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Ownership
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THE SOCIAL QUESTION—II

OWNERSHIP

By

Dom Virgil Michel, O.S.B., Ph.D.

St. John's Abbey, Collegeville, Minn.

1935

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THE SOCIAL QUESTION

Series Two

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St. John's Abbey, Collegeville, Minn.

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1. GENERAL NOTIONS

THE seventh commandment tells us that we must respect the right of ownership. Even a child in its youngest years—as soon as it gets to have some understanding of the difference between “mine” and “thine”—acquires also some understanding of the right of ownership as applied to different persons. We have grown up with this understanding and have taken for granted the justice of the institution of private ownership. In fact, our civilization was built upon it as on a firm foundation. But since it is our very civilization that is being questioned and threatened in these days of storm and stress, we cannot feel surprised that one of the chief points of threat and attack is the institution of private ownership.

For the sake of clearness we shall use the term *property* here for anything that is or can be owned or possessed. By the right of ownership we mean the right to use, use up, or dispose of property. Ownership of a thing accordingly gives the owner the right to dispose of the thing as he sees fit, or to keep it as his own and so exclude others from its use or possession.

In the mind of the average man of today this means that if anyone can rightly call a thing his own he can do with it whatever he pleases. That is, the right of ownership in the minds

of many includes the right to misuse one's things in many ways. After the World War American tourists in France used French paper money, which was very cheap in relation to the dollar of the time, for lighting fires, cigars, etc. When the French became angry at such use of their money, the Americans only laughed, and nothing was done to them for misusing the French money that was theirs. Another example on a much larger scale is the wilful destruction of carloads of potatoes, vegetables, and the like, for the mere sake of raising the price of remaining carloads of eatables and deriving a higher profit with less handling and work. Such things are done by the owners because they believe they may use their property in any way they wish, especially if they are thereby serving their own interests. Does not ownership of a thing give a man the right to use the thing for his own interest or pleasure as he sees fit?

Many persons today will go a good deal farther than merely deny this question. All those who believe fully in Socialism will say that individual men have no right to ownership of capital, that is, of any property that is used in the production of more goods. Socialists deny the right of individual ownership over the means of industrial production. They therefore advocate that all such ownership should be abolished. The real Communist goes much farther. He denies all right to private ownership of anything, if he is true to his ideals. Far from conceding

that individuals have any right to own property, he condemns all private ownership as unjust and immoral.

Some advocates of Socialism and Communism claim the history of primitive man shows us that originally there was no private ownership at all and that therefore the institution of private ownership is but the result of the exploitation of the weak by the strong. There is no doubt that among all primitive peoples much more property was owned in common by group or community than in our civilization today. But it is also true that there was always a sense of mine and thine among men, and that some form of private ownership has existed universally, even if it was only the ownership of a house or bed, or a tool or weapon.

In the civilizations of ancient history, including those of Greece and Rome, the right of ownership included much more than today. It then included absolute ownership of human beings by their so-called masters. Ownership of a slave only too often meant the right to do with him what one pleased, even the right to kill him off. It took many centuries of Christian thought to do away entirely with the institution of slavery. Today it is generally accepted that no man has the right of ownership over any other man.

During the Middle Ages common ownership of property was more prevalent than today, while some persons in turn could not acquire a

strict legal right to private ownership of land at all.

It is our own modern age, that is, the last four centuries or thereabouts, that has seen the maximum development and realization of the institution of private ownership. Today no human beings are in theory denied the right to own property of any kind. And the development of our civilization, at least up to the last decade or so, has also seen the maximum growth of private ownership of goods. The whole fabric and structure of modern society is built up on the institution of private ownership. This is so much a fact that many persons think our entire civilization and culture is threatened in all its essentials the moment anyone attacks the institution of private ownership as it has developed and as it functions in our time.

So intimately is our life today bound up with the institution of private ownership that the new *Encyclopedia of the Social Sciences* could quote a definition of society as "a joint-stock company established in the interest of property owners." The relation between society and private ownership is really so close that no attempt to discuss the social question thoroughly can succeed, unless one makes a thorough investigation of the institution of private ownership, its true meaning, justification, limitation, etc.

The following articles, which form our second series on the *Social Question*, will be devoted to such an investigation, insofar as this is feasible within the limits of popular discussion.

2. SOME DISTINCTIONS

WE have seen that in many ancient civilizations the right of ownership was considered so absolute as to include the right even over the lives of human beings. Our present civilization developed hand in hand with the theory of *laissez-faire*. Strictly this theory stands for the non-interference of government in the economic activities of its citizens. Insofar as our civilization is built up on the institution of private property, the *laissez-faire* theory in fact meant non-interference of government with activities of its citizens in the accumulation of wealth or of property. Consequently no limits were set or acknowledged to the right of ownership; no one could legitimately interfere with a man who went on indefinitely acquiring more and more wealth.

