

## *Private Property in the Christian tradition: Basic Concepts and Comment*

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### Abstract

In the Christian traditions private property rights are seen from a needs rather than a rights oriented perspective. The first part of the comment shows this starting with the biblical texts and their philosophical reformulation and adaptation in Thomas Aquinas, whose texts are at the basis of Catholic Social Teaching (CST). In the second part the positions of CST are presented which have been formulated as an answer to modern social philosophy and the doctrines of both liberal Capitalism and Marxism. Finally the position of Prof. Weissels paper is questioned that the solution may lie in a Cost-Benefit-Analysis alone, affirming that a more profound philosophical criticism of the concept of private property rights in liberal thinking is necessary, which takes into account that man is not only a *homo oeconomicus*, but also a *homo socialis and religiosus* and that justice in property distribution cannot be achieved by the mechanism of the market alone.

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Prof. Weissel gave in his paper a differentiated and stimulating outline of the concept of property in the secular traditions of liberal capitalism and Marxism. The debate between these two competing ideologies has dominated intellectual discussions in the Western world and beyond during the past one and a half centuries. Since the implosion of Communist regimes in Eastern Europe Marxism has lost its political as well as its intellectual attraction. The concept of individual property rights of liberal Capitalism thus remains unrivalled and its worldwide acceptance is part of the globalisation of Western ideas of modernity. A qualified opposition may and should come from the Christian and other religious traditions. According to them the primary function of property is in view of solidarity to serve the material needs of the members of the community, i.e. they are needs rather than rights oriented or the justice or common goods' perspective has priority over that of individual rights. The main question is: In how far does the legal order concerning private property rights serve this aim? From this position the Christian social traditions formulate their criticism of both the liberal capitalist and Marxist concepts of property rights, at the same time admitting – as Weissel stated citing Joan

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Robinson – that “any ideology...contains a true or rational or useful nucleus upon which any further analysis should be based.”<sup>2</sup>

The concept of property rights in liberal Capitalism and Marxism moreover can only be understood properly if located in the wider context of European thought and history and this for two reasons. a) Christian theology and philosophy constitute the intellectual background of liberalism as well as Marxism, which both reformulated the Christian heritage on a secular basis taking up some elements and rejecting others. Thus the basis of liberal philosophy is the dignity of the human person as an individual, endowed by his creator with certain inalienable rights. Marxism on the other hand puts the emphasis on the social dimension of human life condemning the individualistic approach which in the concrete social order furthered injustice. b) Two thousand years of Christian formation profoundly shaped the overall worldview and the mentality of Western culture. As Max Weber tried to demonstrate in *Die Protestantische Ethik und der Geist des Kapitalismus* (1905) the capitalist economy cannot be understood without taking account of the religious ideas and attitudes of the dominant groups which created it. They formed the behaviour and expectations of individuals as well as communities and thus constituted an important precondition for the rise of capitalism as “the most fateful power” of modernity.<sup>3</sup> Weber’s scientific interests were the cultural and religious roots of Capitalism, which he found in the Calvinist protestant tradition, in the rather specific form it took in the 17<sup>th</sup> century. The Christian heritage is, however – as Weber himself knew -, much broader and other strands of it, as for instance Catholicism, where much less favourable towards the emergence of Capitalism.

Liberal economic theories are thus the outcome of the rather complex intellectual and religious history of the West. This has also consequences on the level of economic policy. The concept of the social market economy, which gave orientation to economic policies in Europe after World War II is a mixture of liberal as well as Christian social thinking. Different economic and social policies, e.g. in the European Union and the United States, are thus last but not least the result of a different religious background.

At this point I want to add a word on the meaning of Christian tradition in the context of this paper. As is well known, Christianity is divided in three main denominations: the Roman Catholic, the Protestant and the Orthodox, the latter two being in themselves rather heterogeneous. These three big traditions hold similar positions on social issues, though the form of argumentation may differ. Traditionally Roman Catholicism uses philosophical arguments, Protestantism relies on biblical texts and for the Orthodox churches the theologians of the first

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<sup>2</sup> Cf. E. Weisell, in this volume.

