

BE AN OWNER

MICHAEL MURPHY, O.P.



AS AMERICA continues to undergo the painful process of getting back to normal after the war, it is to be hoped that greater opportunities and encouragement will be given to those who wish to open their own businesses or to buy their own homes. By thus extending a helping hand to prospective owners we can check the tendencies that have threatened to snuff out our important right to property. The Communists and Socialists want no part of this right since they think the political officers of the community should control all the means of production. Although Capitalism should favor individual enterprise, it, too, with its gradual limiting of ownership and control to a small number of free citizens, has run the risk of overlooking the greater mass of the people. But a reawakening should be expected and fostered. Hence, with a trust in the future resurgence of the "small owner" and with the hope of more privately owned establishments, when building and buying conditions will permit, it is well to recall some primary notions about the right to property.

EXTENT OF THE RIGHT

Man's right to own is by no means unconditioned and unlimited. Rather, as is briefly noted by Rev. Ferdinand Cavallera, S.J.: "Property is the right to dispose freely of material goods within the limits of the law."¹ To illustrate, if a governing body has determined certain areas of a town to be used only for private homes, no one can build a dairy or laundry in that section and then resort to his property rights in order to defend his action. Again, under ordinary circumstances, a citizen who attempted to make firewood out of an elm in a city park would soon find that his recourse to property rights as a justification would be use-

¹ Rev. Ferdinand Cavallera, S.J., *Precis de la Doctrine Sociale Catholique*, p. 167.

less. These procedures would destroy the balance between right and obligation or duty. What the right does mean is that no owner can, or should, be unduly curtailed in his use of private property, i.e., in his authority over "... any wealth or means of production as may, by the arrangements of society, be in the control of persons or corporations other than the political bodies of which these persons or corporations in another aspect are members."² However, this offers only a general view. In actual practice, certain particular elements must be noted.

IMPLICATIONS OF THE RIGHT

The tramp with the empty stomach, ragged clothes and moneyless pockets shows what a fair application of property rights, either on the tramp's or on society's part, would not produce. Before all else, by this right every man should have what is necessary for his present needs. Nor does it stop with the here and now. To have a warm fire tonight but an empty coal bin for the next few weeks; to have a sufficient meal this evening with the prospect of very little for the future; to be able to live only from day to day likewise reflects a misuse or negligence of this basic right. Therefore, in addition to daily requirements, provision for the time ahead and for periods of emergency should be made and expected. Yet, no one need do an intellectual or moral somersault to achieve the much talked of state of sufficiency. For example, the man who runs a grocery store or the owner of a haberdashery ought to be able to reach economic security without sacrificing his morality and good sense. When one has to resort to deception to make a living, he is actually shackled by the social setup and is guilty of distorting the proper order that should exist between economics and morality. Intellegently applied property rights would preclude, to a great extent, that perversion.

Such are some of the effects and implications of the right to property. Now we shall look more closely at the right itself. How can we account for this right? How can we defend this privilege? Passing over the reasons that rise from the necessity of self preservation and from the requirements of a healthy family life, we turn to the precise teachings of St. Thomas Aquinas for an adequate answer.

² Hilaire Belloc, *The Servile State*, p. 14.

BASIC IN NATURE

With his usual keenness, the Angelic Doctor goes to the heart of the problem. He centers his treatment of property around the Virtue of Justice and concludes with the Psalmist, who declared: "You have subjected all things under his feet," that man has a natural right to possess exterior things.³ Not that any human being has power over the very nature of property—to assert that would be to usurp a power of God, to Whom all things are in subjection. But rather, as the Patron of the Schools points out, man has a natural dominion over external things. Each man can build a home, reap his crops, run his business and use the things of the world according to the manner in which they were made for him. Not because of any prowess as a home owner or shipbuilder or manufacturer does he acquire the right to utilize the goods of the earth; but simply because he is a rational creature with a free will does he have a certain control over the use of external things which have been created for his benefit.

THE RIGHT INDIRECTLY NECESSARY

Yet when it is said that man has a natural dominion over earthly goods it must be noted that natural rights are not all of equal importance. Defining a natural right as that which is "... derived from the nature of the individual and existing for his welfare,"⁴ we distinguish three main types. The right to life is the most basic and most important in every circumstance. In fact it is "... the end to which even civil society is a means."⁵ Next come the rights of the second class, or rights that are required for the reasonable well-being of most members of a community. As an example, the institution of marriage can be cited. Some may choose not to marry, but for the majority of individuals the married state is a necessity since it is the direct natural means to reasonable life. Finally, in the third class of rights we find the right to property. While the rights to life and to marriage are direct, that is, directly necessary for man, the right to own is only indirectly needed for man's well-being on earth. To put it in another way, one may not own any of the means of production and yet he may maintain a decent existence. Actually,

³ St. Thomas Aquinas, *Summa Theologica*, IIa IIae, Q. 66, art. 1 & 2.

