

IS PRIVATE PROPERTY THEFT?

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The right to private property, as it is exercised and legally codified in our society, is a scandal from the point of view of moral reasoning and the Christian faith: that someone can own unlimited resources, without serious moral or legal objections, when a large part of the world's population lacks the basic necessities of life, is a fact which reflects the "criminal dialectic" governing our world. As serious as the situation is, the ideological legitimization which claims it is "normal", even "reasonable", is equally flawed.

How is it possible that for centuries the right to private property has been considered a natural and sacred right to which all other human rights are subordinate, and on which all others depend, however fundamental they might be?

This booklet seeks to explain the tortuous ideological construct which lies behind the "naturalization" and "sacralization" of the bourgeois right to private property

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1. ESSENTIAL CONTEXTS

Only by coming to grips with the historico-ideological roots that continue to prop up our so-called “property-owning construct”, will we be able to determine how to reduce its legitimacy and develop a viable way of acquiring and controlling resources more in accord with human dignity and more respectful of the ecosystem which sustains us. A look at the praxis of Jesus will help us in this regard.

Among the many definitions of the human being, there is one that has been pervasive throughout the history of human thought, in the West at least: that of the “property-owning animal”. The innate incapacity of human beings to be able to subsist by themselves is reflected in their need to acquire things around them, with the help of others, or to others’ detriment. The acquisitive instinct is seen every day in defenceless, demanding children in the way in which

they learn to live and express themselves with the word “mine”. All fields of human knowledge have highlighted this basic anthropological dimension, which we might well think of as a given human impulse¹.

And, as happens with other human impulses (power or sexuality), property has shown itself to be a double-edged sword: it can be thought of both as an inescapable form of human realization and, conversely, as a threat to oneself

and to others, as well as to the very natural world which welcomes humankind as a guest. That is why the question of property has always been problematic and has needed to be thought through and legitimized. Ever since Plato and Aristotle it has certainly triggered differences of opinion.

The term “property” comes from the Latin *proprietas*, a synonym for *dominium*, and was defined in the *Digest* of Justinian as “the right to use, enjoy and abuse one’s things to the extent allowed by legal reason”. But it would be untenably anachronistic to attempt to find in such a definition a suitable formula to explain the reality of property in our modern societies. For, in the Roman world, in which the economy was steeped in an ethical and religious order, “to use, enjoy and abuse one’s things” did not mean that one exercised one’s rights without any obligations or duties. Legal and religious strictures curbed the freedom of the “dominus”, the lord and master of his household, in the exercise of his right to property.

1.1. Legality and legitimacy of property

To legitimize this right, an attempt has been made to classify different forms of property, distinguishing the nature of the things acquired, and the usefulness they bring to the individual or community in which it is enshrined. For example:

– Appropriating things that belong to no particular person is not the same as

acquiring things that are held in common (like water or air), or publicly (rivers or ports), or privately (already having an owner).

– Appropriating goods that are destroyed in the course of their use is not the same as goods which are “fruitful” and themselves produce new goods.

– If the appropriation had originated in occupation, war or conquest, or had come about through a legacy, this not the same as if it had been the result of one’s own work and industry.

– Appropriating things which one needs to satisfy basic necessities is not the same as doing so purely from an urge to accumulate. Aristotle distinguished between “Economía” (necessary, rational and legitimate acquisition) and “Chrematisike” (irrational, illegitimate acquisition). This distinction is fundamental.

To decide when a form of property is morally legitimate, beyond mere legal recognition, one needs to keep in mind both the objective dimension of the thing acquired, as well as its subjective (or intersubjective) dimension. The law may authoritatively signal the owner of a thing, so that other people recognize them as such, and thus avoid conflicts. But the property will only be a moral good (according to justice and equity criteria) when the owner has acquired it by legitimate means.

This combination of objective and subjective factors ends up turning property into one of the most important social realities. It is impossible to conceive of any society in which this

reality is not present, and likewise impossible not to ask questions when people live with it inadequately. For as J. Atalli writes, the concept of property is: “perhaps the most important, but also the most imprecise of all human knowledge; one which has overwhelmed political economy for centuries by its extent and whose outline cannot be traced without the observer falling victim to dizziness. For if one can “have” land, capital, a name or an idea, then one must also understand that to “love” or “control” someone is, in a certain way, to use them or appropriate them. A history of property, if claiming to be exhaustive, would need therefore to be a history of knowledge and of love, of languages and of power, and of the law and the family”².

1.2. The stubborn reality

That is why even the greatest detractors of property have ended up by admitting that eliminating it is basically a useless, if not undesirable, goal in their totalitarian utopianism. Thus Proudhon, at the end of his life, noted that in his hostility to private property, he had not understood that: “the people, including those who are socialist, no matter what anyone says, want to be property owners... After ten years of inflexible criticism it is on this point that I have found the opinion of the masses more definite and more resistant than on any other question. I have assaulted their convictions and gained nothing of their conscience... However much ground the democratic principle has won, the more

have I seen the working classes in the cities and in the countryside interpret this principle in favour of property”³.

With collectivist ideological projects throughout history having claimed to deny this human reality (like all totalitarian utopias which deny the human), and then having ended up as dismal failures, I believe we must think of property as the complex and ambivalent human fact that it is.

1.3. Property: a form of thinking about and constructing reality

The human quality of how we establish relationships with other people depends, in large measure, on the way in which we appropriate the things that surround us, and that we need in order to live. Peaceful and legitimate ways of appropriation lead to the possibility of living with others in a just solidarity; violent and illegitimate forms make this co-existence impossible, triggering even wars and deaths. The way in which people and human groups organize their interrelationships has a lot to do with the way in which they either have, or do not have, access to property.

Thinking about property thus requires at the same time that we think about politics, law, ethics, economics, social psychology, etc. Thinking about property is to consider it a decisive category in the social construction of reality.

And so, in the western tradition, a particular form of understanding property served to justify the private appropriation of scarce resources; to ex-

plain the nature of political power, its limits and the right to oppose it; to justify the European conquest of the New World; to link the natural reality of property with human development, with the progress and prosperity of societies and with democratic freedoms; and served as a weapon in the war against socialism and, later, in the Cold War...

In all these areas, analyses of property became ideological tools tainted with arbitrary prejudices. It became the object of conflicting interpretations and judgements.

In politics, property served to guarantee the stability of power and its limitations, while others deemed it a source of inequality and social instability.

In ethics, some considered it the fruit of one's own labour and an inalienable right, others an opportunity for exploitation and a denial of equality of opportunity.

In economics, some saw it as a key ingredient in the production of wealth, and others condemned it as a trigger of destructive competition.

In psychology, some recognised it as the source of identity and self-esteem in the individual, others alleged it corrupted the human personality, inflaming passions and stirring undesirable vices.

In all these analyses, there are useful insights into property which it will be helpful to define more closely.

Unable to explore all these aspects, I will highlight some questions which seem more relevant and significant to our time: those related to the exercise of

the right to private property without legal or moral limits. Thus we will see how an unjust and exclusive historical form of bourgeois appropriation has been turned into a sacred natural right.

