

Political Theology 4: Property

Roger Ruston O P

In the course of an unusually angry article on poverty in Northern Ireland which appeared in the *Times* of 18 March this year, it was pointed out that in a region already suffering the highest cost of living, the highest unemployment rate (17.3 per cent) and the worst housing shortage (32,000 families homeless) in the United Kingdom, the social security system is passive and waits for people to find out what benefits they might be entitled to and to claim them. Moreover, the claim forms are "impenetrable to all but the well-educated and practised claimant, a contradiction in terms". And the fear of scrounging has seriously interfered with the system's ability to meet the crying need. In the UK as a whole £500 million welfare benefits remained unclaimed in 1978. Ulster was well represented. Meanwhile, the Government is pouring the balance of £70 million into a factory making luxury sports cars for the American market in the middle of a world energy crisis, for the sake of 1000 jobs.

On 6 April, the *Guardian* reported that more than 1000 new investigators have been appointed to save an estimated £50 million in social security frauds, while at the same time it has reduced the staff of the Inland Revenue and Customs and Excise dealing with tax frauds, which cost about £5,500 million. As the number of security fraud officers is increased so less and less time is given by benefit officers to ensuring that claimants receive their full entitlement. And more and more people are frightened to seek their legal rights. Moreover, "home visits have been reduced and officers have been told not to help claimants to work out the intricacies of various benefits in order to decide which was the most advantageous". Meanwhile, it is not known what arrangements the Inland Revenue have to reclaim the vast tax arrears of the Vestey business empire, which paid no tax for decades on its highly profitable chain of butcher's shops.

To suffer injustice is to suffer as a disposable part of someone else's order. Specifically, under capitalism, it is to suffer as a disposable part of the wealth-making order of those who possess and control the processes of production. This disposability results in poverty, in the sense of relative deprivation: the people unwanted

in the production process may fall below the level at which they take any satisfactory part in their society. They lose access to those things and patterns of life which are generally accepted as the norm in their society. It is increasingly difficult for them to escape from their situation and their lives become increasingly subject to an order imposed on them by agents of the state, notably welfare officers and the police. In such a way their own personal lives are continually disordered.

Discriminatory forms of injustice, such as racism and sexism – while they cannot be reduced to class terms – are particularly easy to exploit for class purposes. The disposability of blacks, women, migrant workers and handicapped persons is more easily justified than that of white male working people, on account of widely accepted myths about their incapacities.

A just society would have to be one in which *not creating* such disposable classes of people was a primary objective. Since it is *property* which embodies the relationships of power, and which makes the difference between those who benefit and those who are oppressed by the prevailing order, it is property which must receive first attention. Fifty years of social democracy have shown that, if property is not changed, then nothing is permanently changed and that a welfare state can be demolished in a few years under pressure from the City and others who have always owned most of the country.

It is well recognised by now that property has not always meant the same thing at different periods or in different societies and that very different types of social order are associated with different concepts of property. What kind of power people are able to exert over one another depends on what type of possession is possible to them. Not only this, but apparently simple things like poverty differ widely in their experienced effects, depending on their social context and the type of possession against which they exist. A society in which absolute private property is the rule will tend to exclude the poor from participation more severely than one in which the rights of ownership are circumscribed by duties to the community, even when the latter is a poorer society overall. Factors of this kind must be taken into account when comparisons are made between the relative poverty of a 'rich' country like Britain and a country of the Third World. On the other hand, it is the disruption caused to traditional societies by the exportation of European types of ownership which has resulted in the most appalling poverty in the world.

The most instructive modern writer on property is C. B. Macpherson in a number of analytical and historical essays.¹ What he has discovered about it enables us to shift attention away from the

sterile conflict between individual and collective property where it has so often been carried on, especially by Christians arguing against socialism. The multiple historical forms of property must be appreciated if we are to steer clear of both of these useless ideals.

