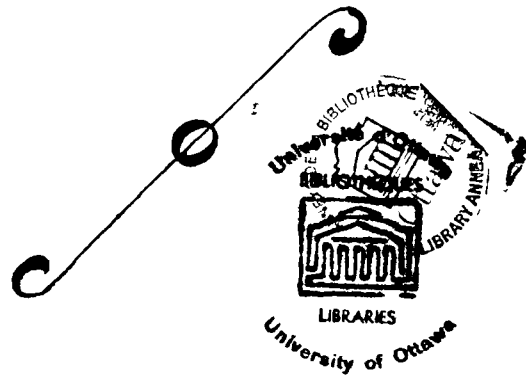


The  
Right



Private  
Property

Joseph P. Noonan

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THESIS PRESENTED FOR THE DOCTORATE IN PHILOSOPHY.

Joseph P. Noonan.

"THE RIGHT OF PRIVATE PROPERTY."

I N T R O D U C T I O N

The twentieth century is an age of skepticism. To prove this statement, we have but to examine the pages of contemporaneous history, we need only read the daily newspapers. The present century is an era of false philosophy in which self-styled devotees of the goddess "Reason" are putting forth their greatest efforts to disprove the existence of an All-Wise Creator, the immortality of the human soul, and particularly, the Natural Law.

Prominent among these advocates of subversive doctrines may be remarked those who maintain that it is high time to change the present condition of society. They argue that Private Property is one of the main causes of the ills which affect humanity and that if we wish to establish universal peace and absolute equality among men, we must banish the cause of strife and hatred, namely, PRIVATE PROPERTY.

These men are propagating their baneful creed throughout the world, and examples in illustration of this fact are not lacking. In Russia, what do we witness but the establishment of a Socialist Government, the embodiment of their noxious and deleterious hypotheses? What a revolting and abominable specimen of Socialist administration! Even the United States of America are not immune from this contagion of freethought and unbound license, for Socialist and Communist organizations exist in all large industrial centers. But why wander so far from home when our own Dominion of Canada offers us copious instances of Socialist propaganda? Socialists are at work in all the mining towns of the north and their headquarters are situated in Toronto, from which center emanate books, pamphlets, and newspapers, eminently calculated to

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embitter and provoke the working-classes against the wealthy or "Capitalists", as they are termed by the Socialists. An organized plan of attack has been carefully prepared and we find that its results have not proven entirely fruitless, particularly among persons of foreign extraction. We refer specifically to the Ukrainian settlements in the West, whose inhabitants are invariably the targets of Communist literature and prppaganda.

From the foregoing remarks may be deduced the paramount significance of the problem which now confronts us. Being one of the pillars upon which rests Civil Society, it naturally follows that if the right of Private Property be refuted and disestablished, Society must totter and fall, with the disastrous consequence that our present civilization, the fruit of centuries of study and toil, will be brought to nought, and Man, whom Shakespeare describes as "noble in reason, infinite in faculties, in form and moving express and admirable, in action like an angel, in apprehension like a god, the beauty of the world, the paragon of animals", must deteriorate and imitate the beasts of the field who herd together, feeding and travelling in common, and knowing no law other than that which their animal instinct dictates, or which the strongest amongst them imposes. Such is the change which Socialists and Communists advocate, when they propose to overthrow Private Property.

On the contrary, the Catholic Church has always upheld the right of Private Property, although it may have come to pass that some individuals abused this right. If we search the Scriptures, we shall find that in the Old Law, there existed the precepts: "Thou shalt not steal, thou shalt not covet thy neighbour's house, nor anything that is his." Our Lord Jesus Christ, in the New Law, taught them repeatedly (Matt.XIX, 18-19; Mark,X,19; Romans,XIII,9.), and the Church which He founded has at all times maintained the justice and indispensableness of Private Property, and has repelled as erroneous the theories of the Circumcellions, Waldenses, Anabaptists, etc. Catholic theologians

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always inculcated the justice of Private Property. and Leo XIII, in his Encyclical "Rerum Novarum", condemns Socialism as "unjust" and "pernicious", and strongly stresses the necessity and reasonableness of Private Property. Pius X, in his Motu Proprio of December 18th, 1903, propounds the following two principles: (1) "Unlike the beast, Man has on earth, not only the right of use, but a permanent right of ownership and this is true not only of those things which are consumed in this use, but also of those which are not consumed by their use.", and, (2) "Private Property is under all circumstances, be it the fruit of labour or acquired by conveyance or donation, a natural right, and everybody may make such reasonable disposal of it. as he thinks fit."

In the following thesis, it is our intention to vindicate the right of Private Property and to refute and demolish the arguments advanced by Communism and Socialism. We shall commence by dispelling any ambiguity which might be concealed in the terms, in order that no misunderstanding may exist in the mind of the reader. Following the definition of terms employed in the thesis, we shall proceed to expose the various systems opposed to the right of Private Property. These systems having been briefly explained, we shall then develop the opinion of the Catholic or Scholastic School on the right of Private Property.

Our proof will be two-fold. We shall firstly criticize the doctrines of Communism and Socialism, pointing out their errors, and proving them to be chimerical, unequitable, ruinous to the social order, and impossible in practice. We shall then establish the right of Private Property directly, by proving that it has its source in human nature, and as such, is as immutable and lasting as human nature, itself

In this way we shall fortify and make firm the rock upon which rests Civil Society, by showing that the principles of Communism and of Socialism are built upon the sands of illogical reasoning and cannot undergo the tests of sound logic and common sense.

P R E L I M I N A R Y   N O T I O N S .

DEFINITION AND EXPLANATION OF TERMS EMPLOYED IN THE THESIS:

Numerous definitions have been bestowed upon the word "property", and in order that the sense of the word may be fully comprehended, let us commence with the nominal or etymological definition. If we consult the dictionary, we shall find that the word "property" is derived from the Latin "PROPRIETAS", which in turn, originates in the adjective "PROPRIUS". "Proprius" signifies "one's own", in opposition to "COMMUNIS" which means "common", "general", "public". "Proprius" designates that which is particular or peculiar to a person or a thing, to the exclusion of others. Thus, for example, when I say "This book is my property", I mean that it belongs to me EXCLUSIVELY, that it is something personal, an extension, as it were, of my personality.

Again, when I say "I shall sell this book because it is my property, and I can dispose of it as I see fit", I imply that I have a certain dominion over the book in virtue of which I can do with it as I wish.

From these two examples, we instantly arrive at a two-fold consideration of the word PROPERTY, namely, subjective and objective. Considered subjectively, Property is that right by which we can use, enjoy, and dispose of things in the most absolute manner, provided that in so doing we make sure not to break the laws of God or to trespass upon the rights of our neighbour. Viewed objectively, Property designates the object of our right, the thing in which is vested our right. It is in this sense that we say "This book is my property". For the present we shall confine ourselves to the study of the subjective aspect of the word "PROPERTY", as we shall later touch upon its objective aspect, when we consider the object of the right of Ownership.

Let us now examine several definitions of the word "PROPERTY" Ulpianus, a renowned authority on Roman Law, defined Property as "JUS UTENDI, FRUENDI, ABUTENDI RE SUA QUATENUS JURIS RATIO PATITUR", which may be rendered into English by "The right of using, enjoying, and



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thing and to be able to dispose of that thing as one wishes. We say that Property or Ownership is a legal dominion, in opposition to physical dominion which constitutes possession. Thus, a man may be the owner of a house, and yet, in fact, not be in possession of it.

We further assert that this legal dominion is absolute and permanent. When we state that the right of Ownership is absolute, we are viewing the right of Property in respect to man alone. The word "absolute" by no means excludes God, Who is the Lord of all things. We acknowledge that God has sovereign dominion over all and can dispose of His handiwork as He wishes. Hence, when we term the right of Property "absolute", we mean that it is absolute in respect to men, since if a person other than the proprietor could do what he wished with the object, the owner's right would not be absolute, for it would be limited by the faculty given to the other person. Moreover, the absoluteness of the right of Ownership implies its perfection and permanence. This distinguishes it from Usufruct, Servitude, and the right of Emphyteusis, which are imperfect, limited, and temporary rights.

We must also note in the text of Article 406 of the Civil Code of the Province of Quebec the stipulation "provided that no use be made of them, which is prohibited by Law or by regulations." At first sight, this may appear strange, considering the commencement of the Article, which states that "Property is the right of enjoying, and disposing of things in the most absolute manner." But if we pause to consider what has been observed in regard to Ulpianus' definition, touching upon the interpretation of the word "ABUSUS", we shall at once perceive that this restriction is a wise addition to the article in question. Man's absolute dominion over his property is not restrained nor is his liberty destroyed. It simply prevents liberty from becoming license, since prudence and common sense should at all times modify our acts, and it is needless to say that we would be far from prudent, were we deliberately to misuse or destroy those goods which an All-Bountiful Creator has placed at our disposition. For this reason

Saint Thomas Aquinas defines the right of Property as "JUS DISPONENDI ET DISPENSENDI"... "THE RIGHT OF ADMINISTERING AND DISPENSING."  
(Summa Theologica, 2a 2ae, Q.6, a.2)

From what has been said above let us now deduce a definition which will combine Natural and Positive Law, as well as pointing out the essential marks of this right. Property is "the right of using, enjoying, and disposing of things in the most absolute manner, provided that no use be made of them which is prohibited by the laws and regulations of the State, the dictates of conscience, the precepts of nature and the designs of Divine Providence." (Garriguet, Régime de la Propriété).

