CATHOLIC TEACHINGS ON PRIVATE PROPERTY: THE ENDURING RELEVANCE OF LATE SCHOLASTIC ARGUMENTS
Medieval Scholasticism encompassed some seven centuries, from 800 A.D. to 1500 A.D. The activity of the period from 1350 to 1500 is known as Late Scholasticism. For those of us who focus on their economic writings, we extend the period to the 16th and early 17th centuries, a period of major economic changes and new economic thought in the Western world.

The Medieval Schoolmen, or “Doctors” as they preferred to be called, were the foremost thinkers of their times. Their analyses and conclusions so shaped Catholic thinking that they continue to be a significant foundation of Church doctrine. Many addressed the topic of ownership and division of property.

St. Thomas Aquinas (1226-1274) was the foremost Scholastic writer. His influence was so widespread that nearly all subsequent Schoolmen studied, quoted and commented upon his remarks. The century following St. Thomas produced many Scholastic authors whose works analyzed private property. St. Bernardine of Siena (1380-1444), St. Antoninus of Florence (1389-1459), Jean Gerson (1362-1428), Konrad Summenhart (1465-1511) and Sylvester de Prierio (d. 1523) are some of the best known.

Francisco de Vitoria (c. 1480-1546) is regarded as the Father of the Hispanic Scholastics. A Dominican, he studied and taught at the Sorbonne, where he helped to edit an edition of Aquinas’s Summa Theologica and one of St. Antoninus’s Summa. From 1522 to 1546, he taught at the University of Salamanca.

Domingo de Soto (1495-1560), also a Dominican, studied at Alcalá and under Vitoria in Paris. His treatise De iustitia et iure went through no fewer than twenty-seven editions in fifty years and continues to exert significant influence.

Another of the early Hispanic Scholastics was Martín de Azpilcueta, “Dr. Navarrus” (1493-1586). Regarded as one of the most eminent canon lawyers of his day, his Manual de Confesores y Penitentes was one of the most widely used spiritual handbooks in the century following its publication. Azpilcueta was also of the Dominican order. Other important Dominican Scholastics include Domingo de Bañez (1528-1604), Francisco García, and Pedro de Ledesma.

Franciscans Juan de Medina (1490-1546), Luis de Alcalá, and Henríque de Villalobos (d. 1637) employed Scholastic sources and methods. The Augustinian bishop Miguel Salón (1538-1620), as well as Pedro de Aragón, Cristóbal de Villalón, Luis Saravia de la Calle, and Felipe de la Cruz added to the body of Scholastic thought. With the foundation of the Society of Jesus in 1540, Jesuit thinkers such as Luis de Molina (1535-1600), Juan de Mariana (1535-1624), Francisco Suarez (1548-1617), Juan de Salas (1553-1612), Leonardo Lessio (1554-1623), Juan de Lugo (1583-1660), Pedro de Oñate (1567-1646), and Antonio de Escobar y Mendoza (1589-1669) made significant contributions. Although not a priest, Juan de Matienzo (1520-1579) also wrote with great depth on economic matters, and his approach to economics was fundamentally similar to that of the great moralists and theologians of his age.

2. Martín de Azpilcueta, Manual de Confesores y Penitentes (Salamanca, 1561). Some years ago I learned from a paper by A.A. Asanayev, that the first version of this manual was written by Franciscan Father Rodrigo do Porto, and after he sought Azpilcueta’s advice, Azpilcueta took over the manual and the fame, see “La Doctrina Sobre El Precio Justo En El Manual De Confessores E Penitentes (1549) De Fr. Rodrigo Do Porto.”
3. Francisco García, Tratado Utilísimo de Todos los Contratos, Quantos en los Negocios Humanos se Pueden Ofrecer (Valencia, 1583).
4. Pedro de Ledesma, Summa (Salamanca, 1614).
5. Luis de Alcalá, Tractado de los prestamos que passan entre mercaderes y tractorantes, y por consiguiente de los logros, cambios, compras adelantadas, y ventas al fiado (Toledo: Juan de Ayala, 1543).
6. Pedro de Aragón, De iustitia et iure (Lyon, 1596).
9. Felipe de la Cruz, Tratado Único de Intereses Sobre si se Puede Llevar Dinero por Prestallo (Madrid: Francisco Martínez, 1637).
THE LATIN AMERICAN CONNECTION