The most basic feature of property which has to be recognised before any worthwhile discussion can take place about it is that property is a matter of *rights* rather than *things*. This is because it has to be distinguished from mere physical possession. There has to be a social recognition that a person has a claim which can be enforced at law by whatever sanctions the society can deploy. But it is enforceable because it is a right and not the other way round. Now the fact that property is always an enforceable claim means that it is essentially a political reality: that it is to do with power over people, whether this is personal power, state power, or the power of a tribal chief distributing grazing to peasants. Property is a political relation between persons. This is why private property is such a politically troublesome kind of right.

The difference between common property and private property is this: common property is the right that a person has *not to be excluded* from the use of something – a grazing right, the water in a well, a beach for swimming from . . . Private property on the other hand is a right that a person has *to exclude* others from the use of something – his house, his factory, his fishing . . . Both are property since both concern enforceable rights to the enjoyment of some resource, but they are radically different in their social meaning. Contrary to a common assumption in modern times, private property is not the only *real* kind of property.

There exists a third type of property which has increasing importance in modern society and about which there may be much confusion if the differences are not recognised clearly. This is State or collective property. It is not the same as common property, since it does not confer the right not to be excluded. Rather it confers the right of the collective authority – which may be the State – as an artificial person, to exclude people from its use. It is however, unlike private property in that the people have nominal rights of some kind to benefit from it, even though they may not be able to take these up at will.

The fact that private property has largely taken over the field as the only ‘real’ kind of property is closely linked to an historical change by which it has come to be understood as things rather than rights. This is due to the rise of fully marketable rights in land which was something not generally known in this country until the 17th century. At an earlier time, the sense of property was multiple: many different people had different rights in the

same piece of land, for instance. A man's property in a piece of land was generally limited to a certain use of it and was usually not freely disposable. But in order to make land a fully marketable commodity, as was required by the capitalist market economy, a doctrine of unlimited rights had to be developed and embodied in law. It is the story of the enclosures and the elimination of common rights to grazing, game and wood that separated the class of absolute owners from the class of non-owning labourers in the English countryside.

Now when a person has unlimited rights of exclusion of others, it begins to look as if his property is the thing itself rather than the rights he has to it. Hence the change in common speech. It is now easier to speak as if it is the things themselves that are being bought and sold in the market rather than the rights to them. Had the rights been multiple and different, as they were in Medieval times, such a way of speaking would not have been possible. As Macpherson remarks, "The difference was not that previously unsaleable rights in things were exchanged, but rather that previously unsaleable rights in things were now saleable; or, to put it differently, that limited and not always saleable rights *in* things were being replaced by virtually unlimited and saleable rights to things." In pre-capitalist society, the limited rights were largely rights to a revenue. Although there are still limits in capitalist society to what a person can do with his property in so far as it affects others in the community, it is also true that "private property right may be called an *absolute* right in two senses: it is a right to dispose of, or alienate, as well as to use; and it is a right which is not conditional on the owner's performance of any social function".²

According to Macpherson, a change has been taking place in the 20th century such that property is again being seen as a right to a revenue or guaranteed income rather than as rights in specific material things. This is partly due to the spread of investments and partly to the development of the welfare state. There is no reason why old age pensions, unemployment benefits, family allowances and the like should not be considered to be property in the sense of rights to a revenue. But even more significant than this from a political point of view, people are coming to see their main property as a right to earn an income, i.e. the right to be employed. This means a right of access to the productive resources of society, no matter by whom they are owned. In modern times it is becoming accepted – by the Labour Movement at least – that the worker's main property is his right to a job.

