

Philosophical Questions of the Relation to Goods in Antiquity and Scholastic Philosophy

ANTAL, PÉTER*

ABSTRACT This paper explores the early issues of the relation to goods in ancient and medieval philosophy trends. As an introduction to the topic, I examine the conditions for the emergence of Greek philosophical thinking. The paper is divided into two major sections: the first section introduces the ideas of ancient Greek philosophy on property and wealth, while the second one considers the development of the ideas of early medieval philosophy on the same topic. It should be pointed out that in ancient philosophy the subject was not given much prominence, since the concept of existence and virtue preceded the problems of property, wealth and distribution. Yet it is worth examining this period from this point of view, too, because regarding the relationship to wealth, we can find several important philosophical principles. I will present primarily the relevant medieval thoughts after discussing the relevant works of great figures of scholasticism. I will also discuss in detail the teachings of Duns Scotus, since it is primarily to him that we owe the most of his statements relevant to our subject of scholasticism.

There is no doubt that the questions examined in this study are taking us closer to the definition of the content of common good. This is particularly true about Aristotle and St. Thomas, based on whose work these doctrines are also examined with distinguished attention. To sum up, we can say that questions on wealth distribution and the distribution of goods, in other words the ownership structure between the state and the individual are very much essential, since through them the content of the common good becomes tangible. The aim of my study is to support this assertion.

KEYWORDS *philosophical periodization, theories of property, distribution of wealth, redistribution, justice*

* PhD student, Széchenyi István University, Doctoral School of Law and Political Sciences.

1. Philosophical questions on the relation to goods in antiquity and scholastic philosophy

1. 1 The conditions for the development of Greek philosophical thought

Before reviewing the periods of Greek philosophy and the views of the thinkers of these periods on property and wealth and on the distribution of wealth, it is important to explore some of the determining circumstances that created the conditions for ancient Greek philosophical thought.

When discussing the achievements of ancient Greek philosophy, it is important to note that we are looking at an intellectual heritage that is the foundation of Western philosophy¹ and its results are much easier to examine than those of the worldviews that emerged in earlier periods of the history of ideas.²

Greek culture was fertilized by the geographical openness of the region and by maritime trade, which both created prosperity and provided opportunities for relations with other peoples. The meeting of different groups of people with different ways of thinking also had a liberating effect on intellectual life.

The city states of ancient Hellas and Italy provided the right conditions for the development of philosophical thought, the study of science and, as a result, a climate of freedom, free thought and free speech.^{3 4}

The beginnings of philosophical thought as we know it today date back to around 550 BC, when the need arose to explain the world using the tools of rational thought, in the direction of the search for natural causes.⁵

1. 2 Ideas on property in ancient Greek philosophy

1. 2. 1 The age of the Pre-Socratics

Looking through the early stages of Hellenic philosophy, we can conclude that the thinkers of the pre-Socratic era, in opposition to religious teachings, focused their work on identifying a primordial substance that could explain the origin and functioning of the world. For this reason, the great thinkers of this period

¹ Hans Joachim Störig, *A filozófia világtörténete* (Budapest: Helikon Kiadó, 1997), 91.

² The great systems of Eastern thought, such as ancient Indian and ancient Chinese philosophy, were developed in a way that was close to the Western world, and their results were therefore known to Westerners much later. It is also difficult to draw any conclusions on the philosophy of the great Mediterranean cultures (Babylon, Egypt), because no such sources survived after the destruction of these cultures.

³ Störig, *A filozófia világtörténete*, 92.

⁴ But here it is important to note that in Athens, for example, tradition and religious rigidity led to Anaxogoras being banished and Socrates being condemned.

⁵ Störig, *A filozófia világtörténete*, 93.

excluded from the main focus of their investigations the problems that determine the functioning of society, such as property and wealth.