<sup>3</sup> M. Weber, *Gesammelte Aufsätze zur Religionssoziologie*, (Tübingen 1988), p.4.

centuries, the so called church fathers, remain the main theological authority. Despite this difference in method, however, the main lines of argument concerning property rights are basically the same. Ecumenism during the last decades moreover led to an evening out of still existing differences in emphasis as well as in method.<sup>4</sup>

For a scientific undertaking such as this conference, which is to compare the liberal and the Islamic concept of property and property rights the Christian social ideas may moreover serve as a bridge and are therefore of particular relevance.

In the first part of my comment I will give a brief outline of foundational biblical ideas as well as of Christian theology. In the second part I will briefly describe how the Roman Catholic social doctrine took up the challenges posed by modern liberal Capitalism and finally I will discuss Prof. Weissel's suggestion, to evaluate liberal Capitalism through an overall cost-benefit-analysis.

### ***Biblical and philosophical traditions***

Property rights have always been an important topic of Christian ethics, the moral and legal provisions in this realm being decisive for the distribution of life chances in a particular society. Property rights determine how scarce material goods are used and personal power relationships are structured. The questions Weissel asks at the beginning of his paper: Who can and should become proprietor?..What things can or should become property?..What kind of uses can or should be made of property?" are subject to religious norms and regulations.

The first book of the Old Testament (OT) speaks of God as the creator of the universe and therefore the proprietor of all things, which are – one may say - the product of his work. "The heavens, even the highest heavens belong to the Lord, your God, as well as the earth and everything on it." (Deuteronomy 10,14). God entrusts man, whom he created in his image, with the dominium of the earth (Genesis 1,28) which he is to govern and make a living from. In the feudal terminology of the time: Man's right to usage of the goods of the earth is that of a tenant. Individual as well as collective property rights are subordinated to God's primary right as a proprietor, e.g. they are to be exercised in accordance with his will, which is revealed in the law. Property is thereby seen from a double perspective: it is a means to fulfil physical needs and it is subject to an order to be created by man, the aim of which is that the goods available can serve this function properly for all members of society. OT writings – as those of most

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<sup>4</sup> To cite but one example: In 1997 the German Catholic and Protestant churches together issued a document on social issues, Für eine Zukunft in Solidarität und Gerechtigkeit. Wort des Rates der Evangelischen Kirche in Deutschland und der Deutschen Bischofskonferenz zur wirtschaftlichen und sozialen Lage in Deutschland.

religions - see wealth as God's blessing which comes as a consequence of human diligence and endeavour, whereas poverty is the result of vice and laziness (e.g. Proverbs 23,21). Private property is protected by the law. In three commandments of the Decalogue it is forbidden to steal as well as to desire one's neighbour's wife or belongings (Exode 20,15.17; Deuteronomy 5,19.21). They are the basis for more detailed norms. These private – and for that matter collective - property rights are, however, subject to a number of moral and legal limitations. On the moral level everybody owning more than he needs for his subsistence is obliged to generously give alms. On the legal level the tora contains a variety of regulations which are to prevent destitution of the populace. Examples are the institutions of the sabbat year (Exode 23,10f), the rules for debt relief in every seventh year (Deuteronomy 15,1-3) and the jubilee Year (Leviticus 25, 8-31), which decrees that every fiftith year Hebrew slaves are to be freed and real estate to be returned to its owner. These laws are to secure that the distribution of property does not become uneven in a way that its original aim is forfeited which is to satisfy the material needs of all members of society, especially the poor and weak. Accordingly the prophetic texts of the OT not only scourge those unfaithfulness to God, but with equal fervour condemn luxury, injustice and the exploitation of the poor and call forth God's judgement. In the OT - we may thus conclude - property is considered a good and a blessing and is protected by law. Private generosity and legal regulations are however to ascertain that extreme forms of injustice and thus social decay are avoided.

