

FROM MEDIEVAL *DOMINIUM* TO MODERN PROPERTY

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“The natural right to property rests directly on the freedom of the acting subject. The supposedly modern concept of property rights is, in this sense, a medieval invention.”



The concept of property is currently subject to extreme contradictions: on the one hand, the president of the United States hopes to seize Greenland by any means necessary; on the other hand, ecological movements intend to safeguard natural resources by declaring them untouchable “common goods.” Clearly, the conflict is radical. It is thus necessary to understand when, how, and why the modern concept of property emerged, as well as its historical function and legitimacy.

Our modern concept of property emerged from medieval thought, but not without difficulty.

Let us begin by clarifying terms. When one speaks in French about the “right to property,” one designates a relation directed from man toward things. Yet the Latin term *proprietas* (property) carries a different nuance. It designates, in Roman law, the relation of *exclusivity* binding a thing to its owner: what

is proper to one person belongs to no one else. In order to consider the medieval origin of the concept of property, one must instead begin from a concept both wider and more complex: that of *dominium*, which means (as does modern property) a relation of man to things. The term is difficult to translate, given its numerous meanings: mastery, lordship, domain, property, sovereignty, domination, authority over others, etc. In the Middle Ages, it essentially referred to “seigneurie” (seigneurie), that is, to the power that a feudal lord (*dominus*) held over both things and men—as much over land and assets (the seigneurial domain) as over the peasants tied to the land.

The Roman concept of *proprietas* does not, then, fit easily into that of *dominium*. Indeed, medieval jurists distinguish between the *common* domain (possessed collectively by a community)—for example, a “common” or a monastery—and the *proper* domain (possessed by a single owner). The French concept of property does roughly correspond to that of *dominium*, but only in so far as it designates a relation to things (and not a relation to persons). Moreover, “property” in current French acceptance has broken from its original Latin sense, because one uses the term as much to refer to collective property as to an exclusive possession (one is thus obliged to call the latter, redundantly, *private* property). In English, the term *dominium* can be disregarded: “commons” designates communal fields, and, more generally, common goods, common property. In the contemporary debate over the environment, this Anglicism has become established: the “commons” are common resources. In the Middle Ages, many resources (woods, fields, springs, fishing areas) were possessed or managed in common, without this posing a major problem.¹

The matter is further complicated by the fact that, in medieval practice, the lord exercised a kind of double *dominium*. On the one hand, he enjoyed *dominium directum* (direct ownership), according to which he was the immediate beneficiary of

1. The thesis articulated by Garrett Hardin in his “The Tragedy of the Commons,” *Science* 162, no. 3859 (December 13, 1968): 1243–48, according to which communities are incapable of managing commons, is contradicted by history: in the case of the Middle Ages, there is no “tragedy of the commons,” only problems to be resolved case by case. Rather, the position of Elinor Ostrom is more convincing. See *Governing the Commons: The Evolution of Institutions for Collective Action* (Cambridge: Cambridge University Press, 1990).

the domain, from which he received rents and services and of which he could dispose at his will. On the other hand, he could grant *dominium utile* (ownership of use) to a tenant who occupied the land, cultivated it, and enjoyed its fruits. This model, however, began to fade away in the thirteenth century. It is likely that by the end of that century, half of the land in France was already possessed under the form of a *dominium plenum*, or plenary domain, without any division between these two forms of seignury. And this evolution goes hand in hand with a change in understanding of the relation between *dominium* and property.

To make a third distinction, *dominium* can be, like property today, divided into bare *dominium* (in French, nue-propriété; our bare ownership without use), its usufruct (in French, usufruit; the renting out or borrowing of goods), and use (in French, usage; a right of way, for example).² As we will see, the question of whether use without *dominium* is possible will be at the heart of the early fourteenth-century Franciscan controversy.

Finally, for theologically minded readers of the Bible in Latin, the concept of *dominium* takes on a further dimension, for the Lord par excellence is God. It is to him alone that the land belongs: "The land is mine; and you are but strangers and sojourners with me" (Lv 25:23).³ Man is merely the lieutenant or tenant managing the land—at least, it is in this sense that exegetes generally interpret Genesis 1:26: "Let him have dominion over the fish of the sea, and the birds of the air, and . . . the whole earth." The monopoly of divine lordship over the land imposes limits on human ownership: during the sabbatical year, man must let the land rest (Lv 25:2). Human *dominium* is based on the gratuitous generosity of God, that is, on a grace. Yet it is withdrawn from man whenever he refuses to obey the law and commits sin: the land becomes difficult to work, it produces serpents, etc.

For all of these reasons, it is impossible to identify the complex concept of *dominium* with the modern concept of

2. This division of *dominium* in the French legal system does not have a direct equivalent in common-law states like the United States. With this in mind, I have left the French terms in the main text alongside their closest English translations.—Trans.

3. For Scripture citations in this paragraph, I have drawn primarily on the Douay-Rheims translation, with slight modifications.—Trans.

property. Early modern jurists, moreover, were perfectly conscious of this evolution of meaning: “Our seigneuries, which were originally but offices, have in time become properties.”⁴ This leads us into the heart of the problem: how have Western societies passed from medieval seignury, which was an office (a function), to modern property, which is a right? What is the essence of private property? What founds its legitimacy?

1. THE COMMUNIST IDEAL VS. THE REALITY OF PROPERTY

In early Christian thought, property was not looked upon favorably. St. Augustine understands history as the passage from an ideal, innocent, and timeless state of nature to a post-lapsarian state, that of a history now born of sin. Yet in the original state of nature, there was no domination of man over man, nor ownership of things by man. What was natural, rather, was equality between men and the community of goods.

According to Augustine, only those who live in perfect charity can restore this ideal form of life. Commenting on the parable of the prodigal son, he notes that the father says to his elder son: “All that is mine is yours” (Lk 15:31). How, Augustine asks, is this not unjust to this son, who would seem to have been disinherited of at least the part given to his younger brother? The answer is striking: “For sons who are perfect . . . possess all things in such a way that each of those things belongs to all of them and all of them belong to each of them (omnium singula et omnia singulorum).”⁵ The perfect hold everything in common, for they live in charity, and charity excludes all covetousness. The most perfect form of life, attested to by the first Christian

4. Charles Loyseau, *Traité des Seigneuries* [Treatise on seigneuries] (Paris, 1608), 6, § 23.

5. Augustine, *Questions on the Gospels* II.33.7. English translation: Augustine, *Questions on the Gospels*, trans. Roland Teske, in Augustine, *New Testament I and II*, ed. Boniface Ramsey (Hyde Park, NY: New City Press, 2014), 398. In general, where the author provided a French translation for texts composed in Latin, I have cited a published English translation of the Latin original. Where no published English translation was available, I have supplied my own translation based on both the Latin original and the author’s French translation.—Trans.

community and revived in monastic life, presupposes the sharing of all goods in common. Understood most rigorously, however, this political idea can be traced back, beyond the Acts of the Apostles, to Plato's *Republic*.