In so doing, after a quick look at the scandalous situation of inequality in our world, we will reflect on the way in which the discourse justifying the view that the human beings may legitimately own whatever they can acquire, without legal or moral limits, was shaped. In this discussion, we will refer to the "property-owning construct". By becoming familiar with its history, we will become aware of its antecedents and the challenge we confront.

1.4. A world broken by a perverted right

We live in a world so unequal and unjust that it defies all tolerable sense of reason and justice. John Paul II's description, in *Sollicitudo Rei Sociales*, bears recalling for its clarity and force: "One of the greatest injustices in the contemporary world consists precisely in this: that the ones who possess much are relatively few and those who possess almost nothing are many. It is the injustice of the poor distribution of the goods and services originally intended for all. This then is the picture: there are some people, the few who possess much, who do not really succeed in "being" because, through a reversal of the hierarchy of values, they are hindered by the cult of "having"; and there are others, the many who have little or nothing, who do not succeed in realizing their basic human vocation

because they are deprived of essential goods)" (n. 28).

The radical undermining of the human which this dialectic suggests is perfectly encapsulated in the twin expression of nihilism: biological annihilation of the human being, because it denies them the possibility of living; and spiritual nihilism which denies them the possibility of their developing an essential dimension of being human: being with others and being descended from others. Some inhuman and others inhuman, as Saint John Chrysostom insinuated.

The papal text (from 1987), far from being out-of-date, is still prophetic, given that this "criminal dialectic" has continued to be maintained and promoted⁴. The "obscurity"⁵ of our world takes on a pornographic tint in what Z. Bauman calls "wasted lives"⁶. The problem of poverty, says Bauman, is not overpopulation, but that there are too many rich people living like planetary parasites, who furthermore claim for themselves the right to determine which product is useful and which is to be thought of as waste. But the waste has grown to such an extent that we don't know what to do with it. This is not just true for ecological problems but also above all for the immense mass of wasted lives. An author, speaking about the 20th century, preferred to call it "the century of murders" and not the century of rights: "a century dominated by unsurpassed violence, expressed in numbers never before seen, whose poisonous fruit will continue to infect the future". And he added that he was

not just referring to "wars, and the nationalisms and totalitarianisms that triggered them, but also to the social and productive relationships in the democracies"..., to "alienating work"⁷.

The former Irish president Mary Robinson, in her capacity as ex-High Commissioner for the United Nations and member of the Commission for the Legal Empowerment of the Poor, recently wrote that more than half of the world's population lives in surroundings lacking suitable laws and regulation, with no effective legal means to protect their families, homes and other possessions. It is the deeply-embedded structures in many societies that perpetuate poverty and inequality. Despite the Universal Declaration of Human Rights: "Everyone has the right to own property alone as well as in association with others." (art. 17), and despite the fact this right was reinforced in the Final Document at the 2005 United Nations World Summit, the power structures in our societies are such that they continue to be unequal and exclusivist, resistant to giving legal expression to these rights.

Now is not the time to explain in detail the structural logic that has animated neoliberal capitalism in recent decades, nor its fatal results. Likewise I do not want to resort to the simple view that the sole cause of this so-called "criminal dialectic" is the irrational distribution of wealth. Inequality, social exclusion, domination and slavery, have a complex etiology and must be treated as such. But it seems clear that in this outrageous situation, the legal empowerment of the poor must be

striven for, especially for women. This implies a far-reaching structural change in societies⁸.

1.5. From dominion over to a structure of domination

The worst of this tragic situation is not simply the obscene starkness of the facts but above all, the talk used to legitimize them. In some analyses of the right to property, there is a tinge of obscene cynicism: someone is flailing around for reasons to defend themselves against human reasoning, reasons which disguise the chains of the poor with the garlands the rich have put on them, as Rousseau observed.

We alluded briefly before to the ideological arguments which down through the centuries have marked the debate between defenders and opponents of the right to private property. Among these there is one that has been critical to the justification of the current situation: the one used by those who consider the right to private property to be an individual's natural right, willed by God, and made so sacrosanct as to be inviolable. The appeal to that natural right (called *jusnaturalism*) has in large part been responsible for that sacralization, as we will later see.

Property is a problem not simply politically, ethically, economically and psychologically, as previously mentioned. The fact that it keeps on being legitimized in explicitly religious and *jusnaturalistic*, or sacrosanct, ways compels us to offer an epistemological and methodological commentary, in

order to gauge the extent of what we are going to discuss. If we were aware of how our form of being property owners determines the way we pray the "Our Father", more than the orthodoxy of the Creed we recite in our liturgies, we would not recite it with our customary ease, in contravention of the liturgical admonition ("we have the courage to say")...

1.6. The ideological construct of human dominion

For centuries natural law was understood as a reflection of divine law in nature and in the life of human beings (illuminated furthermore by the positive revelation in the Judeo-Christian tradition). In order to organize our lives in a reasonable fashion, we humans had to keep in mind this hierarchically established order. And so both the natural order as well as the human were grounded in and guided by the religious order. The Catholic Church (which considered itself the depository of the correct interpretation of this hierarchical order) was able to maintain hegemonic control of the whole of society.

It is understandable then that when revolutionary change displaced the Church from its privileged position and claimed to legitimize the new juridico-political order, it did so by building a new "revolutionary natural order", which proclaimed the sovereignty of the human being, rational and free, so as to interpret both natural as well as divine law. In the most extreme case, the new order brooked no basis or legitimization

other than the will of the sovereign individual (juridical positivism): the foundation of the law was exclusively according to the will of the person who created it. Thus, the twin poles of jusnaturalism and positivism would serve as the requisite framework for thinking about social reality, and that of property, right down to our own day.

The modern right to property, in the secular world, has been tied to this legitimizing framework. And one might well ask how it could be possible that if Holy Scripture says such sublime things about the dignity of all human beings made in the image of God, they were not more mindful of this when it came time to organize the actual life of societies. And even more seriously: how in the name of said Scripture they could defend contradictory ideological positions, and in some cases, undermine the very human dignity they proclaimed. The basic reason was that this whole jusnaturalistic, cosmological vision, presented as a defence of the natural order and a reflection of the divine order, was also, and above all, an ideological construct. Both jusnaturalism and positivism are abstract and dogmatic ideologies which conceal, or are unaware of, the reasons for their own origin, thus facilitating their judicial and political instrumentalization. Therefore it is necessary to explain that ideological construct, in its origin and working out.

1.7. Understanding origins

Before explaining its origin, we will note that human rights are a social

construct of reality, tied to a time and a concrete set of experiences. For centuries they were grounded in, and based on, an authorized ontological order (Thomism for example) or in a rationalist jusnaturalism which created its own order. But, as A. Tocqueville intuited, it was always essential that there be a concrete social and historical context (slowly incubated) for a new dominant social concept to have the potential to transform reality in its image and likeness. “The main effect of democracy is to turn master and servant into strangers, putting them side by side, instead of one over the other”⁹. From positions like this, it became possible to transcend the shortsighted polemic between jusnaturalism and positivism, in which the discussion about human rights in general, and the right to property in particular, had been locked.