Of the above, Tomás de Mercado (Mexico), Juan de Matienzo (Perú), and Pedro de Oñate (Lima and Córdoba, Argentina) spent most of their academic lives in Latin America. Luis López (1530?-1595, Chiapas and Guatemala), Bartolomé de Albornoz (Mexico), and Domingo Muriel (1718-1796, Córdoba, Argentina) also taught at some of the twenty-one universities founded in Latin America during the first two centuries of colonization.

Building on the Thomistic tradition, the Late Scholastics ascribed great importance to the justification of private property, stating that it derives from both eternal and natural law. Some of the early Scholastic authors had argued that things should be owned in common and had condemned those who possessed riches. The Late Scholastics rejected this condemnation, employing scriptural arguments and analysis of human action to prove their point.

Those who opposed private property often quoted the passage describing the rich young man (Luke 18:18-25). A member of a leading family approached Jesus and asked him, “Good Master, what have I to do to inherit eternal life?” Jesus said to him, “Why do you call me good? No one is good but God alone. You know the commandments: You must not commit adultery; You must not kill; You must not steal; You must not bear false witness; Honour your father and mother.” He replied, “I have kept all these from my earliest days till now.” And when Jesus heard this he said, “There is still one thing you lack. Sell all that you own and distribute the money to the poor, and you will have treasure in heaven: then come, follow me.” But when he heard this he was filled with sadness, for he was very rich. Jesus looked at him and said, “How hard it is for those who have riches to make their way into the kingdom of God! Yes, it is easier for a camel to pass through the eye of a needle than for a rich man to enter the kingdom of God.”

Although many think that Jesus was condemning the possession of riches, the Late Scholastics indicated that this was not the correct interpretation. Citing Luke 14:26, where Jesus says, “if any man come to me without hating his father, mother, wife, children, brothers, sisters, yes and his own life too, he cannot be my disciple,” the Scholastics pointed out that this passage does not enjoin Christians to hate their fathers. Such doctrine would contradict the Fourth Commandment. The Thomistic and Scholastic interpretation of this passage is that entrance to the kingdom of Heaven is denied to anyone who values things more than God.

Those who opposed private property also cited Acts 2:44-47:

The faithful all lived together and owned everything in common; they sold their goods and possessions and shared out the proceeds among themselves according to what each one needed.

10 Bartolomé de Albornoz, Arte de los Contratos (Valencia, 1573). 11 St. Thomas Aquinas wrote, “The rich man in question was criticized for thinking that external goods were his absolutely as if he had not first received them from another, namely God”, Summa Theologica (London: Blackfriars, 1975), II-II, Q. 66, art. 1, resp.: “Augustine says: ‘The people styled apostolic are those who arrogantly claimed this title for themselves because they refused to admit married folk or property owners to their fellowship, arguing from the model of the many monks and clerics in the Catholic Church De Hæresibus seu. But such people are heretics because they believe that original sin has been destroyed;’” 12 Leonardo Lessio, De Iustitia et Lure (Antwerp, 1626), p. 41. 13 St. Thomas Aquinas quotes St. Augustine in his Summa, 11-11, Q. 66, art. 2, resp.: “Augustine says: ‘The people styled apostolic are those who arrogantly claimed this title for themselves because they refused to admit married folk or property owners to their fellowship, arguing from the model of the many monks and clerics in the Catholic Church De Hæresibus seu. But such people are heretics because they believe that original sin has been destroyed.’” 14 Aragón, De Iustitia, pp. 110-111. 15 St. Thomas Aquinas quotes St. Augustine in his Summa, 11-11, Q. 66, art. 2, resp.: “Augustine says: ‘The people styled apostolic are those who arrogantly claimed this title for themselves because they refused to admit married folk or property owners to their fellowship, arguing from the model of the many monks and clerics in the Catholic Church De Hæresibus seu. But such people are heretics because they believe that original sin has been destroyed.’” 16 Although many authors think that Jesus was condemning the possession of riches, the Late Scholastics indicated that this was not the correct interpretation. Citing Luke 14:26, where Jesus says, “if any man come to me without hating his father, mother, wife, children, brothers, sisters, yes and his own life too, he cannot be my disciple,” the Scholastics pointed out that this passage does not enjoin Christians to hate their fathers. Such doctrine would contradict the Fourth Commandment. The Thomistic and Scholastic interpretation of this passage is that entrance to the kingdom of Heaven is denied to anyone who values things more than God. 17 The faithful all lived together and owned everything in common; they sold their goods and possessions and shared out the proceeds among themselves according to what each one needed.