The first thinker of the period to touch upon the problem of property was Heraclitus (VI Cret.). In his conception, the great law that determines the functioning of society and the world is the unity of opposites.⁶ In his view, those who believe that eternal peace is attainable are mistaken. He claims that it does not benefit man if all his desires are fulfilled. Wealth can only be enjoyed after experiencing poverty.⁷

Democritus, a philosopher of the 5th century (BC), created the classical materialist system of antiquity by defining the cornerstones of atomic theory. In his view, the measure of happiness attainable by man is serene contentment, which is attained through self-restraint. According to his philosophy, therefore, wealth and possessions do not bring us closer to happiness, the primary source of which, in his view, is the possession of spiritual goods.⁸

1. 2. 2 The Sophists

The philosophical movement that emerged in the 6th to 5th centuries BC is called sophist philosophy, which focuses on doubt about human cognition. The thinkers of this period became convinced that objective cognition was impossible. From this basis of thought they derived the claim that, if we accept that there is no objective standard of truth the only valid truth or the only valid law is the law of the strongest.⁹

The Sophist view of the distribution of legal order and wealth is vividly exemplified by the following quote: "...I consider the weak people and the masses to be the authors of the laws. They want to frighten the stronger and more powerful people from aspiring to more than others; hence they say that the desire for power is ugly and unjust." The Sophist view of the distribution of law and wealth is distinctly illustrated in the following quote: "... I consider the weak men and the masses to be the authors of the law. They want to frighten the stronger and more powerful people from striving for more than others; hence they say that the desire for power is ugly and unjust."

They themselves, being more base, are happy to be content with equal measure. Nature, on the other hand, shows in my opinion that it is just that the more valiant should have more than the more base, the powerful should have more than the weak. Why did Xerxes attack Greece? A thousand such examples could be cited. Thus, I believe, all act according to nature, and by God, according to the laws of nature. Only not according to our own made-up laws, for we bring the stronger and better into the fold from childhood, like lion cubs,

⁶ This idea was identified in the history of philosophy as the first model of the dialectical theory of development, which was then revived in the work of Hegel and the Marxists.

⁷ Störig, *A filozófia világtörténete*, 103.

⁸ Störig, *A filozófia világtörténete*, 107.

⁹ Störig, *A filozófia világtörténete*, 110.

and make them slaves by bewitching and charming them, and unceasingly preaching to them that equality must be respected, for that is the way of justice and fairness.

Nevertheless, if a great man comes along and shakes off our doctrines, tears up, evades, or tramples underfoot our ordinances, our readings, our incantations, our laws against nature, all of them, and rebels from our slave that was to our master: then the law of nature shines forth."¹⁰

1. 2. 3 Socrates

To understand Socrates's understanding of property and wealth, we must start from what he taught about morality. The following logic is used to critique the earlier achievements of Greek philosophy in moral thought. The thinkers of earlier ages defined goodness (agathon), aptness, virtue (araté) and happiness (eudaimoné) as values. They valued as goodness what was expedient, what was useful and, what was in accordance with inclination and pleasure. Socrates, however, held that since both utility and wealth serve an objective above themselves, neither naturalism nor utilitarianism provides an answer to the question of what is good.

Socrates, however, held that since both utility and wealth serve an objective above themselves, neither naturalism nor utilitarianism provides an answer to the question of what is good. By this logic, hedonism remains the conceptual framework in which the good can be assumed, but Socrates rejects it on the grounds that the pleasurable cannot define the content of the morally good. Socrates thus rejects the idea that desire and inclination are moral categories. According to his teaching external goods are not necessary for happiness, virtue (autarchy) is sufficient.¹¹

1. 2. 4 Plato

Plato's *The State* deals with the questions of politics and of the exercise of power and the resulting distribution of wealth. His work is divided into two parts, the first of which is a critique of the existing political system, and the second of which is a portrait of the ideal state that he envisaged.¹²

He critically analyses what he calls the oligarchic state, in which the wealthy have the exclusive right to lead and the poor are excluded from the governance. Plato's criticism of this system is that it lacks competence at the level of leadership, that it involves the conflict of constant class conflict, finally, that a person who has lost their property is not accepted by any class. Thus, they can easily become criminals. In this system, the accumulation of wealth without

¹⁰ Plato, *Gorgias*.

¹¹ Tamás Nyíri, *A filozófiai gondolkodás fejlődése* (Budapest: Szent István Társulat, 1973), 64–66.