And so the hierarchicization of human rights is neither the simple reflection of an objective and transcendent natural order in human endeavours, nor the expression of a rationale which creates a code of universal and abstract obligations. It is the result of an historic and critical coming to awareness, to praxis, of the excluded, of “those without rights” who, once the time was right, began to cry “there are no rights”. And when they cried “there are no rights”, it was because they realized the situation in which they were living was not humanly tolerable, however much people tried to justify it as natural or providential, and they demanded a better situation and that their rights be truly recognized.

As E. Dussel lucidly wrote: “The dialectic is not therefore established between ‘natural right a priori versus positive right a posteriori’, the natural right being the critical instance a priori of the positive right and reformable..., but between ‘valid right a priori versus new right a posteriori’, the new right being the critical instance (in other words: historical) and the valid right the positive, reformable, changeable moment.... We do not lapse therefore into the dogmatism of natural rights (with a metaphysical and unacceptable... solution), nor into relativism... The ‘new’ rights are those universally sought (whether in one culture, or by all humanity, according to the degree of corresponding historical consciousness) by the political community in its state of historical evolution and growth. For example, the feminist movement was

not conceivable in the Middle Ages (because of concrete historical conditions), though there were heroic precursors; nor was the green movement possible before the industrial revolution, when the planet appeared to be an inexhaustible source of riches and the negative effects of overpopulation were almost immeasurable”¹⁰.

To summarize: the right to property, as a human right which has been historically constructed, required a concrete historical and ideological context in order to shape itself and become what it has. To the extent that we are capable of teasing out that context, will we be able to assess its relevance and historical and social validity, as well as the incarnations it has been subject to over time.

We shall try at least.

2. THE CONCEPT OF PROPERTY

The evolution of the concept of property is not the work of a single individual or generation. From Aristotle, through Roman law and to Locke, the concept of property has drunk from many sources.

2.1. Sources

We cannot trace at this time the history of this long process. We are only going to explore those sources which made property a sacrosanct right, one of its most characteristic features and one leading to serious consequences.

Contrary to what is usually believed, the most important source for the concept of modern individual property is not Roman law, but the Second Scholasticism, especially the Spanish one: first-rate intellectuals who stood out in philosophical or juridical thought, but who never stopped being

“theologians”. For them theology remained the interpretative and legitimizing horizon for all the rest.

Then, modern jusnaturalists, seeking to distance themselves from any transcendent and theological horizon, so as to affirm coherently the central role of a free and independent human subject, downplayed the importance of the Second Scholasticism in their work. But they could not do away with the legacy of problems and attempts to resolve them that was passed down from the so-called “theological” tradition.

As far as the subject of property in modern jusrationalism is concerned, with its individualistic and secularized framework, there is no way to explain its origin and its judicial and political nature, without referring to the treatment it was given at the hands of Catholic and Protestant theologians.

Without the theological legitimization of the right to property (and of the economic model in which it figures), the economic rise of Western societies would not have been possible. We will also need to assess adequately the Christian quality of these theological categorizations. I feel close to accepting the interpretation which sees in Calvinistic puritanism an ethical religion designed to serve business. Tocqueville lent weight to this interpretation (speaking like a sociologist of religion for whom the truth is more important than their continuing in the field), when he called religion America's prime political institution. Only a religion which guaranteed a love of wellbeing and wealth, said Tocqueville, was viable in a society like America's¹¹.

2.2. Basis for human dominion over a world created by God

a. For a believer, God is the source and destiny of all created things. For the theologians of the Second Scholasticism, God also provided the model for human dominion over the world. God was the authentic *Dominus*, the master of everything, and the different forms of human dominion could only be explained and legitimized to the extent

that they originated in and reflected divine dominion.

Aware that there were many perverted and degraded human forms of dominion, they sought to define the nature of, and limits to, dominion, so that people might exercise it adequately. That is why, even though Scripture says that God gave man and woman dominion over all things, the theologians wondered why He did it and in what way He manifested it. The answer to these questions was critical to defining and assessing the form of dominion and, more concretely, establishing private property as a basic human right.

b. Taking this one step further: if human dominion over the world is a way of participating in God's work and a concession by God to man, it can be concluded that divine domination is the source of an order inscribed in the nature of creatures, which puts each one in its place and confers on it a status, which will be seen as a right. In this sense, men and women have a right to dominate because they stand at the apex of the created order. Dominion and right, which in God coincide, by definition, will also end up coinciding in the case of human beings. Human dominion is based on the express will of God and is furthermore inscribed in the order of creation.

c. However, those two interpretations correspond to two different logics, which in the unitary vision of the theologians, are two facets of the same reality; they will cease to be so, however, when they are later emptied of any religious consideration. In other

words: in modern philosophy, the hierarchical order of things is no longer linked to divine providence or creation. How did that come about?

d. In Thomism, God the Creator is omnipotent. He is also infinite Wisdom. For Him, the exercise of His will will always be ordered. But, as is known, with the appearance of the “nominalists”¹², the will of God is not bound by any wisdom or reason (the authority of God, according to them, is “absolute” not “ordered”). In other words: to the early scholastics, God wanted something because it was good; to the nominalists, a thing is good because God wanted it.

This double conception of God’s dominion will be reflected in a double conception of human dominion, loading it therefore with ambiguity. If human dominion is based on divine order and wisdom, then the human orders will have to adjust themselves to the natural divine order (jusnaturalism). But if a “voluntarist” logic is emphasized, human dominion will take on a theocratic (absolutist) character.

e. To summarize: the Second Scholasticism still tended for the most part to emphasize natural things, which reflected and were justified by the divine order (man’s dominion had to respect that order and he was endowed with qualities, such as reason and freedom, which allowed him to do so). In contrast, modern jusnaturalists removed that sacredness from human dominion: this does not have to reflect divine dominion, nor does it have any sacred character. It thereby became possible to conceive of a human right as

a subjective right, which man had because his needs and faculties authorized him to exercise dominion over all other creatures. And because his actual exercise of domination and appropriation was legitimized by divine creation.

2.3. Transformation of the natural right to dominion into the right to property

It is one thing to assert the natural right of the human being to dominion over all created things proceeding from God, and quite another to show that the actual dominions the positive right refers to are a logical derivative of this original dominion. Jusnaturalist theologians had been preoccupied with maintaining the link between both, so that the (inalienable and imprescriptible) human right to private property, would also have a sense and importance in the divine order. They tried therefore to explain the role played by God and man in this division of dominions and properties between people. And to do so they found their basis in a double conviction: a) God did not expressly divide or distribute things amongst people; but b) man is not an absolute master of the world, who can create particular properties as he pleases.

How then ought that distribution to have been made? There are different answers that can be given.