For Augustine, property could appear only after sin, whose principal consequences are covetousness and the desire to dominate (*libido dominandi*). Desire for power engenders the political domination of man over man, while covetousness leads to appropriation, to the *dominium* of man over things. It is, moreover, political power, and the domination of men following upon it, that protects the right to property: "By right of which law does anyone possess whatever they do possess? Is it not by right of human law? Because by divine law *the earth is the Lord's (Dominus) and its fullness* (Ps 23:1). . . . Take away the laws of the emperors, and who will presume to say, 'This villa is mine' or 'This slave is mine' or 'This house is mine?'"⁶ Property has no natural foundation; it rests only on a system of domination and rights instituted by the civil power. This analysis reveals a gaping hole, the horrifying lack of any foundation for the right to property.

In describing the economic doctrines of Augustine and of the Church Fathers more generally, historians speak of a "spiritual" communism.⁷ The expression is ambiguous: the Fathers, of course, do not think that a return to the state of innocent nature is possible, or, a fortiori, that revolution could achieve such an end. This ideal could only be realized within an archipelago of small communities: monasteries thus stand as exceptions to the political order and represent a return to the Edenic state because their members all share their goods in common. But the holding of goods in common is not simply a vague spiritual ideal; it is a concrete idea, a rigorous *economic and political* counter-model, which makes it possible to measure the extent to which humanity has

6. Augustine, *Homilies on the Gospel of John* VI.25. English translation: Augustine, *Homilies on the Gospel of John*, ed. Allan D. Fitzgerald, trans. Edmund Hill (Hyde Park, NY: New City Press, 2009), 143.

7. Goulven Madec, "Le communisme spirituel" [Spiritual communism], in *Petites études augustinienes* (Paris, 1994), 216–31; Arthur O. Lovejoy, "The Communism of Saint Ambrose," *Journal of the History of Ideas* 3 (1942): 458–68; and Nicolas Blanc, "Le don mis en scène: Nouveaux regards sur le christianisme antique et patristique," *Communio: Revue catholique internationale* 51, no. 4, no. 306 (July–August 2026): 81–94.

distanced itself from what it was originally, what it should be now, and what it will become again at the end of time.

In the Middle Ages, this idea found its way into canon law. “By which does each one possess what he possesses? Is it not by human law? . . . God made poor and rich from the same clay and he nourishes [the] poor and the rich by the same earth. In contrast, human law says, ‘This estate is mine, this house is mine, this slave is mine.’”⁸ Relying on the above citation from Augustine, Gratian’s *Decretum* (ca. 1140) contrasts this situation with Plato’s ideal community of goods, and then with the description of the community in Jerusalem, whose members “had all things in common. Their possessions (ktêmata) and goods they sold, and divided them to all, according as everyone had need.”⁹

Gratian clearly contrasts the original use of goods, which was a *common use*, to their *division*, which implies an exclusivity, and thus an *appropriation*: “The use of all things that are in this world ought to have been common to all men. But *through iniquity*, one *said* this was his, and another that, and thus division came to be among mortals.”¹⁰ In this original fall, two points are decisive: 1) Property stems from evil, from a fundamental injustice (“iniquity”); 2) It is through a speech act—which claims to be performative (accomplishing what it signifies), but which is not—that use becomes property; it is a pseudo-contract, through which the speaker becomes owner simply because he said so, and because his listeners could not reject his claim. Rousseau would later write: “The first man who, having enclosed a piece of ground, to whom it occurred to say *this is mine*, and found people sufficiently simple to believe him, was the true founder of

8. Gratian, *Decretum*, pars 1, d. 8, c. 1. English translation: Gratian, *The Treatise on Laws (Decretum DD 1–20)*, trans. Augustine Thompson, with *The Ordinary Gloss*, trans. James Gordley, Studies in Medieval and Early Modern Canon Law 2 (Washington, DC: The Catholic University of America Press, 1993), 24.

9. Acts 2:44–45, with the English translation taken from the Douay–Rheims Bible.

10. Gratian, *Decretum*, pars 2, c. 12, q. 1, c. 2. [English translation my own from the Latin text in vol. 1 of *Corpus Iuris Canonici*, ed. E. Friedberg (Leipzig: B. Tauchnitz, 1879), 676; author’s emphasis. The Latin reads: *Communis enim usus omnium, que sunt in hoc mundo, omnibus hominibus esse debuit. Sed per iniquitatem alius hoc dixit esse suum, et alius istud, et sic inter mortales facta est diuisio.*—Trans.]

civil society.”¹¹ Aware of it or not, Rousseau takes up the terms of Gratian’s *Decretum* but reverses their meaning, because for Gratian, as for Augustine, it is not property that founds civil society, but the reverse: it is the social order that makes possible the division of goods and their appropriation, and its laws protect owners and defend their rights.

How did this all come about? It stems from a primitive monopolization, from an original act of violence. The first person who took for himself what was common to all was Nimrod, the “mighty hunter” of Genesis 10. He is often described in medieval literature as a tyrant, predator, and prideful blasphemer, as the one who wanted to build the tower of Babel and pierce the heavens.

Nevertheless, despite its violent origin, early thirteenth-century jurists soften Gratian’s judgment on property. According to them, property eventually becomes legitimate through a two-fold mechanism, custom and social contract: “Nimrod sinned by the very fact that he possessed his own property. . . . Today, however, it is licit to have things of one’s own, not only by custom but also by a convention (*constitutione*) that has been confirmed by the common consent of those who use [these things].”¹² Following the first occupant’s violent takeover, time has done its work, and humanity can no longer undo the distribution of wealth, even if it is unjust. But above all, an active consent accompanies this passive acceptance: by a convention either tacit or explicit, everyone agrees that those who use certain goods are also their legitimate possessors. Since the development of guilds in the twelfth century, contract law has seen unprecedented growth, and jurists consider property rights to be based on an agreement

11. Jean-Jacques Rousseau, *Discourse on the Origin and the Foundations of Inequality Among Men* or *Second Discourse*, in *The Discourses and Other Early Political Writings*, ed. and trans. Victor Gourevitch (New York: Cambridge University Press, 1997), p. 164.

