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The Universal Destination of Goods and Private Property: Is the right to private property only a “second-tier” natural right?

The right to private property, says the encyclical *Fratelli tutti*, is a mere “secondary” natural right, “derived from the principle of the universal destination of created goods.” It should therefore not “displace primary and overriding rights” (no. 120). Pope Francis refers especially to John Paul II and some of the Fathers of the Church, who held that “if one person lacks what is necessary to live with dignity it is because another person is detaining it” (no. 119). What was the context of this ancient Christian conception? What did the tradition mean by “secondary natural rights”? Finally, has the Church’s social doctrine since *Rerum novarum* understood the derivation of the right to private property from the principle of the universal destination of goods as implying a relativization of the right to private property in favor of a superior right of the community?

The Ancient Roman Economy: A Zero-Sum Game

The principle of the universal destination of created goods is unchallenged as a fundamental principle of Catholic social teaching. Its roots are found in the ancient Greek myth of

an original Golden Age. This narrative entered Christian theology through the influence of the Stoa. Thus, in his famous 90th letter to Lucilius, Seneca reports of a time of the “carefree possession of the commonwealth,” in which one was “concerned for one’s neighbor as oneself.” In this “most happily ordered world,” however, greed seeped in. Possessive accumulation of property by a few was the cause of the poverty of all others; that is to say, it was a zero-sum game. This was the Stoic narrative of the economically decadent state of the contemporary world, and it is still the basis of all criticism of private property today.

The most important transmitter of this narrative was Cicero, who probably knew it from lectures by the Stoic philosopher Poseidonius of Rhodes, but in no way was it used as a narrative against private property. In *De Officiis* (1, 7) he speaks of the doctrine of the Stoics, “what came into existence on Earth” is “together for the benefit of humankind.” Even if “by nature there is no private property,” Cicero said, it has nevertheless come into being in the course of time through war and the resulting power or through laws, treaties, agreement and lot; whoever does not respect it, “will violate the legal foundation of the human community.” However, he said, in the use of

private property, each “should follow nature as a guide, focusing on the common benefit.”

This was a nuanced position that was cultivated by the ethos of the Roman nobility. After all, the Roman plebians—the large majority of citizens—were dependent for their survival on regular, gigantic grain imports financed by the rich. Donating for the good of the people was understood as a civic duty of the rich, but it was also a matter of survival for a system based on power and patronage, which at the same time—less so in the East than in the Roman West—despised profit-making and trade while caught in a chronic economic downward spiral. In this system, one could only become—and remain—truly rich at the expense of others. The rich were thus all the more eager to satisfy the people with bread and circuses.

Necessary Contextualization of the Ancient Christian Criticism of Wealth

Clear traces of all this are present in the early Christian critique of the rich and the associated property ethic. Late antique Christian thinking about wealth and property was, as Peter Brown points out in his monumental work *Through the Eye of a Needle* (2012), the idea of encouraging the rich to do what they had always done. However, now it was no longer out of patriotic civic duty, but to leave their wealth to the Church, who instead were now caring for the poor. In this way they would acquire treasure in heaven and at the same time be protected from the moral dangers of wealth.

The first church leader to preach and practice this was a wealthy descendant of a Roman senatorial family named Ambrose, first a prefect in the service of the emperor, then bishop of Milan in 374. It was also Ambrose—with reference to his role model Cicero—in his work

also titled *De Officiis*, who praised the “favorite view” of the Stoics that all products on earth are created for the use of men and for their general benefit, and are therefore common to all. Unlike Cicero, however, he uses this doctrine to deprive private property of any moral dignity by referring to it as an *usurpatio*—usurpation. And so, in his famous sermons against the rich, the shrewd rhetorician calls on them—the rich Christians: “You do not, after all, give of your possessions to the poor, but instead return what is already his” (*De Nabuthe* 12,53).

This may very well have corresponded to the reality of a “zero-sum economy” at that time. Ambrose knew what he was talking about and where the wealth of the rich came from. He, who himself had put his wealth at the disposal of the Church of Milan—for example, by funding construction of a basilica, now known as the Basilica of Sant’Ambrogio—was concerned with exposing the greed of the rich, to make them benefactors of the new *plebs* of his faithful, and to join both sides together as united in the church.