In general our *laissez-faire* civilization can be said to have sponsored the following rights in regard to property: 1) The right of every man without exception to be or become an owner of property. 2) The right of any man to accumulate and own all he can acquire. 3) The right to do with one's own as one pleases.

There are those who claim that our position in regard to ownership has become quite un-Christian. What Christianity did for the right of ownership was first of all to extend it to all

human beings; but then also to limit that right in terms of the general moral law. A true Christian definition of the right of ownership would be as follows: "The right to use, use up, or dispose of things in accordance with the moral law."

Is this definition of ownership opposed to the threefold right of *laissez-faire* described above? Many so-called capitalists will deny such opposition with indignation. Another class of persons, which for centuries remained silent on the matter, today proclaims loud and widely that there is downright opposition between the *laissez-faire* theory and true Christian principles. No answer to this problem can be found off-hand. No one should attempt to answer at all without a thorough search into the basis and purposes of ownership.

Such a study must at once make distinctions between notions that are allied but not identical. Failure to do so spells confusion. Since the justice of private ownership is attacked by some today, one question to be investigated is that of the morality of private ownership. Is it morally justifiable or not? But even if private ownership is accepted beyond all doubt as morally justified, a further question will arise: Should the institution of private ownership be developed as much as possible or should some definite limits be set to it? In regard to this question one can ask in turn: Is this a question of what is morally right or wrong, or merely a question of what is expedient for mankind?

We have used the term *private ownership* a number of times. It is now necessary to make the proper distinction between different kinds of ownership. We speak of individual ownership when the right to own property is vested in a single person, so that no other person has such right over the object in question. When several persons together own a thing, they are said to hold the thing in common. We then speak of common ownership, or collective ownership. The only basis of distinction here is whether the owner is one or is several.

Private ownership is the right to own and use a thing according to one's own private interest. It is evident at once that individual ownership is also private, even when a person opens up his land to public use without transferring his title of ownership to the public. It is also evident at once that common ownership may be private, as when a group of persons acquire hunting rights in common over a certain piece of territory so that they may exclude all others from hunting there.

We have public ownership whenever a thing serves the interests of a community at large to the exclusion of no one, and when the right of ownership is vested in the people and administered by their official representatives for the purpose of such public service. Public ownership is always governmental ownership, whether it be municipal, state, or federal. Not all common or collective ownership is therefore public. This is

self-evident but often left out of mind in contemporary discussions of the social question.

Again a distinction must be made between the right to own and the right to use a thing. The right to own ordinarily includes the right to use. But the owner of a thing may give over to another the right to use that thing by loaning or renting it out. In that case the borrower or renter often gets the strict right to the use of such an object to the exclusion of all others even though he does not acquire ownership.

From both the right to own and the right to use a thing must be distinguished the right to acquire ownership. The general right to own implies the right to acquire ownership; yet where moral or legal restrictions are set to the amount a single person may own, such a person may have the full right to own all he possesses, but not the right to acquire more. Or when a young son is morally obliged to support his parents, he may have the right to acquire goods, but not the moral right to keep them as his own to the exclusion of his parents.

From both the general right to own and the right to acquire ownership we must also distinguish the specific titles by which a person acquires or owns a thing. All of these distinctions will find their proper application in later discussions.

3. MAN'S RIGHT TO THE GOODS OF EARTH

IN this article I shall discuss what seems to me the most fundamental principle there is regarding the question of man's ownership of the goods of this earth. By the goods of this earth is here meant everything on this earth that man can use for his purposes. This includes not only the purely material things like water, air, soil, minerals, and the like, but also the plants and the animals. It includes all the so-called kingdoms, the animal, the vegetable, the mineral.

The fundamental principle in regard to these things reads as follows: *The goods of this earth are there for the use and enjoyment of man.* This seems to be so general and trite a statement that it is hardly worth making. But it is fundamental, and in times of crisis and dispute nothing fundamental is useless or not worth emphasizing. Stated in other words the principle says that the purpose of the goods of this earth is to serve the needs and pleasure of man. And since needs come before pleasure, when pleasure is considered as something over and above essential needs, our principle says primarily that the purpose of the goods of earth is to serve the needs of man.

This principle is so universally acknowledged that one might consider any effort to analyze

it further as wasted energy. Yet on account of the supreme importance of the principle, it will be necessary to discuss it in greater detail.

What is the basis of this principle? There are two main facts on which it rests. First of all man needs the goods of earth for fulfilling his obligations as man. Secondly, man of all creatures on earth is alone capable, almost to an unlimited extent, of making use of these goods for his needs and pleasure.

Man needs the goods of this earth. We have seen in previous articles that man has the moral duty of developing his character here on earth. He has consequently the right to all that he needs for fulfilling this moral obligation, and that means, first of all, the strict right to all he needs for the proper support of his life. This is but another way of saying that man has the strict right both to such goods of this earth as he needs for the support of his life as well as to such goods over and above as are necessary for him to live decently as a human being.

