

from the working class, but nevertheless now belong to a new ruling class who hold their positions by supporting the government with servility. The new class pander to a State authority controlled by ruthless despots and are amassing fortunes for themselves whilst the rank and file workers work for a pittance. So we working men insist that we shall have some share of the wealth we help to produce by having ownership and control of some tangible concrete property such as the houses we live in and the fields and factories where we work.

The worker has won the political right to fight for necessary social legislation, now is the time to take stock of the position. To use power to bring the reality of political freedom into effect by acquiring property, to develop a sense of responsibility and to determine that it shall not be out of the plutocratic capitalist pan and into the socialist fire.

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## PRIVATE PROPERTY A MORAL RIGHT

FATHER MACLAREN in his Aquinas Paper, *Private Property and the Natural Law*<sup>1</sup>, builds his thesis around the question of the interpretation of such statements from the papal encyclicals on the social question as: 'The right to own private property has been given to man by Nature, or rather by the Creator himself'. What do such statements mean? he asks. 'Do they mean that the right to private property belongs to the nature of man in the same way, let us say, as the right to life itself? Do they mean that private property is the only legitimate way in which a man can own material possessions? In other words, is private property an absolute right completely excluding any other way of possessing material things?' I should agree with Father MacLaren in answering the first two questions in the negative but I should hesitate about the third, because it seems to contain a certain confusion of thought that flaws the whole argument in his paper and which makes a yes or no answer impossible. In other words, the question implies that unless a right is 'exclusive' it is not 'absolute'.

Primary Natural rights, of course, are both absolute and exclusive. They flow from the very nature of man. Each is essential if man is to exist as man. Each covers its own field entirely. Thus, for example, the right to life itself. Secondary Natural rights are drawn from primary natural rights as conclusion from premiss.

<sup>1</sup> *Private Property and the Natural Law* by Drostan MacLaren, O.P. Aquinas Paper No. 8 (Blackfriars; 1s. 6d.).

They are different in a large degree from primary natural rights. They are not each in itself essential to life, they are not so immediately evident to the intellect, and (I hope to show), they are not of their nature exclusive. Nevertheless, such secondary natural rights are absolute, i.e. they do not admit of substitution or destruction, because they flow (via primary rights, it is true) from man's very nature and are independent of his circumstances, of any particular time or of any particular place; they are deduced from man's nature as *general precepts*. They are absolute, not being relative to man's changing environment. The very examples of secondary precepts of Natural Law (given by the author) confirm this—peace, order, justice, stability. At all times and in all circumstances these are obviously absolute precepts for the living of 'the good life'.

It is, of course, necessary that men should apply these general precepts, primary and secondary, to different sets of circumstances. When this is done these precepts become crystallised, at least in an imperfect manner, into varying forms of positive law. But no matter how the forms of positive law may vary, to be true law they must contain the general precepts within themselves. For example, let us again take the primary natural right to life: From this right we may deduce a secondary natural right—the right to the means of defending our persons against the unjust aggressor. Both these rights are absolute. But in positive law the latter may mean, as in more primitive societies, the right to carry weapons, or it may mean that the carrying of weapons is forbidden and that, instead, we have the right to call on the police. Both forms are legitimate, but only because they contain the means of defence.

Thus the point I have reached in my argument is this: that if private property is (as Father MacLaren seems to think) a secondary precept of natural law, then the right to private property remains an absolute right. Therefore it follows that all forms of positive law regulating ownership must make adequate provision for the exercise of the right to private property. It should be noted, however, that although absolute, secondary natural rights are not exclusive. More than one valid conclusion may be drawn from a primary natural right. Thus the right of all men to education implies the right of the parent to educate the child. It also implies in certain cases (e.g. orphans) the right of the state or other society to educate. Similarly, the right of private property does not exclude communal ownership, provided the latter is not so exclusive as to cripple the exercise of man's right to private property.