Let us now examine the object of the right of Ownership. In the preceding paragraphs we have stated that Ownership is the right of using, enjoying, and disposing of things in the most absolute manner, provided that no use be made of them which is prohibited by the laws and regulations of the State, the dictates of Conscience, the precepts of Nature, and the designs of Divine Providence. In this definition the term "THINGS" designates the object of the right, and hence we conclude that all things which can be utilized for the good of Man, which do not exist in illimitable quantity, and which are susceptible to effective occupation, form the object of the right of Property. From this may be deduced the three conditions which must be fulfilled in order that a thing may be considered as the object of the right of Property.

I: It must be of some utility to Man.

II: It must exist in limited quantity.

III: It must be susceptible to effective occupation.

In the first place, the object or thing must be of some utility to Man. He must be able to derive some use, benefit, or enjoyment from it, otherwise what reason could he have for wishing to appropriate that object? When a man becomes the proprietor of a farm, he does so with the intention of cultivating it, and of enjoying the fruits which it produces. When he purchases a cow, he does so in order

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to enjoy the milk and butter as well as the fl<sup>e</sup>sh which he can sell for a profit. When he buys a book, it is with the idea of deriving knowledge from the perusal of its pages, and when he procures provisions at the store, it is because these provisions will nourish him and keep life in his body. From these few examples we come to the conclusion that an object which is appropriated is appropriated because of its utility to the owner. No sane individual would think of appropriating something utterly useless in itself. No person would consider taking and making his own property the dust which is blown along the road on a warm summer's day. Hence, it is clearly seen that the object of the right of property must be of some utility.

In the second place, the object of the right of property must exist in limited quantity. What intelligent or sensible being would seek to convert into his own use, to the exclusion of others, the light of the sun, the water of the ocean, or the air which is breathed? These objects exist in illimitable quantity and are inexhaustible. There is always a sufficient amount for all. The object must exist in limited quantity. Thus, for example, ocean water contained in a glass or receptacle may be converted into private property.

Lastly, the object must be susceptible to effective occupation. The object must be easily attainable. Thus, rare orchids which grow in the midst of the densest jungles of Africa could not be considered as objects susceptible to effective occupation, since it is practically impossible to reach them. De jure, they might be considered as objects of appropriation, but, de facto, they are impossible to reach and hence cannot be considered as such.

Three conditions, therefore, are necessary in order for an object to become susceptible of appropriation, viz., UTILITY OF THE OBJECT, LIMITED QUANTITY OF THE OBJECT, and FACILITY IN ATTAINMENT OF THE OBJECT. Things which do not fulfil these three conditions can-

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not be considered as susceptible of appropriation.

What objects, however, fulfil the three conditions mentioned in the preceding paragraph? Objects susceptible of appropriation may be divided into two great classes, namely, CORPOREAL and INCORPOREAL. In ancient times, Roman jurists distinguished between (1) physical bodies (res corporales) which affect our exterior senses "QUAE TANGI POSSUNT" (Gaius 2, paragraphs 12 to 14), and (2) those objects which are not perceivable by the senses... "QUAE TANGI NON POSSUNT". The most important incorporeal property is the DEBT (la créance), which is the right of demanding the accomplishment of an obligation. Liberty is also an incorporeal property.

Corporeal property is divided into moveable and immoveable goods. If we consult authorities on Roman Law, we shall perceive the following classification:

1o: RES MOBILES, or simply, "MOVENTES".  
(Ulpianus, Digest 21, I,1.)

2o: RES QUAE SOLI SUNT.  
(Ulpianus, Digest 21, I,1, De Aedil. edict. 1).  
These objects are also termed "RES IMMOBILES".  
(Ulpianus, Reg. 19, par. 5 and 8)  
Justinian, in one of his constitutions, terms this class "quae immobiles sunt vel esse intelliguntur." (Const. 7, 31, De usuc. transf.)

In the following thesis, we intend to adopt the doctrine laid down in the Civil Code of the Province of Quebec in regard to moveable and immoveable property. Article 374 states that "All property, incorporeal as well as ~~incorporeal~~, is moveable or immoveable." Property is moveable either by its nature or by determination of the Law (Art. 383, C.C.). All bodies which can be moved from one place to another either by themselves, as animals, or by extrinsic force, as inanimate objects, are moveable BY NATURE (Art. 384, C.C.). Those immoveables are moveable BY DETERMINATION OF THE LAW, of which the Law for certain purposes authorizes the mobilization, so are all obligations and actions respecting moveable effects (Art. 387, C.C.). From this it may be deduced that obligations, debts, and incorporeal rights which have as their object, immoveables, are IMMOVEABLE. Thus we must

also divide incorporeal property into moveable and immoveable property. To support our contention, we cite Mr. Damien Jasmin, LL.D., Ph.D., Professor on the Faculty of Philosophy at the University of Montreal. On page 34 of his book entitled "La Propriété Privée et les Systèmes Opposés, de Platon à Lénine." he says: "L'article 387 du Code Civil nous dit ensuite que certains immeubles peuvent devenir meubles par la détermination de la Loi, pour certaines fins: que les actions et les obligations, qui ont pour objets des effets mobiliers sont des biens meubles, etc. D'où il faut conclure que les obligations, les créances, droits incorporels, qui ont pour objets des immeubles, sont immeubles. Il faut, en conséquence, diviser les biens incorporels en meubles et immeubles."

Property is immoveable, either by its nature, or by its destination, or by reason of the object to which it is attached, or lastly, by determination of the Law. Lands, and buildings, are immoveable by their nature. Presses, boilers, stills, vats, and tuns are immoveable by their destination. When we say that an object is immoveable by its destination, we mean that it is a moveable object destined to form one and the same thing with an immoveable object. Bath-tubs, lavabos, and furnaces are immoveable by reason of the object to which they are attached, viz., the house, which is an immoveable. All moveable property, of which the Law ordains or determines as immoveable, becomes immoveable. Thus the Law declares to be immoveable all sums given by ascendants to their children, in contemplation of matrimony, to be used in the purchase of real estate, or to remain as private property to them alone or to them and to their children.

The immoveable "par excellence" is the LAND, and the Law takes every precaution to protect the owner's rights in this respect. Article 414 declares that "Ownership of the soil carries with it ownership of what is above and what is below it", and Roman Law lays down the principle "QUI DOMINUS EST SOLI, DOMINUS

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EST COELI ET INFERORUM", thus bestowing upon the proprietor absolute liberty to dispose of his land and his products as he wishes. To-day, our land-owners are protected by the registration of their rights, and the Law accords every possible protection and the best guarantee in regard to the conservation and transmission of immovable property.

Up to the present, we have studied the division of goods in the light of Philosophy and Law. Let us now examine it in relation to the science of Political Economy.

Economists agree in dividing goods into (1) goods of consumption and (2) goods of production. By GOODS OF CONSUMPTION we understand those objects which directly serve to satisfy the wants of the INDIVIDUAL, such as food, clothing, etc. In the consumption of goods, Man endeavours to satisfy three classes of needs, viz., (1) those connected with the necessaries of life, (2) those allied to the comforts of life, and (3) those related to luxuries. By GOODS OF PRODUCTION are implied those objects which are employed in the fabrication of other objects. Thus, machinery and implements of labour are goods of production, since they are used in manufacturing other objects.

Here we must draw a distinction between goods of consumption and fungible goods. Fungible goods must not be confused with goods of consumption, since they are two distinct entities entirely different in nature. Goods of consumption and production belong to the economic order, while fungible goods appertain to the sciences of Philosophy and Law. By fungible goods are meant those objects which are totally consumed in their use, in such a way that their nature is altered. An example will serve to illustrate our meaning. Bread is consumed in its use, for it is converted into the flesh of the body and ceases to be bread. Coal which is burned in the furnace is transformed into ashes. These goods are fungible goods. Non-fungible goods, on the other hand, are not consumed in their use. Thus when a man drives

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an automobile from one place to another, its substance is not changed and it is not consumed.

There is, however, very little in common between goods of consumption and fungible goods. Thus, an object which is non-fungible, such as a table or a statue, may be classified as a consumptible object by the Economist, if it immediately serves to satisfy the wants of an individual. Coal, on the other hand, which is a fungible object but which is used to produce some other object, would be classified, according to Political Economy, among the goods of production.

Hence we must avoid confounding goods of consumption and production with fungible and non-fungible goods.

We shall now consider another class of goods, namely, those of the intellectual order, such as the works of writers, artists or inventors. In this twentieth century, we observe how authors, poets, and inventors seek to protect the fruits of their own intellectual activity against the encroachments of others who endeavour to trespass upon their rights and rob them of their dearly won success. Hence, when an author publishes a book, he procures a Copyright which forbids others, under pain of prosecution, to copy or publish without the author's permission the work which his intellect created. When an inventor conceives and fabricates a machine destined to facilitate labour, he provides himself with a Patent ( brevet d'invention ), which he obtains from the Government and which insures him against those who might seek to steal his invention.

