

# Private Property and the Gospel of Luke

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**Abstract:** Every major religious tradition has a dogmatic teaching on the existence and role of private property in the society in which its faithful live. This article considers the Christian scriptural foundations for its dogmatic teaching on private property. Specifically it considers the treatment of possessions in the Gospel of Luke and suggests a rapprochement between that teaching and the legal-philosophical understanding of private property found in all western legal traditions. The rapprochement suggested here lies in what is known as the 'social aspect' of private property. The article concludes that while the social aspect can be found in the legal-philosophical view of private property, it is amplified in the Lukan teaching on possessions (private property). Indeed, for the author of Luke, private property is viewed only in its social dimension: it is justifiable only to the extent that it is used for the good of others.

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**Key Words:** private property; Bible N.T. Luke-Acts; possessions; Western legal-philosophical tradition; social-community benefits; economic rights

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## I. INTRODUCTION

Every major religion has a dogmatic teaching on the nature and role of private property in the society in which its faithful live. The three monotheistic religions which stem from Judaism—Judaism itself, Christianity and Islam—each have a teaching on private property and how it ought to be used by its holders. The teaching is fairly uniform in that it sees private property, if used for the good of all, as central to the way in which people live their lives and, indeed, as a fundamental right.<sup>1</sup> Yet, private property is not a theological construct; rather, it is a legal-philosophical concept which is protected by secular legal systems. And while the dogmatic theology of major religions has much to say about that concept and its protection within secular legal systems, there is little engagement between the discourse of the former and that of the latter. Neither the theological nor the legal-philosophical literature contains any discussion on how its own view of private property may find resonance or dissimilarity in the other's.

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<sup>1</sup> On the Jewish understanding see Meir Tamari, *The Challenge of Wealth: A Jewish Perspective on Earning and Spending Money* (Northvale, NJ: Jason Aronson, 1995); N.S. Hecht, B.S. Jackson, S.M. Passamaneck, D. Piatelli and A.M. Rabello (eds.), *An Introduction to the History and Sources of Jewish Law* (Oxford: Clarendon Press, 1996); on the Islamic see Khaled Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority and Women* (Oxford: Oneworld, 2003), Fazlun Khalid and Joanne O'Brien (eds.), *Islam and Ecology* (London: Cassell, 1992); on the Christian see Vatican II, *Gaudium et Spes*, Pastoral Constitution on the Church in the Modern World, in A. Flannery (ed.), *The Basic Sixteen Documents Vatican Council II Constitutions Decrees Declarations, A Completely Revised Translation in Inclusive Language* (Northport, NY: Costello, 1996), *Catechism of the Catholic Church* (1994), ss. 2408-2409, John Paul II, *Sollicitudo Rei Socialis*, Encyclical Letter (30 December 1987), Pontifical Council for Justice and Peace, *The Challenge of Agrarian Reform* (Vatican City: Libreria Editrice Vaticana, 1997), 28-31; Pontifical Commission 'Iustitia et Pax,' *What Have You Done to Your Homeless Brother?: The Church and the Housing Problem* (London: Catholic Truth Society, 1988), 12 and 19.

As necessary as such a synthesis is, this article does not attempt it; rather, it provides the foundation for such work by demonstrating that there is a possible rapprochement at the most basic level between a scriptural foundation of Christian thought on the topic - as reflected in the Gospel of Luke - and that of legal-philosophical discourse on private property. This rapprochement has its source in the fact that the Gospels, and especially the Gospel of Luke, constantly remind us of the role of possessions in the life of a disciple of Christ. Working from that stance, this article suggests that a possible rapprochement between theological and legal-philosophical discourse about private property lies in what has been called its 'social aspect.'<sup>2</sup> Moreover, it is suggested that the Lukan understanding of this social aspect goes further than the legal-philosophical. While this possible rapprochement is of course intended to act as the foundation for further research into the relationship between the theological and the legal-philosophical understandings of the social aspect of private property, the primary purpose of this article is to raise the awareness of a Christian audience to the importance of increased dialogue between the theological and legal-philosophical discourses on private property.