There is a further criticism of Father MacLaren's work which I

should like to make. I think that he has confused rather than clarified the issue, by introducing the *jus gentium*. This has caused trouble before. St Thomas puts the right to private property in the *jus gentium*. Leo XIII refers to it as belonging to natural law. Heinrich Rommen, in *The State in Catholic Thought*, solves their apparent contradiction. *Jus gentium* embodies natural law (in which he includes primary and secondary precepts) and a certain amount of positive law, which he calls *jus inter gentes*. But the right to private property belongs to that part of the *jus gentium* which embodies natural law.

It is now possible to state the more positive side of Father MacLaren's thesis as an objection to the above arguments. I have assumed (because Father MacLaren himself makes the point) that the right to private property is a secondary natural right. The primary right is that of access to the material goods of this world. But what if access (let us even say better access) can be granted by some other method? No matter what the position may be 'philosophically', may not the right now become 'practically' obsolete? The answer is that the right of access to the world's goods does not mean the right to be fed, as an animal (or a slave) is fed. It means the right of man to the goods of this world *as man*, i.e. as a free, rational being. He perfects his being only by acting *freely*, that is, in so far as the material world is concerned, by controlling, as master, his economic environment, in other words, by owning private property, and he has access to the world's goods as a free, rational being only when he obtains these goods from 'land' (I use the word in the sense the economist does) which he has made his by setting upon it the seal of his personality through work. Moreover, the only alternative to private ownership is communal ownership and this means not only that a man loses a sphere of free activity but (a much greater evil, perhaps) that someone or something else now has the control which he has lost and therefore, to the extent of that control, now has him in bondage.

The argument is seen perhaps more clearly if applied to other natural rights. For example, there is the secondary natural right of parents to educate their children. What if the state should set up a system under which the *full* education of children could be undertaken by educational experts? Can parents then have their rights 'removed'? Germany and Russia have already given us the answer. I therefore maintain that whether we look at things from the 'philosophical' or from the 'practical' point of view, we must hold that all natural rights, whether primary or secondary, are absolute.

One last point of criticism. Although I do not find him too clear on the matter, Father MacLaren seems to imply that, although he believes the right to private property to be relative, it must be indefinitely upheld because no alternative is practical. This is a dangerous line of argument, because it must be proven from man's fallen nature. This has not been done and I do not think it can be done. And if it may be held that there is even an *a priori* possibility of a practical alternative, then the whole question passes from the hands of the theologian into the hands of the economist, whose business it is to judge of practicability. Therefore if we are to defend private property we must defend it as a moral right. Otherwise, it will go, and with it, I fear, the whole fabric of Christian civilisation.

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## THE MASTER OF THE LIFE OF THE VIRGIN

THE realisation of the honour and devotion that are due to our Lady in Mediaeval and early Renaissance times, engendered a corresponding increase in pictorial representation of scenes from her life and the childhood of our Lord. It is not infrequent that the source of the inspiration and the materials are to be traced to the Apocryphal legends. The heretical trends they contain and the dubious authenticity of many of the accounts have long rendered them suspect in the eyes of the Church. Notwithstanding this, the mind of the mediaeval artist was particularly susceptible to the graphic and imaginative nature of some of the stories, besides they served to satisfy the desire for a greater knowledge of the small intimacies of the life of the Holy Family.

The arrival in London of the collection from the Munich Alte Pinakothek affords a unique opportunity to see the treasures for many people in this country; they will remain on view until August the 7th. The collection contains, among other things, part of a fifteenth century German altarpiece by an anonymous artist called 'The Master of the Life of the Virgin', this series being his greatest known work. It consists of eight panels representing 'Joachim and Anna at the Golden Gate', 'The Birth of the Virgin', 'Her Presentation in the Temple' and the 'Marriage of the Virgin' in the upper row; 'The Annunciation', 'The Visitation', 'The Presentation in the Temple' and 'The Assumption of Our Lady' in the lower row. The unity of the series is now lost because of its dispersal—part permanently remains in England.

From those belonging to the Alte Pinakothek three are being shown at present, 'Joachim and Anna', 'The Birth of the Virgin'