Similarly, two hundred years later, Gregory the Great acted as a talented “fundraiser” for church-organized charity and wrote in his *Pastoral Care* (III, 21): “When we give to the poor, we are not giving something of ourselves, but we are giving back what already belongs to them.” Like Ambrose, he insists “that the earth (...) belongs to all equally and therefore also produces food for all equally.”

Such statements must be read in their original context. This is equally true (though for different reasons) of statements made by John Chrysostom, Archbishop of Constantinople, who came from Antioch. His ideal was not that of the Roman nobleman, but the first Christians of Jerusalem, who shared their goods in common (cf. Acts 4:32-35). In his *Commentary on the Acts of the Apostles*, Chrysostom does not advocate organizing the Church’s

provision for the poor with the help of the rich; rather, he wants to put the entire society of Byzantium, whose poor he estimates at half of the total population, on a new footing: He calls for the wealth of the rich to be radically redistributed. All society, every household, should become a monastery, where everything is common to all. To the objection, which he formulates himself, about where new means for the supply of the people should come from once all the rich have distributed their goods, Chrysostom answers: Whoever does good, God will not abandon him, one must only trust in grace and providence. To Chrysostom's zero-sum economy is now joined the economy of grace and miracles.

Clement of Alexandria saw it quite differently—a century earlier—in his writing *Quis dives salvetur?* (13-14): If there were no rich, he thought, who would be able to support the poor? It was not wealth, but greed and avarice that were the problem. Augustine too, was of a different mindset than Chrysostom: common property only worked in small monastic communities of volunteers, such as he himself had founded; for society as a whole, he adopted Cicero's point of view, but in a now Christian version: even if private property was not intended by nature, in the present state of man—i.e., after the Fall—it is the only way to live together peacefully in society. Therefore, as Augustine argues against the Donatists, everyone owns what he owns according to human law, and the state authority has the task of protecting private property. According to divine law, on the other hand, (according to Psalm 24 [23], 1) “everything that fills [the earth] belongs to the Lord” (*Homilies on the Gospel of John*, 6, 25).

“In the beginning,” thus, by nature or in paradise, everything was common and there was no private property—after the Fall, however, the right to it becomes a moral and legal necessity. Precisely in this tradition, which was

also present in medieval scholasticism, the right to private property has been considered since the 19th century as a “secondary” natural right: not in order to relativize it as subordinate to “rights of the community,” but in order to place it in the time after the Fall in terms of salvific history. But this understanding was to be supplemented later by a second way to understand this natural right as “secondary.” However, it too did not lead to a relativization, but on the contrary to a deepening of the justification of the right to private property.

When the Franciscans Discovered Capital: Natural Law Property Ethics in the Middle Ages

The High Middle Ages, when commercial capitalism and banking began to flourish, saw a different mindset from Christian antiquity. There is hardly a trace in the theology of the era of the Stoic founding myth of an original commonality of all goods. The Roman zero-sum mentality also seems to have disappeared; rather, people thought of money as a “fruit-bearing capital.” The pioneers here were, of all people, members of the Franciscan Order, emerging from the medieval poverty movement, especially Petrus Iohannis Olivi (1248-1298). In his highly influential *Treatise on Contracts*, he was probably the first to reflect systematically on the fact that there is wealth that is not based on injustice and robbery but on the creation of value, and that money invested at risk in profitable transactions is “capital” that not only yields commercial profit but also benefits the community and improves people's lives.

It is precisely in this period that Thomas Aquinas offers a natural law justification for private property: Due to that nature, which, according to Thomas, humans share with non-rational living beings, nothing concrete belongs to this or that person. However, as

regards the efficient and peaceful use of goods, private property is that which is natural to man as a rational being: it is a dictate of natural reason, and a component of the *ius gentium*—the law of all peoples (*ST* II-II, q. 57, a. 3). The Dutch Calvinist Hugo Grotius would argue similarly in *De iure belli ac pacis* in 1625: Even though by nature no one owns this or that, the protection of property is “as it exists now” nevertheless a requirement of natural law. It is supported by the commandment “you shall not steal,” and morally and legally sanctioned by the positive law. Here too, we find a two-tiered justification—different from the one provided by Augustine—which prompted later theologians to define private property as a “secondary natural right,” as I said, not at all to relativize it, or classify it as subordinate or as having secondary importance.