The article is divided into three parts. The first addresses the role of possessions in the life of a disciple of Christ as that theme is set forth in the Gospel of Luke. While the Gospels generally address the theme of possessions, Luke does so in a way not matched by the other three. Many passages in the Gospel of Luke address possessions (cf. 9:51-19:27). This article, however, uses only one: the parable of the rich person (12:13-21). The second part sets out what legal-philosophical theory means by private property and its social aspect. This section is intended as a primer for those unfamiliar with the legal-philosophical understanding of private property and not as an exhaustive synopsis of the ongoing debates within that understanding. The third part offers some conclusions which demonstrate that a possible rapprochement between the two views — Lukan and legal-philosophical — lies in the social aspect. It also suggests that while much of the Lukan understanding of the social aspect of private property is found in the legal-philosophical understanding, for a Christian audience, the former view adds theological confirmation to the latter.

## II. THE GOSPEL OF LUKE AND POSSESSIONS

On the issue of possessions, the Gospel of Luke is a study in contrasts; many passages often stand in stark opposition one to another: some call for would-be disciples to renounce all of their possessions as a condition of discipleship, others call for those who are believers to give alms, while still others call for a sharing of resources in common. At the end of the day, it would be impossible for a believer to adhere to each conflicting demand at once. Nonetheless, it is clear that a mandate is addressed to all believers to respond in some way by sharing their possessions according to the purpose of God's will.<sup>3</sup>

As ambiguous as the Gospel is on the role of possessions, two points are clear. First, there is no doubt that the entire Gospel of Luke recognises and affirms the importance of possessions to the life of discipleship, even if it is not altogether clear how those who have possessions ought best to use them. Second, it is equally clear, and this relates to use, that

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<sup>2</sup> David Lametti, 'The Concept of Property: Relations through Objects of Social Wealth,' *University of Toronto Law Journal* 53 (2003):346-349.

<sup>3</sup> John Gillman, *Possessions and the Life of Faith: A Reading of Luke-Acts* (Collegeville, MN: Liturgical Press, 1991), 11-12.

the community has an interest in the way in which an individual's possessions are used. This section sets out what the Gospel of Luke understands by the concept of possessions and their use. We will see that the term 'possessions' is the Lukan method of referring to private property, and the community interest in those possessions is another way of describing the social aspect of private property. To see this, it is necessary to consider a representative passage from the Gospel; this section considers the parable of the rich person (12:13-31), an excellent example of the Lukan teaching on possessions.

In the parable of the rich person, Jesus confronts a crowd with some distorted ways of dealing with possessions.<sup>4</sup> The parable begins with a dialogue between Jesus and 'one of the multitude' concerning the division of an inheritance; Jesus is asked to intervene in a family dispute about an inheritance—in other words, private property. Jesus refuses to intervene and instead turns this into a teaching moment about covetousness (12:13-15). The framing device of the crowd and the individual sets up a 'lesser to the greater' argument in reverse: if Jesus' teaching in the Gospel to this point has stressed lack of fear before the immediate threat of life, how much less should fear generate an obsessive concern with possessions.<sup>5</sup> In the teaching moment, Jesus issues an instruction: 'Take care! Be on your guard against all kinds of greed; for one's life does not consist in the abundance of possessions' (12:15). Jesus goes on to provide a vivid illustration of greed at work and its perilous consequences (12:16-20), to offer a generalising conclusion (12:21), and to round off the parable with sayings about anxiety (12:22-34).<sup>6</sup>

What does the parable tell us? The rich man – the only figure in the story – has had a good harvest, which is an image used for the Kingdom of God. In this context, the rich man's question 'what should I do...' (12:17) concerning the crop is no mere query, but a question of salvation, of life and death, the answer to which is crucial.<sup>7</sup> Building larger grain bins represents an attempt to acquire security for the future and a relaxed lifestyle in the present (12:19).<sup>8</sup> The eating and drinking is a negative symbol for the debauchery of 'this age,' which will be condemned in the future judgment. The way in which the rich person treats these possessions symbolises a view of life in which it is hoped that a secure life will be made possible through the storing of excess grain in a secure place.<sup>9</sup>

Two points are of interest in this regard. First, the use of the word 'greed,' which in the Old Testament signifies 'unlawful gain' (Ps 119:36; Jer 22:17). In the context of the jubilee year (Lev 25)—especially the fallow year—the parable is a warning against the ruthless and excessive greed that drives a person to store away food and, during a natural calamity hoard it without regard for victims. Second, the rich person is very isolated; nothing is said about family or friends, or even enemies. In taking such a narrow view, the rich man's self-centred speech betrays a selfishness which fails to see beyond 'my crops,'

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<sup>4</sup> Gillman, *Possessions and the Life of Faith*, 74-75; Helen R. Graham, 'Once There was a Rich Man...', *The Bible Today* 26 (1988): 99-100.