Like St. Thomas, the Late Scholastics recalled St. Augustine’s condemnation of the teachings of the so-called “Apostolics.” The “Apostolics” used to argue that followers of Christ should live like the first apostles, having everything in common. The Scholastics deemed it heretical to say that those who have property cannot enter the kingdom of heaven. Lessio noted that there are many passages in the Scriptures that state that possession is not a sin.

Pedro de Aragón explained that if we suppose that it is better for certain men (for example, members of religious orders) to possess goods in common, it does not follow that the same can be said for all human beings in general. Such reasoning, for instance, would also lead to the conclusion that since priests must remain celibate, no one should marry.

In addition to scriptural references, the Medieval Schoolmen offered utilitarian arguments to show that privately owned goods are better used. Domingo de Soto criticized common ownership from an Aristotelian and Thomistic perspective. Stating that it is impossible...
to achieve abundance in a common property system, he suggested three possible arrangements:

a. land that is privately owned while its produce is commonly shared,

b. commonly owned land whose produce is privately enjoyed and
c. common possession of both the land and its fruits. Soto showed that each of these systems has its drawbacks.17

In addition to their economic arguments in favor of private property, the Late Scholastics also cited moral reasons. Soto wrote that in a context of commonly owned goods, the virtue of liberality would disappear, since “those who own nothing cannot be liberal.”

Tomás de Mercado also acknowledged the existence of self-interest and the greater care that humans generally exercise in relation to their own property. Realizing that economic goods are scarce, Mercado espoused private property as an efficient method of reducing — if not overcoming — scarcity. “We cannot find a person who does not favor his own interests or who does not prefer to furnish his home rather than that of the republic. We can see that privately owned property flourishes, while city-owned property suffers from inad

— or “justified” — by considerations of social expediency centering in the concept of the Public Good.24

Joseph Schumpeter, a noted economist and historian of economic analysis, also wrote about how the Late Scholastics saw property:

We know that the fields are not going to be efficiently tilled in common ownership and that there will not be peace in the republic, so we see that it is convenient to undertake the division of goods.26

After repeating similar arguments, Antonio de Escobar y Mendoza explained that nearly all peoples, except the most savage, have given their consent to the division of property because goods are better administered in private hands.27

Juan de Mariana also referred to the relationship between self-interest and the careful use of economic goods. With a high degree of self-criticism, he cited the example of the poor use the Jesuits made of the things they owned in common:

Luis de Molina included many passages favoring private property in his De iustitia et iure. If things were held in common, he said, the powerful would inevitably exploit the weak. No one would be interested in serving the public good, and no one would agree to do difficult jobs.25

According to Molina, private property may have existed even before original sin, since in that state men could agree by common consent to divide the goods of the earth. The commandment “thou shalt not steal” implies that the division of goods is in accordance with natural law.25 All the Late Scholastic authors granted considerable importance to the moral use of goods that private property allows. “Alms should be given from private goods and not from the common

It is not surprising that these authors employed utilitarian arguments, especially since they preceded them with demonstrations that the division of goods is in accordance with natural law. For the Late Scholastics, however, the division of external things was a matter of ius gentium, which stems from different principles than those on which natural law is based.25

26. Ibid.
27. Antonio de Escobar y Mendoza, Universae Theologiae Moralis, Torri Quinti pars prima, iustitia et iure (Lyons, 1652), chap. III, p. 4.

