# Mahar Mangahas

# Land and Natural Resources Reform

The State as the Dispenser of Land

oday's great inequities in the distribution of land have been mainly the doing of ruling governments. All presently privatized land was at one time in the public domain, and it has been the succession of governments, over the centuries, which has been the main source of redistributions — sometimes for better, sometimes for worse — of land.

In the distribution of land, justice should be distinguished from mere legality. Acquisition of land by conquest has always been legal — from the point of view of the conqueror. It was the common practice among the pre-Hispanic Filipino communities, who often warred among themselves. So the indios could not have been surprised when the Spanish colonial government asserted its legal prerogative to favor some Spaniards with landed estates.

It was not only legal but also politic for the Spanish regime to create the *encomiendas* out of "public", that is, the relatively *unoccupied* lands. These were the lands whose transfer would not dispossess the native elite and thus prejudice their cooptation by the conquistadors. These lands would not have been immediately arable plains; they would have been heavily forested.

Thus the first great landlords were not much different from today's forest or pasture concessionaires; even as late as the start of the 19th century, Nueva Ecija, for example, was still a dense forest. The land titles were dispensed by the colonial government in Manila, using criteria which we may presume did not favor the poor or the actual tiller of the land. Titleholders got tenants to clear and prepare the land for them by an agreement not to impose any rent during the clearing period, which usually lasted about five years. So for as long as there were new areas available for clearing, industrious tillers were almost like farm owner-operators.

The haciendas of the friar orders in the Spanish period were likewise within the law; and so were the exemptions from forced labor which these estates secured for their workers. Thus, in the Southern Tagalog provinces which were dominated by the friar lands, an able-bodied worker's choice was either to work for the friars and their inquilinos or risk being forcibly drafted into the naval services and possibly perishing in one of the Visayan campaigns. (Similarly, in the Davao Penal Colony leased by the Marcos regime to Floirendo for a banana plantation, did the convicts have any option except to work on the plantation?)

The law is what is formally defined by government institutions; on the other hand, justice is defined, however amorphously, by the consensus of the people. If the two are in severe conflict, as tends to happen in an undemocratic society, and if the government is unreceptive to popular demands for reform, then the people will find it difficult to see another logical option besides revolution.

Thus did the revolutionaries of the 1890s aim to change the system of land distribution (among other objectives) by seizing the government itself. In fact, the revolutionaries had already occupied the friar lands by force and driven away their former owners, when the new American regime concluded that it should compensate the friars (at a generous price, particularly to the Dominicans) in order to fulfill its bargain with the outgoing colonial power to respect existing, i.e., Spanish and Filipino-elite-dominated, property rights. The distribution of the friar lands obviously helped the new regime gain popularity among some Filipinos.

Unfortunately, most of those who eventually acquired the friar lands were not tillers themselves but *inquilinos*, some revolutionary leaders — incuding Emilio Aguinaldo himself, who obtained a lease on 1,050 hectares in Imus at a give-away rental — and American business firms. Such mollification was not much different from the consideration given by the newly triumphant Spaniards to the land holdings of the *datus* whom they coopted.

The American regime could well afford to hand over the friar lands, since it felt that 68 out of the 73 million acres of land in the Philippines were legally owned by the government. With so much land available for (American) big business, why fuss with lands already legally claimed by those Filipinos too influential to antagonize? Long before "crony capitalism",

there was what recent historians of the American period have termed "compadre colonialism".

The tradition continues. There is no essential difference in the Marcos give-away of forest concessions, rather than arable land, to VIP rebel returnees, since vacant arable land in the public domain is presently very much scarcer than it used to be. And now, under the Cory Aquino administration, comes the report that the forest concession in Abra and Kalinga-Apayao of Cellophil Resources Corporation, erstwhile of Herdis, is being offered by the Ministry of Natural Resources to ex-Fr. Balweg.

# The Relationship of Political and Economic Reform

Thus the inequities of today have not been due to the workings of a market economy or a system of free enterprise, in which micro-participants are left unhampered to selfishly seek their individual economic benefit. The system of private property — whether formally titled or untitled, whether individually possessed or communally possessed — is not fundamentally at fault.

The socially disturbing economic inequalities — that is to say, the *inequities* — are not those due to differences between individuals in terms of personal talent, industry, thrift or even sheer chance, but those inequalities which are due to the undemocratic, lopsided imbalance of political power and all the fraudulent practices which derive from it. The root of the land distribution problem has been the abuse of *state* prerogatives, over the centuries, to grant land and any other natural resources to the merely powerful and hence socially undeserving few.