Aquinas uses realistic anthropological arguments to justify why private property corresponds to a hardly altruistic human nature, and why it is—in contrast to common property—precisely for this reason useful for society (*S.T.* II-II, q. 66, a. 2). For the same reason, he emphasizes that private property must always be used for the common good. Therefore, in an extreme emergency—if it is a matter of basic survival—no one has a right to insist on his property claims: everything is then common. This, as it is estimated today, was the situation in late antiquity for a third of the population, which would have starved to death without alms from the wealthy. Except in times of famine, however, this was no longer the general situation in the Middle Ages.

What about the principle that God created the goods of this world for the benefit of all people? It is not mentioned anywhere, nor does it appear in the justification of the “social function” of property taught by Aquinas. This is not surprising, since this principle was used in Christian antiquity precisely to morally discredit private property. It did not fit into the

medieval world, except in the forms of the poverty movement rejected by the Church as heretical. Only the Augustinian tradition of an original community of goods that existed before the Fall remained, but just this idea was not played off against private property as a “secondary” natural right obtaining in humanity’s present state.

The Modern View: Property and Work

At the end of the 19th century, however, the principle of the universal destination of goods then reappeared—out of nowhere, as it were—in the social encyclical of Leo XIII, which appeared in 1891 under the name *Rerum novarum* and marked the beginning of what we now call the “social doctrine of the Church.” The first social encyclical appeared in the era of industrial capitalism, a world of unprecedented productivity of human labor, the accumulation and deployment of an enormous amount of capital, and constant innovation. However, it was also a world in which workers were largely unprotected, at the mercy of their employers, who in turn often risked everything to realize their entrepreneurial visions. However, this world of rapid economic dynamism and its eventual economic success, manifesting itself in a steady increase in the quality of life for most people, was based precisely on the consistent state protection of private property.

The authors of *Rerum novarum* were obviously aware of the connection between private property and economic progress. For it is precisely in this perspective that the reference to God having created the goods of the earth for the benefit of all people now reappears in a prominent place. However, this was not for the sake of relativizing the right to private property as merely secondary, but—quite the opposite—in order to justify it and defend it against collectivist socialism.

How is it to be explained that the principle of the universal destination of goods now reappears in precisely this context? *Rerum novarum* does not cite any Christian authors for it—even Wilhelm Emmanuel von Ketteler focused exclusively on Thomas Aquinas—nor does it refer to any other sources. As is well known, the authors of *Rerum novarum* drew on the property doctrine of the English philosopher John Locke. Right at the beginning of the fifth chapter of his *Second Treatise on Government* (“On Property”), it says that God “has given the Earth to the Children of Men, given it to Mankind in common.” [5, 25] Locke quotes Psalm 115:16 for this, which, however, does not give this reading. Locke added “to Mankind in common” himself. The Locke editor Peter Laslett assumes that the British philosopher was inspired—apart from his friend James Tyrrell—by the natural law theorist of the early German Enlightenment, Samuel Pufendorf. In *De iure naturae et gentium* (IV, 4, 9), however, Pufendorf referred to Hugo Grotius (*De iure belli ac pacis*, II, 2, 2). God, it is said here, “gave man the right to all things of a lower kind as soon as the world was created,” and therefore in the beginning everything belonged to everyone undivided—Grotius quotes the church father Justin from the 2nd century for this. But even this was not more than the traditional reference to an original, paradisiacal community of goods (as it is also found in the Spanish late scholastics).

Locke, on the other hand, says more, for he goes on to say that God has not only “given the World to Men in common,” but has “also given them reason to make use of it to the best advantage of life, and convenience” [5, 26]. Through work, what God has created for the good of all people—meaning primarily land and its natural fruits—becomes the property of individuals. This does not take anything away from anyone, because—and this is the decisive argument—through labor one “does

not lessen, but increase the common stock of mankind” (5, 37). The intention of the Creator that the goods of this earth have to serve all people is thus realized precisely through private property, and the latter receives its deepest justification from this value-creating function. Private property as such is therefore in itself—precisely as a “secondary” natural right—according to its deepest nature, a social institution that serves the common good.