19. Mariana, Discurso de las Cosas de la Compañía, in Biblioteca de Autores Españoles, vol. 37, p. 604, in Spanish it reads, “se gasta lo que no se puede crear.”
21. “Mi præceptum de non furando supponit rerum divisionem. Ergo rerum divisio non est contrarius naturale (alio quin ipso jure esset nulla) Quæ posthuma apponenda est in scripturis sacris” [Ibid, p. 102].
UNDERGROUND PROPERTY

The majority of the Thomist authors used Matthew 13:44 to prove the right to a treasure: "The kingdom of heaven is like treasure hidden in a field which someone has found; he hides it again, goes off happy, sells everything he owns and buys the field." Miguel Salon and Pedro de Ledesma employed this argument.

If natural law says that a treasure belongs to its finder, either totally (as when the treasure was found on one’s property or in no man’s land) or partially, it is logical to conclude that everything placed by nature under the earth’s surface reasonably belongs to the owner of the surface. It also states that one can profit from his unique knowledge without having to divulge the details of his knowledge. The Scholastics cited the examples of metal and mineral deposits, especially silver and gold. Salon stated explicitly that “the minerals and gold and silver deposits, as well as any other metal in its natural state, belong to the owner of the land and are for his benefit.”

More than a century later, the author of one of the most published manuals of moral theology, Fr. Gabriel Antoine (1678-1743) continued to teach the same doctrine.

Salon specified that the same rule applied when someone found a treasure on his own property.

For these authors, anyone who found gold or other metals under an ownerless plot of land had ownership rights to those minerals. Taxes would only be “natural” if the metal was found on a property belonging to the prince. But as a matter of positive rather than natural law, the scholastics accepted a 20 percent tax, or what was called the “metallic fifth”.

Quoting Konrad Summenhart, Francisco de Vitoria defined domain (dominium) as the capacity to use a thing according to reasonably established laws. People can use things even if they are not the owners. In this sense, domain and use are distinct. When man has perfect domain over a good, he can use it as he pleases, even to the extent of destroying it. As Villalobos pointed out, “Domain has to do with the substance of the thing; and so the one who owns it can sell it, transfer it, and, if he wants, destroy it.”

Among the uses of property, transfers of domain are essential for economics. Exchanges are, in essence, a transfer of domain. Domingo de Soto acknowledged that “there is nothing so much in agreement with natural justice as to enact the will of a man who wishes to transfer the domain (property) of his goods.” Any person has the natural right to donate or transfer the things he legally owns in any way he wants.” Soto added that if man can be a property owner because he has free will, by this same free will he can transfer his domain to anyone else.

St. Thomas and many of his disciples discussed the subject of ownership in reference to things found both above and below the surface of the earth. Their analyses and conclusions are important for contemporary economic policies because current legislation in many countries provides for different treatments of “surface property” and “underground property.” Pedro de Ledesma, following St. Antoninus’s reasoning, remarked that those things that have never had an owner “belong to the one who finds them, and the one who finds them does not commit theft by keeping them.”

According to Ledesma, the finder has a natural right to appropriate such goods. He also recognized that in many kingdoms there were laws that overrode this right.

Those things that at one time had an owner, such as treasures, may in certain circumstances belong to the one who finds them. Sometimes the finder may not keep the treasure, for instance, when the owner’s family knows where the treasure is hidden. Miguel Salon remarked that circumstances could affect the question of ownership. Salon criticized the Spaniards who appropriated Aztec and Inca treasures, describing this as simple robbery and declaring that these treasures should be restored to their real owners. By natural right, however, any treasures found in no man’s land belonged to the finder.