Whenever the claims of these few, regardless of their legality, are not accepted by the people as just, they are bound to be resisted. So these claims have had to be enforced by repression, both political and military. This combination of political and military power for the acquisition and maintenance of economic power is the essence of feudalism.

To the traditional, working-occupant of the land, the so-called "tiller of the soil", the cogent argument of both the leftist and the secessionist movements in favor of joining their camps is that the government — in the persons of certain local officials and their military, paramilitary or police allies — abets the injustice by siding with the powerful few against the powerless many. Now, however, the opponents of the small tillers (and small fishermen) are not merely the traditional land-title-holding landlords but also the forest and pasture concessionaires, the multinational plantations using land leased from the government, the fishpond and fishpen concessionaires, etc.

Hence the rationale for land reform as a major policy move under a new political regime is the need to eliminate the endemic rebellious tendencies provoked by past injustices under earlier regimes: the injustice of land acquired merely by conquest or by political dispensation; the injustice of land maintained, in the face of community resistance, only by repression; the injustice of patently illegal landgrabbing; the injustice of inequitable access to land titling privileges, discriminating against the poor and the unschooled in favor of the wealthy and those knowledgeable of the legal system.

Because acts of land redistribution require strong political will, significant moves — some major, some minor — have always occurred at the beginning of new political regimes. Witness the de facto takeover of the prewar Japanese plantations in Mindanao after liberation; the land resettlement program of Magsaysay, to propitiate the Huks; the rental reduction program of Macapagal; and Operation Land Transfer under martial law, obviously meant to weaken opposition to the Marcos coup.

Hence now is a most opportune time for the Cory Aquino administration to take action. Her government could uproot the subversive movements by consciously choosing to side with justice as defined by the many, and to command the cooperation and sacrifice of the few. Even now, the takeover of some lands of the Marcos cronies, whether in the public or in the private domain, are important first steps which are consistent, consciously or not, with the spirit of land reform.

# A Policy Proposal

Land reform is the revision of the system of economic access to land in the interests of social justice. It is a just encroachment on the system of private property and private enterprise. It is a just intervention in existing privileges which although created by past law are a grave present danger to the stability of society itself. The genuineness of a land reform program depends on the extent to which it has managed to render social justice.

### Land reform myths

A new land reform program should be guided, first of all, by the errors of the past. There are many myths and red herrings which have been cultivated in the public's mind. Wellintended or not, these misunderstandings have helped to obstruct land reform.

what is and what is not relevant to justice, it is obvious that the type of crop, whether rice or corn or sugar, etc. does not matter. Marcos' limitation of Operation Land Transfer to rice and corn only meant that he aimed to propitiate some agrarian movements and was willing to sacrifice some agricultural landowners. (Thus Marcos saved Eduardo Cojuangco by a special grant of 10,000 hectares in Bugsuk Island in exchange for the latter's 1,000 hectares of rice land in Central Luzon—legal for Marcos but unjust to the Filipino people. Observe also that the suppression of public disclosure of such a deal during the Marcos regime is in itself an indication that the state was aware that there would be public antagonism towards it.)

2. Type of tenure. Neither does type of tenure, whether leasehold (fixed-rent) or share-tenancy (proportional rent) or even wage-labor under owner-management etc. really matter. If the lands, public or private, have been acquired unjustly; if as a result there are great social conflicts over possession of the land, and consequently the landholders have had to resort to repression; then, regardless of the existing

(purchased from savings or inherited from parents or even acquired under Operation Land Transfer), practices social exploitation as soon as he leases 1 hectare to a landless worker under share tenancy, even though the tenancy may be mutually-voluntary.

 Operation Land Transfer. Many people are now inclined to assume that OLT was a complete failure, merely



form of land tenure, a land reform which affirms redistribution on social justice criteria is called for.

Share tenancy, in particular, is not an indication that injustice has been done or is being done. If the proportion for rent is not too high, it is not necessarily a bad economic bargain for the tenant; and many tenants prefer proportional sharing to a fixed rental system. Whether the terms of any land-tenure agreement are generous or stingy depends on the relative bargaining power of the landowner and the landworker, so there is no reform inherent in favoring fixed-rental over proportional rental. Thus "abolishing share tenancy" is hardly significant when, at the same time, leasehold tenancy is made permanent.