Some authorities on Law, for example, Planiol, the French jurist, deny that works of the intelligence are properly objects of the right of property. This opinion, however, appears to be in direct contradiction to the principle that every man has a right to the fruits of his own labour.

In this regard, we deem it fitting to quote Mr. Antonio Perreault K.C. LL.D., Professor on the Faculty of Law at the University of Montreal. In a conference published in the "Revue du Droit", Nos.

2 and 3, Volume II, page 64, he says in part:

"La propriété consiste ici dans une création. L'auteur produit une chose qui n'existait pas auparavant. C'est ici qu'apparaît le droit de l'homme aux fruits de son travail. Le principe de causalité peut être invoqué à bon droit... Puisque "propriété" désigne le droit privé le plus complet, le plein pouvoir sur une chose, quelle puissance, quelle domination plus évidente que celle de l'artiste sur sa pensée? Du premier regard, cette propriété incorporelle ou intellectuelle ne répond pas à la forme type à laquelle la conception du Code civil nous a accoutumés; mais le législateur n'a pas cristallisé la propriété en la forme de la propriété corporelle, à l'exclusion de toute autre. Puisqu'il a créé la catégorie des biens incorporels, il nous est possible d'y faire entrer tous les droits auxquels la propriété ne répugne pas."

We shall now examine the various classes of property, and in order to do so, we shall consider them in relation to their objects and in reference to their form. In the preceding paragraphs we stated that property is moveable and immoveable, and we explained in detail this classification. Hence we consider that it is unnecessary to go farther into this matter.

We may, however, consider property in respect to the mode of possession. One individual may be the proprietor of an object, or several persons may be its proprietor. On the other hand, the owner may be a physical person or a moral person, as in the case of a corporation. Hence, we divide property into three classes, according to the manner of tenure, namely, Common Property, Collective Property, and lastly, Private Property proper.

By COMMON PROPERTY is understood property which belongs to a COMMUNITY of persons, possessing in common. The system which advocates this method of ownership is known as COMMUNISM. It is two-fold, viz., ABSOLUTE and MODERATE. Absolute Communism would place all objects at the disposition of the PEOPLE taken as a whole. The instruments and goods of production, as well as the goods of consumption

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consumption, would be the property of the entire community, and no individual member of the aforesaid community would be permitted to own any object or to call any property his own. This is what is meant by Absolute Communism. It has never worked out in practice, and we shall study it later on, as a theory, when we expose the various systems opposed to the right of <sup>Private</sup> Property.

We can, however, form a concept of a system which, while placing in common all instruments and goods of production, would, nevertheless, permit individuals to own goods of consumption. The LAND, for instance, would be the common property of the State, and the products would belong to individuals. This system is termed moderate Communism and is in vogue in certain countries, for example, Java, where the land is the property of the tribe, while the fruits of the land constitute the private property of the individual members. We might also look upon the PATRIARCHAL REGIME as a species of Communism, since the Father is the legal custodian of the family property. Yet his powers are limited, since he cannot dispose of the property as he wishes, but is under the obligation of handing down the family property to his successors and rendering an account of his stewardship. The principal idea contained in the Communist theory is that property belongs to the Community taken as a whole and not to the individual. We may then define Common Property as property placed at the disposal of many persons and belonging to no individual in particular.

The second class of property is COLLECTIVE PROPERTY, that is, property belonging to a group of persons in undivided ownership (par indivis). It is entirely distinct from Common Property, inasmuch as Common Property is the property of the whole People or Nation, taken as a Community, whereas Collective Property does not belong to the People or Community, but to a group of private individuals in undivided ownership. We accept this species of ownership, on condition that it be free and left absolutely to the discretion of the individuals composing the undivided proprietorship. In this, we are in accord with Article 689 of the Civil Code of the Province of Quebec,

which states that "No one can be compelled to remain in undivided ownership."

There exists another genus of Collective Property, namely, property belonging to CORPORATIONS. A Corporation is a MORAL PERSON, composed of several individuals, who have a collective interest. The Corporation may own property in its own name and transact business. Take for example the Canadian National Bank, which possesses a capital belonging to hundreds of individuals. Consider also the Roman Catholic Episcopal Corporation, which, in its own name, owns property, builds churches and transacts business. A Corporation is called a FICTIVE or MORAL person because it has not been created by Nature, but is the creature of the Law, or, in other terms, a LEGAL FICTION.

Property, then, possessed by several individuals in undivided ownership or by Corporations, is called COLLECTIVE PROPERTY.

The last class of Property is PRIVATE PROPERTY ~~proper~~. It is distinct from the other classes of Property by the fact that it belongs to ONE INDIVIDUAL ALONE, that is to say, ONE PHYSICAL INDIVIDUAL, who ~~can~~ enjoy and dispose of it in the most absolute manner, so long as he does not encroach upon the rights of God or of his neighbour. It has always existed and we can say that Civilization is measured by the progress of Private Property.

However, we know that the State has certain rights over the Individual. Man, being a Social Being, upon entering Civil Society, contracts certain obligations in regard to the State, as well as acquiring certain rights. He is bound to do his part in promoting the material welfare of the State, and the State has the right to exact from him a certain tribute. This tribute usually is levied upon lands, and takes the form of Land Tax and Revenue Tax (*impôt sur le revenu*).

In past ages, Money was scarce and for this reason the tribute assumed a somewhat different form, and Immoveable Property surrendered to a certain degree its private character. If we examine the state of affairs which existed in past ages, we shall find that

the right of Private Property, in respect to immoveables, was divided into (1) the right of Property proper (dominium perfectum), and (2) the possession of property (dominium utile). In these ages, the first class or LEGAL OWNERSHIP of Land went to the State, while the possession and enjoyment went to individuals. There are three distinct regimes under which immoveable property was possessed in past ages.

I: THE STATE REGIME, in which the ruler was the legal proprietor, while the perpetual and hereditary possession went to individuals.

II: THE FEUDAL REGIME, under which the KING was the legal owner of the Land. He divided his territory into FIEFS or FEUDS, and in a solemn ceremony called INVESTITURE, bestowed them upon the Nobles to whom were surrendered the Lands and his rights. They, in turn, contracted certain obligations of loyalty and tribute towards their Sovereign. The Nobles, in turn, could divide their Land and turn it over to Vassals, who would stand to them in the same relation as they (the Nobles) stood to the KING. The Vassal could, in turn, subinfeudate his territory to subvassals, who were also bound to him in the same manner as he was bound to his Lord. The Lord owed Protection and Justice to his Vassal, while the Vassal owed support and allegiance to his Lord. The Vassal enjoyed the possession of the Lands and their fruits while the Lord was legal owner.

III: THE SEIGNIORIAL TENURE: This system was in force in Lower Canada until 1854 when it was abolished. Cardinal Richelieu introduced this model form of the Feudal System into Canada in 1627, when he constituted the whole of the Colony as a fief of the great fur-trading Company of the Hundred Associates, on the sole condition of its paying fealty and homage to the Crown. It had the right of establishing seigniories as a part of its undertaking to bring four thousand colonists to the Province and furnishing them with subsistence for three years. Later, the King revoked the grants on the ground that the Colony was not settled. From that time, the system was regulated by the Coutume de Paris, by Royal Edicts or by Ordinan-

ces of the Intendant. The SEIGNEUR, on his accession to the Estate, granted his Lands EN CENSIVE or EN ROTURE. The conditions on which the CENSITAIRE held his land from the Seignior were exceedingly easy. The "CENS ET RENTES" which he was expected to pay annually, varied from one to two sous for each superficial arpent, and the censitaire was also obliged to grind his corn at the Seignior's mill (moulin banal). In case the censitaire wished to dispose of his holding during his life-time, it was subject to "LODS ET VENTES", or, to a tax of one-twelfth of the purchase money, which had to be paid to the Seignior. The most serious restriction on such sales was the "DROIT DE RETRAI-TE", or the right of the Seignior to preempt the same property, him-~~self~~, within forty days from the date of the sale.

From this brief consideration of the seigniorial tenure, we see that, in this case, the right of the proprietor, namely, the seignior, was only a sort of Hypothecary Claim, and the right of the tenant (censitaire), was a Hereditary Usufruct.

In 1857 a statute was passed, ordering the revision of the Laws of Quebec, and on August 1st, 1866, the Civil Code of the Province of Quebec entered into force. This Code was based on the Code Napoléon, and Seigniorial Tenure gave way to Private Property, as laid down in Article 406 which we have cited above.

Before proceeding to expose the various ~~systems~~ and opinions on the right of Property, we consider it advisable to give a brief outline of what is understood by CAPITAL and VALUE, for these notions will prove very helpful in refuting Karl Marx, the champion of Collectivism and the bitterest antagonist of the right of Private Property.