On the other hand, man alone of all creatures on earth is fully capable of making use of the goods of this earth. Man has been set high above the other animals by his endowments as a rational being. Man alone is capable of calling things his own and of looking upon them as means or instruments to serve his needs and purposes. Man alone is capable of directing his actions according to purposes he holds consciously in mind, of foreseeing future needs, of deter-

mining the best ways to answer these needs, of setting to work to provide for future needs and contingencies—in other words, of exercising and developing personality. This includes the supreme ability of improving upon the ways of nature by inventions and of bringing all the forces and materials of nature under his control to an ever larger extent.

From these two considerations taken together, therefore, the general principle regarding the purpose of the goods of earth follows naturally. Nor is there any need of further elaboration of the argument; our interest lies rather in a development of all that is implied in the principle.

Today it might not be unnatural to ask the following question: "You say the purpose of material good is to subserve the needs of men. Please tell me which men those are?" The only answer to that is: "All men. The goods of earth have the purpose of serving the needs of all mankind without exception." The fundamental principle, like the other basic principles of the moral law, makes no distinction between persons. It is binding for all men. Just as the moral law obliges all men without exception to strive for their moral perfection, so it also demands that all men without exception have access to the necessary means of fulfilling their moral obligation in life, hence that all men have adequate access to the amount of goods necessary for supporting their life.

We can at once go a step farther. Insofar as the moral law is obligatory on all men, all men also have the strict moral right to the necessities of life. Hence we can state our fundamental principle regarding the purpose of the goods of earth in the following words: All men have a strict moral right to the goods of this earth; that is, at least to as much of the goods of this earth as they need for the support of their lives and for living in such a way that they can be faithful to the basic demands of the moral law.

It is not necessary to point out again that the phrase "all men" means strictly all men without exception; it means every man insofar as he is a man and just because he is a man. Such is the full meaning of our fundamental principle in regard to the goods of earth. It is indeed all-important, but by itself it does not yet settle any problems of the social question. On the contrary it serves rather to open a whole array of further questions.

4. OWNERSHIP AND THE FUNDAMENTAL PRINCIPLE

IN the last article we discussed the fundamental principle regarding the purposes of the goods of this earth. Formulated in terms of these goods it reads: The things on earth are there to serve the use of mankind. Formulated in terms of man it reads: All men have a moral right to the goods on earth necessary for a decent living. A denial of this principle would be equivalent to a denial of all moral law and human right and leads logically to an avowal of the immoral principle that might is right.

But there is no real denial of this fundamental principle by men. On the contrary it is accepted or implied by all the different social theories that have been practiced in the past or are being advocated at present. The old systems of slavery and serfdom accepted the principle in practice, even if in the case of slavery there was a denial of strict human rights for slaves. The theories of Socialism and Communism not only accept the principle, but either implicitly or explicitly make it the basic argument for their entire programs.

Since some of these theories deny the right to private ownership, a question arises: What is the relation of our fundamental principle to the institution of ownership? Does the principle

demand that there be private ownership in the strict sense of the term as distinguished from the right to the use of goods, or is the principle satisfied by a condition in which all men are given the full right to use such goods as they need while the strict right to own goods is denied? The two rights, that of use and that of ownership, often come to the same point, since the use of the necessities of life generally means consuming them or using them up. Yet the two rights are distinct, and there is a world of difference between two social theories one of which denies the right to private ownership acknowledged by the other.

Therefore: Does the general principle imply (a) the right to individual use of goods only; or also (b) the right to individual ownership of goods? When the question is put as directly as this, there can be only one answer for the Christian: The general principle is sufficiently upheld by the right to personal use of whatever goods one needs. As far as the principle itself goes, it says nothing about the private or the common ownership of all goods. The early Christians held all their goods in common, and to each one was given according to his needs (Acts 2, 44-5). Again, throughout the history of Christianity there have been communities of men and of women who followed the practice of the early Christians. Their members voluntarily gave up whatever rights to personal ownership were accorded them by social custom or moral law; but they insisted all the more strong-

ly on the distribution of goods to each one according to his needs, that is, always according to the essential needs of life at the very least.

There is nothing in the nature of the goods of earth that demands their being owned privately by man. And there is nothing in our fundamental principle that says man must have private ownership over goods. If there were, then the early Christians and their monastic followers would have opposed a fundamental moral law; they should have to be considered as immoral rather than as ideals of Christian perfection.

From the above it is evident that a clear distinction must always be made between the general principle and what we have called the institution of private ownership. The general principle is a fundamental law of life and nature that has always been true and will always hold. The institution of private ownership is a convention of human reason; that is, it has been established by rational man for very definite reasons.