The New Testament's (NT) attitude towards property and wealth is marked by greater scepticism. 1) From a religious perspective wealth is now seen as a potential source of human enslavement and as an antagonist to the absolute God, in whom alone man is to trust. "No one can serve two masters. He will either hate one and love the other, or be devoted to one and despise the other. You cannot serve God and mammon" (Matthew 6,24).<sup>5</sup> Wealth is thus considered a danger for man and his soul, curtailing his freedom and generating a false sense of security, which makes man forget that he is mortal (cf. Matthew 19,23ff; Luke 12,16-21). 2) From a social perspective the rich tend to be hardhearted and are unprepared to share their wealth with the poor, which however is a *sine qua non* for salvation (cf. Luke 16,19-31; Matthew 25). 3) From an eschatological perspective, which means the belief that ultimate justice will be realized at the end of time, the unjust distribution of wealth and property is part of a skewed social order which is to and will be overcome once and for all. In the beatitudes - the single most important text in the NT - the rich are shunned and the poor blessed (Luke 6, 20.24). And in another central text of Christian tradition, the Magnificat, God is said to have

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<sup>5</sup> The Greek word "mammon" derives from the Hebrew "aman", to trust, thus indicating that trust in property conflicts with the trust in God.

“filled the hungry with good things and sent the rich away empty” (Luke 1, 53). These texts express a fundamental dissatisfaction with the social situation characterized by destitution and need. Against it they raise the hope and expectation that in God’s kingdom at the end of time justice will rule and poverty will be overcome (cf. 2 Peter 3, 12). This eschatological vision was a main source of inspiration for the first Christian communities, which decided to practice a community of goods (Acts 2,42-47; 4,32-35). Their attempt served as a model for Christian monastic communities over the ages.

The writings of the early Greek and Roman theologians, the so-called Church fathers, echo these NT texts, combining them with topics from Platonic and Stoic philosophy. Thus Plato expressed the ideal of a community of goods in the *Politeia* and the Stoics regarded money as the “mother of all evils”. The theologians of early Christendom ever and again exhorted against wealth, luxury and hardheartedness demanding a redistribution of goods to help the poor.<sup>6</sup> Private property for them is a consequence of the Fall, i.e. original sin which means that it does not reflect God’s original plan with the world and is at best a concession made to man’s imperfection. This position differs greatly from that of Roman law which highly values private property rights. Philosophically they were legitimised through occupation theory, e.g. by Cicero, the Roman statesman and philosopher of the 1<sup>st</sup> century B.C. Basilus, one of the great theologians of the 4<sup>th</sup> century, refuted this occupation theory in writing, that this was as if one would consider it right that one person runs to a theatre and reaching it first occupies all seats preventing others from sitting down. And he concludes: “Thus the rich act in the same way, when they consider material goods which are to be in common as their own.”<sup>7</sup>

To summarize: The belief that God is the owner of all goods and man but his trustee leads to a world view for which is not firstly and foremost regarded from an individual rights perspective but as a means to protect and further the life of men. The eschatological vision of the realization of perfect justice at the end of time by God himself thereby serves as a regulative and dynamic idea. Regulative in that any concrete society at any point in time is regarded from the perspective of God’s final plan with the world and may thus be criticized. Dynamic in that the present state is to be changed so as to better reflect the vision of the Kingdom of God.

This biblical and early Christian view is transformed in scholastic theology into philosophical concepts. Its most influential proponent was Thomas Aquinas (1225-1274). He lived in the time of so called early capitalism and Christian poverty movements, amongst them the new

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<sup>6</sup> Cf. A. Hamann, *Arm und reich in der Urkirche*, (Paderborn 1964); I. Seipel, *Die wirtschaftsethischen Lehren der Kirchenväter*, (Wien 1927).

<sup>7</sup> *Patrologia Graeca* 31, 275, cited in: A. F. Utz, *Kommentar zu Thomas von Aquin, Summa Theologiae II-II 57-79*, Band 18 der deutsch-lateinischen Thomasausgabe, (Heidelberg 1953), pp. 490-527, p. 506.

mendicant orders which he himself belonged to. His theology has been at the basis of Catholic social teaching through the ages and up to the present. It therefore merits to be looked at in some detail.