12. Ricardus Anglicus (Richard de Mores, ca. 1210–1230), *Summa*, in Rudolf Weigand, *Die Naturrechtslehre der Legisten und Dekretisten von Irnerius bis Accursius und von Gratian bis Johannes Teutonicus* (Munich, 1967), 337–39; cited by Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church law, 1150–1625* (Atlanta: Scholars Press for Emory University, 1997), 141n30.

consented to by all parties: by using a good, one is recognized by one's peers as its owner.

2. PROPERTY AS AN EXPRESSION OF NATURAL LAW

In the thirteenth century, however, St. Thomas Aquinas develops an entirely different interpretation of *dominium*. He breaks with the theological and juridical tradition that linked property to original sin and valued it negatively. Drawing on Aristotelian analyses, he holds that *dominium* is not at all the consequence of sin, for it is natural to man.

To understand this thesis, it is necessary to go back to Aristotle. According to him, *acquisition* (ktêsis) is a natural phenomenon: man is an animal among others, and nature gives to all living beings the capacity to acquire the nourishment indispensable to their survival and development. In the case of mammals, for example, it provides the mother with the milk that nourishes her young. Acquisition, however, lacks the exclusivity that defines property: no one will say that a squirrel is the exclusive owner of the nuts that it has gathered.

Even though, when Aristotle turns to the case of man, French translators cease translating ktêsis as “acquisition” (acquisition) and instead use “propriété” (property)—which gives the impression that human property is of a different order than the natural acquisition carried out by other animals—for Aristotle, it is one and the same word that designates one and the same phenomenon. The translation should read, then: “Acquisition (ktêsis) is an integral part of the household (oikia), and the art of acquiring, a part of the [domestic] economy (oikonomia).”¹³

But acquisition is not a production *ex nihilo*. There must first exist goods, received from nature as a source of subsistence; then, the head of the household makes proper use of them. It is the sheep that provides the wool, but the weaver knows how to

13. Aristotle, *Politics* I.4.1253b23–24. Here, I have supplied my own English translation based on the author's French text so as to better reflect the author's intended meaning. For comparison, Aristotle's *Politics*, trans. Carnes Lord, 2nd ed. (Chicago: University of Chicago Press, 2013), 6, reads: “Now property is a part of the household, and the art of acquiring it a part of household management.”—Trans.

work with it, for he can distinguish between wool that is usable and wool that is not.¹⁴ The art of acquisition is thus rooted in nature: its first object consists of the fruits of the earth and of animals, but the head of the household knows how to draw additional resources from these primary goods, and then how to trade this surplus for money.¹⁵ Aristotle glimpses that the emergence of property rights is tied to agriculture: cultivating the land requires occupying it over the long term, protecting it, and waiting for the harvest.

Criticizing Plato's *Republic*, Aristotle goes on to compare two kinds of acquisition: common and proper. Is it better to hold both acquired assets and their use in common, or can, for example, farmland be held separately while its yields are brought into common use, or, conversely, the land be held in common while its yields are enjoyed separately?¹⁶ Aristotle does not think according to Roman legal categories and does not arrive directly at a concept of property. He attains to what we call "property" only by crossing two pairs of parameters: acquisition–use, on the one hand, and proper–common, on the other. Common acquisition corresponds to our "common domain," and proper acquisition to our "private property." Aristotle answers the question he posed: "It is thus better that acquisition be proper" (which modern translators render: "that property be private"), "*but that use be common.*"¹⁷ There is nothing more pleasant than helping others, than exercising the virtue of generosity toward the community, but this is only possible thanks to proper acquisition (our "private property").¹⁸

It is precisely onto this concept of acquisition that Thomas grafts that of *dominium* and then that of "property." In the *Summa theologiae*, he asks whether "it is natural for man to possess external things." He answers that the concept of "natural *dominium*"

14. Ibid., I.9.1257b22–27.

15. Ibid., I.10.1258a37–38.

16. Ibid., II.5.1262b40–1263a8.

17. Ibid., II.5.1263a38–39. [Here again, I have supplied my own English translation based on the author's French text. For comparison, Lord's translation reads: "It is better for property to be private, but to make it common in use."—Trans.]

18. Ibid., II.5.1263b6–7.

first designates the mastery of our will over our actions, and then extends to the mastery of certain external realities. Being rational and free, man has *mastery* over his acts. Yet through his acts, he exercises his superiority over the things that surround him: over the rest of creation, starting with the animals. This lordship (*seigneurie*) is limited: the nature of things does not depend on him, for it obeys God alone; man cannot transform it. But he can make use of it: "In this way, man has a natural *dominium* over external things, because, by his reason and will, he is able to use them for his own profit, as they were made on his account: for the imperfect is always for the sake of the perfect."¹⁹ It is a retrieval of Aristotle's anthropocentrism: man can use all things as if he were their end.²⁰

Then, from natural use, Thomas passes immediately to possession: "It is by this argument that the Philosopher *proves* (*Politics* 1.3) that the possession of external things is natural to man."²¹ This leap from use to possession would become the central concern of immense debates regarding Franciscan poverty: is it not possible to use things without possessing them?

Thomas's Aristotelian support is fragile, however. He cites *Politics*, book 1: "Such a faculty of acquisition is evidently given by nature itself to *all living beings*."²² But he reduces acquisition to possession, even though, as we have seen, acquisition is for Aristotle a broader concept than property (it includes the production of milk by the mother). Moreover, Thomas reserves acquisition for man on the grounds of Aristotelian anthropomorphism: "If, then, nature makes nothing that is incomplete or purposeless, nature must necessarily have made all of these for

19. ST II-II, q. 66, a. 1 resp. All English translations of the *Summa* are taken from *The Summa theologiæ of St. Thomas Aquinas*, trans. Fathers of the English Dominican Province, 2nd rev. ed. (London: Burns, Oates, and Washbourne, 1920).—Trans.

20. Aristotle, *Physics* II.2.194a34–35: "We use everything as if (hòs) it were there for our sake. (We also [kai] are in a sense an end.)" English translation: Aristotle, *Physics*, trans. R. P. Hardie and R. K. Gaye, in *Complete Works of Aristotle*, vol. 1: *The Revised Oxford Translation*, ed. Jonathan Barnes (Princeton University Press, 1984), 332.