Sadly, there are still ideologues who would insist that one who owns a small piece of land of, say, 5 hectares because it was a creation of the Marcos regime. The real problem is that OLT was subjected to too many limitations: only rice and corn; only tenanted areas; no land transfer for leaseholders; the seven-hectare retention limit; etc. All such constraints limited the scope of OLT to only 400,000 out of some 900,000-1,000,000 rice and corn tenant farmers in existence in 1972. In addition, the pace of implementation was much delayed by a complicated system of determining the compensation for the landowners.

Nevertheless, within such limitations, OLT is changing the lives of few hundred thousand farmers. Out of the 400,000 farmers within its scope, this writer has estimated, using MAR data, that by the end of 1981, 39% had become either fullowners or amortizing owners, and so had clearly benefited; 44% became fixed rental leaseholders and so may or may not have



benefited (it depends on whether or not their rental was effectively reduced); 14% did not benefit since there was as yet no change in the terms of their tenancy (these happen to be share tenants); the remainder of 3% discontinued farming and so were excluded from benefits.

OLT has not come close to such sweeping reforms as were implemented in Taiwan (which was competing with mainland China for the people's support) or in South Korea (which was competing with North Korea), but can be rated as a moderate, somewhat long-drawn-out beginning at land reform. The implementation of the present OLT should be speeded up; and even before waiting for the present scope of OLT to be completed, the new government should move on to other areas where great land injustices have occurred.

4. Alleged conflict with agricultural productivity. Land reform involves the attainment of distributive equity. It should not be confused with the attainment of economic productivity, the concern for which is no justification for denial or delay of land reform. Supposing, for the sake of the argument, that some productivity must be sacrificed for the sake of equity, then that sacrifice should nevertheless be made, since equity — unlike productivity — is crucial to the very stability of society. A just land reform is desirable with or without accompanying programs of price support, credit or technology, all of which are matters related to productivity.

However, depending on how the reform program operates, productivity may or may not be affected; in particular, if the operating size of the farm is undisturbed, then it is very likely that the effect of the land reform on productivity will be neutral. In the case of Operation Land Transfer in particular, the operating units, namely the tenant farms, were not changed. Only the ownership-units or estates were subdivided. The only potential threat to productivity, therefore, was from the withdrawal of whatever else, aside from land, the landowner formerly contributed to the farm operation, for example, credit.

Thus the main contribution of the Masagana 99 program, instituted in 1973, was not so much in providing credit where none existed before, but in substituting for credit formerly extended by landowners. By 1984, the Ministry of Agrarian Reform had accepted, in its ten-year review of Operation Land Transfer, that there had been neither positive nor negative effects on agricultural productivity. Thus some degree of land reform is attainable without adverse effects on productivity.

5. Scarcity of land. We must stop pretending that natural resources are plentiful in the Philippines. It is now hardly possible to provide land to the landless without taking it away from others. After generations of population pressure, the amount of unoccupied public land available for distribution is no longer significant. Resettlement on the public

domain is no longer an available option, as it was in the Magsaysay era. Land reform now requires that some who already have possession have to sacrifice so that others can benefit. Hence great care must be taken to ensure that those required to sacrifice are the least deserving, on social grounds, of access to land.

#### Elements of a Just Land Reform

- 1. Full natural resource coverage. In principle, the term "land" should include all forms of natural resources, including mineral, forest and water resources, whether public or private, whether titled or untitled, whether presently controlled by Filipinos or non-Filipinos, over which there is social conflict induced by an unjust distribution. Thus "access" to land should include not only ownership but also all privileges and obligations of land-holders and land-users, such as conditions of tenure, rentals, land-sourced profits, concessionaires' fees, taxes, etc., over which there is social conflict.
- 2. Equity begins at home: on the public domain. Priority should go to the reform of access to public land and natural resources. When the state fails to allocate access to public resources according to tenets of social justice, the public loses faith in the state's claimed intentions and tends not to cooperate with its efforts to redistribute private resources.

Thus a new land reform program would, in particular, apply principles of land justice to forest and pasture concessions which were parceled out to cronies but are occupied by cultural minorities; review and renegotiate leasing arrangements of public land to the corporate sector, including the multinational plantations; review the access of lake fishing grounds to private concessionaires; and so forth.

3. Use criteria of equity, not of productivity. The criteria for just distribution will have to be consistent with the ethical values of the general public, and not merely the business interests of those who have been traditionally favored with natural resource concessions. Obviously, have-nots should receive higher priority for access compared to the haves; it is not unjust to require applicants for public land to provide data on their personal wealth. The rate of return on capital invested, so precious to the "project feasibility" experts, are of minimal relevance to criteria on social justice. Where the scramble for resources is so lopsided, "first-come-first-served" is another clearly unjust criterion.