This means that there is now a good deal of pressure from such sectors of society as the Trade Unions for a return to a concept of

common property in the form of rights not to be excluded from work – i.e. access to the accumulated productive resources of the whole society. This has to co-exist in uneasy relationship with classical capitalist private property in the form of ownership of the means of production – by shareholders, financiers and the rest – who still have an absolute right in law to dispose as they please of the resources in order to realise the maximum revenue from them. In practice this means the power to close even profitable enterprises without consulting the labour force and to move the capital elsewhere, including stocks held in a far country if that gives a better return for the owners. Thorstein Veblen called this kind of ownership a “legal right of sabotage” against the community’s joint stock of industrial equipment and labour.³ In time of recession and unemployment it is clear which kind of property is the stronger: capital. This is because it carries all the prestige attached to the notion of “property” in liberal capitalist society. It is still a heavy moral prestige derived from a time when, as Tawney remarks, the protection of property was normally the protection of work, and not the arbiter of who shall work and who shall not, as it is now.⁴ In the speeches of Mrs Thatcher it is the moral and Christian thing to increase this kind of property, no matter for whom; it is immoral and unchristian to make claims for the other kind of property. That is a drain on resources, rather than a legitimate enjoyment of them. Hence the discouragement of claims which is now official Government policy, as we have seen. The conflict between the two kinds of property is the basic form of the class struggle happening in our time.

As a matter of historical fact, the way in which poor relief is distributed in any given society depends very much on the understanding of the rights and obligations of property which prevail in that society.⁵ Thus in medieval times, when property was always laden with social obligations, and unqualified private rights were unknown, there was no moral stigma attached to poverty, and distribution of superfluous wealth was considered to be an obligation of every owner. Although there was considered to be a right in natural law to private property, in time of need a person’s superfluous wealth was considered to be common property and the poor had a right to it. It was a matter of justice, even when it was not strictly enforceable. According to the theologians, this was the practical meaning of the Christian doctrine, inherited from the Fathers, that God had given the earth to be held in common for the benefit of everyone. It did not mean that everything was to be shared equally, but that in time of need everyone did have a right to a share in it. The poor man’s share was strictly *owed* to him.

In modern times however, the belief now being vigorously re-

vived that state benefits for the poor are strictly speaking not owed to them but generously donated by “the tax-payer”, implies a theory of property as absolute rights over things. In such a case no one can have a *right* to a share of what belongs to others. They must wait upon generous donation, even though the state has already taken it on their behalf. It is “charity” rather than justice. Charity of this kind is in itself a creator of disorder in the lives of its recipients. Claimants in the DHHS waiting room have no right to prompt consideration like clients in a bank. The personal ordering of their lives is of secondary importance, and they become part of an official process, the timetable of which they are powerless to determine. They may have a legal right to what they are eventually given, but it is the way in which it is given and the humiliating process they must go through in order to receive it which reveals the underlying beliefs about it. No wonder so many people fail to claim their benefits.

Since the 19th century disputes over socialist doctrine, the politics of property has become polarised between private property on the one hand and state or collective property on the other. Unfortunately they are both rights to exclude other people from the use or enjoyment of certain things. So neither type is a suitable medium for expressing the basic human right to a livelihood from the resources of the earth. The only difference is that state property is in principle held in trust for the welfare of the whole of society, while private property is not. In practice there is no better guarantee of access to resources in state enterprises than there is in private ones.

Modern Catholic teaching on social questions began by supporting the inviolability of private property in the means of production against socialist doctrine that it should be taken over for the people in the form of state property. The reasons which Leo XIII gave in *Rerum Novarum* (1891) for the inviolability of private property make it plain that his ideal of human life was that of the small peasant proprietor such as must still have predominated in Italy at the time he wrote:

- 1 Man, the rational animal, is the only one who can and must plan for the future. Private property gives him the needed security and freedom which his nature demands: “Thus, if he lives sparingly, saves money, and, for greater security, invests his savings in land, the land in such case is only his wages under another form; and, consequently, a working-man’s little estate thus purchased should be as completely at his full disposal as are the wages he receives for his labour” (*Rerum Novarum* 4).
- 2 It is the best encouragement for productive labour: “When

man turns the activity of his mind and the strength of his body towards procuring the fruits of nature, by such act he makes his own that portion of nature's field which he cultivates – that portion on which he leaves, as it were, the impress of his individuality and it cannot but be just that he should possess that portion as his very own, and have a right to hold it without any one being justified in violating that right” (*Rerum Novarum* 7). “As effects follow their cause, so is it just and right that the results of labour should belong to those who have bestowed their labour.”