21. ST II-II, q. 66, a. 1 resp.

22. Aristotle, *Politics* I.8.1256b7–8 (author's emphasis).

the sake of human beings.”²³ He thus makes this a justification of *possession* as something proper *to man*. Contrary to Aristotle, Thomas insists on what separates man from other animals; he bases possession no longer on animal acquisition but on the free rationality of man: the natural *dominium* “is competent to man in respect of his reason.”²⁴

This is the approach of a theologian, who interprets the biblical account of a gratuitous creation in the rational terms of nature, reason, and will. Lordship (*seigneurie*) is no longer only a gracious gift of divine generosity; it belongs necessarily to man by virtue of his rational and free nature (which is the philosophical translation of being made in the image of God). Nevertheless, if lordship is a power over things, it cannot modify their nature (which depends solely on the will of God) but bears only on their use. On the other hand, even if God is the end of all things, man can, according to Aristotle, use them as if they were made for him: use of the world is always anthropocentric, and even *anthropotelic*, because, following Aristotle again, man is the end of nature. Finally, from this practice of use, Thomas deduces that man has a natural *possession* of the things he uses.

One should not, however, conclude too hastily from this that Thomas accords man a right to property. For now, the issue is not one of right, but of use. Nor is it a matter of property, but of possession. Moreover, Thomas simply states that the human race as a whole has dominion over the earth and lesser creatures, but he does not claim to justify the division of lands and goods among many individuals, lords, or possessors. Finally, there is nothing to suggest that in the state of nature, goods constituted property for human persons: they did not necessarily have exclusive possession (ownership) of goods, which may well have been held in common.

Thomas then contends with an exegetical and philosophical objection: “No man should ascribe to himself that which is God’s.” The only true *dominus* is God: *dominium* over all creatures is the prerogative of divine lordship (*seigneurie*). It is therefore not natural for man to possess things, and such a hypothesis

23. Ibid., I.8.1256b20–22. English translation: *Aristotle's Politics*, trans. Carnes Lord, 2nd ed. (Chicago: University of Chicago Press, 2013), 14.

24. *ST* II-II, q. 66, a. 1 resp.

is even blasphemous. In his response, Thomas concedes that God possesses “sovereign dominion” over all things. But he adds that, through his benevolent providence, God has “directed certain things to the sustenance of man’s body.” This response is, however, very inadequate, because it justifies only man’s having “a natural *dominium* over things, as regards the power to make use of them.”²⁵ In terms of human nature and natural law, lordship (*seigneurie*) is merely a right of use; it does not necessarily establish possession or a right to property.

Thomas must further define his position when confronted with an objection drawn from the patristic and canonical tradition, which holds that in the state of nature and according to natural law, all things are common to all: “It would seem unlawful for a man to possess a thing as his own. For whatever is contrary to the natural law is unlawful. Now according to the natural law all things are common: and the exclusive appropriation of possessions (*possessionum proprietas*) is contrary to this community of goods. Therefore it is unlawful for any man to appropriate any external thing to himself.”²⁶ Property, which implies exclusive possession, opposes the original and ideal community required by natural law. It thus seems illicit.

Thomas responds to this difficulty by precisely distinguishing the capacity to use goods from that of acquiring and distributing them (*potestas procurandi et dispensandi*). As for the power to acquire and distribute,

it is lawful for man *to possess [goods] of his own*. Moreover this is necessary to human life for three reasons. Firstly, because every man is more careful to procure what is for himself alone than that which is common to many or to all: since each one would shirk the labor and leave to another that which concerns the community,

25. ST II-II, q. 66, a. 1 ad 1. [“Sovereign dominion” translates Aquinas’s *principale dominium* and Boulnois’s *seigneurie principale*.—Trans.]

26. ST II-II, q. 66, a. 2 obj. 1. [Here—and through note 30—the English translation is slightly modified from that of the Fathers of the English Dominican Province in order to accord more closely with the Latin text and our author’s French translation. The Latin reads: *Videtur quod non liceat alicui rem aliquam quasi propriam possidere. Omne enim quod est contra ius naturale est illicitum. Sed secundum ius naturale omnia sunt communia, cui quidem communitati contrariatur possessionum proprietas. Ergo illicitum est cuilibet homini appropriare sibi aliquam rem exteriorem*.—Trans.]

*as happens where there is a great number of servants. Secondly, because human affairs are conducted in more orderly fashion if each man is charged with taking care of some particular thing himself, whereas there would be confusion if everyone had to look after any one thing indeterminately. Thirdly, because a more peaceful state is ensured to man if each one is contented with his own goods. Hence it is to be observed that quarrels arise more frequently among those who possess something in community and without division.*²⁷

These three arguments are borrowed from Aristotle, who criticized the communal possession of goods proposed in Plato's *Republic*. They justify *private* property.

Yet man does not relate to external things only by means of exclusive possession. He also relates to them by use.

In this respect man ought to possess external things, not as his own, but as common, so that, to wit, he is ready to communicate them to others in their need. Hence the Apostle [Paul] says (1 Tim 6:17–18): “Charge the rich of this world . . . to distribute [tribuere] easily, to communicate to others,” etc.²⁸

The intervention is clear and radical. By following Aristotle, Thomas circumvents the patristic and canonical condemnation of appropriation and limits common possession to the *use* of goods. In the first Thomistic text considered above, use justified the *dominium* of humanity in general. In the second, Thomas legitimizes private property. When it concerns the *administration* of things, it is licit to “procure and dispense them.” Consequently, man may “possess goods of his own.” Private property is licit for

27. *ST II-II*, q. 66, a. 2 resp. (author's emphasis). [The Latin reads: Quorum unum est potestas procurandi et dispensandi. Et quantum ad hoc licitum est quod homo propria possideat. Et est etiam necessarium ad humanam vitam, propter tria. Primo quidem, quia magis sollicitus est unusquisque ad procurandum aliquid quod sibi soli competit quam aliquid quod est commune omnium vel multorum, quia unusquisque, laborem fugiens, relinquit alteri id quod pertinet ad commune; sicut accidit in multitudine ministrorum. Alio modo, quia ordinatius res humanae tractantur si singulis immineat propria cura alicuius rei procurandae, esset autem confusio si quilibet indistincte quaelibet procuraret. Tertio, quia per hoc magis pacificus status hominum conservatur, dum unusquisque re sua contentus est. Unde videmus quod inter eos qui communiter et ex indiviso aliquid possident, frequentius iurgia oriuntur.—Trans.]