In the second part of the *Summa Theologiae*, his main work, Thomas presents his ethical theory. Following Aristotle who regarded justice as the highest human virtue Thomas deals with questions of justice in great detail, orienting himself on the scheme of the Decalogue. Property is treated under the seventh commandment (Thou shalt not steal) under the overall heading “Theft and robbery”.<sup>8</sup> Thomas differentiates three levels: a) All material things belong to God, who is their first proprietor. Man being created in God’s image has a right to use them. b) Common property of goods is a rule of natural law. The concept of natural law thereby denotes the - though imperfect - reception of eternal law, e.g. God’s plan of the world, by human reason. c) On the level of positive law Thomas opts for private property. It constitutes for him an “invention of the human mind”, e.g. he denies it the dignity of natural law. However, because of human imperfection it is for three reasons preferable to common property: a) Experience shows that men take better care of things they own privately and work harder to acquire them, whereas out of laziness they are inclined to neglect the common good. b) Proper administration and use of property are better secured if everybody knows which things he has to care for. c) Social peace is better maintained and conflicts are rather avoided, if everybody is content with what he considers his own. The concept thus differentiates between an ethical and a legal perspective. From the ethical point of view the common destination of goods is a rule of natural law and to be preferred to private property. Private property, however, is preferable on the legal level for various reasons of convenience. These positive property rights are considered to be an invention of the human mind added to natural law. They are to be arranged according to the situations of a particular society and time. Thomas in this sophisticated argument obviously tries to reconcile two conflicting aims: Material goods according to God’s plan are there to serve the physical needs of all human beings. As empirical evidence shows however private property rights are better than common property securing a more effective usage of property.

### ***Catholic social thought on property rights: the challenge of liberalism and Marxism***

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<sup>8</sup> Thomas Aquinas, *Summa theologiae* II-II, q.66, a.1-2, *ibid.* cf. the excellent commentary of A. F. Utz, pp. 490-527.

Since the 16<sup>th</sup> century the individual occupies the central position in social philosophy. He has been endowed by his creator with certain inalienable rights, the most important of them being property rights. The term property thereby encompasses everything a person is and owns. *J. Locke*, the father of liberalism, thus speaks of „property that is life, liberty and estate,“<sup>9</sup> Man is the proprietor of his own person and the things he creates through his or her work and which are therefore rightly his own. The self image of modern man is that of “worker and owner”, an owner because of his work. Material goods are regarded as a physical extension of the individual person, whose life they are to secure and protect. They are at the same time the main source of individual liberty vis-à-vis the state. As *A. Smith*, the 18<sup>th</sup> century moral philosopher and founder of modern economics, writes: Property is a natural right and as such „most sacred and inviolable“. <sup>10</sup> It is the basis for personal well-being and freedom. Personal dignity of man as God’s creature and property rights thus become practically indistinguishable. The reconciliation of private property rights and the common good is automatically brought about by the “invisible hand”<sup>11</sup> of divine providence through the self regulating mechanism of the market. The social reality of the first and subsequent Industrial revolutions in the 19<sup>th</sup> and 20<sup>th</sup> century falsified this optimistic Enlightenment theology, which misinterpreted God’s providence in too mechanistic a way. The unequal distribution of resources between the rich and the poor did not diminish by itself, but it rather grew and the social divisions became greater.

It is on this very ground that Marx attacked the concept of liberal property rights as being abstract. In the world as it is property rights do not secure life and liberty for all, e.g. fulfil the function ascribed to them. Quite to the contrary they become a means of exclusion, as Weissel stressed in his paper, destroying the personal dignity and liberty of the majority, who are factually excluded from ownership. Thus *K. Marx* writes in *Zur Judenfrage*,<sup>12</sup> that individual property rights effectively serve only those who own property and reduce those without property to the status of non-citizens.

Liberal philosophy and with it modern economic theory thus take up one part of the Christian heritage, e.g. the dignity of man as God’s creature who for his life sustenance has a right to property. It negates, however, the other half of the message, e.g. that property carries an obligation for the individual as well as the community, or the state to ensure that the needs of all

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<sup>9</sup> *J. Locke, Second Treatise on Government*, Nr. 87, German edition: *Zwei Abhandlungen über die Regierung*, (Frankfurt 1995), p. 137.

<sup>10</sup> *A. Smith, Der Wohlstand der Nationen*, (München 1974), p. 371.

<sup>11</sup> *Ibid.* 106.

<sup>12</sup> *K. Marx, Zur Judenfrage: Marx/Engels Werke*, (Berlin 1964), Bd. 1, pp. 347-377.

are met. The question of justice blandly neglected by liberalism taken up by Marx, though its philosophy of history as well as the remedies proposed have been proven wrong.