An example of a criterion based on equity would be a limitation on public land concessions to a small hectarage per individual or, where an organization of individuals would be more practical, to a small average hectarage per participant in the organization. It would be desirable to exclude corporations completely from land concessions, since corporate ownership shares may be freely sold and thus potentially overaccumulated by those already wealthy, and instead, to give priority to

cooperatives or some other form of people's organization of workers, tillers or fishermen to be the concessionaires.

The general objective should be that the economic earnings from public land, if not appropriated by the state (as might be feasible under open, transparent, competitive bidding), deserve to go to the poor who work the land themselves, either individually or through their people's organization. Such an organization should be the actual land concessionaire, enjoying the income-generating capacity not only of the land but also of the labor, capital and other inputs contributed by the members of the organization.

If a large corporation has anything to offer in the way of finance, technology, marketing ability, etc., then it could offer such services for a competitively reasonable fee to the people's organization. Beware of creating new landlords by giving agribusiness corporations control over public land, as is implicit in the recent National Agricultural Corporation or NAGRICO proposal — which has the nerve to claim that it will promote land reform!

4. Government reorganization. Thus the Ministry of Natural Resources, and/or whichever agencies are empowered to allow access to land, must be allied to the spirit of a true land reform. When a single forest concession can amount to 100,000 hectares, the recently announced plan to redistribute 9,000 hectares of foreclosed sugar lands in Negros is puny in comparison.

The land-access agencies should be guided by a mission to do justice to those deserving of land, as well as to those undeserving of it but who presently possess it. This is not a mission which can be entrusted to those whose career backgrounds have been in the business-sector end of plantation farming, logging, mining, fishing, or ranching. It is much more suitable, for instance, to persons such as those presently committed to the tasks pursued by President Aquino's Commission on Good Government and on Human Rights.

Thus, as they are presently organized, the MNR is much more critical an agency than the MAR. The new land reform program should, in my opinion, detach from the present MNR (as well as from the present Ministry of Agriculture and Food, which appears to have a say on some fishing area concessions), all the bureaus and agencies which are tasked with land access and land distribution. Perhaps they should be merged with those portions of the MAR which are tasked with implementing land reform on the private domain.

In case of a merger, the mission of the new agency, which might be labelled the *Ministry of Land and Natural Resources Reform* would be to see to it that the present structure of land rights and natural resource concessions is reformed in order to diminish and if possible eliminate land issues as a source of social violence and instability.

(In principle, two separate ministries for land reform and natural resources reform might also work, though they would of course have to do much coordination with each other. It must be stressed that traditional MAR-type land reform dealing with lands in the private domain, unaccompanied by natural resources reform on the public domain, will do nothing for the just grievances of the cultural minorities, for those displaced by big corporate plantation projects on land leased from the government, for fishermen displaced by fenced-off areas in Laguna de Bay, etc., and will thus not go far enough in lessening social violence.)

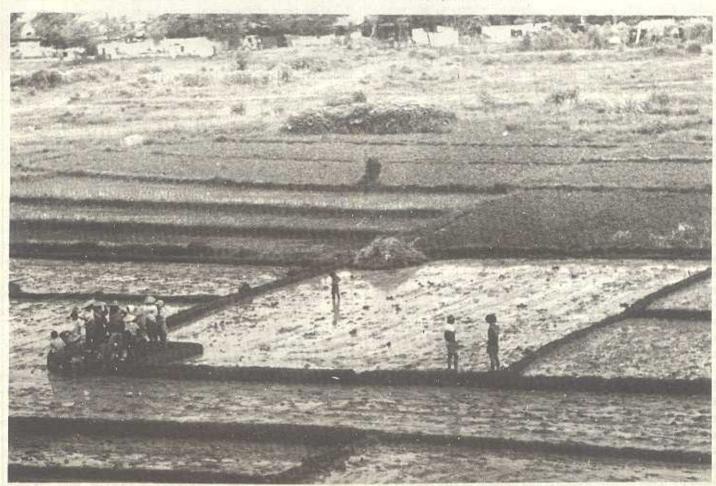
The bureaus and agencies which would remain with the traditional MNR would be those concerned with the productivity of our natural resources, the conservation of the environment, and so on. This is where the experts on forestry, fishing and mining technology ought to work, just as the experts on agronomy, plant breeding, livestock raising, etc. are expected to work at the MAF, not at the MAR.

