

HP 258.2 Private Law Property Test

On the planet Zykoon, feudalism, that looks remarkably like the feudalism introduced to England by the Norman Invasion of 1066 is the rule in monarchy after monarchy.

Recently you have found yourself traveling to Zykoon, and in particular the kingdom of Belute, whenever you fall asleep; only to find yourself back home again, when you wake up.

In Belute, you are a highly esteemed advisor to the King, Hal VII. When you first started visiting Belute agriculture was primitive; such that it was a challenge for farmers of any description to grow more than was needed to feed themselves and their immediate families. However, during your waking hours back in Canada, you have been reading and absorbing the historical literature of agricultural improvement. As a result of the innovations in farming that the King has introduced at your urging, agricultural productivity has been growing fast and Belute is now poised to generate significant agricultural surpluses, much of which has export potential.

The King is delighted but very concerned. He is delighted that his people are better fed and clothed. He is troubled that his potential army is 'fat and content' instead of 'hungry and harsh'. He is a bright fellow. He says to you, " Our success is the seed of our destruction. Our land is green and productive. Our people have no wish to conquer other lands. We are attracting the greedy eyes of predators because there is much to steal, and soft people to kill; we are no longer a warlike people"

When you 'wake up' you spend that day worrying that the agricultural improvements that you have introduced have unbalanced and jeopardized Belute. But, you realize that there is no way back to ignorance. The people of Belute cannot un-know what they now know. Gradually you come to the conclusion that, there being no way back, you must accelerate the future.

You conceive a plan to abolish feudalism and replace it with private property ownership, all of which must have the support and encouragement of the King.

In order to win the King's approval, you decide that your description of the plan must include the following:

1. A distribution of the land, such that current stakeholders will thereafter 'own' it. You anticipate the King will ask how far down the feudal chain land ownership should be extended; Should the plots now worked by serfs become their's to own.
2. Following the King's initial distribution, freedom of contract in the sale and purchase of land. Land owners may sell what they own; anybody may purchase land; the 'market' will determine the price. You also introduce Wills and describe them to the

King as 'Promises to the living from the dead'.

3. A land registry that will be the final authority on who owns what;
4. Freedom of contract including freedom of employment contract. In order to sell the King on this proposal you must explain to him the benefit of untying people to place and position and freeing them to do whatever the market will pay for. You call it "The invention of excellence.". Explain to him why you call it that. What the feudal mind would have trouble grasping is the allocation of work on the basis of something other than position in life.
5. If he is no longer going to have military service as a benefit of land he is going to have to raise an army and pay his soldiers. He is about to discover taxation as a substitute for feudal duty. What should he tax? (Hint; keep it simple as your tax evaluation and collection system will be unsophisticated at first)

Write a paragraph on each of the five topics listed. You are writing for a feudal but brave monarch and describing a revolution that will bring a kind of freedom that we are familiar with. Perhaps the hardest thing for you to describe is how the land market will work and how contract will replace status leading to a revolution in productivity. Really the test is to see if you grasp what will follow from two innovations: private ownership of land, coupled with freedom of contract. I also want you to see that the best that you will achieve is a sort of rolling stability. One of the things that you are about to do is introduce a society of perpetually in motion. Taxation, for instance brings with it the question of who shall determine the level of taxation. If, by 1688, parliament protected the people from rapacious taxation by the King, what protects us now. A substantial protection is limited life government coupled with what?

Each answer will be worth 5 marks, of which 2 for writing and 3 for substance.

Good luck.

SDMW