<sup>5</sup> Luke Timothy Johnson, *The Gospel of Luke* (Collegeville, MN: Liturgical Press, 1991), 201; Joseph A. Fitzmyer, *The Gospel According to Luke (X-XXIV): Introduction, Translation and Notes* (Garden City, NY: Doubleday, 1985), 968-969.

<sup>6</sup> Gillman, *Possessions and the Life of Faith*, 74; Graham, 'Once There was a Rich Man...', 99.

<sup>7</sup> Robert C. Tannehill, *Luke* (Nashville, TN: Abingdon, 1996), 205.

<sup>8</sup> Tannehill, *Luke*, 206.

<sup>9</sup> Gillman, *Possessions and the Life of Faith*, 75, Johnson, *Gospel of Luke*, 201.

'my barns,' 'my grain,' and 'my goods';<sup>10</sup> there is not even a thought about the possibility of sharing with others.<sup>11</sup>

Shattering this illusion of security is God's judgment, a reversal of fortune:<sup>12</sup> 'You fool! This very night your life is being demanded of you. And the things you have prepared, whose will they be?' (12:20). The rich person is called a fool for four reasons. First, because the rich person identifies life's security with the quantity of possessions stored away.<sup>13</sup> Second, the rich person is devoid of piety toward God, which in this case involves consideration toward neighbours and regard for their true well being.<sup>14</sup> The rich fool seems quite unaware that life is a gift from God, which may be conveyed by the verb 'to be required of' ('being demanded of') (*apaitousin*) in verse 20.<sup>15</sup> Third, using 12:33 as the framework to interpret 12:13-21, the reader understands that this person is a fool by virtue of failing to give alms to those in need, which would transform possessions into an unfailing heavenly treasure. Finally, in letting possessions control life, the rich person will come to find out that life, like possessions, will perish.<sup>16</sup> The parable thus ends with an evaluation: one who grows rich selfishly instead of growing rich in the sight of God places one's own life in peril.<sup>17</sup>

Jesus concludes by addressing the disciples who, having left all their possessions, face an economic situation the opposite of that of the rich farmer (12:22-31). These sayings drive home the lesson of the parable and offer further arguments regarding the futility of worrying over material goods.<sup>18</sup> The rich man's superabundance is contrasted with their need for basic necessities, and to allay their fears, Jesus uses examples from nature to show how God provides for birds, lilies, and the grass of the fields. In the same way, Jesus tells them, God will provide for them if only they trust in God. To conclude, Jesus instructs them far more radically: 'sell your possessions and give alms. Make purses for yourselves that do not wear out, an unfailing treasure in heaven, where no thief comes near and no moth destroys. For where your treasure is, there your heart will be also' (12:33-34). Thus, by giving alms, disciples will obtain for themselves an unfailing heavenly treasure.<sup>19</sup> Johnson summarises:

[t]he message here is all the more powerful because of Luke's compositional arrangement. There is no time when humans are likely to grasp more tightly to what they have than when there is an overt threat to their lives. The teaching to disciples on

<sup>10</sup> Fred B. Craddock, *Luke* (Louisville, KY: John Knox Press, 1990), 163.

<sup>11</sup> Jerome Kodell, 'Luke' in Dianne Bergant and Robert J. Karris (eds.), *The Collegeville Bible Commentary* (Collegeville, MN: Liturgical Press, 1989), 960; R. Alan Culpepper, 'The Gospel of Luke' in *The New Interpreter's Bible*, 12 vols., vol. 9 (Nashville, TN: Abingdon, 1995), 256.

<sup>12</sup> Culpepper, 'The Gospel of Luke,' 256.

<sup>13</sup> Gillman, *Possessions and the Life of Faith*, 32.

<sup>14</sup> Graham, 'Once There was a Rich Man...,' 100.

<sup>15</sup> Culpepper, 'The Gospel of Luke,' 256; Gillman, *Possessions and the Life of Faith*, 76; Johnson, *Gospel of Luke*, 201.

<sup>16</sup> See also Tannehill, *Luke*, 206; Johnson, *Gospel of Luke*, 201.

<sup>17</sup> Gillman, *Possessions and the Life of Faith*, 76; see also Fitzmyer, *The Gospel According to Luke (X-XXIV)*, 971-972; Charles H. Talbert, *Reading Luke: A Literary and Theological Commentary on the Third Gospel* (New York: Crossroad, 1982), 141; Michael Fallon, *The Gospel According to Saint Luke: An Introductory Commentary* (Kensington, NSW: Chevalier, 1997), 233-235.