The fact that private ownership is a convention of human reason explains why there have been so many changes among men in the course of history in the institution of private ownership. All the great social changes that have marked the succession of cultures and civilizations have also been changes in the institution of private ownership. The history of Christianity itself has witnessed several such major

changes: slavery, serfdom, *laissez-faire*, for example. This fact alone should help us to see and accept the view that there cannot be anything sacrosanct about the way in which the institution of private ownership has been constituted in any particular part of the Christian era.

However, to accept this view is still a far cry from holding that no cogent reasons exist for the institution of private ownership, or that men may tamper with the latter at will or whim. The very fact that there has always been some kind of private ownership among men from the most primitive times on, should be an indication for caution in this matter. Surely there must be some sound reasons why this institution has continued to exist, even though in varying forms, throughout the history of mankind with its vastly different types of culture and civilization. We shall next take up the general arguments advanced in Christian times for the institution of private property and then continue our discussion of ownership in the light of the fundamental principle that we have been elaborating.

5. THE ARGUMENT FOR PRIVATE OWNERSHIP

A sound argument for private ownership cannot be based merely on the fact that men need material goods for the support of their life. We have seen that this need of man for the necessities of life can be amply supplied, as far as the demands of logic go, by according to all men the right to use a sufficient amount of goods. Nor is this a bit of logical hairsplitting, since communities actually exist and flourish on the basis of this distinction.

Any argument for the institution of private ownership among men must show that the mere right to the use of a sufficiency of needed goods is for the generality of mankind not adequate for a proper social and individual life. Hence the argument must show that man has the right to call a thing his own to such an extent that even the society of which he is a member must respect and defend that right; and it must show the inadequacy of a social life in which society retains the right of ownership over all goods even while the individuals are given the use of what they need. Unless we keep this in mind there will be confusion. As soon as we concede to society a higher right of ownership over an individual's necessary goods, we have already given up in principle the institution of private ownership as it is conceived today.

The general basis for the institution of private ownership is the capacity and need of man as a human person. The aptitudes and capacities of man as a self-determining individual are best exercised by means of the individual ownership of goods. Unless man can determine for himself, within the moral law, how he is to exercise his abilities and can choose for himself how he is to develop them, he has no freedom of personality at all. And if he cannot call his own those things that he has produced by his own labor and that he needs for the support of his life, for his development, and for providing against future insecurity, he must needs lose all sense of self-reliance and self-respect. In that case he becomes as dependent on others for the basic necessities of life as is the domestic animal. In practice he has little more freedom than the horse that is daily harnessed up for work and fed and sheltered. For an animal the existence may be ideal; for rational man it is a practical denial of the minimum freedom of self-determination that he needs to retain his self-respect.

Any further reasons for the existence of private ownership are little more than elaborations of the above ideas. Without some degree of private ownership as a result of human labor, of the exercise of human abilities, there would be little stimulus for a man to work, little incentive to put forth one's energies in accordance with one's abilities. The majority of men will put forth their best efforts at their work only if there is some assurance that the fruits of their efforts

will be at their own free disposal and that others are excluded from appropriating these fruits for themselves without further ado.

Again, private ownership is necessary for the proper preservation of social order together with personal freedom. If the individual has not a strict right to the fruits of his efforts in accordance with his abilities and the energy he puts forth, there is no true freedom of human life and there will be no social progress. In place of human initiative there will be abject dependence on social authority. Instead of planning in advance for themselves, individuals will tend to do as little as possible.

The experience of the Soviet Union is a striking confirmation of this statement. In our own day, after a generation of Russian youths had been brought up exclusively on Communistic ideals, the Soviet has found it necessary to adopt the principle of giving out different rewards for different kinds and amounts of labor, and especially of giving out larger rewards for what according to their ideals is a higher type of service. This is the basic principle of private ownership, to which all human history points as indispensable for social progress, for averting the disorder that necessarily follows social stagnation in our type of civilization.

A healthy social life depends on family stability. For a normal family life it is necessary that the family be free to manage its internal affairs in its own way. It should be free to pro-

vide for the growth and for the future of its children, and for this it must have the exclusive rights to the family dwelling, to a sufficiency of goods and clothing, and to the means of leading a cultural life suitable to the ideals of its members. The family cannot provide these unless it is secure in the possession of sufficient property. If the children must look altogether away from the family to the state for the attainment of the necessaries of life and the means of cultural growth and development, the family bonds must needs break down quite completely and family solidarity disappear.

The argument for private ownership developed in these paragraphs rests upon human nature as history and experience show this nature to be. Abstractly speaking, it is possible for human nature to be so perfect that it needs no incentive of personal return for putting forth its highest efforts in any work. But history has never known a nation of men to exist of such an ideal type. Until such men do exist in great majority, that is, until human nature changes considerably from what it has always been, some type of private property will be necessary among men.