28. *ST II-II*, q. 66, a. 2 resp.

three reasons: 1) Economic agents are more concerned to produce and procure goods; 2) If each one is engaged in acquiring what pertains to him, human affairs are managed with the proper order: individual freedom obtains better results than if everything were handled at a higher level; 3) Civil peace is thus preserved, because there are fewer occasions for conflict, each being satisfied with his own good. But *as for use*, man should “possess external things, not as his own, but as common,” in order to be able to share them with others in their need. For the use of things, humanity’s common *dominium* suffices, and private property is not necessary. This was exactly the thesis of Aristotle.

Thomas can thus respond to the objection from canon lawyers and natural law theorists:

Community of goods is ascribed to the natural law, not that the natural law *dictates that all things should be possessed in common and that nothing should be possessed as one’s own: but because the division of possessions is not according to the natural law, but rather arose from human agreement, which belongs to positive law*. . . . Hence the exclusive ownership of possessions is not contrary to the natural law, but an addition thereto devised by human reason.²⁹

Thomas manages to circumvent the authority of the canon lawyers. He shows that the natural law, as it was understood by canon law, is not restrictive. In this regard, natural law is a *permissive* law, which *does not mandate* a community of goods and leaves open the possibility of exclusive appropriations. And it is precisely this division that has been introduced by human reason, because private property is an invention of human reason. There is, then, no contradiction between nature and reason, between natural law and positive law, because the former imposes no obligation, unlike the latter. In other words, natural law is merely a kind of indeterminate foundation, whereas reason determines the ultimate position of the law. One can thus say that private property is a matter not of natural law but of positive law; that it is an invention of human reason; that it results from a civil, conventional pact; and that it extends and perfects what remained

29. *ST* II-II, q. 66, a. 2 ad 1.

indeterminate in the state of nature—that is, it *fulfills the natural law*. Like art, law perfects nature by other means.

The test case that manifests the limits of the right to property is the question of necessity. Is it permissible to steal in the case of necessity (i.e., when one is at risk of starving to death)? Thomas's answer, like that of all medieval jurists, is obviously "yes." What matters, however, is the way he introduces this answer:

Things which are of human law cannot derogate from natural law or divine law. Now according to the natural order established by divine providence, inferior things are ordained such that by them one might meet the [vital] needs of men. Wherefore the division and appropriation of things, which are based on human law, do not preclude the fact that man's needs have to be remedied by means of these very things. Hence whatever certain people have in superabundance is due, by natural law, to the vital conservation (*sustentationi*) of the poor. . . . Since, however, there are many who are in need, and it is not possible from the same thing to meet the needs of all, each one is entrusted with the stewardship of his own things, so that out of them he may come to the aid of those who are in need. Nevertheless, if the need be so manifest and urgent, that it is evident that the present need must be remedied by whatever means be at hand (for instance, when a person is in some imminent danger [as of death], and there is no other possible remedy), then it is lawful for a man to meet his own need by means of another's property.³⁰

As with Aristotle, private property enables a form of collective generosity. Yet to come to the aid of those in need is not an act of charity but a duty of justice. According to Thomas, it is necessary to return to the metaphysical foundation: nature has made all things for man, not man for things. The natural hierarchy of rights signifies that private property remains ordered to a higher end, namely, the conservation of human life. This is why, before authorizing theft, Thomas makes a point to insist on the obligation of each one to provide for the needs of all. If natural law allows for societies to be organized around private property, this remains ordered to the obligation to safeguard the lives of

30. ST II-II, q. 66, a. 7 resp.

all—particularly of the poorest who may be in danger of death. Nevertheless, Thomas limits this obligation to goods possessed *in surplus* (it is not an issue of robbing Peter to pay Paul). Above all, he refuses to let this principle convey the idea that goods should be held in common or, at least, shared equitably. This is why he leaves their allocation to the *free choice* of each person.

It is clear that the Thomistic doctrine, inspired by Aristotle's analyses, breaks radically with the prior patristic and canonical tradition. It must also be noted that it is the Thomistic (that is, Aristotelian) doctrine that prevailed in the Catholic Church. In 1891, Leo XIII clarified in the encyclical *Rerum novarum*:

“It is lawful,” says St. Thomas Aquinas, “for a man to hold private property; and it is also necessary for the carrying on of human existence.” But if the question be asked: How must one's possessions be used?—the Church replies without hesitation in the words of the same holy Doctor: “Man should not consider his material possessions as his own, but as common to all, so as to share them without hesitation when others are in need. . . . But, when what necessity demands has been supplied, and one's standing fairly taken thought for, it becomes a duty to give to the indigent out of what remains over.”³¹

It is a summary of the *Summa theologiae*. In 1981, John Paul II recalls this teaching in *Laborem exercens*, but he emphasizes the *subordination* of property to common use: “Christian tradition has never upheld this right [to ownership or property] as *absolute and untouchable*. On the contrary, it has always understood this right within the broader context of the right common to all to use the goods of the whole of creation: the right to private property is *subordinated* to the right to common use, to the fact that goods are meant for everyone.”³² Here, John Paul II is tilting at windmills: no doctrine regarding property can make of it an absolute; even the conquistadors or the men of the Wild West had

31. *Rerum novarum*, 22. [Notably, the Vatican's French translation of the encyclical lacks the embedded references to St. Thomas, leaving them in footnotes alone.—Trans.]

32. *Laborem exercens*, 14. [Emphasis is the author's, though the Vatican text itself emphasizes the entire phrase, “the right to private property is subordinated to the right to common use.”—Trans.]

their conception of what is permitted and what is forbidden. The real question, rather, is whose conception is the right one.

3. THE FRANCISCAN CONTROVERSY: USE VS. PROPERTY

The Franciscan order was born in reaction to the ways of the world, which at that time was undergoing unprecedented economic and demographic growth. This new expansion was accompanied by a progressive acceptance within the Church of property and personal accumulation of wealth. Whereas the traditional monastic orders are based on the idea that all riches are held in common (so much so that the monks are poor, but their monastery may be rich), Francis of Assisi seeks *altissima paupertas*, the highest poverty possible: bare life.³³ This is why he forbids that the friars possess money and insists that they not possess even their homes—a stance that would be summed up by the idea that they “should own nothing *either in common* or individually.”³⁴ Even the order owns nothing.