28 Aquinas, Summa, II-II, q. 66, art. 5, 1001, p. 2
29 Pedro de Ledesma, Suma (Antwerp, 1614), Tratado VIII, Justicia Commutativa, p. 413.
30 “Si inventavit in loco, qui ad nullius particulare dominum pertineat, totus est inventoris.” Salon, Commentariorum, col. 1298.
31 “Minerales & venae auri, argenti & cuiusque metalli stando in iure naturae sunt domini fundi et in bonis ipsius.” Ibid., col. 1307.
32 P. Gabriel Antoine, Theologia Moralis Universa (Craco via, 1776), p. 319.
33 Ibid.
34 Ibid.
36 Lecci, “Si ergo pati voluntatem constitutus dominus, per eandem potest dominium ab se quotidiam abdicare.” Ibid.
Since all things have been created for man, he may use them as he pleases. Moreover, the ownership of something consists of the capacity and the right to use that thing in every way permitted by law, such as donating, transferring, selling, or consuming it in any manner. Despite this natural right, however, Soto declared that the law may restrain the will of the owner and even deprive him of his good against his will. Although man is a social being and will therefore find it advantageous to live in society, the republic needs an authority, and the main function of public authority is to defend the republic and administer justice. To fulfill its duty, authority has to supervise the use that young people make of their goods until they reach the age of full reason. Soto also declared that some goods must be used to support authority (in the form of taxes), and authority has the duty to punish crimes. One form of punishment is to deprive the guilty party of his goods. Other restrictions on the use of property refer to the use of ecclesiastical goods.

I. EXTREME NEED

St. Thomas points out that when "the need be so manifest and urgent, that it is evident that the present need must be remedied by whatever means be at hand (for instance when a person is in some imminent danger, and there is no other possible remedy), then it is lawful for a man to succor his own need by means of another’s property, by taking it either openly or secretly: nor is this properly speaking theft or robbery." 36

And he continues:

Reply to Objection 2. It is not theft, properly speaking, to take secretly and use another’s property in a case of extreme need: because that which he takes for the support of his life becomes his own property by reason of that need.

One could also take other people’s property to help a neighbor in extreme need. In other words, taking goods which one does not own can only be justified when there is no other way to avoid the death of the person.

Martin de Azpilcueta in his celebrated Manual de confesores y penitentes (Salamanca, 1556) also analyzes the topic of extreme need, and his conclusions are even more respectful of private property:

No one is obliged to donate anything to him who is in extreme need: because it suffices that he lends him what is necessary to liberate him from it, and the person in need has no right to take more of the neighbor’s estate than its owner, and it is enough if there is a need, that he takes it as a loan and not as his own. 37

It is not proven either "that extreme need makes the needy absolute owner of the neighbor’s goods; it only gives them a right to use them if it is necessary to escape the need . . . extreme need by itself does not make one a lord over the neighbor’s goods without a duty to restitution." 38

Those of us who assign great importance to private property can agree with Azpilcueta that he "who takes something in extreme need, is obliged to make restitution when he has a chance: independently of whether he has goods in another place or not, and even if he had or had not consumed the goods." 38

Due to space constraints, we have presented here mostly arguments of a theological and juridical nature. Nevertheless, the influence of these authors in the culture was perhaps even greater through their sermons and confessions.
PRIVATE PROPERTY AND THE ENVIRONMENT

Scholastic authors did not spend much time analyzing ecological problems. Tensions between economic development and the environment only gained importance in times of high economic growth or growth in poverty. Scholastic authors who lived in cities with industrial activity (such as St. Antoninus, who witnessed the social and economic conditions in periods of growth for Florence’s textile industry) faced environmental questions, though admittedly not as pressing as today’s. Dye wastes, for example, had an impact on animals, soil, and water. But economic activity and increased population were not enough to pollute the Arno River, which flows through St. Antoninus’s beautiful city. This was perhaps the case as well for moralists who lived along the Tagus in Spain or the Tiber in Rome. There surely were people who put garbage or harmful liquids in the Tagus, but it remained clear – very different from the common image of black, foamy, oily water that flowed through it at the end of the 20th century.