6. PRIVATE OWNERSHIP AND THE FUNDAMENTAL PRINCIPLE

FROM what has been said in the previous articles it is evident that the institution of private ownership is not as deeply rooted in the moral law as is the fundamental principle of the common right of mankind to the use of the goods of this earth. The principle itself is as absolute as is the duty of man to live and to develop his moral character. The institution of private ownership is only a means for the better realization of this principle. Consequently not only private ownership as such, but any particular system of private ownership, must be judged by the degree in which it helps to realize this principle in a manner suitable to human nature.

It is therefore the principle itself that is basic in the determination of any system of private ownership, and not the idea of private ownership that is basic and to be taken as the starting point for any discussion. There is no debate possible about the general principle since there can be no two sides to the question of the general relation of the goods of earth to mankind. There is much debate possible about any particular system of private ownership, and the starting point for such debate is always the general principle.

That a clash of some kind may easily arise between private ownership and the fundamen-

tal principle is evident from the fact that the private ownership of any goods by anyone immediately excludes others from using those goods except at the will of the owner. Unless it does that, there is no true meaning to private ownership. Again, if the right of private ownership is both absolute and unlimited, so that there is no end to the amount of goods which an individual may own, we may readily have a condition in which some persons cannot with the best of will obtain the goods they need for the support of their lives. In such a state of private ownership, many persons are entirely dependent on the mere good will of others for the necessaries of life. Certainly, such an extreme kind of private ownership in its practical results would contradict our fundamental principle.

Since a system of private ownership is nothing but a human way of determining the application of the fundamental principle, there can be no doubt that any system of private ownership may change and sometimes should be made to change in order to suit itself to the changing conditions of social and individual life. There is nothing absolute about any system of private ownership; it must always be judged by the way in which it realizes the fundamental principle and the way in which it answers to the needs of human personality, self-determination, etc.

Yet since private ownership as such is rooted in human nature, in the imperfections of human nature that have always been with us, there is

no moral justification for forcing men to give up altogether their right to ownership, even though persons may voluntarily give up this right, and even though force may have to be used to change a system of private ownership that has come to work against the fundamental principle.

In any discussion of such issues it is very necessary to distinguish between the right of private ownership as such and any particular system of ownership that claims to be based on this right; and again between the right of ownership and the right to unlimited and absolute ownership.

The argument for the justice and necessity of private ownership does not say by any means that all goods of the earth must be individually or privately owned. It only says that all individuals have the strict right to call some things their own—which is quite a different thing. In fact, the argumentation on which the individual right to ownership is based points out at the same time that there must be some limitation to the amount of goods legitimately owned, since the earth does not contain enough goods for all persons to be able to own an unlimited amount.

All the arguments for private ownership also point to the fact that ownership should be distributed among as large a number of individuals as possible, that there should, if possible, be no individuals who do not own the minimum of goods that is necessary for the support of their lives.

If any system of private ownership arrives at a point where property is concentrated in the hands of a few, while a majority or even a large number of persons own nothing, then that system defeats the very principle on which it is ultimately based and by which it must finally be justified or condemned.

Finally, the failure of any particular system of private ownership to realize the demands of the fundamental principle by no means implies the failure of the institution of private ownership as such. The right to individual ownership does not stand or fall with the way in which any particular system of private ownership happens to work out for good or for evil.

This is forgotten only too often today. Many attacks on the particular system of private ownership that has been in vogue for the last centuries are made as if they implied the condemnation of all private ownership. And again many persons try to answer the attacks made on our particular system of private ownership by putting forth general arguments that merely establish the right to some kind or degree of individual ownership. To repeat, the institution of private ownership as such does not stand or fall with any particular system of ownership in vogue at any one time.

7. OWNERSHIP AND THE DIVISION OF GOODS

THE right of ownership has in many past centuries practically meant the right to own an unlimited amount of the goods of earth. Today there is much discussion of practical ways of limiting this ownership where vast wealth is owned by individuals. Concrete proposals put forth for such limitation include a higher inheritance tax and a higher income tax. I shall not attempt to discuss the merits of these proposals here. Before that can be done, it is necessary to attain more clarity on general principles. Discussions of income and inheritance taxes usually arise today from the fact that governments need more income to balance their budgets. Ordinarily they do not touch the question of the justice or the injustice of unlimited ownership by individuals.

Neither will the present article concern itself directly with this question; it aims merely to furnish a basis for applying the principle that any system of private ownership must be judged or adjusted in terms of the general right of all mankind to the goods of this earth. In doing this I shall adhere closely to the Christian tradition that leads back to the great thinkers of the later Middle Ages, St. Thomas in particular.