The Christian churches which in the 19<sup>th</sup> century found themselves on this ideological battlefield at first responded by demanding greater charity vis-a-vis the destitute. It took them some decades to understand that the problem was not only one of individual greed and a lack of individual morality. It was of a more fundamental character in that the modern social ideologies both propagated a new social order, which according to their proponents was to create justice through the realization of its respective philosophical premises in political life. Catholic social teaching (CST) is the result of the insight that it was henceforth necessary to deal with the social problems also on a philosophical level. From its beginnings it had two main purposes: To voice criticism against the unjust social conditions in modern societies and in the world as a whole and: To give intellectual and political orientation to Christians in the ideological debates between liberalism and Marxism. The papal encyclicals as the main documents of CST thus contain two kinds of enunciations: a) A criticism of the social conditions of the day, particularly the highly unequal distribution of property on the national and international levels. Thus the first encyclical *Rerum novarum* (1891) speaks of the “proletarians who suffer the fate of slaves because the capital is in the hands of few whereas the great majority became destitute” (RN 1; 2)<sup>13</sup> In 1931, shortly after the world economic crisis, the encyclical *Quadragesimo anno* laments the „hard fate“ and „unbearable yoke“ of the workers (QA 4) and – to cite but one example - *Populorum progressio* (1967) condemns “the scandal of appalling injustice not only concerning the ownership of goods but even more so their usage” on the international level (PP 9). This diagnosis has the character of an appeal to Christians and “men of good will” to do whatever possible to change the situation. But CST also contains b) a philosophically founded criticism of liberal as well as Marxist concepts. The question of property rights having been in the centre of the intellectual debate ever since Marx issued his Communist manifesto in 1848 it became also one of the main topics of CST. As one of its renowned representatives wrote: “Marx had made private property the main subject of his attack and thereby chosen the battlefield, on which the fight had to be fought.”<sup>14</sup> Marxism was criticized because the abolition of private property would not be in the interest of the working classes (RN 4), but “lead to confusion in society and a slavish dependency on the state..” (RN 12). Property is regarded as a natural right because a) it corresponds with man’s

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<sup>13</sup> Cf. *Rerum novarum*, in: *Texte zur Katholischen Soziallehre*, (Kevelaer 1992), p. 2. English texts of documents are available under <http://www.osjspm.org/cst/rn.htm>.

<sup>14</sup> O. v. Nell-Breuning, *Die Soziallehre der Kirche. Erläuterungen der lehramtlichen Dokumente*, hrsg. von der Katholischen Sozialakademie Österreichs, (Wien 1983), p. 42.



rational nature and hence with his dignity; b) it belongs to his liberty, which obliges him to care for his own future and that of his family (RN 6; 9) and c) it is a fruit of his own work. The arguments for private property thus takes up the liberal rights tradition. Against liberalism *Rerum novarum* however stresses the overall responsibility of the state for the common good, e.g. a distribution of goods which is in the interest of all. This is to be brought about through private charity and legal measures, through which social security systems are to be created (RN 29) and the distribution of property supported (RN 35).

It may be noted that the position of *Rerum novarum* on property rights tending towards the liberal side led to strong protests and tensions within Catholicism which lasted for decades.<sup>15</sup> The opposition against the liberal property rights concept became the way of expressing resistance against modernity as a whole. Especially in Austria and Germany the 1920's and 1930's were a time of embittered conflict between the proponents and the adversaries of liberal property rights, which were regarded as the centrepiece of an individualistic social order intolerable for Christians. In the end the reformists who accepted the market economy trying to tame it through social legislation won the battle. It was not for the Christian religion to create a social order of its own – as Marxism had tried to do – but to use its influence to promote justice through social legislation within the existing Capitalist order.