One environment-related topic the Scholastics discussed was that of common grazing land. They noted that such land was less well cared for than privately owned land. But their criticisms of the human actions and legal provisions that led to such neglect were founded more on the harm it caused to people than to the land itself. This was natural, since all the Scholastics had a similar view of the human person’s place in creation and role in the natural world.

These moral philosophers and jurists based their views of man and creation on scriptural passages, especially from Genesis (1:26-31). St. Antoninus wrote, “For thus God instituted human nature, giving it dominion over all things when he said, ‘Have dominion over the birds of the air, the fish of the sea, and the beasts of the earth’ (Genesis, 1:28).” He was pointing out that man’s capacity for dominion extends not only to the land and animals, but also to the sky and the stars and to the center of the earth, as we see in Antoninus’s writings on underground property rights. God gave man dominion over all creation. And all creation is good in God’s eyes.

As Vitoria noted, God “gave to all men all created goods and all creatures, that is, he gave them dominion over all things.” Besides being master of all creatures, man “is master of the sky and the moon and the sun, as far as he can make use of them, for the heavens have also been created for man.”

Domingo de Soto explained clearly that animals do not have rights. If one takes away the life or food from a bull, one does not do injury to the bull but to the owner. The animals do not have any right to the grass and pastures. Rights over pastures were assigned to humans so they can use them to feed the animals that serve them. And if animals do not have any rights, “much less the inanimate things.”

Since the beginning of the human race, there have been people and groups with very different ideas about man’s importance in relation to other created beings, whether animate or inanimate. Christian moralists sought to banish these myths and in many cases risked their lives for it. The best illustration here is perhaps the witness of St. Boniface (ca. 672–704). St. Boniface, a Benedictine, was one of the forerunners of Scholasticism, peerless in helping to establish Christianity in Europe.

Although St. Boniface was born in England (as Winfrid or Wynfrid), he is generally known as St. Boniface of Mainz and is one of the patron saints of Germany. It was there that he performed his most famous act of destruction. The best illustration here is perhaps the witness of St. Boniface (ca. 672–704). St. Boniface, a Benedictine, was one of the forerunners of Scholasticism, peerless in helping to establish Christianity in Europe.

No Christian author ever protested Boniface’s act of destroying nature,” or anything to that effect. In fact, if there were no direct human victims, Catholic moralists never protested economic activities that affected nature. Mining exploitation, for instance, especially in the Americas, gave them ample opportunity for commentary, but the extraction of metals itself never concerned them as long as it was done without exploiting workers unjustly.

In cases of doubt or concern as to whether human activities were damaging creation, it makes sense to suppose that the Late Scholastics would have employed the same methodology they used to determine which type of land was most exploited. They would have asked first of all what Sacred Scripture says. Then they would use their reason and their conception of human nature to analyze arguments for and against, and look to bolster their conclusions by empirical analysis.
An environmental topic already current in the Scholastics’ time was urban air pollution. Smog has affected the history of London for centuries. In the Middle Ages, air pollution led King Edward I, who assumed the throne in 1272 and died in 1307, to ban the use of coal for fires. In the 13th century, after a severe wood shortage, coal had become the main source of fuel in London. Eleanor of Provence, queen of England and Edward’s mother, was so sickened by coal-burning pollution that she had to leave the city for Nottingham Castle to recover. This may have influenced Edward’s decision to ban the burning of coal, to the point of imposing the death penalty on anyone who violated the rule. A group of wealthy citizens and clergy petitioned for the prohibition. Economic incentives proved more powerful than bans, however, and large cities in England (especially London) continued to suffer ecological problems. In 1661 John Evelyn, an English author and one of the founders of the Royal Society, suggested in his work *Fumifugium* (‘dissipation of smoke’) the need to exchange coal for wood to reduce London’s pollution problem. On this topic, as in so many others, we see that the concern is for effects on human beings rather than on nature (for example, cutting trees or consuming nonrenewable resources such as coal).

