a rather conservative country like The Netherlands has gradually become quite easy. The

legal basis the government has to dispose temporarily of the land of certain landowners, as in the case of re-allocation, or to curtail their rights on behalf of public interests, tends to broaden. In spite of the official policy, which still accepts private property in land as normal, a seemingly incidental but nevertheless effective silent moving of land to government property, or at least to government control, takes place. It is worthwhile to remark, for example, that a city like Amsterdam owns about two-thirds of its own territory. How much land in The Netherlands belongs at the moment to government agencies on different levels and how much they control by means of semi-governmental agencies is not exactly known. Much land is bought, for example, by semi-governmental agencies by means of government money to be used for recreation or for the protection of nature. Officially it is still private property, in fact it is controlled by the government. I believe that an estimate that about 25 per cent of all the land in The Netherlands is owned or controlled by the government is not too high. One can expect that this movement of land from private ownership to the ownership or the control of government agencies will accelerate. It seems to me that the time is not far away when man-land relationships in a country like The Netherlands will be absolutely dominated by the government. It is one of the most interesting and most important aspects of the silent revolution which takes place in our time.

#### SUMMARY

##### LAND OWNERSHIP IN DENSELY POPULATED AND INDUSTRIALIZED COUNTRIES

The relationships between man and land are social phenomena. That means that man-land relationships are related to society as a whole, to its culture, its structure and its function. In certain periods of history certain laws, rules or institutions – like the phenomena of leasehold – come into existence and afterwards they often continue to exist.

The main issue discussed is whether in modern, industrialized and densely populated countries (exemplified by the Netherlands) property in land is still in accordance with the real needs and functions of society. To tackle the problem the author investigates the functions of land in the nineteenth century in relation to its functions in present-day society.

Whereas in the nineteenth century private property seemed to be the most appropriate form of land ownership, the present-day situation shows an 'erosion of private property rights', although private ownership is still accepted everywhere in non-communist Europe. Re-allocation has become very important from an economic point of view (mechanisation), and the owner can also be expropriated for planning and zoning purposes. Furthermore local government authorities interfere with fixed rents for land. It is stated, however, that a really rational system consisting of large, well-shaped parcels of land, fitted for large-scale mechanized agriculture now and in the future, would be only possible when the land is in sole ownership. Other reasons for discussing land as property are that it is more profitable to rent land nowadays, and that it has lost much of its former psychological value and status.

Individual property rights are at present strongly restricted by physical planning, for instance for housing, industrial use, road construction, agricultural and recreational purposes or for the protection of nature. With few exceptions all land for non-agricultural purposes in the Netherlands becomes, at least temporarily, government property, which is necessary for a balanced economic policy and planning.

It is concluded that private property in land has weakened as a system and that it does not work efficiently in densely populated, industrialized countries. It tends to become a cultural lag, and to an important extent it is already disfunctional.

#### RÉSUMÉ

##### LA PROPRIÉTÉ DANS LES PAYS INDUSTRIALISÉS À FORTE CONCENTRATION DÉMOGRAPHIQUE

Les relations entre l'homme et le sol constituent un phénomène social. Cela signifie que ces relations sont intégrées à la société dans son ensemble, à sa culture, sa structure et sa fonction.

Des lois, règlements ou pratiques - tel le phénomène de la tenure à bail - sont apparues à certaines périodes de l'histoire et, souvent, ont persisté.

L'auteur s'interroge sur le fait de savoir si, dans les pays modernes, industrialisés et à forte densité démographique - dont les Pays Bas sont un exemple - la propriété foncière est encore compatible avec la réalité des besoins et fonctions de la société. Il aborde le problème en faisant un inventaire comparatif des fonctions de la terre au XIX

ème siècle et maintenant. Alors que la propriété privée semblait être, au XIXème siècle, le mode le plus approprié, nous constatons actuellement «une érosion des droits de la propriété privée» bien que celle-ci soit encore acceptée par l'ensemble de l'Europe non-communiste.

Une redistribution est devenue, du point de vue économique, extrêmement importante (mécanisation). De plus, les propriétaires peuvent être expropriés pour des raisons de zonages ou d'urbanisme. En fixant autoritairement le taux des loyers de la terre, les administrations locales vont encore plus loin dans le même sens.