- 3 It protects the family: “It is a most sacred law of nature that a father should provide food and all necessaries for those whom he has begotten . . . Now in no other way can a father effect this except by the ownership of productive property, which he can transmit to his children by inheritance. The rights of the family in this respect are prior to that of the State since states exist for the benefit of families . . .” (*Rerum Novarum* 10).

The goal for society therefore is that “the law should favour ownership, and its policy should be to induce as many as possible of the people to become owners” (*Rerum Novarum* 35). The results of such a policy would be to lessen the class antagonisms, to induce people to work hard for themselves, to the ultimate advantage of society, and to put an end to the migration of labour. Much the same policy is supported forty years later by Pope Pius XI in *Quadragesimo Anno* (1931), though, in a newly industrialised Italy, there had to be less emphasis on the ideal of the peasant proprietor.

The traditions inherent in this defence of private property are a mixture of medieval natural law theory and 18th century labour theory of value. In any case it envisaged a stage of economic development which was pre-capitalist, or at least in the early stages of capitalism when – to use Tawney's phrase again, the protection of property really did mean the protection of work. It was a world in which there was a sufficiently widespread ownership of land and capital and in which the majority of skilled working people were independent, owning their own tools and materials. Under these conditions, the security of private property enables a person to reap where he had sown, and becoming a propertyless servant of another was still something to be avoided. There really was a moral justification for a certain kind of private property. It was active, not passive property, in the sense used by Tawney: “The characteristic fact, which differentiates most modern property from that of the pre-industrial age, and which turns against it the very reasoning by which formerly it was supported, is that in modern economic conditions ownership is not active, but pas-

sive, that to most of us those who own property today it is not a means of work but an instrument for the acquisition of gain or the exercise of power, and that there is no guarantee that gain bears any relation to service, or power to responsibility".⁶

The moral defence of private property depended, as all moral arguments for social institutions must do, on the manifest benefit which it did for the whole of the community, not for a small part of it. But these kinds of arguments are completely out of place as justifications for the absolute rights of modern industrial and agricultural property concentrated in the hands of a small class of owners. This type of ownership destroys the community of interest and so destroys the coherence of the moral argument, in spite of Mrs Thatcher's moral theology.

The defence of the rights of the small property owner involved the papal writers in a simultaneous defence of the factory owner and hence of the division of society into capital and labour. These were said to need each other for the harmony of the whole body of society. They both had social obligations as well as individual rights and the goal was to be mutual support, not class war. But neither Leo XIII nor Pius XI were blind to the cruel inequalities of wealth and power in European society, so they paid a great deal of attention to the duties of ownership. In stressing the right to a just wage, they are clear that justice is not merely a matter of honouring contracts undertaken from necessity, but of honouring the workingman's right to a livelihood. It is "a dictate of natural justice more imperious and ancient than any bargain between man and man" and "if through necessity or fear of a worse evil the workman accepts harder conditions because an employer or contractor will afford no better, he is made the victim of force and injustice" (*Rerum Novarum* 34). This right is property in the sense in which I explained it earlier – or it would be, if it were legally sanctioned. Leo appeals to the moral conscience and charity of the property owners for a recognition of the rights of labour, with a marginal role for the state in protecting the very poor. But Pius is ready to see that proper distribution is a matter of strict justice and therefore the direct concern of the state: probably recognising the increasing importance of the state in welfare during the 1930s.