¹² Störig, *A filozófia világtörténete*, 127.

moral considerations becomes the goal of the people, which therefore leads to counter-selection.¹³

The system examined with the next critical approach is democracy. Plato writes: "I think that democracy arises when the poor prevail, and their opponents are partly killed and partly exiled, and the rest equally share constitutional rights and leading positions, and the leaders are chosen mostly by lot."¹⁴

In addition, the other important element in Plato's conception of democracy is freedom, which the work describes as follows: "First, citizens are free, the state is full of freedom and free speech, and anyone can do what they want." He is also critical of the distribution of wealth, since "Democracy offers such and other similar achievements, so I think it is a sweet constitution, anarchic, motley, a nice equality for equals and not for equals!"¹⁵

Plato, through his critical view of democracy, goes so far as to say that democracy is followed by tyranny (tűrannisz) and he predicts the end of tyranny with the following prophecy: "The same will not be fulfilled with the leader of the people, who, dragging down the masses who follow him mindlessly, does not restrain himself from shedding the blood of his own tribe, but summons them before the judges on false charges, as is his custom, defiling himself with blood, killing men, tasting his kinsman's blood with his shameless tongue and mouth, banishing and murdering men, insidiously promising debt forgiveness and land division - will not such a one be doomed to be devoured by his adversary, or to become a tyrant (tűrannisz) - a wolf from man?"¹⁶

The ideal state in Platonic thought rests on three pillars: the provision of food, the protection of territory and the enforcement of rational management. These three tasks also imply three distinct social orders: artisans, warriors and rulers. The main characteristic of the ideal state is that it is governed by reason and is therefore just. The leaders, after a selection that follows a protracted training which ensures the equal acquisition and measurement of abilities, and after acquiring the necessary experiential skills, attain by the age of fifty the human quality of becoming members of the ruling class. Both the leader and the warrior are expected to be free of private property. A soldier should receive only a salary for his services and should not have any private property, as this would risk him abandoning his military service. Craftsmen, however, may retain private property, but in return they may not have political influence.¹⁷

1. 2. 5 Aristotle

Aristotle in his works on politics and ethics deals with the issues of wealth, property and distribution. In his work entitled Politics, he writes extensively

¹³ Störig, *A filozófia világtörténete*, 128.

¹⁴ Plato, *The State*.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Störig, *A filozófia világtörténete*, 129–131.

about property. He mainly examines the question of whether the acquisition of property can be identified with the other functions of the head of the family in the 'government of the household' or whether it is only a part of it. As a result of this analysis, he concludes that family governance and property acquisition are not the same thing, since one implies the acquisition of property and the other the use of it. It distinguishes between the different ways of life according to the way in which each person obtains their wealth, and in this way, it identifies as the main category the group of people who obtain their foodstuffs from primeval nature, and within this category, it distinguishes nomads (pastoralists), farmers, hunters and fishermen, and those who live by plunder. Separate from this category is the group of people who obtain food by barter or trade. It makes clear, however, that these categories do not coexist entirely side by side, but are often intermingled. Goods are present in nature in the form in which we experience them because this is what makes it possible for all living beings to have access to them in the quantities that meet their needs. He sees wars between people as acquisitive enterprises, which are necessarily part of human nature, and therefore legitimate. He considers the accumulation of material wealth as a useful part of the duties of statesmen and heads of families.¹⁸

In addition to the above, the division of property is based on the assumption that society should be divided into two groups, one of which should be the warriors and the other the peasants. The division of wealth must also comply with this social division. The land must be divided into two parts, one of which is common property and the other is private property. These two groups should be further separated into two-two categories: part of the common property should be used to provide services to the gods, and the other part for the purposes of public catering. Private property is divided according to the fact that everyone must own both land close to a town and land on the border of a town. According to Aristotle, this form of property distribution is just and equal.¹⁹

What is more, we must also turn to Aristotle's doctrines on the question of fairness, including the principle of distributive justice. According to this principle, the essential content of justice is that the order of distribution in the community should be right. This is called distributive justice, which involves not only the satisfaction of needs but also the attempt to optimise material inequalities. According to the principle of distributive justice, each person is entitled to what they deserve according to the excellence they have received from nature. At the same time, if the principle of distributive justice cannot be fully applied, corrective justice must be applied to ensure that services and compensation, damages and reparations are in proportion to value. Distributive justice has the effect of levelling out social inequalities, so that excessive wealth and excessive poverty balance each other out, thereby strengthening the middle class.²⁰

¹⁸ Aristotle, *Politics*.

¹⁹ Ibid.

²⁰ Mihály Samu, "Az igazságosság – az alkotmányos irányítás és a társadalmi elit erkölcsi-jogi felelőssége," *Polgári Szemle* 9, no. 3–6 (2013): 190.