– Some will seek an explanation in a mediator who, acting as God’s deputy and as a representative of humanity, has the task of administering the dominion

and dividing it between human beings. A fair number of lawyer theologians will support this thesis, which moreover has a long tradition, having been upheld by such important figures as Saint Augustine. In its modern version it will be The Prince, and later on, the absolutist nation state, which will serve as mediators exercising dominion over things and dividing them amongst their subjects through the law.

– For others, that “patriarchal” vision of reality raises too many difficulties, and they seek a more adequate explanation in the form of a common dominion or a community of goods (which, for some, would be a kind of intermediate state between undivided dominion and a division of dominions, while for others it will always be a desirable ideal). This explanation adapts better to non-hierarchical societies, formed by free and independent individuals. At the same time there is the constant search to justify the right to property and ensure that the substitution of God by humankind is realized with the right being ever present to God¹³.

And so we can see how lawyer theologians of the Second Scholasticism brought legitimacy to the right to

dominion and to the right to property (in its social and legal expression), going beyond the Roman concepts of “dominium” or of “proprietas”. Merely referring to the Roman world would not have been enough to legitimize a right to property lent so many attributes by those theologians in their discussion of property conferred on a person created in the image of God. It was they who, although unaware of the transcendent impact of what they were doing, put the seal of the divine legitimizer on what was a human construct, thereby helping to sacralize the human and even divinize it.

But this was how the door was opened to sacralization of a proprietary and sovereign individual and State, in the modern sense of the term. We now move from theological jusnaturalism to its secularized version in the School of Natural Law and People and the rationalism of the 17th and 18th centuries, which purported to explain reality in solely anthropocentric and rationalist terms, “as if God did not exist” and which will be the fundamental basis to our legal and ideological systems as far as property is concerned (we call this modern jusnaturalism).

3. THE PROPERTY-OWNING INDIVIDUALISTIC CONSTRUCT IN THE MODERN ERA

Modern jusnaturalists dealt with the same questions as the lawyer theologians; but their objective was different. They sought to affirm the freedom of human dominion over things, conferring on it however an unlimited and absolute character, which allowed for the use of things without any rules whatsoever. For the lawyer theologians, human dominion was an extension of the divine: as a result man could not use it arbitrarily and without restriction, but had to submit himself to the divine law and order inscribed in his nature, without “abusing” his possession of things. Now however any reference to the divine mark and its attendant limit on human power were downplayed.

Furthermore, order in the world resided in mere human nature, which was directed by its own physical and rational laws. Men and women were their own guides, through their exercise of freedom above all, which was now more of a right than a duty, a right which allowed them to impose their will on all created things. Political power alone continued for some time to come, legitimizing absolutism in the name of the divine right of kings; but even there any similarity between divine and

human dominion gradually disappeared; eventually a nominalist vision became dominant, which combined dominion through divine institution and through human institution into a positivist vision of the right to property¹⁴.

3.1. Initial insights leading to the ownership concept

In this way the most important concept in our modern societies was

being fashioned: the concept of possessive individualism. That concept, although secularized, still retained a large measure of the sacred. In some of its versions it even made explicit reference to the legitimizing seal of Christian providentialism (for example, in “doctrinaire liberalism”, which we will discuss later). Modern individualism has a complex etiology and ethical and religious causes have been highly relevant here. But one of its most distinctive features ended up being proprietarism, which would decisively determine relationships between human beings and the resources they required to satisfy their needs, as well as relationships amongst themselves.

3.1.1. Social contract

Modern societies will find their most convincing explanation in a social contract enacted by property-owning individuals, who agree on the norms which are going to regulate their co-existence and on institutions which guarantee the fulfilment of these norms. In this definition of social contract, the economy will be so important that some authors speak of the economy’s “colonizing” role over all social life. But even with this primacy of economic factors, its legitimacy never stops relying on ethics and religion.

There certainly were diatribes against “homo oeconomicus”, accusing him of being materialistic and selfish, and opposed to the classical liberalism of Locke, Smith, or Stuart Mill. The liberal desire for religious and intellectual freedom (and struggles against absolutism, arbitrary arrest, cruel

punishments and ecclesiastical control of knowledge) were not merely the byproduct of the struggle for economic property. The fundamental objective of liberalism was to free individuals from arbitrary control and from the irrational forces that prevented them from leading their own autonomous life. Although most of its representatives showed a receptivity towards mercantile society and wrote texts advocating that property and its protection become government priorities, this must all be understood in its context: “Affirming that the central role of government is to protect property means, in the first instance, denying that the central role of government is to save souls... Furthermore, classical liberals closely associated private property with personal and political freedom. In political terms, property could even be defined as that which tyrants could snatch without consent”¹⁵.

This duality persists: Locke begins his *Essay Concerning Civil Government* by affirming that the protection of property is the purpose of political authority. But he also emphasizes in his work that “the aim of government is the well-being of the human race”.

3.1.2. Possessive individualism

To recap: sparing classical liberals the accusation they are materialistic, fixated on the economy and selfish does not mean that we fail to recognize that the real course of Western liberalism led to what has come to be called proprietarist or possessive individualism. The importance of classical writers on liberalism (like the paradigmatic case of Locke) was decisive in its unfolding.

Accordingly, the key reference point for the later tradition will be Locke's jusnaturalism and his justification of the right to private property as a natural and inviolable right. The fact that he was a writer who emphasized in a particular way the sacred aura surrounding property, and legitimized it as well in religious and moral terms, makes him a significant exemplar of how modern jusnaturalism took on premodern religious jusnaturalism, and at the same time, went beyond it when rationalist jusnaturalism was formulated.

As we will now see, Locke was a writer given to logical ambiguity and incoherence. Maybe he had no choice, having at the same time to respond to the demands of the new bourgeois society, which was intolerant of absolutism (considering it anathema to its class interests), but having also to defend those interests in the face of new enemies, especially people without property.

3.2. The "Bourgeois Bible" of John Locke

According to Duverger, Locke was the author of the "Bourgeois Bible", the text in other words which legitimized the bourgeois construct (with an influence even on the social doctrine of the Church). We will therefore refer to him at some length¹⁶.

Locke (1623-1704) fashioned a rationalist jusnaturalism which retained religious features from the earlier jusnaturalism (above all the very explicit idea of a creator God, which

argues in favour of a universal destiny for all created goods, but also in favour of private property, which stems from Nature created by God). His jusnaturalism attempts to attain a normative character; in other words: natural rights constitute the moral condition of the individual and are inescapable. But the need to guarantee them causes Locke to reconcile jusnaturalist requirements with the demands for security, usefulness and wellbeing imposed by an individualistic society.

For Locke, the individual is free, independent and proprietary; and society is the result of relationships between free, independent and proprietary individuals. What he then does is elevate the category of natural (in the sense shown of rational, universal and prepolitical), which was the only hegemonic way of thinking in that mercantile society guided by the logic of possessive individualism, and grounded in the sacred principle of the natural right to private property.

This society did away with any restriction on the logic of "Chrematistike" exposed by Aristotle. The individual was able to acquire whatever he could, whenever he could, and in time, this could be almost everything. All could be bought and sold. Not only things, but also people's labour and even the people themselves. The problem of private property now needed a legitimizing discourse to make it presentable. This discourse presented a measure of ambiguity which few writers were able to manage so lucidly and efficiently as Locke. Let us see how.