<sup>18</sup> Culpepper, 'The Gospel of Luke,' 258.

<sup>19</sup> Johnson *Gospel of Luke*, 202; Gillman, *Possessions and the Life of Faith*, 76-77; see also Fitzmyer, *The Gospel According to Luke (X-XXIV)*, 975-977.

lack of fear before death and this teaching on a lack of anxiety about possessions are all of a piece, and profoundly challenging.<sup>20</sup>

The parable of the rich person presented a powerful challenge to the values and social structures of the Greco-Roman world to which it was written; it was a message of radical renunciation.<sup>21</sup> Moreover, that audience might justifiably have been confused as to what that renunciation called for. Jesus does not prescribe one clear, concrete mandate for dealing with material things—renunciation, giving alms, offering hospitality, or sharing things in common. Nonetheless, it seems that having is the necessary condition for giving, and by sharing one's possessions, a believer acknowledges that life is a gift, affirms solidarity with the human community and expresses faith in God.<sup>22</sup> The proper attitude toward what those living in the Lukan community possessed, including themselves, was to consider them as gifts from God to be shared with others. To share one's possessions with others was to express one's faith in the Creator who creates, sustains, and saves.<sup>23</sup>

In issuing this challenge, as a teacher, Jesus put aside any personal agenda and was sustained only by faith in God.<sup>24</sup> Jesus speaks of the danger of possessions: stockpiling is destructive of life and humanity<sup>25</sup> and isolates people from the community, even enslaving people to their possessions. In the end, wealth can be an obstacle to discipleship.<sup>26</sup> If followers hope to participate in the reign of God, in other words, in what God is doing for the poor, they must be transformed and share with the poor by loans and outright gifts.<sup>27</sup>

Still, one comes full circle: the challenge cannot be reduced to one concrete mode of action for everyone. Some may be called to a radical renunciation, especially those who are better off, while others may give alms to the poor, or some may be called to extend hospitality to the dispossessed and the disabled.<sup>28</sup> Gillman concludes that:

[c]ommon to all these responses is the mandate to share with others, since everything that a person has is ultimately a gift from the Creator. The response of the believer is to share what has been received as a gift with those who are deprived of such benefits. For no one has an absolute right to the things of this earth.<sup>29</sup>

The significant question in all of this is what can Luke tell us about our own world. The argument advanced here is that what the author of Luke addresses is what we today call private property and that the author saw the community as having a central role to play in the way that a person discerns how to make use of personal possessions. This latter concept is what today we know as the social aspect of private property theory. The next section defines private property and its social aspect. This sets up the final section of the article, which suggests a possible rapprochement between private property theory that lies in its social aspect.

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<sup>20</sup> Johnson, *Gospel of Luke*, 202.

<sup>21</sup> Graham, 'Once There was a Rich Man...', 102-103.

<sup>22</sup> Gillman, *Possessions and the Life of Faith*, 33.

<sup>23</sup> Gillman, *Possessions and the Life of Faith*, 32-33; see also Brendan Byrne, *The Hospitality of God: A Reading of Luke's Gospel* (Strathfield, NSW: St Pauls, 2000), 115-116; Culpepper, 'The Gospel of Luke,' 256; Jane Schaberg, 'Luke,' in Carol A Newsom and Sharon H. Ringe (eds.), *Women's Bible Commentary*, exp. ed. (Louisville, KY: Westminster John Knox, 1998), 365.

<sup>24</sup> See also Barbara E. Reid, 'Reading Luke with the Poor,' *The Bible Today* 32 (1994): 283-285.

<sup>25</sup> Byrne, *The Hospitality of God*, 115.

<sup>26</sup> Gillman *Possessions and the Life of Faith*, 92-93.

<sup>27</sup> Schaberg, 'Luke,' 365.

<sup>28</sup> Gillman, *Possessions and the Life of Faith*, 93; Reid, 'Reading Luke with the Poor,' 283-284.

<sup>29</sup> Gillman, *Possessions and the Life of Faith*, 93; see also Talbert, *Reading Luke*, 142.

### III. PRIVATE PROPERTY

There is no one, universal, univocal definition of private property (on this point, see Babie, 2002) and this section certainly does not attempt one. There is a vast body of literature concerning the normative components of private property and their justifiability. This article does not address that literature for two reasons: first, it is not necessary to understand the legal-philosophical understanding of private property; second, there is simply insufficient room for such an analysis even if it were relevant to the purposes of this article.<sup>30</sup> Nonetheless, there are some well-known normative characteristics of private property that flow from the legal and philosophical discourse on the concept and which, taken-together, comprise what this article calls the legal-philosophical understanding or view of private property. This section is intended to familiarise a Christian audience with those normative characteristics.