The principle should be a separation of the mission of redistribution from the mission of productivity. This principle is already followed, at least partially, in the relative specialization of the MAR on issues of agricultural productivity, in contrast to the specialization of the MAR on its task (as limited by Marcos) of land transfer. (Incidentally, the MAR does have an agricultural extension staff whose function seems more appropriate to the MAR and might as well be transferred to the latter.) Essentially, what is needed is a ministry which will be accountable purely for what it accomplishes in

equitable land redistribution and which will not be able to excuse its inaction on account of its alleged concern for land or natural resource productivity.

5. Freedom of information on access to public land. There are reports that the MNR is retrieving some land concessions of Marcos cronies and offering the same or other concessions to some socially aggrieved sectors. These actions do tend to make the MNR more popular, and indicate that some steps in the right direction are being made. The question remains, however, of whether such reforms are only selective and hence palliative or whether they will be truly general and reformist. Old cronies should not be merely replaced with new ones. And, if only the most notorious rebels are rewarded, people will learn that only violence pays.

Thus the public should have full access to information concerning the allocation of public natural resources: who are the concessionaires or beneficiaries (not merely corporate names, which hide the identities of those behind these firms); on what bases do they deserve the concessions; did they compete fairly and openly for the concession against any other parties; have any objections been raised against their acquiring the concession, and if so how were they resolved; what are the terms of payment for access to the land; are there social conflicts within the concession?



All such information, so obviously socially relevant but suspiciously confidential under the Marcos regime, and apparently still confidential at present, should now be open to the public and preferably even published by the new regime. There should be encouragement to independent research institutions, both public and private, to do proper monitoring, verification, and supplementation of such information. Where information is concealed or delayed, the initial presumption should be that social inequity is present.

6. Delinking of access to land from political and military power. However the land reform program is designed, it will be impossible to implement without at the same time eliminating feudalism from the countryside. This refers not to the practice of mere paternalism by some landowners and land concessionaires towards their agricultural tenants and workers, but to the unscrupulous, feudal use of political conections and even armed forces to support an inequitable status quo.

Thus it is imperative that the New Armed Forces of the Philippines and local government officials must believe in the spirit of a true land reform. They must be allied to the prospective beneficiaries of a just land reform, and not to the few who presently have undeserved access to land. Private armed groups have to be dismantled. The armed forces of the state should be used for the protection of all, with no special bias in favor of the land-haves against the have-nots. The new administration would do well to exclude the feudal elite from candidacy to appointment to high local government positions. All this obviously calls for broad democratic reforms, which are politically desirable in themselves and not merely on account of the vital support they will give to land reform.

7. Private lands: room for both voluntary and state-directed land reform. In the case of implementing land reform on private lands, the great challenge is to create new institutions for land control which will satisfy the people's values. There are no a priori blueprints for "family farms", communes, collectives, cooperatives, corporations, state farms etc. which are perfect for the Philippine case. There is no real substitute for social experimentation; no country ever had a blueprint.

Perhaps fewer errors will be made, however, to the extent that new systems of land reform can be worked out voluntarily among land-holders and land-beneficiaries, such as are now being tried on Negros. The Negros experiments should be carefully observed and successful principles extended to larger areas and applied to other situations.

The lesson from Operation Land Transfer, that operating farm units should if possible be undisturbed and that only the ownership system should be reformed, is particularly important to bear in mind where plantation crops are involved. Instead of ownership being concentrated in one person or family, it would be diffused throughout the members of some type of farmer-organization which would be the new owner of the plantation. OLT has also taught us that non-voluntary farmers' organizations, such as the samahang nayon, beset



by too many rules given from above, tend not to be viable in the long run.

The main point, however, is that rather than impose one system for all situations, there should be an encouragement of numerous types of systems to see which will be most viable. But although the system may be optional, in areas where there is serious social strife land reform itself should not be optional. There should be a time limit for such consultation and voluntary implementation, say two years, after which some arbitrary formula designed by the state will have to be applied. During the initial period, the state should also run its own experiments.

8. The issue of compensation. This is an area where the political regime should exercise careful discretion. In the many instances in which great injustices and repressions occurred, land holdings and land concessions can be recovered from present holders without any compensation, and with the full support of the people. To the extent that the Commission on Good Government and the Ministry of Natural Resources revert the improperly acquired landed wealth or natural resource concessions of the Marcos cronies to the state, and eventually redistribute them to more deserving parties, the spirit of land reform thrives. Thus, where social injustice has been present, there cannot be full economic compensation for landholders, for under full compensation there is no sacrifice and therefore no redress.