3.2.1. *From natural right to bourgeois right*

Paradigmatically, Locke affirmed and legitimized the natural individual right to property as the hinge on which human, civil and political society turned. The nature of the human being is to be proprietor of his life, his liberty and his goods. “The main and greatest goal that men seek when coming together in states or communities is to safeguard their goods; that safeguard is very incomplete in the state of nature”¹⁷. And in the introduction to his work: “I understand political power to be the right to make laws which are intended [including capital punishment]... for the regulation and protection of property”¹⁸.

But Locke was aware that to argue in favour of the natural right to private property and, at the same time, to legitimize the way in which the mercantile society of his time defended and safeguarded this right, required the resolution of a number of murky questions. Since *jusnaturalism* is essentially an egalitarian philosophy, within it the natural right to property meant (as Locke himself recognized) that: no one has the right to accumulate more than he can consume; it must be allowed that all have enough to live on and the measure in which there is difference or limit is in one’s own labour. With this *vade mecum* in hand, it seemed impossible to construct a proprietarist bourgeois society like the one Locke sought to legitimize. But Locke did so successfully.

Texts like the following evince his proposition. “It is plain that men have agreed to a disproportionate and

unequal possession of the earth; in other words out of the bounds of society, and without compact; for in governments, the laws regulate the right of property, and the possession of land is determined by positive constitutions. Men having, by a tacit and voluntary consent, found out, a way how a man may fairly possess more land than he himself can use the product of, by receiving in exchange for the overplus gold and silver, which may be hoarded up without injury to any one”¹⁹. In a discontinuous leap, Locke neglects to justify the natural and universal right to property, justifying instead the bourgeois right to property as if it were natural and universal. That fallacy cannot simply be explained by the advent of money or by the need for legitimate authority to organize society safely. There are other assumptions at play here which might usefully be explored, as they are still valid today.

3.2.2. *From human logic to economic logic*

The natural limits to property (throw away what is in surplus; accumulate no more than one needs or can acquire through personal labour), no longer apply. A new world opens, built not on the anthropology of natural necessities but on the economic logic of possessive individualism. Locke will try to demonstrate that acting according to this logic is rational and moral, and that when the bourgeois proprietor increases his property, he is complying with a rational vocation and a social project.

But, if Locke is thinking of individuals whose behaviour is rational,

how does he justify the amassing of money and having more than one requires to satisfy one's needs? According to Macpherson, through commerce and industriousness. Locke sees money as capital, the same as land²⁰. Its purpose is not to provide a profit to be consumed, but to generate more capital through judicious investment. And he explains that profitability of money as resulting from an "agreement amongst those having unequal possessions". He does not deny the sterility attributed to money, but transcends it through the concept of a compact between unequal parties. His perspective is mercantilist: he is more interested from the point of view of the wealth of a nation than in the wealth of an individual. The desire to accumulate is not a sign of avarice but an impulse to generate national wealth. Without denying the limits to the original natural right, he justifies the accumulation of what cannot be thrown away, a typically capitalist justification.

3.2.3. *Justification of money*

In his view, the introduction of money comes about through tacit consent, preceding and independent of the agreement to a civil society. Money and unequal possession of land, and commerce, already existed in the "state of nature" (which is a curious mix of historical fabrication and logical abstraction from civil society). Neither money nor the contract owe their validity to the State, but to natural reason and the moral reasonableness of humanity.

There are, accordingly, two levels of consensus in Locke's theory: the consensus between free, equal and rational people, in the state of nature (so as to attribute a value to money and, consequently to commercial contracts), and the mutual agreement to transfer all powers to the majority. This second one is what creates civil society. But the first is valid without needing the latter.

3.2.4. *Justification for exceeding limits*

Exceeding the limit of sufficiency, in other words, going beyond what is just enough for the sake of all, can be accounted for, according to Locke, because when the use of money is agreed to, there is consent given at the same time to its consequences. It is therefore justified for an individual to appropriate land even though there is not enough left of equal quality for other people²¹.

Locke argues by saying that whoever appropriates property which leads to an increase in the common fund of humanity, and which in the end generates more productivity and greater wealth, makes up for the lack of land available to all: "So, when the consequences of an appropriation which exceeds the initial limit are measured against the fundamental test (meeting the life needs of all the rest) and not against the instrumental test (availability of land so that others manage to satisfy their life needs with it), the appropriation beyond the limit acquires a positive value"²².

3.2.5. *Exceeding the limit of labour*

The limit which paid labour imposes (only the product of one's own labour is acceptable), seems the most difficult to overcome, but Locke does not seem to be deterred. He did not even need to demonstrate the validity of the salary relationship by which someone legally acquires title over the work of another, as it was taken for granted.

Moreover, Locke argued, if labour is the property of a person it must be, by definition, alienable. For property, in his view, is not only a right to enjoy or use: it is a right to be made available, to exchange, to transfer.

In this way what was normal in the society of his time became natural: wage-earners, living at a subsistence level, were an important class in that economy.

Locke denies that there is a natural right to alienate one's own life (since life is the property of God) and he rejects the power of civil society to abrogate the natural right. But he did not come to recognize that the continual alienation of one's labour over an entire lifetime for a merely subsistence wage was, in reality, an alienation of life and liberty. "He took for granted... that work was naturally a commodity and that the relationship to salaried work which gives me the right to appropriate the product of someone else's labour was a part of the natural order"²³.

It can thus be seen that the limitation of the right to property posed by paid labour (the right to how much can be produced through one's labour) was not even considered by Locke.

3.2.6. *Results*

According to Macpherson, Locke's achievement was to give a moral basis to bourgeois appropriation²⁴. He therefore undermined the traditional concept, by which property and labour are social functions, with property involving social obligations. After him, the possession of a good that comes from the personal labour of its owner is legally equal to the possession of a good that results from the private appropriation of labour that has been bought from another.

Since then, domination and exploitation of paid workers has been considered a legitimate source of property. The owner of a business is in the same position as the master of a household, although the former has unjustly appropriated part of the work of his wage-earning employees.

Going beyond the moral disqualification that underlies unlimited capitalist appropriation, Locke further justifies as natural a class difference in rights, thereby lending capitalist society a positive moral basis. The importance of this argument for understanding the unequal and exclusivist reach of bourgeois property requires explanation, as Macpherson notes, seeing how Locke justifies the inequality of classes, limited suffrage and (when it is lacking) the authoritarian exercise of power. Having, knowing and being able, now seem to be the blessed trinity which will govern the bourgeois order²⁵:

a. Class differences in natural rights and in rationality, are justified by two ideas prevalent in his day. The working class was essential to the nation; but its

members in fact were not members with full right to the body politic, nor did they have such an entitlement. Furthermore, members of the working class did not live, nor could they live, a fully rational life.

b. The working class was incapable of rational action and of living in accord with the moral criteria of rational men and women: It was not capable of thinking or acting politically (the right to revolution belonged to the majority, but not the working class).

c. Additionally, those who did not work, the indolent poor, were deprived through their own choice, degraded by their position, and were bound to become the target of discipline and reform of their habits (thereby justifying putting their children to work from the age of three).