The normative characteristics of private property do not usually coincide with what the person in the street thinks about this concept; typically, such a person sees private property as the tangible things that one 'owns': books, cars, houses, and so on. Rarely, the layperson may view intangible things to be private property; thus, while some recognise the importance of artistic works—a novel, for instance—or new discoveries—genetically modifications to DNA structure, for instance—as items of social wealth, few would recognise their status as private property.

For the philosopher, lawyer, sociologist, economist and psychologist, however, the primary definition of private property does not hinge on the things that may be referred to as property. Rather, for such theorists, the definition of private property is conceived of as rights- or relationship-based.<sup>31</sup> The layperson's view that private property is things is traditionally referred to by theorists as unsophisticated, while the rights- or relationship-based view is referred to as sophisticated. And while contemporary scholarship rejects such a rigid dichotomy between the two views,<sup>32</sup> it remains the case that in the theoretical debate over private property, the rights- and relationship-based view prevails. As such, while not discounting the importance of recognising the things-based view, the definition of private property presented in this section is a rights- or relationship-based one, which will be called the 'legal-philosophical definition or view' of private property.

We can elaborate upon the scope of the legal-philosophical view: private property is not tangible or intangible things but a complex of rights and relationships between individuals in relation to things. This view is referred to as a 'bundle of rights' or a 'relationship' in recognition of the fact that there are often multiple rights in relation to any given thing all of which operate among persons, and that it is this unique bundle of rights in relation to any given tangible or intangible thing that is referred to as private property. The thing has a role in this view, but only as the subject-matter of the bundle of rights. One who has private property, then, has a bundle of rights which defines a relationship with others in relation to a thing. An example assists.

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<sup>30</sup> For a discussion of this literature, though, see J.W. Harris, *Property and Justice* (Oxford: Clarendon, 1996).

<sup>31</sup> See Stephen R. Munzer, *A Theory of Property* (Cambridge: Cambridge University Press, 1990), passim; Lametti, 'The Concept of Property.'

<sup>32</sup> See Harris, *Property and Justice*; Munzer, *A Theory of Property*; Stephen R. Munzer. 'Property as Social Relations' in Stephen R. Munzer (ed.), *New Essays in the Legal and Political Theory of Property* (Cambridge: Cambridge University Press, 2001), 36 - 75; James E. Penner, *The Idea of Property in Law* (Oxford: Clarendon Press, 1997); Lametti, 'The Concept of Property'; David Lametti, 'Property and (Perhaps) Justice: A Review Article of James W. Harris, Property and Justice and James E. Penner, The Idea of Property in Law,' *McGill Law Journal* 43 (1998): 663-727.

Consider one's books. The tangible books themselves are not the private property, but rather the relationship that one has to them with all other people in the world (or 'all the world'). The rights allow the person who holds them to dictate the use of the books and the ways in which they may be disposed of. The bundle of rights in relation to any thing is captured by the phrase 'liberal triad' which refers to the core rights of any bundle: the right to use and enjoy, the right to exclude, and the right to alienate (sell).<sup>33</sup> If one holds the entirety of the liberal triad, that person is normally said to be the owner of whatever the thing is. In other words, ownership is the largest bundle of rights in relation to others in relation to a thing. But smaller bundles of rights are still private property.

Being an owner allows one wide scope in relation to the exercise of the rights held in the liberal triad. Again, one's books provides a good example. The right to use and enjoy relates to the ability to make any use of the books the owner pleases: the owner can read them, but can just as easily use one as a doorstop and another as kindling for a fire. The right to exclude is similarly wide. The owner has the *exclusive* right to use and enjoy, and so can dictate the use that any other person can make of the books and can prevent others from attempting to take a book away and put it to their own use. The right to exclude, therefore, is dual: on the one hand, it allows the holder of the right to dictate the use others may make of a book, and, on the other, it allows one to be free from interference from others—all the world—in the way in which the book is used. Finally, the right to alienate allows one to dispose of the books in any way: they can be sold, given away, leased, mortgaged, left in a will, or dealt with in any other way so far as one's imagination for disposition extends. It would even allow, in conjunction with the right to use and enjoy, one to tear out the book's individual pages and give each page to a separate person.