Capital has been defined as "Un produit non consommé d'un travail antérieur, pour servir à un autre travail de production." (Garriguet, "Régime de la Propriété", Chapter I, p.21). By CAPITAL we mean that part of Wealth which is consecrated to the production of more wealth. A man will not apportion all his goods to productive purposes; all will not be placed in business speculations nor will he

employ all his money in making profits. A certain part of his belongings will be spent on pleasure, on the adornment of his home, and these expenses will bring no increase to his revenue. Let us suppose that an individual possesses \$500,000.00. If he spends \$125,000.00 of that amount in building a factory and starting a manufacturing business he has converted one-quarter of his wealth into CAPITAL. The distinguishing characteristic of Capital, then, is that it is devoted to the production of more wealth. Thus, food, when consumed for the mere pleasure of eating and of taste, is not capital, but, when employed in building up strength and muscle to be afterwards utilized in labour, it is Capital. Adam Smith has classified the various objects which may be considered as Capital under the following headings:

- (a) Instruments, implements and machinery.
- (b) Industrial constructions.
- (c) Improvements made upon land, and the Land itself
- (d) Materials and Raw Products.
- (e) Finished Products not yet delivered to Consumers.
- (f) Money.
- (g) Economic talents and capacities acquired by labour.

Capital is necessary for production, a principle which is not admitted by Collectivists.

We now come to the question of VALUE which is one of the most intricate problems within the sphere of Economics and which is one of the themes most exposed to divergencies in opinion. Let us first consider Value in general. A learned physician is of immense value to the community, Charity is a virtue of great value, a precious stone is an object of value. In each of these examples we perceive an objective reality, an inherent goodness, a degree of utility for a certain purpose; the learned physician for the health of the community, Charity for the direction of Man's conduct towards his neighbours, the precious stone for adornment. Here is something objective and internal

contained within the things themselves.

But this does not suffice. In order that an object be valuable, its internal and objective qualities must be recognized by intelligent beings outside the object.

In observing the object, we must appreciate its use and ability to serve in some way towards our security and our betterment. When this is the case, we experience towards the object a certain regard, arising from the perception of its objective utility, and we also wish, on our part, to possess it. These two factors, namely, our esteem for the object and our attendant desire for the object, compose the subjective part of Value.

Hence, Value is at once objective and subjective. However, Value does not proceed merely from the desire we have for an object. If this were the case, Value would be purely subjective. Besides arising from the desire we have for the object, it emanates also from the inherent goodness, absolute or relative, which resides in the object.

Consequently, we may define Value as the desirability of an object on account of its absolute or relative goodness. It is also defined "The power of a commodity to command other commodities in exchange." (Bullock, "Introduction to the Study of Economics" p.184, cf. J. Stuart Mill, "Political Economy", I, p.421, cf. also Ely, Seligman, Fetter, Gide, Davenport, Cairnes, Walker, Jevons.)

The proximate cause of the value of an object is the desire we experience for that object; while the remote causes are its utility to fill a want, its scarcity and its difficulty of production.

Value is divided by some writers into VALUE IN USE, and VALUE IN EXCHANGE. Value in Use refers to the USE which an object is put to, the service it renders, the need it satisfies. Value in exchange refers to the worth of an object relative to other objects with which it can be exchanged.

The theories of Value advanced by various writers and Economists may be summed up under the following headings: UTILITY,

SCARCITY, DIFFICULTY IN ATTAINMENT, LABOUR. It may be worth our time to study briefly the theory which asserts LABOUR to be the cause of Value. This is the theory propounded by Adam Smith and Ricardo, and, with some modifications, by Bastiat and Carey. It is the theory of the Socialist School, and, on account of the importance attributed to it by Socialists, it is highly advisable to consider the grounds of assertion. Karl Marx, the practical founder of modern "scientific" Socialism, makes a distinction between Value in Use and Value in Exchange. Value in Use is the utility of an object to satisfy human wants; Value in Exchange is the ratio of exchangeability of an object for other objects.

Value in Exchange, following Marx, is independent of Value in Use. Value in Exchange of an object results from the amount of human labour devoted to it. Objects differ in Value of Exchange on account of the greater or less amount of work entailed in their fabrication. LABOUR ALONE gives them their Exchange Value, and not their capacity for satisfying wants. For the present moment, we content ourselves with merely exposing this Marxian theory, for it would not be well to prove it false, before we have proven Socialism false. We wish nothing to be "a priori". However, we cite the following quotation to show the opinions of other individuals in regard to this theory of Labour. "Although the Labour Theory of Value is still held by many followers of Marx, its place in the creed of Scientific Socialism is diminishing in importance." (Ely, "Outlines of Economics", 1908, p.184)

We conclude, therefore, by saying that the value of an object is determined by its UTILITY, SCARCITY, and by the DESIRE men have for that object.

The Law of Supply and Demand will be a great determinant of the value of an object.

We have now come to the end of the Definition and Explanation of the terms employed in the thesis and we shall now expose the various systems and opinions in regard to Private Property.

EXPOSITION OF THE VARIOUS OPINIONS OPPOSED TO THE RIGHT OF PRIVATE PROPERTY:

In the present thesis we shall consider the two main theories which gainsay the right of Private Property, namely, Communism and Socialism.

COMMUNISM, in its more general sense, refers to any social system in which all goods, or at least all goods of production, are owned by the group or community, instead of by individuals. Thus conceived, it embraces Communistic Anarchism, Socialism, and Communism in the strict sense of the word. Communistic Anarchism (as distinguished from the philosophic variety) would eradicate not only private property, but even political government. Communism, taken in the strict sense of the word, demands that both goods of production, such as land, railways, and factories, and goods of consumption, such as dwellings, furniture, and clothing, should belong to the entire community. Communism, thus understood, is distinguished from Socialism, by the fact that it ordinarily denotes a greater degree of common life. In the words of the Rev. W.D.P. Bliss, "Socialism puts its emphasis on common production and distribution, Communism on life in common." ("Handbook of Socialism", p.12).

The earliest practice of the communistic principle of which we have any knowledge was carried out in Crete in the year 1300 B.C. All the citizens were educated by the State in a uniform manner and all partook of their food at the public tables. According to traditions, it was this experiment that caused Lycurgus to set up his celebrated regime in Sparta. Under his rule, Plutarch informs us, "No man was at liberty to live as he pleased, the City being like one great camp where all had their stated allowance." As Lycurgus was inspired by the Cretan experiment, so Plato was impressed by the achievement of Lycurgus. His "Republic" paints for us the picture of an ideal Commonwealth in which there was to be community of property, meals, and even of wives.

The next notable event in the history of Communism is the appearance of Sir Thomas More's "Utopia". According to him, all goods are to be held in common and all meals to be taken at public tables. But there is no community of wives.

There are several other descriptions of ideal States, which owe their inspiration to "Utopia". The most important are: "Oceana" (1656) by James Harrington, "The City of the Sun" by Thomas Campanella and Francis Bacon's "New Atlantis" (1629).

In modern times, several individuals have endeavoured by their writings and even by their personal example to put into practice this theory of Absolute Communism.

Montesquieu, in his "Lettres Persanes", declares that in Communism, alone, can be found that equality of all men, which alone can procure for us the realization of perfect happiness. In his "L'Esprit des Lois" he proclaims that property should be limited by the Law, in order that there may be perfect equality among all citizens. Thus, property would depend for its existence upon the positive Law and could be abolished by the same law which created it.

Jean Jacques Rousseau, in his "Contrat Social", as well as in his "Discours sur l'Inégalité des Conditions" declares that man is born good and that Society corrupts him. In order to bring man back to his original goodness, Rousseau advocates the overthrow of the present order of Society and the return to the savage and barbarous communism of the forest. This theory may be summed up in the words of an English poet:

"I am as free as Nature first made man,  
"Ere the base laws of servitude began,  
"When wild in woods the noble savage ran."

This is known as the theory of the "BON SAUVAGE". Rousseau condemns private property in the following words: "Le premier qui, ayant enclos un terrain, s'avisa de dire: 'Ceci est à moi!' et trouva des gens assez simples pour le croire, fut le vrai fondateur de la société. Que de crimes, que de guerres et de meurtres, que de misères et d'hor-

reurs n'eut point épargnés au genre humain celui qui, arrachant ces pieux ou comblant ces fosses, eût crié à ses semblables: Vous êtes perdus si vous oubliez que les fruits sont à tous et que la terre n'est à personne."

Fourrier and Robert Owen also made several attempts to establish a system of Absolute Communism. Fourrier merely proposed his ideas and theories on life and property in common, but Owen carried them into practice, founding a colony at New Harmony in Indiana.

Quite recently Lenine endeavoured to introduce a system of Communism into Russia. He forced upon the entire Russian people a system which has resulted only in blood-shed and murder. He thrust this system of Communism upon them, annihilating private property and making all citizens absolutely equal. He considered the Russian people as so many subjects for a vast social experiment. In the "Revue Hebdomadaire", October 25, 1924, p.424, under the article "La Pédagogie des Bolchévistes" by Jules Renault, we find the following words attributed to Lenine by Maxime Gorki: "Les millions d'existences humaines dont j'ai besoin pour faire mon expérience sociale ne valent pas plus à mes yeux qu'un million de cochons d'Inde."