The main line of argumentation is echoed in later documents which however going back to Thomas Aquinas stress the priority of the common property rights of mankind. Thus the Pastoral Constitution of the Second Vatican Council, the highest ranking document in the Roman Catholic Church, *Gaudium et spes* (1965) writes: “God intended the earth with everything contained in it to the use of all human beings and peoples. Thus, under the guidance of justice together with charity created goods should be there for all in an equitable manner.” (GS 69). Material goods are so to speak the common heritage of mankind. They are to be used in a way that the needs of all men and women are met according to rules of justice and charity. It is only after this that private property rights are justified because they more efficiently further economic progress, serve to safeguard man's private and political freedom and are “a precondition for civic liberty.” (GS 71). Because of this relativity of individual property rights those who are in extreme need have the right to take whatever they need for survival from others without committing a moral or legal offence, just as the landless have the right to occupy and use land not being cultivated by its owners (GS 71). This right to pilferage as well as the right

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<sup>15</sup> Especially the phrase that property is a right “which has been sanctified through practical recognition over the centuries (*omnium saeculorum usu consecravit*) (RN 8) caused widespread protest, cf. I. Gabriel, *Die Eigentumsfrage in den päpstlichen Enzykliken und ihre Wirkungsgeschichte in Österreich* (unpublished manuscript), (Wien 1991), pp.24-29.

to occupy uncultivated land mainly directed against the hacienda economy in Latin America, are not reconcilable with the liberal rights tradition, in that they give priority to elementary physical need over acquired rights.

Summing up: For the Catholic social tradition private property rights are legitimate as part of the social order and from a legal point of view, because they protect the liberty of the individual and lead to greater economic efficiency. They are for theological and moral reasons, however, not regarded as absolute individual rights, with which the state may not interfere. Theologically speaking property is a means given by God so that all may reach in solidarity their overall aim in life. From a moral perspective property is not only a right, but it entails moral obligations towards all other human beings who for reasons which may or may not be of their making lack the goods necessary to sustain their life. Legally in that private property rights are limited through measures which guarantee that the common good is being achieved in the best possible way. Moreover, it may be noted that for the Christian as for other religious traditions, liberty has not only an external political but also an inner dimension, inner liberty being furthered through striving to limit rather than expand the usage of goods and ownership. Freedom is thus enhanced through self-limitation rather than self-expansion. The question that remains to be answered is what this critical potential of the Christian traditions can contribute to the present day situation.

### ***Can a Cost-benefit-analysis solve the problem?***

Two things are largely uncontested today: a) It has been verified at immense human cost that private property rights lead to more economic efficiency and thus to greater production and that they better safeguard human freedom. The medieval analysis of human nature thus proved quite accurate<sup>16</sup> as much as the liberal assumption that property secures freedom. b) The distribution of wealth worldwide is unsatisfactory from a moral as well as a political point of view, since it leads to growing social tensions within states as well as internationally. To give but a few figures from the UNDP-Report of 1999: 20% of the world population dispose of more than 80% of the world GDP, whereas the poorest 20% receive only 1,4%. One billion human beings out of six billions live in destitution. The property of the two hundred most wealthy people exceeds the total income of 41% of the world population.<sup>17</sup> There has been an immense growth of wealth during the past decades, but this has not led to just distribution, e.g. more

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<sup>16</sup> Cf. the reasons of convenience for private property in Thomas Aquinas as presented earlier in this article.

<sup>17</sup> Cf. United Nations Development Programme (Ed.), *Bericht für die menschliche Entwicklung*, (Bonn 1999), p. 44.

benefits accrued to those better off from the start in developed as well as in developing countries. Whatever the long- and short term reasons for this may be, the present state of property distribution cannot be justified on any ground. This truth is not easily acknowledged by liberals, who continue to promise trickle down effects in the long run and thus immunize their basic assumptions against falsification. But as already John M. Keynes ironically remarked: In the long run we are all dead.

Weissel suggests that a detailed Cost-benefit analysis could solve the ideological dilemma even if he considers the chances of such an evaluation of the respective costs and benefits of different ideological systems and their political implementation as minimal. I agree that a CBA could be most helpful, especially to determine which goods should be public and which private.<sup>18</sup> However, as the present debate shows a *sine ira et studio* evaluation is hardly possible. Even negative evidence that privatisation does not lead to better standards does not dampen the optimism of those who have internalised the liberal credo of competition leading to optimal results. This shows inter alia that rational judgements are made within the framework of a particular world view. CBA - even if one could effectively calculate the cost and benefits for different groups of the world populace now and in the future – cannot question the philosophical premises and formulate aims for social development. Economic liberalism as a (more or less coherent) philosophical system has therefore to be questioned more fundamentally on philosophical grounds. Such philosophical criticism also of its concept of individual property rights approach by far exceeds the scope of this paper. The following points may serve as a stimulus for further thinking.

