

# Hands Off My Home

Thanks in large part to the work of the Institute for Justice and the 2005 Supreme Court case *Kelo v. New London*, eminent domain – the taking of private property by the government, has caused much grassroots and legal activity.

Why we oppose eminent domain:

**Eminent domain is theft.** Seizing private land for public use, even under the guise of economic development—is a violation of property rights. It does not matter how many people benefit from such a taking or that the government offers “just compensation.” A forced sell is not voluntary – there is no *just* compensation for an owner when he does not want to sell his property in the first place and has no choice about whom to sell it to. Eminent domain negates property owner’s rights to control its use, benefit from it, transfer or sell it, and exclude persons from it.

**Eminent domain is arbitrary.** Government actors steal property for “public use”. But what constitutes public use? And who qualifies as the public? If by “public” is meant the majority of people within a given jurisdiction, no individual’s property is safe since it can always be decided that somebody else would make better use of the property for the majority than the individual from whom they wish to take it. If by “public” is meant just some people within a given jurisdiction, then the group with the most political pull decides how property is allotted and used. And as we know, politics is force.

**Eminent domain stifles the free market.** Eminent domain is based on the rationale that an individual (a bureaucrat) or group of individuals (a government board or agency) have the knowledge of how best to allocate scarce resources. This individual or group supposedly can determine how a greater benefit can be derived from that property and not according to who rightly acquired it by his or her own efforts and by trade. As people such as FA Hayek demonstrated, there is no way that an individual or group can possess the tacit knowledge, or know the subjective preferences, of another group of people.



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