It is hopefully clear that the fundamental quality that underlies the *exercise* of any of the rights found in the liberal triad is what is commonly referred to as 'preference-satisfaction' or 'self-seekingness.' In the absence of any other laws or rules that may prevent one from doing so, one is free to exercise any of the rights enjoyed in relation to the things of private property, such as the books, to suit one's own preferences. One can suit oneself in the use of the things which are the subject-matter of private property, and in answer to any opposition to such use can answer 'the thing is mine to do with as I please.' Of course, there *are* rules and laws that prevent such unfettered use and such self-centred answers in response to challenges thereto. For example, if the owner of the books were to decide to burn all of them, that person may act in violation of environmental laws prohibiting airborne pollution. But, as far as such rules and laws extend, they do not extend so far as to prevent all uses the holder may make of them, and such uses will more often than not be undertaken on the basis of self-seekingness. Legislation does not, for instance, completely prohibit the exploitation of natural resources if they are held as part of the land subject to the bundle of rights that constitutes the private property in that land. Such exploitation could then be undertaken to suit personal preferences or desires with little regard to the societal good.

Thus far, the legal-philosophical definition of private property here set out fails to account for what is known as the 'social aspect' of the concept. This omission is not an oversight but a reality. The social aspect of private property is rarely accounted for by those theorists who define its normative content. But, as Lametti says, '...it ought to be'<sup>34</sup> (although this is not to deny the social relations theory of private property; yet, these

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<sup>33</sup> Margaret Jane Radin, *Reinterpreting Property* (Chicago, IL, London: University of Chicago Press, 1993), 121, 124 and 120-145 passim.

<sup>34</sup> Lametti, 'The Concept of Property,' 346.

theorists merely find a different source for the *origins* of the rights that exist between people in relation to things, which is itself the core of the legal-philosophical understanding of private property set out in this section).<sup>35</sup> The social aspect defines what has become the key point of debate in modern discourse over the nature of limitations on preference satisfaction. While all agree that this quality inherent to the exercise of private property rights can be limited, few agree on where the limits lie. In other words, is the social aspect something that is inherent to the private property concept itself, being found within or internal to the bundle of rights, or is it something that is imposed from the outside by laws enacted by governments? As the focus of this article is the Lukan view of those limits, we need not explore here the nature of this debate; suffice it to say that the issue is highly contentious.<sup>36</sup> Still, we can identify why the social aspect is important to private property, no matter whether it is external or internal to the concept.

David Lametti has most fully developed our understanding of private property's social aspect. For Lametti, the social aspect stems from the allocation of control and exclusivity in relation to rights over things, and the reality that such allocations necessarily change the status of everyone else in society, who, because of bundles of rights in relation to others in relation to things, involuntarily assume duties not to interfere. From this allocation flow distributional inequalities; because any person who holds the rights of control and exclusivity may unilaterally alter or eliminate the duties owed by other persons not to interfere with the thing, there exist in society haves and have-nots.<sup>37</sup>

For Lametti, the social aspect can be elaborated in relation to the deontology and the teleology of the institution of private property.<sup>38</sup> In other words, private property is social because it may either serve the individual or the common good of society or both, depending on the object in question; this is the teleology of the concept. This creates certain moral imperatives that go beyond merely the right to share constituting one of the rights held in a bundle of rights that make up private property; there are duties that go with holding rights, and this is the deontology of the concept. Private property must, then, include the idea of structural asymmetry—each person who holds a right does not have that right directly in relation to one other person, rather, the right is held in relation to all the world, as we saw above. Similarly, the duty-holder owes that duty not only to one right-holder, but to all things that are not the duty-holder's.<sup>39</sup> This sets up an asymmetric relationship, which, once one combines the underlying value and purposes of private property—human survival, human development and flourishing, and so on<sup>40</sup>—with the scarcity of the things subject thereto, render the institution social. In short, Lametti argues that private property has ethical dimensions and implications as a consequence of this structural asymmetry and its underlying value and purposes. Property must, as a matter

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<sup>35</sup> For a complete synopsis of this school of thought see Munzer, 'Property as Social Relations,' 36-75.

<sup>36</sup> For the internal view see Lametti, 'The Concept of Property'; Lametti, 'Property and (Perhaps) Justice'; for the external view see Harris, *Property and Justice*.

<sup>37</sup> Lametti, 'The Concept of Property,' 346-347.