None of the great Scholastic religious figures and scholars – not even those who, like St. Francis of Assisi, are remembered today for their closeness to and communion with nature – condemned the hunting or breeding of animals, censuring their behavior only when it caused “great damage to public morals.” He punished not only direct participants but even spectators with excommunication. The Church wasn’t long in reversing its position – Pope Gregory XIII (1550-1586) revoked Pius’s condemnation and punished only participating clerics.\(^49\)

Juan de Mariana, with his accustomed independence of judgment, dealt as well with the topic of cultivation and care of the land. He approved of the idea of the prince or the people naming an official to oversee fields and estates to verify that they were well cared for. Those who did it well were to be rewarded and the negligent were to be punished. Mariana made these recommendations, however, not for environmental reasons but for greater food production. Another of his proposals, a recommendation for the leadership of people’s councils, had the effect of improving the Spanish environment. At the expense of such councils, he said, unproductive fields could be cultivated, and their crops would not only cover the councils’ expenses but make it “difficult for there to be any shortage even in case of drought – an evil that afflicts much of the Spanish nation – given that there is a lack of wood in many places and many hills are too harsh for any cultivation.”\(^44\) He recommended the planting of pines and holm oaks, since this would give more wood for fuel and for construction. But all this would benefit the Spanish environment as well. Unlike some of today’s environmentalists who see the alteration of the environment as an evil, Mariana saw it as a way to improve the land and the weather:

> If, then, using water from rivers wherever practicable – and such places are not few – lands that are now barren were made into fertile fields, we would not only gain greater abundance of grain but also make our country more healthy and temperate, and modify in great part the natural dryness of our atmosphere. Rain would then be more frequent and abundant, as more arable land would lead to greater evaporation and easier cloud formation.\(^45\)

When we take into account all these contributions one could almost conclude with what the Dominican historian, Father Bede Jarrett, wrote in his analysis of these schoolmen’s views on property: “. . .the right to property was an absolute right which no circumstances could ever invalidate. Even in case of necessity, when individual property might be lawfully seized or distrained – in the name of another’s hunger or of the common good – yet the owner’s right to property remained and endured. The right was inviolable even when the exercise of the right might have to be curtailed.”\(^46\) Father Jarret devoted twenty-seven pages of his book on the social theories of the Middle Ages to private property. In summary, Late Scholastic thought provides several arguments in favor of private property:

1. Private property helps to ensure justice. Evil exists because men are sinners. If goods were commonly owned, it would be evil men “and even the thieves and misers”\(^47\) who would profit most, since they would take more from the barn and put less into it. Good men, on the other hand, would contribute more and profit less. Domination of society by the most immoral would represent harm and a distortion of natural order. Private property is useful for the preservation of peace and harmony among men. Whenever goods are held in common, disputes are inevitable.

2. Privately owned productive goods are more fruitful because it is natural for men to take better care of what is theirs than what belongs to everybody; hence the medieval proverb, “A donkey owned by many wolves is soon eaten.”

3. Private property is convenient for maintaining order in society, and it promotes free social cooperation. If everything were held in common, people would refuse to perform the less pleasant jobs.

4. No man (not even a priest) can detach himself from temporal goods. Original sin brings with it the problem of scarcity, which is the source of economic problems (i.e., the difference between unlimited needs and limited resources). “This participation and division is so necessary because of our own weakness and misery. These principles must apply even to members of religious orders who choose poverty in a desire to imitate original innocence. The prelates of such orders must distribute vestments, books, papers, and other items so that the priests will make good use of some and those in need can use the rest.”\(^48\)

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44. Ibid., p. 550.
45. Ibid., p. 550.
47. Vitoria, De Justitia, p. 325.