Locke is not one of those writers, such as Pufendorf, who believe that in the case of extreme need, the right to property can be abolished; he continues to affirm that this right is the way to guarantee justice. In extreme necessity (since the laws that obliged the State to support the poor hardly applied), he would call for charity to help them by providing surplus goods. In political economists writing before the Restoration, the moral degradation of the working class was a commonplace. It was a source of wealth available to the nation, which meant that they were to be worked unremittingly. But it was not that the interests of the working class were subordinate to the national interest (since that was the exclusive monopoly of the ruling class). The working class was a commodity subject to the state

without belonging to it with anything like full rights.

3.2.7. *In summary*

– Locke depicted a state of nature with liberty and equality between people, but stopped short by transferring the inequalities of his society in the way he conceived of property.

– His treatment of property rights suggested there were clear differences in human nature. The individualist postulate transformed the mass of equal individuals (conveniently) into two classes with very different rights: those having property and those who did not. The latter depended on the former and were incapable of changing the life circumstances in which they found themselves.

– The foundational equality of natural rights, in that no one had any jurisdiction over anyone else, could not last once the differentiation of property occurred. Put in another way, the person who did not own anything lost ownership of his own person, which was the basis for equal natural rights.

– “The differentiation of property is natural, in other words, alien to any social bonds or pact”.

– The essence of rational behaviour is industrious appropriation. When unlimited accumulation becomes the rational thing to do, complete rationality is only possible for those who accumulate things in this manner. Those who remain bereft of property can neither be industrious nor rational, in the original meaning of the terms.

– In summary: Locke brought to humanity's original nature a rational inclination to unlimited accumulation; he showed that it had been naturally restrained in pre-money society and that this restraint could be eliminated with money as the tool; money he considered the height of natural

humanity's rational powers... Since Locke always took for granted that a fully rational behaviour was accumulative behaviour, he was able to point out, when work and appropriation became separable, that complete rationality lay in appropriation and not in work²⁶.

4. CONSEQUENCES: POSSESSIVE INDIVIDUALISM'S TOTALITARIAN SWING AND DESTRUCTION OF THE HUMAN SUBJECT

The equality and positive freedom found in rationalist jusnaturalism ought to have brought about a democratic reconfiguration of society and an affirmation of the rights of freedoms of individuals. But historical evolution has shown that, even at the most promising moments, possessive individualism and proprietorism have undermined the potentiality of the democratic project, threatening the appropriate fulfillment of the human subject in society. We will list a few examples.

4.1. The French Revolution

Despite its vaunted Enlightenment and universalist claims, the French Revolution continued to be unequal and exclusivist. The bourgeois spirit, which controlled the process, kept the mindset of possessive individualism paramount and smothered other projects with greater emancipatory and democratic potential. Proof of this was the convincing defence of the right to property (first affirmed in 1789 and reinforced in 1793), of limited suffrage and of all rights stemming from them²⁷.

4.2. Doctrinaire liberalism

Another clear example is provided by doctrinaire liberalism. In countries

like France or Spain, with their unquestioned hegemony of the bourgeois proprietorism mindset, the right to property became socially sacrosanct, and the instrument by which everything could be explained and undertaken. Religion, politics and culture, in general, were used to legitimize a social system whose motto “Get rich” was no mere slogan in times of socioeconomic development: it was a way of understanding human and social plenitude according to the credo of the bourgeois trinity: having, knowing and being able. Intelligence, wealth and power, in doctrinaire liberalism, were the endowment of a more or less explicitly religious providentialism earmarked for the property-owning bourgeoisie. They alone, thanks to their property, could

enjoy rights to culture and devote themselves to the exercise of power.

In Spain, for example, it would be difficult to interpret the 19th century and much of the 20th without keeping doctrinaire liberalism in mind. Donoso and Cánovas are essential reference tools to understanding our history. Even today doctrinaire liberalism continues to be a necessary reference point when interpreting the behaviour of hegemonic powers. To maintain their privileged position, they need only repeat liberal claims to rights and freedoms. Getting rich at any cost may be the vocation of “honourable Christians”. Moreover, they make possible what the Gospel presented as impossible: a camel can enter through the eye of a needle. So, as Le Goff put it, “your wallet and your life” rolled into one. Once again²⁸.

Those without property and who do not have the resources the system demands of active citizens, are not simply unjustly excluded by the system, quite the reverse: they cannot participate in the system because, by not being property owners, they lack the essential quality that entitles them to be aware of, and to decide, questions concerning power²⁹. Such a way of legitimizing proprietorism is shared even by ideologues who stand explicitly at some distance from conservative positions. This was the case of Benjamin Constant, for whom property was not a natural right preceding society, but an “inviolable right”: “Property is only a social convention, but the fact that we recognize it as such does not mean that we consider it less

sacred, less inviolable, less necessary than those adopted by other systems”³⁰. Constant reiterated and deepened Locke’s discourse.

4.3. Consequences

Later, Malthus drew brutal consequences from this approach, in a text which is worth quoting:

The man born into an already occupied world, if he is unable to acquire the means of subsistence from his parents... society not being in need of his labour, does not have the least right to claim the minimum portion of nourishment. He is surplus to the needs of this world. Nature tells him that he must be gone, and quickly, were it not that the pity of his fellows intervenes on his account. If they rise from the table and make a place for him, soon other intruders will arrive demanding the same favour. When the news circulates that all who arrive will be given succour, the hall will fill with a multitude. The order and harmony of the feast will be shattered; the plenty that existed previously will be transformed into scarcity. And the happiness of the guests will be destroyed by the spectacle of misery and humiliation, that rises from all corners of the world, and from the inopportune clamour of those who rightly are angered when they do not find the help they had expected. The guests recognize their error too late, at having opposed the execution of the strict orders given by the grand

“maitresse” of the feast against admitting intruders: for, desiring that plenty reign amongst her guests, and aware of the impossibility of attending to an unlimited number of individuals, she had rejected, for sake of humanity, the admission to her table of the latest to arrive³¹.

To put it bluntly: the poor are a problem and a threat to the banquet of the rich. And furthermore, the poor’s problem is their problem, not a problem for the rich nor for proprietarist society. The poor are responsible for their poverty. Proprietarism has managed to eliminate the merest glimmer of moral responsibility in the bourgeois exercise of the right to private property. The traditional limit to property (being in a state of extreme necessity) has no place here. The poor have no right to live.

The social project of possessive individualism has a clear ideological dimension, which applies as well to the sociopolitical arena³². It seeks to remove the mutual relationship and interdependence between the economy and politics. It conceals the fact that the absolute primacy of economic laws (those which are assigned the ontological category of being “natural”), and the necessary relationships which are derived from these law, are only possible because those who have control of political power make laws according to their own economic interests.