⁴ John A. Ryan, D.D., *Distributive Justice*, p. 56.

⁵ John A. Ryan, D.D., *op. cit.*, p. 57.

such is the case with most inhabitants of the big cities. The ordinary worker in a metropolis can satisfy his needs without owning a house or growing his vegetables or running a business. Therefore, one can get along without being an owner.

On the other hand, as an individual member of society, each citizen has certain needs that can be most capably satisfied by the provisions of the social system. To care for these needs, it is necessary that private ownership be accepted as a "social institution." The noted social writer quoted above explains the necessity in these words: "It is necessary for the same reason and in the same way as a civil police force. As the State is obliged to maintain a police force, so it is obliged to maintain a system of private landownership."⁶ At the same time, this obligation does not mean that the State can determine who the owners are to be. Though the right is indirect, it is nonetheless valid and certain. Consequently, every man, not just a determined few, has the natural right to own. In rare instances and for strong reasons the State may prevent certain individuals from exercising their right. But generally the governing body must recognize and respect this privilege of its citizens.

As a final note, it should be borne in mind that by being granted the right, man is not necessarily obliged to exercise it. It is the prerogative of the non-owner to prefer freely to do nothing about his lack of possessions. On the same score, having made his choice in this fashion, he cannot claim that an injustice is being done him because he happens to have less than his neighbor. Similarly, one who owns nothing cannot demand the goods of another unless the non-owner is faced with starvation. Then the Law of Justice allows the poverty-stricken one to insist upon what is essential for life since the right to life comes first. Outside of this exception, though, ". . . it belongs to what is called Commutative Justice faithfully to respect the possessions of others, not encroaching on the rights of another and thus exceeding the rights of ownership."⁷

CONCLUSIONS

The above are certain philosophical aspects of the right to own. From the acceptance of such conclusions, it becomes clear that man is much more than the beasts he directs and the ma-

⁶ John A. Ryan, D.D., *op. cit.*, p. 59.

⁷ Pope Pius XI, *Quadragesimo Anno* (America Press edition), p. 13.

chines he uses; and it also becomes evident that he must be accorded the power to use his faculties of self-direction in the possession and cultivation of property. As Pope Leo strikingly wrote: "Every man has by nature the right to possess property as his own. This is one of the chief points of distinction between man and the animal creation, for the brute has no power of self-direction, but is governed by two main instincts. . . . But with man it is wholly different . . . it is the mind, or reason, which is the predominant element in us who are human creatures."⁸ Thus the Marxian adherents and the Socialist advocates are ultimately working contrary to the nature of man when they plead for common control of property. "Five-year plans" and State monopoly will not change the human nature of the bourgeois or of the proletariat, and that nature can insist upon its right to possession.

POSSIBLE OBJECTION

While defending our position in this matter, it is likely that we will be confronted with the objection that the Natural Law provides for all men and that, therefore, it dictates common ownership. This is presuming too much. What should be said is that the Natural Law simply makes no division of property; in this way community of goods can be attributed to it. To the Positive Law belongs the task of assigning, for example, the boundaries of certain territories, or of determining the control of particular materials, and such assignments are not contrary to nature. Rather, Positive Law, supposing and being built upon the Natural Law, thereby acts in conformity with it. With this in mind, we can better appreciate the advice given by Pope Pius XI when he said: "Provided that the Natural and Divine Law be observed, the public authority, in view of the common good, may specify more accurately what is licit and illicit for property owners in the use of their possessions."⁹

BE AN OWNER

Yes, to encourage small owners is a wise move. By doing so, we add to our own security and to the harmony of society. More important, we thereby protect our freedom, inasmuch as

⁸ Pope Leo XIII, *Rerum Novarum* (International Catholic Truth Society edition), p. 32.

⁹ Pope Pius XI, *op. cit.*, p. 14.

the benefits of diffused property are "... a buttress to freedom, because they make men independent of the domination of other wills. This is as striking spiritually as socially and economically, for the fear of the 'sack,' or extreme poverty, is a deterrent to the good use of reason and frequently to good morals."¹⁰

¹⁰ Harold Robbins, *Sun of Justice*, p. 59.