In treating of the accumulation of wealth by individuals we may roughly divide the amount

of goods or property into three classes. First of all there is the amount of goods that is strictly necessary for the support of life. These goods we may call the bare necessities of life. Insofar as a man has dependents whom he must support, wife and children, aged parents, other sick relatives, and the like, the bare necessities of life must include a sufficiency of goods for the support also of these dependents.

It is evident from our fundamental principle regarding the purpose of the goods of earth, that every man has the strict moral right to own this amount of goods for himself, or the strict right to acquire them for himself. Nor does a man forfeit this right through inability to find work by which to support himself and his dependents. Only when a man refuses to do his part to supply his wants, when for instance he refuses to look for work or to work when the opportunity presents itself, does he forfeit his right to the bare necessities of life.

In all other cases the personal right of such a person to the bare necessities of life always entitles him to as much goods as is necessary to keep him and his dependents from absolute destitution and starvation. That is why Christian tradition has ever held it lawful for a starving man to take for himself from wherever he can what he needs to keep him from starving, provided always that he has exhausted all ordinary means for relieving his acute situation. The need for this minimum degree of goods we shall term "primary need."

A second degree of property is the amount of goods that a man needs for a decent or comfortable living; that is, for living like a human person and not like a domestic animal. Every man has the right to live in accordance with the dignity of human personality. Insofar as a man who is in possession only of the bare necessities of life is ever facing an uncertain future, he has a right to more than these bare necessities. He cannot live in proper self-respect unless he can feel reasonably secure against the essential physical wants of the next day or week. Only the man who is free from the acuter kinds of economic worry can live truly as a human person. Only he is free to occupy his thoughts with higher things in life than the problem of where the next day's bread is to come from.

Every man has the right to a reasonable amount of cultural life and development, to sufficient leisure for occupying himself with social, political, moral, religious questions and duties. He has the right to at least as much of comfort and leisure as is proportionate to the social service he renders by his profession in life. The right of all men to proportionate comfort and decent living is second only to the right of all to the bare necessities of life. It must yield only when it actually clashes or interferes with the latter primary right. The need for a comfortable and decent living we shall call "secondary need."

The third degree of property is any amount that is over and beyond the other two degrees.

It has rightly been called luxury, since it is really superfluous, since it is an amount over and above what a man needs for the support of his life and that of his dependents and for their decent and comfortable living. Even though the owner of such wealth does not need it in any way for himself, it still falls under the general principle that the goods of this earth must subserve the needs of mankind. Hence the Christian thinkers were very insistent on the duty of using this wealth for the subvention of human needs as long as men existed who without their own fault were not in possession of the first or the second degree of goods.

The mere mention of these three divisions or degrees of earthly possessions shows how necessary they are for any concrete application of our fundamental principle. Yet it is also evident at once that no exact mathematical rule can be given by which to decide just when one's goods fall into the first, or the second or third class. It is only when the differences between the properties of persons are considerable that a fair judgment can be passed. In our own day the evident maldistribution of wealth is one of the chief factors that gave rise to the social question.

8. THEORIES OF OWNERSHIP

THE theory of ownership that has been dominant in our civilization for some time is strictly individualistic. It is impossible to determine just when this theory came to be generally accepted by men. In the Middle Ages Christianity held fast to the social duty of wealth, that is, to the view that all superfluous wealth had to be used in accordance with the fundamental principle of material goods, that the rich consequently had the duty of using their superfluous wealth for the needs of the poor.

In the later Middle Ages we see the effect of a revival of Roman law in various phases of life. This law upheld the absolute rights of individuals, at least of the privileged individuals of Roman society, and again the absolute rights of the State. Appeal was made to this law in order to defend the absolute rights of nations at a time when nations were becoming very conscious of themselves and breaking away from the common unity of the Holy Roman Empire. In effect the absolute right of nationalities meant the freedom of nations from Christian law and ultimately from the laws of morality, at least when interests of State demanded such freedom.

In the same way the absolute right of individuals came to mean absolute right of individuals in the economic field, especially their free-

dom from State interference in the pursuit of property. In practice it also meant the freedom of economic activities from the moral law itself. Hence the rise of the economic individualism of the *laissez faire* era when property right came to be considered as absolute, unlimited, unassailable by any power of State or Church. The right to individual ownership included not only the right to exclusive use of all one could acquire and possess but also the right to destroy or to misuse at will as long as one was not trampling on the accepted legal rights of other individuals.

A reaction to such rugged individualism became more emphatic in the middle of the past century. Criticisms began to make themselves heard to the effect that our current economic system benefited only the favored few, that far from satisfying the wants of men it rather continued to create ever new wants among the generality of men in order thereby to accumulate ever more profit for the few. Thus arose the collectivistic theory of ownership, which in its extreme form gave rise to Communism and in somewhat modified form to Socialism.