2. Questions of property in medieval philosophy

2. 1 Saint Augustine

In his work on the City of God (which is also considered his main work), Augustine deals with the earthly state, which he contrasts with the kingdom of God incarnate in the Church of Christ.²¹ In this work there is only a passing reference to property, but two passages which make Augustine's attitude to property presentable are worth highlighting.

One such part of the work is entitled "The Saints would lose nothing by losing their earthly possessions" in Book One, Chapter X: "Having considered all this, can it be said that the zealous believers have suffered anything that has not been for their good, unless perhaps we take the apostolic saying, 'Everything works for the good of those who love God.' as empty words. They have lost everything. But have they lost faith? Or he that is rich in the sight of God, have they lost the goods of the inward man? These are the treasures of Christians, of which the apostle, who abounds in them, says: "But great is the commerce of godliness with contentment. We have brought nothing into the world, nor can we take anything out. But having food and raiment, let us be content with these things.

For they that desire to be rich fall into temptation and into many evil desires, which lead a man to destruction and death. For the root of all evil is desire, after which they have gone astray from the faith and are entangled in sorrows."

"They therefore that lost their earthly treasures in that destruction, if they had borne them as this outwardly poor and inwardly rich apostle taught them to bear; that is, if they had lived with the world as if they had not lived with it, they might have said what Job, who was sorely tempted, but not defeated, said: "Naked came I out of my mother's womb, naked shall I return to the earth. The Lord gave, the Lord hath taken away; as it hath pleased the Lord, so shall it be, blessed be the name of the Lord."²²

The second reference on property is found in Chapter XV of Book Five, "On the earthly reward of the Romans, which they obtained from God for their good morals", which reads as follows: "For of those who do good works only that men may glorify them, thus saith our Lord Christ: "Verily I say unto you, They have taken away their rewards." And the passage concerning the second remark on property is found in chapter XV of the Fifth Book, "On the earthly rewards of the Romans, which they obtained from God for their good morals," as follows: "For of those who do good works only that men may glorify them, our Lord Christ says, 'Verily I say unto you, they have received rewards.'" They therefore despised their possessions for the common good, that is, for the republic and its treasury, and repressed avarice in themselves, and willingly helped their countrymen, and did not transgress the laws either by lusts of the

²¹ Störig, *A filozófia világtörténete*, 177.

²² St. Augustine, *The City of God*.

flesh or by crime: and thus by these lawful means alone have they obtained respect, glory, and a vast empire, have been praised by almost all nations, have given laws to countless nations, and even to this day occupy a glorious place in the history of nations. Hence they have no cause to complain of the righteousness of the supreme and true God: “they have taken away their rewards.”²³

2. 2 St. Thomas

In St. Thomas Aquinas's thought, justice can be assumed to be general because the virtues practised by human beings are aimed at achieving the common good, and justice enforces this. In St Thomas's thought, according to the Aristotelian tradition, the supreme virtue is justice, the supreme end of which is the attainment of the common good.²⁴

It is necessary that the ends of the community coincide with the ends of the individual, and the shortest way to achieve this is for the society to be able to promote the good and virtuous life for individuals, which must also be the end of the political community. However, Thomas also allows room for a different interpretation when he approaches the problem from the perspective of individual goal-setting and comes to the conclusion that the right conduct of life requires that the individual himself sets himself the goal of achieving a good and virtuous life, through which the level of the common good can be raised. Whichever approach one adopts, it is easy to see that justice materialises as an intrinsic relation between the common good of the community and the good of the individual. One focus of Thomas's analysis is therefore to identify the obligations of the political community that are recognised as rights on the part of individuals.²⁵

In St. Thomas's system of thought, the above field of interpretation opens the door to the analysis of political justice as distributive justice. In the realization of justice according to the first idea, the distribution of property is affected in such a way that each member receives a share of what belongs to the community, i.e., a property distribution is made for the benefit of each person at the expense of the community property. In the realisation of justice according to the second idea, the individual's belonging to the community is emphasised in that it becomes the individual's task to consider what is good for him from the point of view of what is good for the community and, on this basis, to carry out the weighing which is directed towards determining the relation of the part to the whole. In Thomas's philosophy, it is the universal justice that corresponds to the content of legal justice.²⁶

²³ Ibid.

²⁴ János Frivaldszky, *A jog- és politikai filozófia erkölcsi alapjai* (Budapest: Pázmány Press, 2014), 203.