If we analyze the theories of Communism, by studying the writings of those men whose names we have cited above, we may deduce the following principles which form the basis of Communism:

I: ALL MEN ARE EQUAL, NOT ONLY IN THE ABSTRACT, BUT ALSO IN THE CONCRETE.

Conclusion: Equality in all goods, both production-goods and consumption-goods.

II: PRIVATE PROPERTY IS A THEFT, no individual has the right to more of this world's goods than his neighbour.

Conclusion: ABOLITION OF PRIVATE PROPERTY  
State distribution of all goods in equal shares.

III: LIFE IN COMMON.

Conclusion: Abolition of Conjugal and Domestic

Society, consequently, CHILDREN BELONG TO THE STATE.

IV: MATERIALISTIC VIEW OF HISTORY.

Conclusion: ABOLITION OF RELIGION.

These are the main tenets of Communism as well as as the conclusions drawn from them. Let us now turn to Socialism and study its doctrines.

By SOCIALISM is understood a system of social and economic organization that would substitute State monopoly for Private Ownership of the sources of production and the means of distribution and would concentrate under the control of the secular governing authority the chief activities of human life. Socialism means the collective ownership and management by the State not of all property but only of the material agencies of production.

It may be divided into three great Schools, namely, the Collectivist School, the Agrarian School and lastly the State Socialist School. We shall consider each of these Schools separately.

COLLECTIVISM implies the substitution of collective for private property in the means of production. One of the most thorough-going German Socialists, Karl Kautsky, in his forecast of what might be expected to happen the day after the Industrial Revolution, suggests that when the State has taken possession of the Capitalistic industries, it could sell a portion of them to the labourers who work them, another portion to co-operative associations, another to municipalities, and still another to provincial subdivisions of the Nation (in Canada, the nine Provinces). All industries that had already become monopolized and national in scope would, of course, be operated by the Nation, and the national form of industry would be probably the predominant one ultimately. Land would be collectively owned. According to Kautsky, the small non-capitalist farms might well remain in the hands of the individual farmer. While not owning the ground that he tilled, he would be the owner of its products, paying rent to the State for the land which he occupied. Industries would be

controlled by the State.

Karl Marx is the Evangelist of Collectivism and his book "DAS KAPITAL" may be regarded as the Gospel of Collectivism.

The following are the chief principles found in it:

1. Capital is the means of appropriating SURPLUS-VALUE as distinguished from ground-rent, (rent on every kind of terrestrial property.) Surplus-value is created in the process of production only, it is this part of value of the newly-created product which is not going to the working-man as a return for the wage of labour he expended in working.
2. LABOUR IS THE MEASURE OF ALL VALUE. The value of any commodity is determined by its socially necessary costs of production.
3. The patron is keeping for himself a part of the surplus-value of the products which rightfully belongs to the labourer. He thus commits a theft, and thus, this theft is the sole cause of all capital.
4. By this continual theft, the wealth of the Nation is gradually centralized in the hands of large industrialists and capitalists, with the result that all small industries are ruined.
5. The centralization of the means of production and the socialization of the mode of production reach a point where they will become incompatible with their capitalist integument. Then the knell of capitalist Private Property will have been rung.

These are the principal points brought out in "Das Kapital". Its purely economic deductions are dominated throughout by the theory of "SURPLUS-VALUE" Its leading sociological principle is the "materialistic conception of History". Such are the tenets of Collectivism.

AGRARIAN SOCIALISM implies theories and movements intended to benefit the poorer classes of Society by dealing with the ownership of the land or the legal obligations of the cultivators. Henry George (1839-1897) is the Apostle of Agrarian Socialism. In 1879 he published "Progress and Poverty" which contains the leading principles of the Agrarian movement. The fundamental doctrine of Henry George, THE EQUAL RIGHT OF ALL MEN TO THE USE OF THE EARTH, did not originate

with him, but he gave it a new form. This method he named the SINGLE TAX. His doctrine may be condensed as follows. The land of every country belongs of right to all the people of that country. ("Coeli coelorum Domino; terram autem dedit filiis hominum"). This right cannot be alienated by one generation so as to affect the title of the next, any more than men can sell their yet unborn children for slaves. Private ownership of land has no more foundation in morality or reason than private ownership of air or sunlight. Land should be divided for private use into parcels among those who will pay the highest price for the use of each parcel. This price would be called "rent". By applying the rent of land, exclusive of all improvements, to the equal benefit of the whole community, absolute justice would be done to all. Taxes would be levied on ground-rent and land-lords would be transformed into mere land agents. Such are the theories of Agrarian Socialism.

Let us now consider the last and most dangerous form of Socialism, namely, STATE SOCIALISM, which is closely allied to Collectivism. It agrees with Collectivism in recognizing the existence of a "SOCIAL QUESTION", the problem of how to ameliorate the working-man's condition. While the advocates of Collectivism urge the necessity of a social revolution, State Socialists, or "Socialists of the Chair", as they are often called, believe in working for this reform through the medium of State intervention. The State is to them "a great moral institution for the education of the race." According to State Socialists, the State should furnish the means to establish productive associations. Private Property must be converted into collective property. This change can only be effected by "coming into possession of political power". The working classes must attain to full political development.

The following platform forms the basis of State Socialism:

1. ABOLITION OF PRIVATE PROPERTY IN THE MEANS OF PRODUCTION.
2. UNIVERSAL SUFFRAGE.

## 3. COMPLETE STATE CONTROL IN ALL ORDINARY ACTIVITIES.

Having thus examined the doctrines of Socialism, we make the following analysis of the system. Pure Materialism forms the philosophical basis of Socialism, while its religious basis is a minus quantity, Socialism recognizing no higher authority than the State. The ethical basis of Socialism is the theory that Society makes the individuals that compose it, and not the individuals Society. Hence the structure of Society determines individual conduct which involves moral irresponsibility. The economic basis of Socialism is the theory that Labour alone, is the only producer and that Capital is the surplus-value over bare subsistence produced by Labour and stolen by Capitalists. Its juristic basis is the right of Labour to the whole product; its historical basis is the Industrial Revolution, which is the change from small and handicraft modes of production to large and mechanical ones, and the warfare of the classes. The political basis of Socialism is Democracy. Above all, the central pivot of Socialism, upon which turns the whole organism of Socialistic thought, is the substitution of public for private ownership and the abolition of private property in the means of production.

This concludes our exposition of the opinions opposed to the right of Private Property, and we shall now commence our proof in which we shall prove that Private Property is a natural right.

STATE OF THE QUESTION:

We are now prepared to prove that Private Property is a natural right. Until now, we have prepared the way for the proof by carefully defining all terms which might cause misunderstanding to arise in the mind of the reader. We

have given a brief but complete exposition of the various opinions opposed to the right of Private Property and it now rests with us to explain the method which we shall follow in our proof.

We wish to state at the outset that, in this thesis, we are dealing with the right of Private Property considered in the abstract. It is a question of the foundation of the right of Private Property. In determining the question, we shall leave aside the absolute dominion of Gode over all things, and we shall deal with the relative dominion of Man. We shall also leave out of the question PUBLIC OWNERSHIP and shall content ourselves with PRIVATE OWNERSHIP.

In our proof, we shall follow the method of Aristotle and Saint Thomas Aquinas. The first part of the proof shall deal with the consideration of the systems opposed to the right of Private Property, which we have expounded in the foregoing paragraphs. These systems shall be thoroughly examined and criticized in the light of common sense and morality. We shall compare the principles inculcated by promoters of these systems with the rules of Justice and Right, and we shall test the conclusions deduced from these premisses to see whether they are in conformity with the rules of Logic. The theories of Lycurgus, Plato, More, Rousseau, Owen, Marx, and the other advocates of Communism and Socialism shall be carefully analyzed and from this analysis Communism and Socialism shall be judged and condemned.

Following the rejection of Communism and Socialism, we shall proceed to justify the claims of the Catholic or Scholastic School. We shall establish the foundation of the right of Private Property by showing that it is founded on the very nature of Man. We shall justify and confirm this right of Private Property by proving and showing that it is in thorough conformity with the doctrines of the Catholic Church, as well as with the teachings of the most learned and reliable philosophers, jurists, and economists.

P R O O F   O F   T H E   T H E S I S :Refutation of Absolute Communism:

In refuting Communism, we shall examine the writings of the various upholders of the system, and from these writings we shall condemn the theory as pernicious and impracticable. The two foremost advocates of Communism are Plato and Jean Jacques Rousseau, and in refuting the arguments of these two individuals, we shall disprove all who uphold their doctrines. Let us commence with the refutation of Plato's theory.

The arguments advanced by Plato in favour of Communism are to be found in his "Republic" and in his "Laws". According to him, man's happiness consists in PEACE and CONCORD, and all the activities of the State should be directed towards procuring peace and concord for the citizens. In order to attain peace and concord, perfect unity must exist in the State. This can be brought about only when all property is common. Hence, to guarantee perfect unity in the State, private property must be abolished. All goods must belong to the State and everything must be shared in common. Meals must be taken at public tables and there is to be no such institution as Domestic or Conjugal Society. Women are to be the common property of the State and the children are to belong to the Community. Thus we see that the right of Private Property is abolished. This is a succinct outline of the Communist theory as conceived by Plato.