This form of life was obviously problematic: the friars still needed food, clothing, and shelter. How could the Franciscan order, having passed in just a few years from eremitic existence to the foundation of numerous urban monasteries, remain faithful to Francis’s precepts? Franciscan theologians knew perfectly well that they were proposing a form of life alternative to the political life, and that the latter is usually governed by power, property, and domination. But the very existence of this alternative poses a fundamental question: is a life without property or domination even possible?

It became necessary to develop both a theoretical distinction and a procedure. The theoretical distinction consisted in stating that the friars had only the *use* of the goods they employed, not *ownership* of them. The procedure consisted in having

33. See Giorgio Agamben, *Altissima povertà: Regole monastiche e forma di vita* (Vicenza, 2011); translated into English by Adam Kotsko as *The Highest Poverty: Monastic Rules and Form-of-Life* (Stanford, CA: Stanford University Press, 2013).

34. *Quo elongati*, 6 (author’s emphasis). [The Latin reads: *Dicimus itaque, quod nec in communi nec in speciali debent proprietatem habere.*—Trans.]

these assets managed by “spiritual friends,” laymen close to the order, who received donations and acted as stewards for a given monastery. Very rapidly, it also became necessary to determine who was the true owner of the assets used by the Franciscans: the universal Church (a conclusion that aligned happily with contemporary efforts of the bishops of Rome to strengthen their jurisdiction over other bishops). Concretely, a Roman cardinal was placed in charge of the order’s affairs.

This theoretical distinction, however, posed a problem: can one use a good without owning it? Yes, if it is lent to the user. But who is able to lend it? Who has authorized its use? And must the Franciscans obtain authorization before using anything?

The juridical, philosophical, and theological debate raged during the thirteenth and fourteenth centuries. At its heart lay the question: should use be tied to ownership as its first stage, or is it natural for man to use things freely, independently of any right (or ownership)? The “Franciscan controversy” was a contest between, on the one hand, those who sought incessantly to bring Franciscan practice back into the framework of the right to property, and, on the other hand, the “Spiritual” Franciscans who strove to escape it.

Faced with conflicting interpretations regarding possible adjustments to the Rule, Bonaventure sought to redefine the Franciscan ideal in his *Defense of the Mendicants* (1269). This ideal consists in *having* nothing other than Christ.³⁵ Yet, beyond external goods, one who makes a vow sacrifices to God his dearest, most intimate possession: his will.³⁶ The Friars Minor must content themselves with a “restricted use” of goods belonging to others. They renounce all *dominium*—whether personal or common to the order—but they cannot renounce the simple use (*simplex usus*) of things, such as those without which they would starve to death.³⁷ Bonaventure is thus confronted with the doctrine of *dominium* as a right: normally, this comprises “ownership,

35. Bonaventure, *Apologia pauperum* III.2 (*Opera omnia*, Quaracchi, vol. 8, 245). Translated into English by José de Vinck and Robert J. Karris as *Defense of the Mendicants* (St. Bonaventure, NY: Franciscan Institute, 2010).

36. Ibid., III.11 (*Opera omnia*, vol. 8, 247).

37. Ibid., XI.5 (*Opera omnia*, vol. 8, 312).

possession, usufruct, and *simple use*.”³⁸ By making “simple use” the Franciscan form of life, Bonaventure highlights a problem: he acknowledges that *dominium* over something includes the right to use it; at the same time, he affirms that the Franciscans live by use, without *dominium*. But then, is use a form of right (of *dominium*), or a form of bare life, falling outside the order of legal rights?

To decide this matter, and to legitimize the absence of *dominium* in the Franciscan order, Pope Nicholas III issued the bull *Exiit qui seminat* (1279). It adds a further subdivision of *dominium*: “ownership, possession, usufruct, the *right of use* (jus utendi), and *simple use of fact* (simplex usus facti).” It also stipulates that “the act of using” produces “no right for the users.”³⁹ Consequently, the life of the friars is a matter of simple use of fact: when the friars renounce lordship (seigneurie), they renounce positive law (and, especially, the right to property). The sole right that remains to the friars is the natural right by which any individual in a state of vital emergency can provide for his sustenance from the goods of another. This implies both that the friars live in a state of permanent emergency, and, vice versa, that, according to natural right, things are not even held in common: they are subject to no *dominium*—even common—and all can use them according to their needs.⁴⁰ In an extreme paradox, the Franciscans claim the right to be without rights.

Subsequently, two interpretations clashed within the Order. For some, the essential element lay in the initial vow of poverty, the refusal of all *dominium*, but the friars were held only to the moderate use that one expects of every Christian. For others, the friars had not only made a formal commitment to renounce all lordship (seigneurie); they had also committed themselves substantially to a “poor use” (usus pauper): eating meagerly, wearing patched clothing, etc.

Desiring to put an end to the controversies, Pope John XXII intervened in 1322. With the bull *Ad conditorem canonum*,

38. Ibid., XI.5 (*Opera omnia*, vol. 8, 312).

39. *Exiit qui seminat* is available in English translation at <https://franciscan-archive.org/bullarium/exiit-e.html>, though the translation here is my own.—Trans.

40. This is the conclusion of Olivi, who likely inspired *Exiit qui seminat*: *Quaestiones de perfectione evangelica*, q. 8 (p. 126).

he dispelled the juridical fiction that made of the Church the owner of Franciscan assets: “For what person . . . could believe that it was the intention of so great a father to retain the *dominium* for the Roman Church of one egg, or cheese, or crust of bread, . . . and the use for the brothers?”⁴¹ Because the Franciscans had projected their ideal onto Christ, the affair took an exegetical turn, and John XXII declared heretical the affirmation that Christ and the Apostles had possessed nothing, neither individually *nor in common*.⁴² Drawing on the jurist Azo, he maintained that use—like usufruct—always implies a *right*, and that it is based on *dominium*: “Use . . . [is] nothing other than only a *right of using* someone else’s things with the substance preserved.”⁴³ In the case of a consumable good, using a good results in its destruction, and the *dominium* is destroyed with it—which proves that use is inseparable from ownership. John XXII went even further, affirming that private property existed even in paradise, in the state of innocent nature: “By divine law, one could say that something was his own.”⁴⁴ When God said to Adam: “You will eat *your* bread by the sweat of your brow” (Gn 3:19), it was proof that this bread belonged to him. John XXII thus overturned the order established by the patristic and canonical tradition: private property, not the community of goods, comes first.