However, both fail to recognise that the evils of society must be attributed to the unjust way in which wealth is *produced* rather than *distributed*; or rather that the distribution is a mere result of the mode of production which produces riches and poverty at the same time. Attributing everything to a failure of distribution does not get to the heart of the trouble. It lends itself to the naive views about the potential harmonious working of capital and labour: "legitimate disputes over justice", to use Pius's phrase, instead of class

warfare. They show an innocence concerning the way in which the original division of the classes came about: as if it were through simple individual labour on common resources which conferred on some people the natural right to their greater wealth. The division of classes is therefore “ordained by nature”. They do not recognise how the process of capital accumulation proceeded through the spoliation of the small owner and the destruction of the small craftsman. As a result of this historical innocence, they attribute the class struggle to an iniquitous invention of Socialists, when in fact it is the very condition for the production of wealth in a capitalist economy.

Mater et Magistra of John XXIII goes much further than either of the earlier writings in recognising that injustice occurs at the site of production. It advocates what in effect are various measures for the breakdown of class difference: that workers should have shares in their firms; that they should participate in direction in order to exercise that responsibility without which they are not living a proper human existence (*Mater et Magistra* 82-93). It is also important for workers to have a real political representation in running the State, since it is there that the most important economic decisions are made (99). The goal therefore is much more far reaching than the guarantee of a just wage: it is the right to fulfilling and responsible work. There would be reasons for considering this to be a kind of common property in the sense that I have described. But John repeats the doctrine that private property is the foundation of individual freedom (111). But it clearly now has an industrial significance in the sense of shares in the ownership of the means of production. It is meant for the protection of work, not for the exploitation of other people’s labour.

It seems to me that there is nothing wrong with the traditional Christian doctrine of the right to private property in the means of production, so long as certain conditions are met:

- 1 that it is active individual property, which creates and protects work and cannot be used arbitrarily to decide who shall work and who shall not, and that it is not merely a right to a private tax on other people’s labour
- 2 that it becomes as widespread as possible through the recognition of certain kinds of common property: in particular the right to work and the right to a livelihood from the State which guarantees that a person can remain a full member of society when they are unable to work.

Social morality means working for these ends, in order to

realise the basic theological belief that God created the resources of the earth for everyone.

- 1 *The Political Theory of Possessive Individualism*, Oxford 1962.
Property (A collection of texts, ed. Macpherson), Oxford 1978.
"Capitalism and the Changing Concept of Property", in *Feudalism, Capitalism and Beyond*, Ed. Kamenka and Neals, London 1975.
- 2 In "Capitalism etc." p 111, 109.
- 3 "The Natural Right of Investment" in *Property*, Macpherson (ed.) p 130.
- 4 *The Sickness of an Acquisitive Society*, 1920, chap v in Macpherson, *Property*, p 149.
- 5 Brian Tierney, *Medieval Poor Law*, Berkeley and Los Angeles, 1959. chap II on Property.
- 6 Op. Cit. p 140.

Metaphor, The Self, And The

Language of Religion

Adrian Cunningham

In this paper, I am concerned with some of the ways in which religious language resonates with our sense of being a self, and especially a bodily self. At present we often tend to counterpoise language to the biological and we stress the conventional even arbitrary aspects of language.¹ Religion, however, tends to give language a force that is comparable to that of biology. It is not only that words are creative in that *fiat* which makes the world, or the word which Mary hears as the conception of her son. The whole pattern of the Judaeo-Christian tradition is a pattern only because similarities of meaning have historical force, as the sacrifice of Isaac is linked to the sacrifice of Christ for instance. Things of similar meaning tend to be taken as linked in actuality, either by historical causality, or by being seen as different manifestations of a basic underlying pattern. In general, religious language tends to give a real dimension to linguistic usage that we would tend to say is 'only metaphorical': 'I was in the seventh heaven', 'Christ is present in the Eucharist'. Those religious traditions in which the issue of such language being 'only metaphorical' has arisen, have rejected it as a sufficient account of what they mean. There is no question of our being able to translate religious usage into metaphorical or poetic usage in any easy fashion. But attention to meta-