The fact of the matter is that redistribution always involves net sacrifices from some and corresponding net benefits for others. The land beneficiaries cannot be expected to pay full economic value, or else there is no real redistribution to them. If the present landholders receive more compensation then paid by beneficiaries, then the differential will have to be absorbed by some other people, in particular the taxpayers (sadly, most of our taxes are not based on ability to pay) as well as the great majority who suffer from the inflation generated by government deficit spending. (In the case of the friar lands purchase, it was the American taxpayers who got soaked.)

The main resistance to Operation Land Transfer came from the small and middle-sized landowners. If they or their forebears acquired the land from own efforts and savings, if they had not been abusive and had practised compassion to their tenants according to Filipino cultural values, they did not understand the rationale for giving up their lands, and many tenants, though pleased to become land reform beneficiaries, even sympathized with them. So many landowners felt justified in looking for loopholes and bargaining very hard for high compensation.

All these imply that the compensation formula should be progressive, in the sense that income taxation is progressive, i.e., the proportion of the landowner's sacrifice should be greater, the larger the size of the landed estate. For example, if the purchase price is P20,000 per hectare for the first 10 hectares, then it could be reduced to P15,000 per hectare for the next 10 hectares, P10,000 for the next 10 hectares, and so on.

9. The issue of government budget. If all the land to be redistributed comes either from the public domain, retrieved without compensation to present concessionaires, or comes from the private domain, obtained through confiscation, then obviously there would be no budgetary requirement aside from administrative costs. As suggested above, there are many instances where confiscation is not unjust, and the Aquino regime may as well exploit these cases to the full.

Where compensation to landowners is deemed necessary, then budgetary problems occur only to the extent that the aggregate annual rate of collection of amortizations from the beneficiaries. Thus the latter should be set as the upper limit of the compensation to the landowners. This would have to be an aggregate restriction, not a case-to-case restriction in which the compensation of a particular landowner depends on the amortizations of his own ex-tenants or ex-farm workers; some landowners — the poorest ones — should be compensated more, as well as earlier, than their own ex-tillers pay while others — the richest ones — should be compensated less, as well as later, than their ex-tillers pay.

Furthermore, the beneficiaries cannot be expected to pay what they cannot afford. The upper limit on this is obviously whatever they used to pay as rent, if they were tenants, or what they used to allow the landowner to enjoy as profits per hectare, if they were wage-workers. If these are set as the effective amortization levels, then the significant difference between amortizing-owner-status and farm tenant or farm worker status is that the former's payments are strictly temporary, say for a maximum of 10 years, while the latter's payments are endless.

### The Case of Hacienda Luisita

This paper has argued for land reform as redress for social injustice. It has called for priority on the public domain but has not excluded private lands from consideration. In the case of Hacienda Luisita in particular, this author personally does not know enough to conclude, at this point, whether land reform is either necessary or unnecessary.

The relevant questions would be: from the viewpoint of the people, both the general public and the tillers of the hacienda, has the hacienda been unjustly acquired? Did its original owners unjustly deprive others more deserving of it? Is the present possession maintained only by repressive feudal power? Most of all, is there social conflict and unrest which can only be cured by a more equal sharing of the land ownership with the tillers? The people's answers to these questions are more authoritative than the landowners' answers to them.

Unfortunately, so many irrelevant issues are being raised instead. Owner-management should not be an exemption. The fact that the crop is sugar should not make a difference. Productivity does not have to be sacrificed because land reform does not oblige the operating unit to be dismembered: only the concentration of ownership need be broken up, and this can be accomplished by shifting ownership to some kind of farmers' cooperative or workers' union.

To determine whether or not land reform is necessary on Hacienda Luisita, one has to elude the non-issues which have doggedly survived in the land reform mythology, and focus on the one real issue: the presence or absence of social injustice.

Even if there were no social injustice on this hacienda, however, there would be another argument worth considering in favor of some variant of land reform. It would be a tremendous political move if President Aquino, who has repeatedly promised that she will not demand sacrifices which she herself will not be willing to endure, would set an example by instituting some form of voluntary land reform on her own family estate.

And it should not stop with her; other high officials in her administration should also reveal, in addition to the monetary value of their assets and liabilities, the extent of their land holdings and land concessions, and demonstrate to the people their commitment to land reform and their willingness to undertake personal sacrifice for the good of society. Those sacrifices which are voluntarily offered when not demanded in the name of justice are often the finest ones.