²⁵ Frivaldszky, *A jog- és politikai filozófia erkölcsi alapjai*, 204.

²⁶ Frivaldszky, *A jog- és politikai filozófia erkölcsi alapjai*, 205.

Legal justice is a virtue in itself, namely, the virtue by which the individual owes a debt to the political community, and the immanent conceptual element of this debt is that it is directed to the common good. Legal justice is a specific virtue that the individual owes to the political community under the law, the conceptual element of which is an orientation towards the common good. As a result of grasping the content of the common good, we can say from the other side that the common good is what the state owes to the community in its law-making. We can therefore conclude from this that the “specific object of legal justice is the common good”, which must be pursued in the distribution of wealth.

However, the concept of legal justice has further nuances beyond the above. The additional function of legal justice is to guide the definition of the content and the way in which the individual, as a member of the community, is bound to fulfil his obligations in the spirit of the collective common good, in order to help the community as a whole to achieve its essential purpose, that is, the realisation of the common good. The common good therefore implies, in its content, the right of collectivity towards the individuals who constitute it, and in this sense, it defines the latter's obligation towards collectivity. To sum up, the content of the individual's contribution to the common good is the individual's debt to the community, the extent of which is the law that exhausts the concept of the common good in its content. The measure of the legal justice achieved by the individual is the level at which the individual obeys the law, and this level is the level of equality.²⁷

In addition to legal justice, which focuses on the common good, there is also partial justice, but it is applied in the relations between individuals. Partial justice, as we shall see shortly, therefore operates in the relation between the part and the whole. For two relations of the part are conceivable: on the one hand, the relation of the part to the part, and on the other hand, the relation of the part to the whole. In the relation between the part and the part, mutual justice prevails, while in the relation between the part and the whole, distributive justice exerts its influence. We can experience distributive justice in practice in the behaviour that takes place when an individual fulfils his obligation to pay taxes, for example. The other realm where distributive justice is realised is in the reality where individuals benefit from the distribution of public goods. In Thomas' teaching, distributive justice is equitably realized when money, offices and all other things are distributed in proportion to the social dignity of the individual.²⁸

²⁷ Ibid.

²⁸ Frivaldszky, *A jog- és politikai filozófia erkölcsi alapjai*, 206.

2. 3 Duns Scotus²⁹

Duns Scotus, in his *Opus Oxoniense*, examined a number of issues relating to property, wealth and trade. It is perhaps not too much to say that Scotus is the originator of scholastic economic philosophy. Scotus is often referred to as 'the best Franciscan answer to Thomas'. Due to his early death, he wrote only one work, the *Opus Oxoniense*, already cited.

The text is presumably based on lectures given at Oxford in 1301, and the format follows the usual format of the period, i.e. a series of questions followed by answers which are shown to be unsatisfactory. The *Ordinatio* deals mainly with theology and philosophy.

Scotus introduces his own theory of property by asking the question, "Is the repentant thief obliged to return the stolen property to its owner?" This may seem a rather technical question, and not a very promising basis for a broad discussion of economic analysis. Nevertheless, Duns Scotus builds his theory of property rights on this basis.^{30 31}

Scotus begins by listing a number of arguments against the need to return stolen property. His first argument is purely theological: restitution is not part of repentance, so that the repentance of the thief does not require that the thief atone for his sin by returning the stolen property. He then goes on to mention a number of largely economic considerations, such as the impossibility of restitution (if the victim is dead) or the high costs of compensation, which he considers unnecessary. Here, however, the logic of the argumentation followed so far is broken, since it does not continue to argue that the recovery is unjustified but starts to explain the origin of the property right. The usual starting point in the philosophical thinking of the period was that the natural and divine law which prevailed in a state of innocence made it possible for the goods to serve as objects of joint ownership. Accordingly, it was agreed that in this state of humanity private property as such did not exist.

Duns Scotus argues that good common sense dictates that human behaviour is to use things in ways that they contribute to a peaceful and decent life and ensure that the necessities of life are met. In Scotus's mind, this goal is more easily achieved through the common use of things than through the individual possession of property by each person. He then turns to the argument, familiar

²⁹ Robert I. Mochrie, "Justice in Exchange: The Economic Philosophy of John Duns Scotus," *Journal of Markets & Morality* 9, no. 1 (2006): 35–56.