- a) *Man is not only and not even foremost a homo oeconomicus, he is as much a homo socialis and a homo religiosus*, as all religions and cultures testify. Neither in his everyday behaviour nor in his aspirations does he strive for and calculate only his economic gains. Man is a being who does not live on bread alone, but as much on social recognition, the development of his abilities – and the word of God, i.e. immaterial goods. Human reality thus is much wider than the basic assumption of economic theory of man maximizing his own benefits admits. In our societies economic theory, however, strongly influences the way man thinks about himself. The theoretical assumption of the homo oeconomicus therefore is not neutral as social reality is at least partly molded according to this assumption. This, however, is bound to have negative effects on the society as a whole including economic activity. The weak flank of liberalism is that it depends on the existence of social values, which it cannot itself establish. These

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<sup>18</sup> Cf. the excellent publication I. Kaul, I. Grunberg, M. A. Stern (ed.), *Global Public Goods*. International Cooperation in the 21<sup>st</sup> century, (Oxford 1999).

are first and foremost moral values such as trust, honesty and solidarity, which are fundamental also for economic activity. Moreover, the basic attitudes of its individual members determine the vision a society has of itself and the goals it wants to realize in the long run. A CBA can provide data, but it cannot show the direction in which to go, e.g. in the case of property rights the distribution of goods which is considered to be desirable for the society as a whole. This is rather determined by moral attitudes its members hold and which are formed by religious and spiritual values.

- b) *Man is not first and foremost an individual, as the methodological individualism of liberalism assumes, but fundamentally a social being.* He needs social support materially over large periods of his life, as a child, when old, sick or out of work etc., and immaterially all his life long to grow as a human being through his engagement in a wide variety of social and political activities. Greek philosophy and the Christian tradition agree that man cannot develop his personality in solitude. This basic insight into man as a social and political being on the moral level means that he has not only rights but also obligations towards the community. Individual property rights may be regarded as legitimate, but they have to be complemented by the acknowledgement that any property carries with it moral obligations of solidarity with those who own less, which in modern society have to be transformed into legal obligations.
- c) *Justice is not the mechanical result of market forces, but of political action .* The assumption that the common good is the result of the “invisible hand” of the market neither corresponds with common sense – which knows that “money draws money” - and has also been falsified by historic experience. Political as well as private action is needed to create a social order, which fulfils the requirements of justice, which according to the famous first words of Rawls theory of justice is “the first virtue of institutions”. This is a fundamental moral demand, which is also politically and economically sensible since too great differences in wealth are dysfunctional from a political as well as an economic point of view. This is particularly so in democracies, where the stability of the social order depends on its acceptance by the majority of the population. Legal measures are thus needed to correct the distribution brought about by market forces. This is affected mainly through social security systems and the provision of public goods such as schooling, health care etc. Private charity is of different importance in different cultural settings but can only play a limited role in large societies characterized by anonymity. The lethargy to create a just social order worldwide which is part of our present situation is the result of false philosophical assumptions

and the greed of those already well-off, but may also be due to the fact that we lack the instruments as well as the worldwide social conscience to realize a better order in a globalized world. Social human rights, which have been accepted by the international community, might be one instrument to influence global social conscience.<sup>19</sup>

- d) Religious institutions, the Christian churches but also the Islamic communities in this situation are called to present alternative concepts which operationalise the belief of a universal destination of the goods of the earth on the legal level nationally and internationally. This demands a concept of property rights which takes into account the stimulus individual property rights are for greater production and efficiency but integrates it in the wider vision that the basic function of material goods is to meet the needs of all members of the human race and serve their social, human and spiritual development. This would also enhance the chances for peace in the future.

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<sup>19</sup> Cf. *The final declaration of the World Conference on Human Rights*. The Vienna Declaration and the Programme of Action June 1993, (New York 1995) stated in Art. 5, that “all human rights are universal, indivisible and interdependent and interrelated.”