A collectivistic theory of ownership ordinarily holds that at least all the means of production, also all land, should be owned by society as such, that is, by the State, and that individuals have no right to ownership of these. Individuals have a right to own only insofar as such right is granted them freely by the State. The State is omnipotent and absolute in its

power; it creates or restricts at will the rights of its members and is perfectly justified in doing so. The might of the State, in fact, is the only basis of human right.

In this theory ownership remains as absolute and unlimited as in the individualistic theory. There is only a change of owners from favored individuals to the State. In each theory the owner is free from all restrictions of moral law as to the manner in which he exercises his right of ownership.

Unfortunately there have been not a few Christians in our age who have sponsored the individualistic theory in the name of Christianity. They speak of the sacred character of the right of individual ownership, and from that as a starting point they defend the individualistic theory as it has been commonly accepted in the last centuries. These Christian defenders forget that while sacredness here means inviolability it does not mean absoluteness by any means. Furthermore, part of the sacredness of the right of ownership consists in the social aspect and duty of all ownership and property rights. As we have seen, all ownership must ultimately justify itself by using property in accordance with the purpose it has of subserving the needs of mankind.

Again, some Christians, especially since the World War, have gone so far in their reaction against the individualistic theory as to play into the hands of State collectivism. Indignant

at the injustices arising out of absolute individualism, they call upon the State not only to regulate conditions but to attempt the work of creating an entirely new order of things. Unfortunately their zeal causes them to speak in terms of the same absolute State power that is sponsored by the collectivist theory. Insofar as such absolute power of State denies all basic individual rights, it is incompatible with Christian principles. Christianity has always defended the fundamental rights of individuals as based absolutely on the moral law and as inviolable within the limits and the demands set by that same law.

Neither the individualistic nor the collectivistic theory in its true form can be called Christian; both are fundamentally anti-Christian. Any Christian theory must accept at the same time the fundamental individual value of human personality and its social nature. Yet it would not be right to consider the Christian theory of ownership as a golden mean or a compromise between the two extremes of absolute individualism and absolute collectivism. In the Christian theory there can be no absoluteness of ownership in the sense that property right is prior and basic to all other human rights.

9. THE CHRISTIAN THEORY OF OWNERSHIP

A Christian theory of ownership must be a harmonious part of the general scheme of human rights and values. It must therefore be based on the principle that not all rights of whatever kind are on an equal plane, but that there is a scale of human rights as determined by the moral law. Each right is inviolable in relation to other rights on its own level; but there are different levels of rights, and those on a lower level are subordinate to those on a higher level and must at times yield to them.

Thus the highest natural right of man is the right to existence. And the right to existence of the poorest man is on the same level as that of the richest. Both are equally inviolable, and neither can be made absolute at the expense of the other.

Again the right to existence and to human dignity is higher than the mere property right of any man. Hence the right to ownership is subordinate to the right to existence and to human personality.

The Christian conception of man is basically that of an individual who is at the same time a member of human society—a human person who is both individual and social by nature. Far from being mutually exclusive, these two aspects of man are integral and inclusive, both

together making up the whole human person. Hence the two aspects must complement each other; each aspect must limit the other to the extent necessary for making a harmonious unitary being.

Insofar as all goods must subserve the needs of mankind, there is always also a social aspect to the purpose of property as such. Consequently, as long as any goods are more than sufficient to serve the primary and secondary needs of any one man and there are other men whose primary or secondary needs are not served, these goods must be put to such service. This is a duty based in the moral law. Hence there can be no absolute right of ownership in the individualistic sense of excluding superfluous goods from serving the needs of persons in want.

Yet Christianity has always upheld the right of individual ownership; it must do so since its whole doctrine rests on the personal responsibility of each human individual. Man is by nature rational, self-directive, responsible and the family is by nature a solidary, self-enclosed social unit. Hence man and family have the natural right to acquire the means of decent livelihood by personal direction of effort and labor.

However, individual or common ownership of goods is always given and held in trust. It is entrusted to man by God, the Author of the natural law, for the general purposes of God as made manifest by the same natural moral law. Its use must always be subject to the fundamen-

tal demands of the moral law. The Christian right of ownership is therefore the right of man over the goods of earth as based in, and at the same time limited by, the individual and social rights of man and mankind.

It may be good to formulate more definitely some consequences that follow from the two principles underlying the Christian concept of the right of ownership, namely that the right is grounded in the personal nature of man and that man hold his property in trust.

Since the right of ownership is based in human personality, any theory that tries to abolish all right of individual ownership is contrary to the natural law. If abuses arise out of any system of private ownership, the remedy is not to try to abolish all such ownership but to correct the system insofar as it has given rise to the abuses.

While nature points to the right of individual ownership, nature herself makes no division of property. Such divisions are made by human convention, which devises its systems of private ownership in order to fulfil the purposes of nature. Where these systems or divisions go against the purposes of nature, they are wrong. And it is the systems that must then be examined and readjusted in accordance with the demands of the moral law.