³⁰ In his *Scotus Oxoniense*, besides outlining the theory of property rights, he briefly discusses the nature of exchange, justifies the prohibition of usury, and makes a considerable achievement in expounding his own theory of sovereignty and social contract theory.

³¹ It is also worth noting that in Scotus's time there was a fruitful debate about the exchange of goods, which raised the question of how a Christian merchant could be saved. This was problematic since St Augustine used the authority of Scripture to condemn all merchants. Yet, the activities of traders were clearly beneficial to societies. However, the growing prosperity over the century made it impossible to question the usefulness of trade.

from Aristotle's *Politics*, that property rights are essential to prevent the oppression of the weak. He argues that without such rights, evil and greedy people could take more than they need and use violence to gain control over the common goods.

Scotus's second conclusion, however, is an important innovation: after the Fall, private property becomes permissible because the Fall means that the natural law is revoked.³²

Duns Scotus makes the important point that, following the repeal of the law of natural law (which also provides an opportunity for the acquisition and sharing of communal property), there has been no distribution of wealth either through divine or natural law. From this he deduces the claim that private property is rooted exclusively in positive law. This idea is entirely consistent with the Franciscan rejection of private property and with the claim that the enjoyment of property sufficient to satisfy needs is the only good. Moreover, from this argument and the subsequent arguments dealing with the source of the fairness of exchange, it follows that if we accept the premise that the initial allocation of property was not equitable - in the sense that it was not approved by some community agreement - then the conclusion that the allocation of property is not equitable must follow from this proposition.

Duns Scotus takes the view that property rights should be defined as traditional rather than innate rights, which in turn raises the question of the authority of positive law. Scotus argues that for positive law to be just, it must be promulgated by a legislator who is capable of applying the law, that is, who has both prudence and authority. Prudence consists in the legislator's taking into account, when applying the law, the fact that he himself is not independent of the law he has made and applies, while authority consists in the capacity to oblige the community to obey the law. This seems to be a traditional scholastic argument, which closely follows the teaching of Aristotle.

Duns Scotus then distinguishes authority according to whether it is paternal (if it is only within the family) or political (if it is within the whole city), and political authority is either for an individual or for a community.

As one of the forerunners of social contract theory, Scotus argues that political power to distribute wealth can only be legitimately acquired by common consent or choice, and that this power can only be just if people voluntarily submit to it.

At this point, Scotus once again breaks with the logic of his argument, for he does not carry this idea further by continuing to weave the social contract theory, but takes a new direction and continues to develop the theme by exploring the conditions that must exist for the transfer of property to be just.

He introduces the line of thought he takes here by assuming an initial just distribution of property. This assumption is only satisfactory as long as it is understood as rooted in historical experience. He argues, for example, that Noah

³² In the minds of earlier scholastic writers, however, private property is either the result of a transformation of natural law or, as St Thomas Aquinas saw it, it exists as a complement to natural law.

used his patriarchal authority to divide the land among his sons, and that Abraham and Lot agreed to divide the property. Scotus thus argues that any state or community would seek an initial division of property, which would probably take the form of 'everything that is not claimed goes to the first possessor'.³³

At the beginning of his treatise on the possible ways of transferring property rights, Duns Scotus claims that there are cases in which the public authority can transfer property rights by applying a just law. Such transfers will be fair if the initial and final distribution of property is fair. From this point of view, and relying on ecclesiastical law, Duns Scotus argues in favour of a prescription of the right of ownership of abandoned property, if only to avoid disputes between the original owner and the putative owner who has taken possession of it. Perhaps the important point here is that Scotus takes the position that one who abandons their property is culpable because such abandonment "hinders peace". The rationale for such transfers, moreover, is that the ruler then acts with the authority of the wider community, so that the granting of rights in this direction can be seen as being assumed by the community and as such can be attributed to the community's consent to the original property division. Such an argument seems completely unacceptable, however, if we accept that dominion is not an absolute right, but only a conditional right when exercised with the consent of the community. The exercise of property rights with the consent of the wider community can only be considered just if it is accompanied by the articulation of an obligation to the right grantor that such property should be used in such a way as to bring both private and social benefits.

³³ It should be noted that similar reasons were used by European colonialists in the conquest of the United States of America until the 19th century, when land ownership (dominium) was established by various informal and formal means. These reasons, however, do not take away from the usurpations exercised against indigenous peoples. However, as we shall see, Duns Scotus understood dominium to mean responsibility for use and not simply the taking possession of a property.