<sup>38</sup> Lametti, 'Property and (Perhaps) Justice,' 670-672, elaborates upon this social aspect in what is called the '*deon-telos*' of private property, a term which encompasses both the duties and the social goals of private property.

<sup>39</sup> Lametti, 'The Concept of Property,' 342-345.

<sup>40</sup> For instance, the social aspect of private property is seen most clearly in relation to the environment: see Daniel H. Cole, *Pollution and Property: Comparing Ownership Institutions for Environmental Protection* (Cambridge: Cambridge University Press, 2002); Elizabeth Breuilly and Martin Palmer (eds.), *Christianity and Ecology* (London: Cassell, 1992).

of definition, be based on more than simply the individual right to exclusive use (or the liberal triad).<sup>41</sup>

The fiercest debate over the social aspect of private property occurs in how that aspect is accommodated within the institution of private property as operate in concrete legal systems, and, more significantly, within the conceptual definition of private property in such systems. Few would argue that western systems of private property place limitations upon the exercise of private property rights that are social in origin, in the sense that they contribute to the benefit of the community. Indeed, there may even be more positive obligations that attach to private property.<sup>42</sup> But as Lametti points out, the legal-philosophical view of private property has had difficulty incorporating this social aspect into the definition of private property despite its obvious existence in the practice and operation of western legal systems.<sup>43</sup> Yet, because private property is an institution which embodies structural asymmetry in relation to underlying social values and purposes coupled with the distribution of scarce resources (the things of private property), for Lametti, even the exclusive use of a thing by the private property holder is necessarily social. As such, the definition of private property ought to take account of these social dimensions. Lametti concludes:

...while some degree of control and exclusivity will continue to be hallmarks of private property, these will not only entail some notion of use rights, but may also include limitations on those rights, and in some cases some degree of duties and obligations.<sup>44</sup>

The final section of the article demonstrates that a rapprochement between the Lukan view of the role and use of possessions within a community lies and the legal-philosophical view of private property lies in the social aspect as has been set out here.

#### IV. CONCLUSIONS: A RAPPROCHEMENT BETWEEN LUKE AND THE LEGAL-PHILOSOPHICAL VIEWS OF PRIVATE PROPERTY

In the Gospel of Luke we find a Christian amplification of the social aspect of the legal-philosophical view of private property, and it is here that the rapprochement between the former and the latter lies. Before turning directly to that, however, it is significant to note that the rights- or relationship-based component of the legal-philosophical understanding of private property is certainly evident, if not explicit, in the Gospel of Luke.

It may be difficult, on a first reading, to locate the bundle of rights concept within the Lukan understanding of possessions—this is unsurprising as Luke was writing to Christians, not legal-philosophical theorists—nonetheless, the rudimentary signs of such an analysis are evident. We know that the author of Luke speaks of the greed of the rich person in ‘my possessions’ and of the dangers of the accumulation of wealth. Such language presupposes and is fundamental to the exclusivity right found in the bundle of rights, and is therefore central to the rights – or relationship-based approach to private property in the legal-philosophical view. The entire tenor of Luke, that possessions are about relationships with others, that one must ‘have’ in order to ‘give,’ is central to what the legal-philosophical view of private property understands to be the rights – or

<sup>41</sup> Lametti, ‘The Concept of Property,’ 346-348.

<sup>42</sup> A.M. Honoré, ‘Ownership,’ in *Oxford Essays in Jurisprudence*, ed. A.G. Guest (Oxford: Oxford University Press, 1961).

<sup>43</sup> Lametti, ‘The Concept of Property,’ 346-348, citing Harris, whose *Property and Justice* is a well-known recent work which places these limitations outside the definition of the private property concept.

<sup>44</sup> Lametti, ‘The Concept of Property,’ 348-349.

relationship-based view of private property. One cannot have possessions unless there are rights that protect them from the use of others. There can be no point to the requirement of sharing if there are no exclusive use-rights that protect those possessions, otherwise, everyone would be able to take what they need with impunity. There is no doubt, then, that Luke affirms the conceptual nature of private property as being a bundle of rights in relation to others in relation to things.

Let us turn, then, specifically to the social aspect of private property as it is found in the Lukan view of possessions. The understanding of the social aspect found there is intriguing for its amplification of that concept long before there had been any serious similar consideration in the debate surrounding the legal-philosophical understanding of private property.<sup>45</sup> But even more intriguing is the fact that Luke recognised, in a way still not recognised by contemporary theorists, the existence and necessity of a social aspect to private property. It is in this regard that Luke offers a significant amplification of the social aspect of private property as it is understood by the legal-philosophical view.