Secondly, property is always held in trust. There is no absolute ownership; the latter is always limited by the purposes of the moral

law. Yet this does not minimize the true right that the owner of property has over against his fellowmen. The property is truly his own to administer in accordance with the moral law. So much is based in the responsibility that is essential to moral beings, for without that responsibility man ceases to be a moral person. Hence the theft of one man's property by another, or the extortion of undue returns for the use of one's property, is always a breach of the moral law. In the very right of individual ownership is included the principle of justice—to each one his own—and the general principle of the moral inviolability of rights. Just insofar as individual ownership is justified by the moral law, the violation of this right will ordinarily also be a breach of that same moral law.

So far we have been discussing the right of individual ownership. We shall now proceed to another side of the general question of ownership. How is property lawfully acquired? In other words, what is a legitimate title to ownership of goods? The right to own implies the right to acquire ownership, provided there are lawful means of such acquisition. The next article shall take up the question of the customary titles to ownership.

10. SOME TITLES TO OWNERSHIP

IF some adventurers should discover a new island hitherto unoccupied by man, how would they go about acquiring ownership of its land? There is no problem here. They would simply take possession of whatever part they want and mark it off in some way. They would *occupy* it. They would be entitled to own their property by occupation.

Occupation is usually considered the primary or basic title of ownership. It is the taking possession by some person of property that has no individual or common owner. Since the property has so far belonged to no one, there is no right violated by occupying it as one's own. Naturally the occupation must be for the purpose of using the property in accordance with the fundamental principle of ownership of goods. Else it has no moral justification.

If large tracts of land were still wholly unoccupied, the question of occupation as a title of ownership would even now be a vital one. One could then well ask whether there is any limit to the amount of land a single person may thus rightfully occupy; whether, for instance, the man who claimed land first as his own could take as much as he wanted, even if this necessarily excluded others from getting what land they wanted or needed, or again, whether a

man could thus occupy much more land than he could properly use for himself or his dependents.

Undoubtedly the title of occupation was a live issue at one time, when much of the surface of the globe was not yet inhabited. Today there is little opportunity to make use of the title of occupation, except in regard to property that has been definitely abandoned by its owners, or in regard to the finding of lost articles whose rightful owner cannot be discovered.

Another title to ownership is that of inheritance. By this title property changes ownership, usually at the death of the former owner, according to his will as indicated by him in a legal testament. The title of inheritance is based on the right of ownership itself. One of the reasons for the right of individual ownership is that ownership enables one to provide properly for the future and especially also for the future of one's dependents. If the right of private ownership is to be allowed at all as demanded by the moral law, it would seem that some kind of inheritance must also be considered legitimate.

Yet the justness of the hereditary transfer of property has been attacked in our day. This may be so partly because of the customary view of ownership which has considered property right absolute and unlimited in regard both to actual possession as well as to transfer by inheritance. There are at least two considerations in the way of accepting the right of inheritance as absolute

and unlimited. On the one hand we may ask properly why any one person should be able to inherit an amount of property that he has done nothing at all to earn and that enables him to live a life of luxury and idleness. And if the practice of inheritance as it is exercised today works against the proper distribution of goods, or prevents those not favored by accidental circumstances from acquiring needed property, some limitation of it would be not only morally justified but demanded. The right of inheritance, just like the right to property, is justified only insofar as it helps to realize the fundamental purpose of material goods.

Moreover, if there is any truth at all in the view that the amount of property any individual accumulates is the result not only of his own individual effort but also of social conditions outside himself, then society or mankind likewise has some claim to an inheritance, at least where the amount of property exceeds what can be used for the satisfaction of both the primary and the secondary needs of the owner or his heir.

A third title to ownership that we shall discuss here is that of accession. Ownership by accession occurs when some kind of addition accrues to an object already owned. A simple example is that of the fruit produced by a tree, or the young that are born to animals. The fruits of trees naturally belong to the owner of the trees, as do the offspring of animals. Even the eggs one's chickens lay on a neighbor's field be-

long not to the neighbor but to the owner of the chickens.

The general principle of such accession was in older days put in the form of an adage: *Res fructificat domino*, a thing bears fruit unto its owner. It is this principle that is appealed to for the justification of interest on money. Money is considered fertile and therefore productive of more money and the increase is said naturally to belong to the original owner of the money. This is only mentioned in passing without taking sides for the present on the very live issue of its moral justice.

Accession in general is divided into three kinds: Natural, industrial, and mixed. The fertility of trees and animals comes under natural accession. In industrial accession the increased value of a thing is due wholly to the human labor expended on the thing. In mixed accession there is a combination of human labor and the fertility of nature. With the mention of industrial and mixed accession another factor has entered into our discussion, that of human labor. This is one of the liveliest aspects of the social question, and will be taken up for discussion in our next series of articles.

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