We shall now dissect this theory. Upon careful examination, we immediately perceive that Plato goes astray when he declares that Man's happiness consists in peace and concord. Is this in reality the case? It is very true that peace and concord should be encouraged and even sought after, but, on the other hand, do they really constitute Man's happiness?

There is an axiom in Philosophy which states that "OMNE ENS APPETIT PERFECTIONEM SUAM". Every being has an end and that end consists in attaining its perfection. Man's end consists in attaining his perfection, that is to say, in developing his intellectual and moral faculties. At times this is very arduous and peace and concord must be sacrificed in order that he may attain this perfection. The man who wishes to succeed in his profession must fight and struggle to arrive at the top. Peace and concord are praiseworthy objects and are to be desired, but certainly not at the cost of our intellectual and moral perfection. The State should assist us in the attainment of our perfection and thus we perceive that the end of the State is the PROTECTION OF THE CITIZENS' RIGHTS and the ATTAINMENT OF PUBLIC PROSPERITY, which permit the citizens to arrive at that state of perfection which is fitting to them. Thus we see that Plato commits a grave error when he proposes peace and concord as the summum bonum of the individual and of the State.

In the second place, Plato suggests absolute unity as a means of arriving at this end. Here again he is erring grievously. The State, by its very nature, is founded upon plurality rather than upon unity. The State is composed of many and not of one individual. The union of the families constitutes the State, and when Plato suggests unity as a means of arriving at the end, he is proposing a means which can only result in the downfall of the State and which can only be fatal to its prosperity. We know that the State is made up of various classes and that each class has a special work to do. Just as in the human body there are different organs, each with a particular operation assigned to it, so in the State, each class has a special part to play in the State organism. There is the agricultural class which labours to produce food to sup-

port the Nation, there is the industrial class which manufactures commodities, both consumptible and productive, and there is the professional class, which, in turn, is subdivided. Is this unity? Such is far from being the case. We do not deny that these classes work in unison, but we do deny that they are the same in nature, and this is exactly what Plato wishes them to be, when he suggests that the State be one. Let us hear what Aristotle has to say on this Platonic theory of absolute unity in the State. He says: "The end which he (Plato) ascribes to the State, taken literally, is impossible and how we are to interpret it is nowhere precisely stated. I am speaking of the premise from which the argument of Socrates proceeds, "that the greater the unity of the State the better". Is it not obvious that a State may at length attain such a degree of unity as to be no longer a State?....since the nature of a State is to be plurality, and in tending to greater unity, from being a State it becomes a family, and from being a family, an individual; for the family may be said to be more than the State, and the individual more than the family. So that we ought not to attain this greatest unity even if we could, for it would be the destruction of the State. Again, a State is not made up only of so many men, but of different kinds of men; for similars do not constitute a State. It is not like a military alliance, of which the usefulness depends upon its quantity, even where there is no difference in quality. For in that mutual protection is the end aimed at; and the question is the same as about the scales of a balance; which is the heavier?" (ARISTOTLE: "THE POLITICS" BOOK II.) Thus we see that if Unity be recommended as a means of arriving at the end, it can only result in the ruin and overthrow of the State.

Moreover, what assurance has Plato in saying that Community of Property would procure peace and concord. He presumes that community of goods causes friendship to spring up among men, and he bases his contention upon the saying that "ALL IS COMMON AMONG FRIENDS." We must be careful to make a distinction when we say that all is common among friends. It is true that friends share their property among one another, but this community is based upon LOVE and not love upon community of goods. They do not love one another because their goods are in common, but their goods are in common because they love one another. Community of goods must be based upon CHARITY. To bear out this statement, let us consider the lives of the early Christians who lived in common and shared all their goods in common. Community of goods as practiced by these persons was based on a supernatural motive and was quite voluntary. It was based upon CHARITY such as inculcated by Our Divine Saviour when he laid down that great principle "LOVE ONE ANOTHER." Before we share our goods with another, we must love that individual. When we no longer love a person, we no longer wish to share our goods with him. This is the case every day. Let us consider the case of those unhappy families where the husband and wife do not agree, and what do we find? A state is reached in which the man and woman find one another's company unbearable and they find it impossible to live together any longer. They apply to the Court for a separation from property and home. Thus we perceive that before property can become common among individuals, those individuals must be friends. Imagine what would be the consequences if individuals who did not love one another were obliged to share their goods in common. Quarrels and dissensions would arise and even blood-shed ensue. It is impossible to destroy the idea of MEUM ET TUUM. The consequences would be serious to the State, for instead of unity we would have discord.

Yet Plato takes it for granted that perfect unity and concord would follow from compulsory community of goods among individuals who are perfect strangers and who may not be friendly to one another. This is a sad delusion.

Plato further proposes community of wives and of children. We shall not discuss this at length, since the absurdity of such a proposition is self-evident. If, as Plato recommends, wives must be held in common, is it not certain that constant quarrels and even homicides might ensue, if two individuals claimed the same woman? Would this bring peace and concord to the State? It is easily seen that such is far from being the case. And if we examine this theory merely from the viewpoint of common sense, what do we perceive? We know that the State is built upon the Family and that its very foundation rests upon Domestic Society. The Family, as we know, is composed of the parents and the children. The parents have the obligation of educating their children and of preparing them to take their place in the life of the State. Education has been defined as: **"FORMATIO INDIVIDUI AD STATUM SUUM OBTINENDUM."** The prosperity of the State depends upon the loyalty and integrity of its citizens. But what results once we admit Plato's reasoning? The knell of the Family is at once sounded. Women become the common property of the State and Domestic Society is destroyed. There no longer exists a home circle in which the children are reared and educated. They are neglected and left to the tender mercy of the State, and we all are aware of the fact that property which belongs to the Community is generally less cared for than individual property. We prize less what does not belong to us than that which is our personal property. Thus we can see that if children were left to the State, they would be neglected. What sort of citizens would they make? They would grow up strangers to those sentiments and lessons of religion and mo-

rality which are inculcated in the Home; and which only a good mother can give. They would grow up as do the young of animals, and EVEN UNDER LESS FAVOURABLE CONDITIONS, since the young of animals are cared for by the mother until they reach maturity and are able to look after themselves. Hence we conclude that they could never be good citizens, and that the State could not survive, if it had to rely upon the patriotism and support of such members.

Let us then conclude by saying that Plato's theory cannot be admitted on any condition. It means nothing less than the destruction and annihilation of the State. It can terminate only in the downfall of Civilization and the innovation of conditions which are worse than sub-bestial. We are of the opinion that after a careful consideration of all these reasons, no sane individual would for one instant meditate upon the propriety of adopting the theories of Communism, as conceived by Plato.

Far from being the peaceful legislator of social reforms, such as is Plato, Jean Jacques Rousseau is the violent reformer of Human Nature. He declares a deadly war upon the present order of Society and proclaims to the whole world the absolute equality of Men. Man is born good and Society corrupts him, Rousseau declares, and if we wish to attain absolute happiness we must go back to the conditions which existed before men agreed to enter into the Social Contract, which is the foundation upon which rests Civil Society. According to him, Man is not destined by nature to live in Civil Society and he is self-sufficing. Man is independent and needs no help from others. To bring him back to this primeval equality and freedom, Rousseau wishes to overthrow Civil Society, as it exists, and he

regrets that someone had not halted the first individual who attempted to separate his property from the common property. He condemns Private Property as the cause of all the ills which affect Mankind and he advocates Communism when he says that " les fruits sont à tous et la terre n'est à personne."

He bases his reasons for advocating Communism on the assumption that all men are equal and that it is only because of an agreement made between them that they have surrendered their rights and their independence to the State and that no other obligation than this agreement binds them to obedience to authority. He enunciates this idea in the following words: "Puisqu'aucun homme n'a une autorité naturelle sur son semblable et puisque la force ne produit aucun droit, restent donc les conventions pour base de toute autorité parmi les hommes."

Thus we perceive that according to Rousseau, all rights and obligations have their sole source in this convention or agreement.

Goods must be distributed in equal shares. He says further on: "tout dans la société doit être distribué avec une stricte mesure, parce que l'état social n'est avantageux aux hommes qu'autant qu'ils ont tous quelque chose et qu'aucun d'eux n'a rien de trop."