This is precisely the teaching of *Rerum novarum* and, with a brief interlude in the sixties, would remain the position of the papal magisterium until John Paul II and Benedict XVI: Private property is the means by which the “earth” and its fruits—today we would say: the natural goods and resources of this world—benefit all people. That “God has given the earth for the use and enjoyment of the whole human race” is therefore, according to *Rerum novarum*, in no way opposed to “special ownership,” for it is precisely through this that the earth “ceases not thereby to minister to the needs of all” (no. 8).

Thus, by this reference to the universal destination of goods private property is not limited “for social reasons.” Rather, according to Leo XIII, private property is the very means by which the goods of this world fulfill their destiny “of serving the whole.” The principle formulated by Thomas Aquinas that property should always be used with a view to the benefit of the community, as well as the anthropological arguments he put forward in favor of private property, can be seamlessly integrated into this perspective—but now in a modern, “economically enlightened” way in which the focus is no longer on almsgiving and mercy in emergencies, but on entrepreneurial value creation for the sustainable increase of general prosperity.

From *Quadragesimo anno* to *Centesimus annus*

In the late seventies, Oswald von Nell-Breuning said in reference to *Rerum novarum* that it was a “bad blemish that the workers’ encyclical begins with such an apology for property.” However, Pius XI’s encyclical *Quadragesimo anno* (1931), of which Nell-Breuning was a major co-author, adopted this “apology for property.” Pius XI said that apart from its importance for the well-being of the individual, property also had a social function, namely: “The goods which the Creator destined for the entire family of mankind may through this institution [of property] truly serve this purpose” (no. 45). This had been precisely the argument of *Rerum novarum*. Moreover, according to Pius XI, the work “by virtue of which a new form or increase has been given to a thing grants [...] title to these fruits” (no. 52). Locke sends his regards!

The social function of property, according to *Quadragesimo anno*, is therefore by no means, as recently claimed by J.-H. Große-Kracht and J. Hagedorn (cf. *Herder Korrespondenz* 5/2021, 27), “to reserve certain types of goods for the public sector” (thus the authors quote out of context from no. 114). This would mean that private property would have a social function precisely insofar as it can be socialized, i.e., expropriated, and transferred to the public domain. According to Pius XI, however, private property precisely as such, has a social function, namely, as a “means to ensure the fulfillment of this universal destination [of created goods] in an orderly manner” (so wrote Nell-Breuning in 1932 in his “Explanatory Notes” to the Encyclical, no. 52).

Here we no longer find thinking in categories of zero-sum economy and distribution, but in those of value creation through property-creating work. This includes—as John Paul II will emphasize—primarily the work of the entre-

preneur. For this work is by nature ‘social’ and serves the common good. Private property is central to sustainable value-creating work for the benefit of all. Thus, it is said in John XXIII’s *Mater et magistra* (no. 19) “the private power of disposal over goods has an essential social function” [translated from official German translation]. The social function of property does not only result from its restriction—through taxation or regulation—or from its use in a charitable sense, but is part of its intrinsic nature when it is used entrepreneurially or invested productively.

These connections remain surprisingly unmentioned in the pastoral constitution *Gaudium et spes* of the Second Vatican Council. They are also not a topic in the encyclical *Populorum progressio* of Paul VI (1967); rather, private property, capitalist profit-seeking, and free-market competition are presented there as a danger to the common good, and a global redistribution is instead advocated. Thus, the magisterium temporarily fell into the temptation of promoting redistribution of wealth in place of wealth-creation, similar to the zero-sum and alms mentality of antiquity.

This changed again with John Paul II. As early as his first social encyclical *Laborem exercens* (1981), the theme of “work” is central. It is through work that universal participation in the goods of this world takes place. In *Sollicitudo rei socialis* (1987), no. 42, there appears the concept of a “social mortgage” that property is “under”, according to John Paul II. The concept of social mortgage is often understood as a limitation to the right to private property. However, the text says—as earlier in *Mater et magistra*—this “social [mortgage]” is an “intrinsic” quality of property, which is based on the “principle of the common use of goods.” Private property is ‘social’ precisely because it serves as a way for the goods of this world to benefit all people.