In the words of P. Barcellona: “the establishment of a sphere separate from the economy and economic speculation, is a highly artificial operation with

highly political overtones. Only a deft sleight of hand can transform human work into a commodity, need into exchange value, money into a general form of wealth, and only a powerful political state-instituted force can convert the market into the sole general place in which human relationships can occur... The birth of the market economy and of economic speculation is therefore strongly marked by the coercive juridico-political role of the State and by a determined historical subject’s capacity to project influence: the bourgeoisie, the property-owning class”³³. The proprietarist project is, then, both ideological and political at the same time. Its validity was beyond question as long as the proprietarist mindset held sway. But when the universalizing force of the claims of the Enlightenment was harnessed by a more egalitarian and democratic project (the socialist project), the plausibility of the bourgeois discourse should definitely have been brought into question and the paradigm of bourgeois possessive individualism should have been found wanting as a way of continuing to explain and legitimize the ruling social order.

Why didn’t this happen? Why, when it is no longer possible to deny the personal identity of the poor worker without property, nor their capacity for active suffrage, are the worth and quality of human beings still mortgaged to their status as economic bit players? That question remains unresolved, as it lies outside the ambit of this booklet.

5. ANALYSIS BY WAY OF CONTRAST: THE PRAXIS OF JESUS

From a Christian perspective it may be good to compare how vulnerable we are when faced with the figure and praxis of Jesus. This reaction will help bring into question and defuse the legitimization of property ownership, as it has been rendered sacrosanct via the concept of possessive individualism, all in the name of Christianity.

Biblical texts referring to the human reality of property are frequent. But there is one evangelist, Luke, who has paradigmatically shaped the way in which the Master's praxis serves as a code of conduct. Sadly, given the influence of the proprietarist ideology, the code was forgotten and needed "outside prophets" for Christian thought to take note of it. The very Social Doctrine of the Church has been more in debt to the jurnaturalist tradition, than to its own³⁴.

5.1. A change of perspective

In Luke's reconstruction of the praxis de Jesus, there is a surprising and radical change of perspective.

In the first place, there is a change in the way the sociological constant rich-poor is understood. Until now, the rich person had been the reference point by which all else was judged. Wealth was a sign of divine blessing and poverty was held to be a punishment. The rich person occupied centre stage as a model, while the poor person was excluded, admired by no one. Between both, as between Epulon and Lazarus, there was an "insuperable abyss". But now, in the Luke text, the poor occupy centre stage and from there the whole social situation is interpreted and evaluated.

The poor are not poor because of divine punishment, nor is their poverty situation the result of fate condemning

them to be where they are. Luke links the existence of the poor to that of the rich. There is a Lazarus because there are Epulons who refuse to see the injustice of the situation and the damage their wealth causes.

In the second place, against the ideological justifications for poverty (divine punishment or blind fate), Luke presents poverty as an evil to be fought. The poor are victims of a situation to be overcome. Spurned by the ruling proprietarist model, the poor as victims are favoured by God, Who hears their cry.

There is no suggestion that everyone become poor, nor that the poor take control of the situation and turn the tables so that the rich become the victims. There is rather a new model of a society in solidarity, where those who have now share with the havenots, and where the rich modify their lifestyle, because they have understood that all must now live with dignity.

The responsibility for poverty now lies in the selfishness and blindness of the rich, who throw up an “insuperable abyss” between themselves and the poor.

5.2. Consequences

With the existence of the poor linked to the selfish and exclusivist attitude of the rich, the overwhelming need to change the situation arises. The Magnificat (Lk 1: 48-55) is not only a grateful song from Mary about her personal vocation or the history of a people, but also the voice of a community of the Biblical poor who

await the saving project of God through His Son. And the Beatitudes (Lk 6: 20-26) describe the confrontation which links rich and poor, defending the overturning of values and relationships between them. The legitimizing ideology of the “status quo” is viewed as the work of a false god (Mammon) and enemy of the Kingdom of God. There is no other way except conversion.

The mutual use of goods in solidarity one person with another is the alternative to unjust, irrational and socially damaging possession, as embodied in the figure of the miser who accumulates goods, heedless of what everyone else may need (Lk 12: 13-21). One of the most explosive syntheses having to do with the criminal dialectic that has led to an “insuperable abyss between rich and poor”, is this mutual use of goods in solidarity. There is a fight to the finish between God and Mammon, between the law of death which dehumanizes and enslaves (the miser, the unfaithful steward, Epulon), and the law of life which liberates and humanizes whoever allows his heart to be rescued from the clutches of money and unjustly-held property. There are no half measures: one cannot serve two masters.

That change of heart is extremely difficult for the rich, not so much because of the quantity of things they possess, but because of the spirit of possessive individualism which keeps people wanting and accumulating more of what they do not have, instead of sharing what they do. Beyond the well-worn image of the camel and the eye of

a needle (which has served as a distraction to the imagination with all its abstruse questions), the passage from Lk 18: 18-30 radically questions the necessary ideological legitimization the rich cling to so as to shore up their situation. Here there is a denunciation of such an irrational, unjust and damaging way of life, one that converts people into camels, in other words: animals destined to bear what free human beings should never be burdened with. As long as Mammon is our master, we are condemned to be camels: objectified, and tools for someone else to control, in the thrall of that reactive, immoral nihilism which Nietzsche depicted so lucidly in his *Untimely Meditations*. enough to expose that blind “you-have-to-believe-at-any-cost” attitude which is at the core of proprietarist ideology. You have to believe that you “can serve both God and Mammon”, that you can have it all: “your wallet and your life”.

This was further explained by J. Benavente, when he sarcastically suggested that members of the modern bourgeoisie had solved the terrible Gospel dilemma: they believe faithfully that the Gospel is right when it says that it is a harder for a rich person to enter the kingdom of heaven than it is for a camel to pass through the eye of a needle; but, at the same time, they more or less firmly believe that a camel loaded with gold can enter virtually anywhere.

5.3. Is conversion possible?

But Luke knows that nothing is impossible with God; he shows the

pathways rich people should follow. His gospel is no mere exposé; he goes on to offer ways in which people can be in solidarity where material goods are concerned. The formation of communities in which social differences melt away, and the rich lose the social influence they once enjoyed, is nothing less than a revolutionary program. Behind unjust riches there lies a type of society in which relationships founded on domination and slavery are the norm. For Luke, a person who in their heart renounces Mammon and its laws, is likewise rejecting power and its dehumanizing manifestations (among them the paternalism of the rich, with its emphasis on vertical relationships, where they stand over everyone else and can arbitrarily choose what and to whom they dole out as benefactors: Lk 22: 25-26).

No “theology of well-being” resulting from the Good News of Christianity can be compatible with trying to prop up the existing social order, when the “insuperable abyss between rich and poor” still persists. Christian social thought must be aware that to overcome this gap, it is not a matter of finding alibis or shortcuts, as certain early Communists wanted, or calling for an ascetic lifestyle in line with “Gospel values”, and other poverty nonsense, all of which avoids calling into question the current structural injustice.