But, what FACT, what experience draws Rousseau to the conclusion that in Communism, alone, can be found that happiness which consists in equal distribution of goods and life in common? He draws our attention to the barbarous and uncultured savage, living in the wild community of the forest. He notes that this simple savage, living his life in common with the other members of the tribe, obtaining his food from the chase and from fishing-expeditions, clothing himself in the skins of wild beasts, is much nobler and of much higher morals than the civilized member of Society, who, living in luxury and ease, robbing those poorer than himself, passing his time in voluptuous pleasures, which increase in wickedness, according as a higher degree of civiliz-

ation is attained, proclaims himself to be a cultured and refined gentleman, when he is lower than the beast who lives only a sensual life. From this he deduces the conclusion that the more civilized a man is, the more corrupt he becomes. Now, it is a fact that civilization is measured by the progress of private property and of education. Hence, argues Rousseau, if Man wishes to be happy, he must forego both Private Property and the development of his intellectual faculties. Speaking of Education, he says: "C'est la raison qui engendre l'amour-propre et c'est la raison qui le fortifie." Self-Love, fostered by the cultivation of the intelligence, is only satisfied when it places its votary upon a pedestal far above other human beings. Now, the differences of class are caused by two things: (1) differences in Wealth, and (2) differences in education. Hence, destroy wealth and education, and all men are made equal. This is equivalent to bringing men back to the barbarous and untamed communism of the forest.

According to Rousseau, in the beginning all men lived this common life, but little by little, agreements and pacts were formed by which individuals surrendered their common rights and their common privileges. As to the nature of this Contract, , Rousseau says: "Les clauses de ce contrat déterminées par la nature de l'acte.....bien qu'elles n'aient jamais peut-être été formellement énoncées, sont partout les mêmes.....Elles se réduisent à une seule, savoir: l'aliénation totale de chaque associé avec tous ses droits à la communauté." Let us now criticize this theory of the Social Contract upon which Rousseau bases the existence of the Right of Private Property.

In the first place, the theory of the Social Contract is a theory which is altogether inadmissible. The passage of common property under the domain of individuals is a QUESTION OF FACT. In order to bear out this theory we must present some fact, some

historical event which clearly shows that men gathered together and decided to renounce their independence and to do away with the common regime of property which had previously existed and to introduce private property. Now Rousseau's supposition is purely gratuitous and lacks HISTORICAL SUPPORT. Why is it that Rousseau, who lived in the XVIIIth Century and whom historical records show to have been a man of disordered temperament and not altogether sound in mind, was the FIRST to discover that men entered into this pact of which we possess no copy and of which we have no historical record? Why was it not made known before this time, and why does not Rousseau produce some fact or some MATERIAL EVIDENCE to substantiate his theory?

On the one hand we have a nebulous theory, unsubstantiated by any tangible fact, advanced by a man whose sanity we have good reason to doubt, and on the other hand, we have the universal and uniform FACT OF PRIVATE PROPERTY, the sign of A UNIVERSAL LAW. History proves conclusively that AT ALL TIMES and AMONG ALL PEOPLE Private Property has been recognized and respected. Is this not an indication that Private Property is something natural to Man, an institution which has need of something more reliable than a man-made contract. In reference to this, Abbé Garriguet has the following to say: "Le droit de propriété, étant un droit essentiellement stable, a besoin de reposer sur une base moins fragile que celle qui lui serait fournie par un simple pacte. Fondé sur une pure convention, il serait comme elle, à la merci des contractants. Une pareille convention pourrait tout au plus lier la génération qui a signé l'accord ou celle qui l'a ratifié, et encore, si la somme des maux qu'il engendre semblait à plusieurs l'emporter sur la somme des biens qu'il procure, pourquoi ceux-là ne pourraient-ils pas légitimement reprendre la parole? Pourquoi, fussent-ils la minorité, se sacrifieraient-ils au plus grand nombre? est-ce qu'on avait le droit de leur imposer une mesure qui serait nuisible à leurs intérêts et de s...

arrangement qui leur porterait préjudice? Et ainsi la propriété ne serait plus qu'une institution changeante, placée sous la dépendance du bon plaisir des hommes, ce qui est contraire à sa vraie nature."

Is it not also true that such a pact, embracing, as it did, the whole human race, would have need of the universal consent of all nations in order to come into force? And could not some nations, once they found that it was to their disadvantage, overthrow it and refuse to obey it? Would it be only their desire to keep their word that would prevent them from violating this pact? Does not History show us that many other pacts have been treated as mere scraps of paper?

From the few considerations we have made on the subject of this pact, we arrive at the conclusion that this theory of the Social Contract is inadmissible and cannot be accepted. It is unsubstantiated by facts and it is ridiculous in theory. It is contrary to the facts of Experience and of History and condemns itself on its own testimony.

Moreover, do we not possess a recent and manifest refutation of the theory that a whole people can be brought under a compulsory regime of Communism? Let us examine the case of Communist Russia. Lenine has admitted that THE SYSTEM IS A FAILURE, and that despite the efforts of the governing authority to prevent individuals from possessing private property, IT HAS BEEN IMPOSSIBLE TO MAKE COMMUNISM A SUCCESS. This failure of Communism in Russia is a victory for Private Property and a refutation of Rousseau's theories, and proves that the right of Private Property rests upon something more secure than the articles of a document which no human being has ever seen and of the existence of which we have no tangible proof.

Rousseau bases his reasons for advocating Communism on the equality and natural independence of Men. He states that ALL MEN

ARE EQUAL. This is a very broad statement to make, and we must make a distinction when we use it. That all men are equal in NATURE, that all men are composed of a body and soul, of matter and form, and that they are all equal with refernce to the SPEC we do not deny. But that all men are equal with respect to their INDIVIDUAL QUALITIES, we cannot admit for one instant, since it would be in direct contradiction with FACTS OF EXPERIENCE. It is a universally admitted fact that some men are more intelligent than others, nobler than others, in better health than others. We all know that some men have a stronger physique than others, and yet Rousseau declares that all men are absolutely equal. How does he explain the fact that in a school or in the classes of that school, some pupils are brighter and more intelligent than others? How does he explain the fact that in Life, some men are more clever than others and are able to make better use of their talents than other individuals? Is this equality? Such is certainly not the case. Equal in nature, they differ in individual qualities; merit, virtue, vice, not to speak of circumstances will place them in different conditions of life. It is a fact not to be denied that men are unequal in individual qualities and Fath A. Castelein S.J. classes these social inequalities under the following headings; in his "Droit Naturel":

1o: Les inégalités naturelles du dedans, comme celles qui caractérisent les aptitudes natives de l'esprit, de la volonté, du corps, et l'exercice libre de ces aptitudes pour en perfectionner les actes et en multiplier les avantages;

2o: Les inégalités naturelles du dehors, comme est la condition de la famille, de la patrie et du sol où quelqu'un naît et passe sa vie;

30: Les inégalités sociales du dedans et les aptitudes acquises par suite de l'éducation reçue et de ses efforts, pour s'adapter au milieu social et s'initier à sa carrière;

40: Les inégalités sociales du dehors, savoir, les avantages ou les obstacles que chacun trouve dans ses relations et son milieu social pour poursuivre avec succès sa carrière."

These inequalities are the result of Nature, itself, and we know that axiom of Philosophy which says that "NATURA NEQUE DIMITTIT ALIQUID IMPERFECTUM, NEQUE FACIT ALIQUID FRUSTRA."

Even if there do exist certain inequalities among men, nevertheless we are not as unhappy as Jean Jacques Rousseau would have us believe. What personal injury do we suffer if some individual has amassed a large fortune and is enjoying it? What harm do we undergo if some individual other than ourselves has discovered some means of making life easier for the whole human race? What difference does it make to our happiness if a certain intellectual genius has laboured to render knowledge more accessible to the people? Should we be jealous of him? Should we wish to put him to death because he has a greater mind than ours? Is it not true that we benefit by his intelligence? Is it not true to-day that, in this age of invention and scientific research, we enjoy many comforts of which otherwise we would have been deprived, had Rousseau's theories prevailed and had he succeeded in convincing Mankind that Private Property and Education are to be abandoned? Are we not much better off than if we had accepted Rousseau's benign theory of the "BON SAUVAGE"? Is it not a fact that we are at least a little better off than these noble savages, who, if History be true, were wont to roast their victims alive and to scalp the unfortunate loser at a game of skill? Are we not much better off under the regime of private property than we would have been, had all men been made equal: in MISERY?

Men are certainly not equal in individual qualities. They are equal in nature and in reference to their species, and as such are equal before God and Men. All men are judged equally before the Divine Law and before the Human Law. All are given the same opportunities of perfecting themselves and of succeeding in Life. But, in reaching this perfection to which they all have an equal right, their individual qualities begin to appear, and then it is that equality is broken and some men succeed while others do not.

Moreover, men are not independent of one another. From the very moment that he comes into the world to the moment when he departs from it, Man depends upon other men in some way or other. As an infant, Man needs the care of his mother and in default of her, of other persons to keep life in his body and to protect and educate him. In order to learn how to speak and to communicate his thoughts to others, he must live in the company of others. Without them he could never learn to speak. When he grows up, he needs others to help him in Life, to teach him the art of success. He has need of the experience of others to guide him through Life. He is dependent upon others for his living, without them he could not earn his daily bread. When he is ill, he needs some one to look after him. Thus we see that at all times, Man is dependent in some manner or other upon the help and assistance of others. Even among the "noble savages" this is the case. All do not occupy the same position. Some are chiefs and others are ruled. Even savages, though, according to Jean Jacques Rousseau, much superior to civilized Man, must depend upon one another for mutual aid.