As John Paul II declared on December 17, 1987, on the occasion of an *ad limina* visit of Polish bishops, private ownership of the means of production, which expresses humankind's dominion over visible creation, properly unleashes "the economic initiative, which serves not only the individual but also society." However, he also states that this requires a regulating function of the state with regard to property (something already emphasized by Pius XI in *Quadragesimo anno*). *Sollicitudo rei socialis* concludes from this: The poor, too, should be able to acquire property through work and entrepreneurship, or to engage in entrepreneurial activity through the protection of their property rights. The "right to free economic initiative" is therefore a fundamental right of the poor (*ibid.* no. 42).

Finally, *Centesimus annus* (1991) would further specify this teaching. In the chapter "Private Property and the Universal Destination of Material Goods" of John Paul II's third social encyclical, the Lockean theory of the justification of property through labor reappears. Labor is understood as a factor of production, and thus the focus is on productivity and value creation rather than distribution (no. 31). The "possession of know-how, technology, and skill"—human capital—appears as an essential form of property. Thus the "role of disciplined and creative human work and, as an essential part of that work, initiative and entrepreneurial ability becomes increasingly evident and decisive" (No. 32). Consequently, the most important resource for human beings is seen as the human being himself—and not any goods of the rich, which are to be distributed. The way to a just world is therefore through education, "human capital," perhaps the most important, but also the most democratic, form of property today, and the legal protection of all types of property, so that no one is excluded from the opportunity to achieve their rightful share of wealth through their own labor.

This, too, was already included in Leo XIII's exhortation that "there is the duty of [the public authority] of safeguarding private property by legal enactment and protection," (*Rerum novarum* no. 30). A further development of the Church's doctrine on property should therefore logically turn to the subject of the legal protection of property titles, especially in poor countries. However, the development of the Church's social doctrine seems at present to go rather in the opposite direction, and thus it runs the risk of being used as a justification for socialist experiments. Others still cling to the idea—already explicitly rejected by John Paul II in *Sollicitudo rei socialis* no. 41—of the Church's social doctrine as a "third way" between capitalism and socialism. This idea is a free pass for ultimately utopian conceptions which, although well-intentioned, are all bound to fail in the face of the real requirements for economic and social progress.

Conclusion: Not a Relativization, but a Foundation of the Right to Private Property

Appealing to the tradition of the Church's social doctrine since *Rerum novarum* and its further development up to *Centesimus annus*, but also to the property ethics based in scholastic natural law, it is difficult to justify a position of relativizing the right to private property as a "merely secondary," "subordinate" right to be restricted in the interest of the common good or for social reasons. The tradition has never considered the relationship between the principle of universal destination of goods and the right to private property as one between a "primary" and a "secondary" right. The former does not formulate a right at all, but only a fundamental principle from which the right to private property receives its ultimate justification.

The statements of some church fathers, originating from the context of an ancient Roman zero-sum economy, that wealth is robbery of the poor, do not fit into a world in which capitalism, a market economy, and entrepreneurship set the tone within the framework of democracies governed by the rule of law and freedom. In this world, the generation of wealth is not a zero-sum game as it was in

Christian Roman antiquity, but a process from which everyone benefits. Such a world presupposes the protection of the right to private property and for that very reason, makes possible an economy of increasing general prosperity. For poor countries, too, as John Paul II emphasized in his last social encyclical, this is the way to help their citizens live in dignity and prosperity. ■

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He studied history, philosophy and political science in Zurich and theology in Rome. In 1977, he died his doctorate with Hermann Lübbe at the University of Zurich. From 1972-1978, he was assistant to Hermann Lübbe at the Philosophical Seminar of the University of Zurich. 1981/82 research assistant to Otfried Höffe at the University of Freiburg, Switzerland. Research fellow (habilitation project) of the Fritz Thyssen Foundation, Cologne. Since 1982 collaboration with Wolfgang Kluxen, Bonn.

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Last books:

[Christentum und säkularer Staat. Geschichte – Gegenwart – Zukunft \(Mit einem Vorwort von Ernst-Wolfgang Böckenförde\)](#), Herder, Freiburg i. Br. 2012,

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