Il a été cependant démontré qu'un système réellement rationnel, fondé sur de vastes parcelles, de formes régulières, convenant à une agriculture très mécanisée, actuelle ou future, n'est possible que dans la mesure où la terre est entre les mains d'un seul détenteur.

D'autres raisons font que la propriété foncière fait l'objet de discussion et, en particulier, le fait qu'il est, à l'heure actuelle, plus rentable de louer de la terre et que cette dernière a perdu sa valeur psychologique et son statut.

La propriété individuelle est sévèrement contrôlée par l'aménagement du territoire: Habitations, industries, construction de routes, zones agricoles et de loisirs, protection de la nature.

Il existe peu de cas aux Pays Bas, où les terres destinées à des usages non agricoles ne deviennent pas, au moins temporairement, propriété de l'Etat; caractéristique qui est, du point de vue de la politique économique et de la planification, extrêmement satisfaisante.

L'auteur conclut que la propriété foncière s'est affaiblie en tant que système et que son rôle, au sein des pays industrialisés à forte densité démographique, n'est plus efficace. Elle tend à devenir une rémanence culturelle, dont le rôle peut être, déjà, dans une large mesure, dys-fonctionnel.

#### ZUSAMMENFASSUNG

##### BODENEIGENTUM IN INDUSTRIALISIERTEN UND DICHTBESIEDELTEN LÄNDERN

Die Beziehungen zwischen Mensch und Boden sind soziale Phänomene. Das bedeutet, daß diese Beziehungen sich auf die Gesellschaft als Ganzes – auf ihre Kultur, ihre Struktur und Funktion – beziehen. In bestimmten Phasen der historischen Entwicklung entstehen bestimmte Gesetze, Regeln oder Institutionen – wie z.B. das Pachtrecht –, die häufig auch in späteren Phasen fortbestehen.

In diesem Beitrag wird die Frage diskutiert, ob in modernen industrialisierten und dichtbesiedelten Ländern (dargestellt am Beispiel der Niederlande) das Bodeneigentum noch den tatsächlichen Bedürfnissen und Funktionen der Gesellschaft entspricht. Um das Problem lösen zu können, untersucht der Verfasser die Funktionen des Bodens im 19. Jht. und vergleicht sie mit den Funktionen in der heutigen Gesellschaft.

Während das Privateigentum im 19. Jht. die sinnvollste Form des Bodeneigentums zu sein schien, zeigt die heutige Situation eine „Erosion der privaten Eigentumsrechte“, obwohl das Privateigentum noch überall im nicht-kommunistischen Europa anerkannt ist. Die Frage der Neuverteilung ist gleichwohl vom ökonomischen Standpunkt aus (Mechanisierung) sehr bedeutsam geworden; darüber hinaus kann der Eigentümer auch aus planerischen Erwägungen oder aus Gründen der Gebietsabgrenzung enteignet werden. Des weiteren beeinflussen die Kommunalverwaltungen mit festgesetzten Pachtpreisen die Entwicklung. Es wird jedoch festgestellt, daß ein tatsächlich rationales System – auf der Grundlage von großen, gut geschnittenen Teilstücken, die für die in hohem Maße mechanisierte gegenwärtige und zukünftige Landbewirtschaftung geeignet sind – nur bei einer Konzentration des Bodens in einer Hand möglich wäre. Weitere Gründe für die heutige Diskussion über das Bodeneigentum sind die Überlegungen, daß die Landpacht heute gewinnträglicher ist, und daß der Boden viel von seinem früheren psychologischen und sozialen Wert eingebüßt hat.

Die individuellen Eigentumsrechte werden heute in starkem Maße durch Entwicklungsplanungen eingeschränkt, z.B. für den Bau von Wohn- und Arbeitsstätten, für den Straßenbau, für Landbewirtschaftung und für Freizeit Zwecke oder für den Naturschutz. Mit wenigen Ausnahmen wird der gesamte Boden für nicht-landwirtschaftliche Zwecke in den Niederlanden zumindest zeitweilig Staatseigentum, soweit es für eine ausgewogene Wirtschafts- und Planungs politik wünschenswert ist.

Aus allem wird der Schluß gezogen, daß das Privateigentum an Boden an Bedeutung verloren hat, und daß es in dichtbesiedelten Industrieländern nicht leistungsfähig genug ist. Auf diese Weise kommt es langsam zu einer kulturellen Phasenverschiebung; bereits heute ist das Privateigentum an Boden zu einem wesentlichen Teil dysfunktional.

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