41. English translation by Jonathan Robinson, available with side-by-side Latin text at http://individual.utoronto.ca/jwrobinson/translations/john22_acc-compared.pdf. The Latin reads: Quis enim sane mentis credere poterit quod intentio fuerit tanti patris, unius oui seu casei aut frustri panis et aliorum usu consumptibilium, que sepe fratribus ipsis ad consumendum e uestigio conferuntur, dominium Romane ecclesie et usum fratribus retinere?—Trans.

42. *Cum inter nonnullos*, 1.

43. Azo, *Glossa ordinaria ad Digestum* 7.8.1.1, ed. Fehi (Lyon, 1627), col. 912; cited by John XXII, *Ad conditorem canonum*, in *Corpus iuris canonici*, ed. Friedberg (Leipzig, 1881), col. 1226. English translation from Jonathan Robinson, available with side-by-side Latin text at http://individual.utoronto.ca/jwrobinson/translations/john22_acc-compared.pdf, with slight modifications.—Trans.

44. John XXII, *Quia vir reprobis*, in *Bullarium Franciscanum*, ed. Conrad Eubel, vol. 5 (Rome: Typis Vaticanis, 1898), 441. For an English translation of the passage, see John Kilcullen and John Scott, trans., *Quia vir reprobis*, available at <https://publications.thebritishacademy.ac.uk/pubs/dialogus/wqvr.html>.

Property was not established by civil law but by the natural law—and even by divine law. The Scriptures attest that, in the original state, “before the laws of kings existed, indeed even before kings existed, some things were someone’s.” Before the creation of Eve, Adam alone held *dominium* over temporal things; this was, therefore, a proper *dominium* (a private property) and not a common *dominium*. Consequently, “*by divine law someone was able to say that something was his.*”⁴⁵ The logical error is obvious: even with only one element, a set remains a set. (This is, incidentally, a classic example in canon law: a monastery with only one monk retains its common rights and duties.) But the conclusion is clear: on a patriarchal foundation (Adam), the right to private property became a natural right, and even a divine right.

The Franciscan controversy thus emerges as a decisive moment, for it compels theologians and jurists to distinguish more precisely between *dominium*, ownership, and use. The Franciscan attempt to live without property while maintaining the use of goods contributes to transforming the understanding of both ownership and dominion. It ultimately brings about a purification of viewpoints and an escalation to extremes: the Franciscans invoke natural law in order to use all things as the destitute do, while John XXII affirms the natural character of private property.

4. FROM THE INVENTION OF THE SUBJECT-AGENT TO THE SUBJECTIVE RIGHT TO PROPERTY

The thirteenth century saw the invention of the subject-agent, that is, the idea that the agent is the principle of his own actions.⁴⁶ As Thomas Aquinas often writes, *actiones sunt suppositorum*, “actions belong to suppositis.” Moving oneself freely to act, rather than being moved by an external object, is peculiar to the rational creature.⁴⁷ The will is the internal principle that launches every action, and for this reason, the will possesses dominion

45. John XXII, *Quia vir reprobus*, 441 (author’s emphasis).

46. See Alain de Libera, *Archéologie du sujet*, 4 vols. (Paris: Vrin, 2007).

47. SCG III.111.1.

over its own act (*dominium sui actus*).⁴⁸ Yet freedom for us is domination for external things: "Being free . . . is the same thing as being able to dominate."⁴⁹ Freedom is a conquest of the will, a mastery of our actions, an ascendancy over things and other people.

According to the Franciscan analysis, however, because poverty was voluntary, it entailed renunciation of the will's tendency to dominate, of the appropriation of things, and of dominion over others. In the Franciscan vow, the will is the most precious good one can sacrifice to God.⁵⁰ Seeking to dominate things, the will is essentially a will to appropriate. "Every man very naturally desires freedom; . . . he desires to possess all that is his own by virtue of a certain *dominium*." *A contrario*: without the domination of the will, man "cannot even possess himself."⁵¹ Henry of Ghent goes so far as to say that our soul is the "owner" of our body.⁵² Freedom of the will, mastery of interior acts, self-possession, ownership of things, and dominion over the world form a series.

As early as the thirteenth century, the idea emerged that the subject-agent, because he has free will, possesses himself and becomes the owner of things. How, then, should one understand the possibility of voluntary poverty? Quite simply as a voluntary decision to renounce the will itself and all that flows from it. Property arises from a *will to appropriate* on the part of the active subject, whereas poverty consists in a voluntary abdication of any *dominium* of the will. In other words, freedom of the will lies at the foundation of both *dominium*, or domination and appropriation, and poverty, or the renunciation of all power and property. Property ceased to be a quality of the *object* and became instead a *capacity of the subject*. A metaphysical foundation was thus slipped underneath the juridical order to refound it, and this foundation was *subjective*. By the end of this evolution,

48. SCG II.47.4.

49. Peter John Olivi, *Quaestiones in secundum librum Sententiarum*, vol. 2, ed. Bernhard Jansen (Quaracchi: Collegium S. Bonaventurae, 1926), q. 51, p. 172.

50. Bonaventure, *Apologia pauperum* III.11 (VIII, 247).

51. Olivi, *Quaestiones in secundum librum Sententiarum*, vol. 2, q. 55, p. 322.

52. Henry of Ghent, *Quodlibet* IX.26 (*Opera omnia*, vol. 13, 309).

in the fifteenth century, the great legal theorist Conrad Summenhart would write of human freedom: "Freedom is a kind of right . . . , [that which] the free man has over himself, that of doing what he pleases."⁵³

The Franciscan quarrel contributed to the evolution of classical natural law (based on an objective justice that rendered to each his due) toward modern natural law, based on subjective freedom. Consequently—and contrary to the claims of a historiography now recognized as untenable⁵⁴—the modern theory of subjective rights developed independently of nominalism (Bonaventure and Olivi are convinced realists).

It would be an exaggeration even to claim that the theory is rooted in Franciscan thought. Godfrey of Fontaines, a secular theologian close to St. Thomas Aquinas, taught around 1290: "By virtue of natural law, each also has a *dominium* and a certain right over the external goods of the world, and he cannot lawfully renounce this right."⁵⁵ For each individual, property is a right—a natural right—and even an *inalienable* natural right.