The Gospel challenge to rebuild human relationships corrupted by proprietarist individualism must be taken up, for the sake of solidarity and social justice.

IN CONCLUSION

Property and power are human realities which we can and must live with in a dignified way, and which we must legitimize in a spirit of integrity.

But, as we have seen, we need to change many things in our lives, if we do not want to turn them into out and out robbery.

1. Impulse refers to a feature which, although not belonging to the essence or to the definition of a being, is present in all members of that definition. Vg. In the case of human beings: laughter, or sexuality.
2. J. ATTALI, *Historia de la propiedad* (1989). Planeta, p. 12
3. Quote taken from G. BORDET's unpublished *Étude sur Proudhon*, quoted by J. ATTALI in *Historia de la Propiedad* (1989), Planeta. Barcelona, p 316. Proudhon is famous for his statement: "Property is theft", in *Qué es la propiedad* (1840).
4. Bob SUTCLIFFE. *100 Imágenes de un mundo desigual*. (2004). Icaria/Intermón Oxfam, Barcelona; J. M^o HERNÁNDEZ. "Gigantes y enanos. El contrato social en la era de la Globalización", *Revista Internacional de Filosofía Política*, n. 25, julio 2005. pp 109-129.
5. CRISTIANISME I JUSTICIA, "Mundo obsceno", *Papeles*. N. 173, septiembre 2006.
6. Z. BAUMAN. *Las vidas desperdiciadas. La modernidad y sus parias*. (2005). Paidós, Barcelona.
7. E. VITALE. "¿Fin de la Modernidad política?", en *RIPF* n. 28, dic. 2006, pp 135-147 (my emphasis).
8. M. ROBINSON. "Los derechos de propiedad son derechos humanos", en *El País*, 1-VI-2007.
9. A. DE TOCQUEVILLE. *La democracia en América*. (1963). F.C.E. México/Buenos Aires,; Ver D. VELASCO. "Tocqueville (1805-1859), dos siglos después", en *Estudios de Deusto*, Enero-julio, 2005, Universidad de Deusto, pp 183-250.
10. E. DUSSEL. "Seis tesis para una filosofía política crítica", en *Hacia una filosofía política crítica*. (2001). Desclee de Brouwer. Bilbao. Pp 43-64.
11. A. DE TOCQUEVILLE. *La democracia en América, II*, 1^a parte, (1963). Fondo de Cultura Económica, México/Buenos Aires, pp 408-409.
12. This was the name given to the decadent Scholastics of the 14th and 15th centuries who thought that reason could not penetrate to the reality of things, but only give them an arbitrary name (hence the title of the novel: *The name of the rose*). This undervaluing of reason brought with it an amplified sense of the will.
13. To appreciate the complexity and ambiguity of the explanations of the lawyer theologians of the 16th- 17th centuries as to the origin of property, see M F. RENOUX-ZAGAMÉ. *Origines théologiques du concept moderne de propriété*, Librairie Droz. Paris 1987).
14. Here lies a problem both in economics and politics, which can be summed up in the well-known comment from C. Schmitt: "there are

- no immanent categories by which a political order can be legitimized". This view also appeared in the dialogue between J. Habermas and J. Ratzinger which was recorded by the press when the latter became pope. For a Jewish view of the matter (despite the Nazi leanings of Schmitt), see Jacob TAUBES' *La teología política de San Pablo*, Madrid 2007, p. 149.
15. Stephen HOLMES. *Anatomía del Antiliberalismo*. (1999) Alianza Editorial, p. 264.
 16. Here I am largely following my text "Propietarismo y exclusión socioeconómica y política", in *Iglesia Viva* n. 211, 2002. For a quick summary, see also chapter 12 of ("Teocracia propietaria" by J.I. GONZÁLEZ FAUS, *Ojo avizor*. Madrid 2004, pp. 54-57.
 17. J. LOCKE. *Ensayo sobre el gobierno civil (Essay Concerning Civil Government)*. Pr. 124. Ed. Aguilar. Madrid. 1969. pp 93-94.
 18. J. LOCKE. *Ibid.* p.4.
 19. J. LOCKE. *Ibid.*, n. 50.
 20. I am following C. B. MACPHERSON, *La teoría política del individualismo posesivo*, Barcelona 1976 (1768s.), and L. DUMONT: *Homo aequalis. Génesis y apogeo de la ideología económica*, Madrid 1982 (pp. 71-86).
 21. Macpherson quotes a text which appears in a revision of the third edition of the *Essay*, adding a new argument after the first paragraph in no. 37.
 22. MACPHERSON. *op.cit.* p. 184.
 23. MACPHERSON, *op. cit.* p. 190.
 24. L. Dumont comments that, with the disappearance of subordination as a social principle, leaving the individual as the fundamental point of reference, it is more vital than ever that he/she interiorizes a moral code which prevents them from falling into unbridled behaviour and compels them to accept society's rules of the game. That involves making clear that the social order freely assumed is a source of happiness. (*Op. cit.* pp 77 ss).
 25. To see how Locke deals with these questions, Macpherson analyses his works *Essay Concerning Human Understanding and The reasonableness of Christianity*, as well as the previously cited *Essay Concerning Civil Government*. See pp. 191-204.
 26. MACPHERSON, *op. cit.*, pp. 202-203 (my emphasis).
 27. See G. PECES-BARBA, E. FERNÁNDEZ y R. DE ASIS. *Historia de los Derechos Fundamentales*. T. II. Vol. III. Ed. Dykinson/Instituto de derechos Humanos Bartolomé de las Casas. Madrid. 2001. pp 271-274; 287ss; 362-64.
 28. I add "once again" because, at the outset of modern individualism, the Church, being true to the faith, felt uncomfortable with the growing usurious, mercantile mentality, but ended up accepting it. Moving, as J. Le Goff writes, "from an agreement with feudalism to an agreement with capitalism", simply saving itself via capitalism: the wallet is your life. "The Church then transformed five of the seven deadly sins (avarice, pride, envy, anger and gluttony) into possible economic values. Or, more accurately... allowed that transformation to happen without condemning it, leading to the guidelines for sound business management becoming one with the guidelines for Christian moral behaviour." (J. ATTA-LI, *op. cit.* 193-194).
 29. On doctrinaire liberalism, see D. VELASCO. *Pensamiento Político Contemporáneo*. Universidad de Deusto. Bilbao 2001, pp 155 and accompanying bibliography.
 30. B. CONSTANT. *Principios de Política*. Ed. Aguilar. 1970., p. 120.
 31. *An Essay on the Principle of Population*. Second edition 1803.
 32. To see how the totalitarian spirit of economicism inserts itself into the judicial and political domains, see C. POLIN. *L'esprit totalitaire*. Editions Sirey. Paris. 1977.
 33. P. BARCELONA, *El individualismo propietario*, Trotta. Madrid 1996, p. 113.
 34. See the monograph edition of the journal *Bibel und Kirche*, 62 Jahrgang, 1 1/2007, which I used to develop this paragraph.