We know, from our consideration of Lametti, that the social aspect of private property comprises those laws and rules that most obviously act to restrict the exercise of private property use-rights enjoyed by their holder. Wherever one places the totality of these laws and rules in relation to the private property concept, either as internal to the bundle of rights itself or external to it, the fact remains that such rules and laws exist and together they constitute its social aspect. But in the Lukan view, the social aspect is not merely a rule or a law that restricts the exercise of use-rights, it is rather the very point of having possessions. For the author of Luke private property exists only to provide for others who have answered the call to a radical renunciation of all possessions and to others who are disadvantaged or dispossessed. There was no other point to having private property.

The Lukan social aspect of private property, then, goes further than that concept as found in the legal-philosophical understanding. The Lukan view sees private property, and the social world in which it operates, for what it is: there is an emptiness that comes from a preoccupation with possessions, people come to see themselves as completely self-sufficient, greed easily takes a dangerous hold, and, perhaps worst, the grave difficulty of practical atheism results, in which possessions are given paramountcy over God.<sup>46</sup> But, above all, the teaching of Luke's Jesus on discipleship and material possessions is a call to a new economic order grounded on generous giving without expectation of return: a radical generosity<sup>47</sup> that subverts the very existence of private property. Thus, to compartmentalise questions of the economy, whether personal, institutional, national or global as purely secular, divorced from the concerns of the Gospel, is to inoculate oneself from the radical demands of the Gospel and the salvific perspective it offers. Far too often, believers keep their faith silent when it comes to money matters, risking the well-being of the community at large.

The Lukan view of possessions challenges the legal-philosophical view of private property to take seriously Jesus' teachings on possessions in the context of individual lifestyles and caring communities in a materialistic and technological society that has widened the gap between rich and poor.<sup>48</sup> And while the Gospel is not clear on the

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<sup>45</sup> For a history of legal-philosophical thought on private property see Richard Pipes, *Property and Freedom* (London: Harvill Press, 1999), 3-63.

<sup>46</sup> Culpepper, 'The Gospel of Luke,' 257.

<sup>47</sup> Reid, 'Reading Luke with the Poor,' 288.

<sup>48</sup> Culpepper, 'The Gospel of Luke,' 26.

response to such a challenge, at the end of the day, for the Christian, there is only one, and that is found in the parable of the rich person: to place one's trust in God, not in private property. This may mean renouncing all, giving alms, or retaining things the subject of private property in order to provide hospitality to those who have answered the call to radical renunciation or who are dispossessed or disadvantaged. As to structural changes, the parable of the rich person mandates us to solve problems such as unemployment, hunger, homelessness, malnutrition, unequal distribution of resources, and the lack of basic health care, all of which flow from the unfettered exercise of private property use-rights.

This challenge is not an easy one for the legal-philosophical view of private property, in which the debate on the social aspect in no way questions the justifiability of holding bundles of rights in relation to others in relation to things, nor, worse, their unfettered exercise. If not for any rules or laws which restrict or prohibit certain socially detrimental uses, the legal-philosophical view of private property places no bounds on the exercise of such use-rights; the holder is free to act in an unfettered way in relation to those things over which use rights are enjoyed in order to satisfy personal preferences and desires. The Gospel of Luke sees this very differently: *the only point of private property is the good it can do others*. But even more than this, the legal-philosophical view of private property sees the social aspect—whether it is internal or external to the bundle of rights—as something that is imposed from the outside by law. No legal-philosophical theorist would ever countenance the existence of the social aspect as something that one imposed on oneself. In other words, the concept of private property in no system operates with a social aspect that is inherent to it, not merely imposed upon it. This is where the Lukan view actually amplifies the legal-philosophical view of private property's social aspect: for the former, the social aspect is not only the very reason for the existence of private property, it is also something that flows from the private property-holder, and nowhere else.

While the legal-philosophical view prioritises use-rights, for the author of Luke, it is the reverse: the social aspect of private property is far more important than the rights which the holder enjoys in relation to the things held pursuant thereto. It will come as no surprise, then, to know that in the world of the legal-philosophical view of private property, the Lukan view will be seen as a radical one. Still, there the two camps must engage if there is to be any meaningful progress in re-conceiving private property to meet the social needs of contemporary society. This article suggests one possible rapprochement between the two camps, one that lies in the social aspect, a small patch of common ground recognised by both.

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