Hervaeus Natalis, the master general of the Dominican order and one of the founders of the Thomist school, was one of the principal experts consulted by John XXII in his deliberations on use and property. He reasoned thus: either use is illicit, and thus tantamount to theft; or it is licit, in which case it is inseparable from *dominium*, for only one who has *dominium* over a thing can concede its use. The user has, therefore, not merely a power of "fact" but has received permission, which is a power of "right." "The power to use something licitly signifies the power of a right to the thing or the right itself." And here a decisive argument emerges: "Since anyone has this power by his nature."⁵⁶

53. Conrad Summenhart, *Septipertitum opus de contractibus* (Augsburg, 1515), f. 5a.

54. For example, the interpretations of Michel Villey, *Le droit et les droits de l'homme* (Paris: Presses Universitaires de France, 1983).

55. Godfrey of Fontaines, *Quodlibet VIII*, q. 11 (Louvain, 1924), 105.

56. Hervaeus Natalis, *De paupertate Christi et apostolorum*, in J. G. Sikes, "Hervaeus Natalis: De paupertate Christi et apostolorum," *Archives d'Histoire Doctrinale et Littéraire du Moyen Âge* 11 (1937–1938): 209–97, at 241, <https://www.jstor.org/stable/44403475>. English translation: John D. Jones, *The Poverty of Christ and the Apostles* (Toronto: Pontifical Institute of Mediaeval Studies, 1999), 46. [Original Latin: Si autem utatur concedente domino rei sibi

By virtue of his free nature, each person has a *natural* power to use things, that is, each person has a natural right over them, and this right is the initial stage of *dominium* (ownership). Likewise, one who gives bread to a starving person grants not only the right of use but also *dominium* over that bread. The natural right to property rests directly on the freedom of the acting subject.

As Vitoria (the sixteenth-century heir to both Thomist thought and the later metaphysical tradition) would say, “Right is a power or faculty appropriate to [qui convient à] someone according to the laws.”⁵⁷ It is a matter of balance between subjective power and the objective law that limits its effects. For his part, Suárez would write: “Right is usually called a *moral faculty* that each one possesses, with regard to a thing or to the thing (*ad rem*) that is due to him; indeed, the master (*dominus*) of the thing is said to have a right over the thing (*ius in re*).”⁵⁸ Compared to Thomas’s definition of right (“the object of justice”⁵⁹), Suárez adds the idea that right is a “moral faculty” of each individual: a subjective right. Then, he underscores that this right admits of two degrees: it is first a *right to a thing* (a formal claim, in so far as it has not been confirmed by the authority) before being a right *over the thing*, that is, an effective *dominium*.

Consequently, at the beginning of the fourteenth century, the emergence of the right to property as a *natural* and *subjective* right did not take place, either in the nominalist school in opposition to the realist tradition, or even specifically among the Franciscans. It is simply a logical consequence of the discovery of the subject-agent as the principle of his actions, a discovery to which Thomas Aquinas had been among the first to contribute. It

usum rei vel per se vel cum ipsa re, quaero quid concessio domini confert sibi; aut scilicet confert sibi potestatem executionis sive potestatem utendi de facto, (et hoc non potest esse, quia hoc habet quilibet a natura sua nisi sit impeditus ab alio. Est etiam communis usu licito et illicito. Nos autem hic quaerimus de usu licito) aut confert sibi potestatem licite utendi; et si sic, cum potestas licite utendi dicat potestatem iuris sive ipsum ius, sequitur quod sic utens habeat ius saltem in usu.—Trans.]

57. Francisco de Vitoria, *De iustitia* II-II, q. 62, a. 1.

58. Francisco Suárez, *De legibus* 1.2.4 (Naples, 1872), 6b. When a bishop is elected, he possesses only a *ius ad rem*, a right to his office; he does not exercise effectively his *ius in re*, over his office, until his election is validated.

59. *ST* II-II, q. 57, a. 1.

hardly makes sense to oppose the Thomist school to the tradition of subjective rights. Both took part in the progressive unfolding of the consequences of a *metaphysical* discovery: the freedom of the will. The Franciscan controversy simply served to accelerate this reflection.

Finally, it should be noted that these subjective rights are never claimed to be absolute; it remains always to be determined what renders them licit (or “due,” in the case of Suárez). In reality, within the legal system, there is room for subjective right only in so far as it conforms to objective justice (to the law). It is truly a right only if it is subject to the rule of justice and injustice.

The supposedly modern concept of property rights, founded on the freedom of individuals, is a medieval invention. It emerged gradually from several elements. First, through circumvention of the communist ideal of the Fathers with the idea that acquisition is a natural phenomenon, that individual *dominium* over things (private property) is legitimate, whereas their use must remain collective, ordered to the common good (Thomas Aquinas, as reader of Aristotle). Then, through the demonstration that the use of all things is a natural right based on the power of subject-agents, given that such use is permitted to them simply for the sake of survival (the Franciscan controversy). Finally, through the affirmation that there is no use without ownership (Hervaeus Natalis and John XXII), which led to the transposition of analyses considered valid with regard to use into the domain of property rights: henceforth, each person enjoys the subjective right to appropriate goods by an act of his will, provided that it is licit (permitted by objective law). Thus, the right to property was reestablished on the freedom of moral agents.

The controversy has never really been resolved, however. The Spiritual Franciscans rebelled against the authority of John XXII (this is the episode recounted in *The Name of the Rose*). At the end of the fourteenth century, John Wycliffe and Jan Hus drew on the Augustinian ideal in a different way: because human *dominium* is always an effect of divine grace, those in a state of manifest sin could no longer exercise power or hold property. This argument was leveled against the simoniac clergy, but it led to the prohibition of all temporal possession in the Church, admitting only of a spiritual Church. Against the reformers, the Council of Constance recalled in 1415 that *dominium* is not based

on grace, thus bringing the right to property within the bounds of conciliar orthodoxy.⁶⁰

This matrix of problems continuously reappears in subsequent history. The same positions emerge in the seventeenth century: John XXII's patriarchal justification of the right to property finds echoes in Filmer; the right's foundation on individual liberty is present in Locke; and the ideal of a state of nature without property occurs in Rousseau.—*Translated by Caitlin Jolly* □

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60. Heinrich Denzinger and Adolf Schönmetzer, *Enchiridion symbolorum*, 36th ed. (Barcelona: Herder, 1976), DS 1165, 1230.