Hence, what must we conclude? There is but one logical conclusion and that is that Rousseau's theory is to be condemned as chimerical, impracticable, and wholly contrary to the facts of

experience and to the records of History. We have destroyed the two planks upon which he bases his theory, namely, THE SOCIAL CONTRACT and THE ABSOLUTE EQUALITY OF MEN. Having destroyed these foundations, the theory must fall, and we must dismiss it as wholly inadmissible.

We have now concluded our refutation of Absolute Communism. In our refutation, we have studied and examined the writings of the two foremost advocates of the system, viz. Plato and Rousseau, and have compared their theories with the facts of experience and with Reason. We have considered their arguments from the standpoint of common sense and morality and we find that both men have committed grave mistakes.

In our refutation of Absolute Communism we have been careful not to make use of "a priori" arguments. We have condemned Communism on its own testimony and without having had recourse to any other means of refutation than the very words of the upholders of the system.

We chose Plato and Rousseau as two typical mouth-pieces of Communist thought because they seem to us to represent both the Ancient and the Modern eras in History.

In refuting them, we have refuted all other Communists, since the arguments employed by the latter are always drawn either from Plato or from Rousseau.

We shall now consider Socialism and shall proceed in exactly the same manner as we have done in the preceding proof.

END OF THE REFUTATION OF COMMUNISM

Refutation of Socialism.a) COLLECTIVISM: LOUIS BLANC AND KARL MARX:

We shall now consider Socialism under its various forms and shall proceed in identically the same manner as in the refutation of Communism. Socialism is divided into three great Schools, viz., Collectivism or Scientific Socialism, Agrarian Socialism, and, lastly, State Socialism or Socialism of the Chair. Let us first examine COLLECTIVISM.

Collectivism is that particular form of Socialism which attacks Capital, and its two chief representatives are Louis Blanc and Karl Marx. In our refutation of Collectivism we have chosen Blanc and Marx as the two representatives of the system, just as we chose Plato and Rousseau as the typical representatives of Communism. We shall first deal with Louis Blanc.

Blanc bases his whole attack against Private Property in the means of Production on the right of every man to employment. His argument proceeds as follows. Every man has a right to live, as no person can deny. Now, in order to live, it is necessary that every man work and gain his livelihood, since without work we cannot subsist. But it is a fact of experience and a daily occurrence that certain individuals control Capital, machinery, and the instruments of Production. It is an undeniable fact that the means of Production are, in the majority of cases, centered in the hands of wealthy magnates, in such a manner as to make them independent and to place them in a position to give work to whom they please and to refuse work to whom they please. On the contrary, the humble labourer, who has only his two hands with which to earn his daily bread, is obliged to seek work, often on very unsatisfactory terms, and sometimes under conditions which are hardly human. From this consideration, Louis Blanc arrives at the conclusion that the State should remedy this grievance and should confiscate all machinery and all means of production, thus abolishing Private Property in the means of Production. The State, according to Blanc, has an

obligation to furnish the labourer with employment, and may be looked upon as the "BANKER OF THE POOR". In order to furnish every man with work, it should establish National Workshops in which all can find work and thus be able to live in modest comfort at least, and to obtain the necessities to keep their families alive. From this we see that industry, according to Blanc, should be nationalized, and that Private Property, at least in the means of **Production**, should be abolished. This is a concise outline of Blanc's doctrines and we shall now proceed to show that they are unsound, illogical, and altogether inadmissible.

In the first place, let us ask ourselves a question and from the answer to this question we shall be enabled to deduce the entire refutation of Blanc's theory. What is the right to employment, upon which Louis Blanc bases his entire argument? In order to answer this question certain explanations are necessary.

We all know that work is a demand of Nature. Our nature clamours for work. At the very beginning of History, we find these words recorded in Holy Writ, after the expulsion of Adam and Eve from the Garden of Eden: "Thou shalt earn thy bread in the sweat of thy brow." Later on St. Paul says: "If a man will not work, neither let him eat." Not only is work a necessity from the physical standpoint, not only is it necessary to build up our strength and to help us to gain a livelihood, but it is also necessary from a moral standpoint. When a man has nothing to do, he straightway exposes himself to temptation. This is borne out by facts, by events which occur every day and which have occurred from the beginning of time. Let us study the cause of the decline of the Roman Empire, and what do we notice? We find that at the beginning of the History of Rome, in the times of the early Roman Kings, the people were a hard working,

conscientious and honourable nation. They attained supremacy by dint of hard work and by frugality and moderation in all things. Their Kings lead them forth to battle and set an example for their subjects to imitate. But later on, when riches and success had pampered them and enabled them to live a life of ease, they at once gave themselves up to vice and laziness, and as a result, degenerated. The same occurs daily. If we examine the divorce statistics of the United States of America, we shall notice that the largest percentage of divorces are among the rich people, among those who are not obliged to work for a living. From these few facts we see that work is a necessity for the physical and moral well-being of Man.

From this we conclude that before being a right, it is rather a DUTY imposed by Nature upon Man, and if this be the case, we cannot deduce from this supposed right a debt against Society, in virtue of which any individual is permitted to overstep all other rights, and demand from the State that particular employment which may suit his fancy or his whims. This is altogether too much to expect of the State, which is already overburdened with legitimate claims. We are going to prove that under the Collectivist regime, the State could not grant this demand, and that instead of bettering Man's condition, it would render his lot much worse, if not unbearable.

Let us see what follows from this "right" to work which is used by Blanc as the foundation of his system. If we have a ~~right~~ right to work, and if work is a natural necessity to the welfare of Man, we are in duty bound to look for work, and to ACCEPT IT WHEN WE FIND IT. We cannot dictate terms in case of necessity, for, according to an English proverb, "BEGGARS ARE NOT CHOOSERS". If we must work, in order to live, we must accept work, provided of course, that we receive enough upon which to live. This

right of employment must not encroach upon the rights of others, and prevent them from accepting work, as in the case of a strike, in which dissatisfied workers endeavour to prevent other men from doing the work which they themselves left aside. The right to look for work must be respected by all. The right to life allows men, in certain cases, to infringe upon the right of private property, when it is a question of starvation. The duty of Charity obliges us to come to the help of our neighbour when he is in need, and the patron is obliged to see that his employees have enough upon which to live. He is bound in justice to see to it that his labouring help receive a salary which permits them to live decently. If this is the case, the right to seek work and to live protects Man and forbids others to prevent him from accepting it. We may say that we have not an absolute right to work, that is to say, to demand work from the State, but we have the right to seek work and not to be prevented from doing so. Let us hear what Father Castelein S.J. says about this matter in his "Droit Naturel":

"En admettant que les hommes ont le droit de vivre, nous nions en principe que tous ont le droit de vivre convenablement s'ils ne remplissent pas leur devoir social, en se conformant aux droits d'autrui et aux exigences de l'ordre social. Nous nions par suite que tout homme a un droit absolu à un travail digne, stable et bien rémunéré. Il ne possède qu'un droit conditionnel à pareil travail, c'est à dire un droit qui implique des conditions à remplir par lui et certaines, peut-être, indépendantes de lui. Il a le droit de n'être pas entravé dans la recherche d'un pareil travail; il n'a pas le droit de l'exiger, soit de l'Etat, soit des particuliers."

What conclusion must we draw from these considerations?

We must conclude that work is a duty rather than an obligation, and that Louis Blanc errs when he declares that every man has a right to demand work from the State. Blanc's argument starts with a false principle, and hence the conclusion which he deduces from his syllogism is false as to the matter.

Moreover there four orders of facts to prove that Blanc's theory is wrong and inadmissible, according to Father Castelain. In the first place, the evils complained of, and the existence of which we readily admit, attributed by Blanc to Private Property in the means of Production, do not follow essentially from our social system nor from the fact of Private Property which respects the rights of all. We answer Blanc in this regard by showing that he employs that specious line of reasoning "POST HOC, ERGO PROPTER HOC." The ills which are cited by Blanc are caused not "per se" but "per accidens". Just as bad may be caused by good "per accidens", just as in the Church there have existed certain abuses at various times, but which cannot be attributed to the Church, as following essentially from its doctrines, the abuses, complained of by Blanc, are caused by individuals and are not imputable to the system. How would Collectivism act in the same case? It would accentuate these vices and evils by imposing upon the State the enormous burden of production and by killing all initiative and responsibility on the part of individuals, so requisite for the success of any organization.

In the second place, let us consider a fact of experience. Is it not undeniable that industries controlled by private individuals make much more progress than State-controlled organizations? In England, the United States of America, Germany, Belgium, France, and in Canada, countries in which large industries flourish most, we must remark that such concerns are controlled by private individuals and it is a fact that in

these countries the workman lives in modest comfort and is very rarely in a condition of poverty. In Canada, let us cite the example of the Canadian National Railways and the Canadian Pacific Railway, the former controlled by the Canadian Government, the latter controlled by a private Company. It cannot be denied that the Canadian Pacific is much farther ahead of the Canadian National and makes much more profit than the Government-controlled Company. This is because the owners of the Canadian Pacific Railway work more than the Canadian Government, since they are inspired by private motives and a desire of making a gain for themselves.

Thirdly, if we admit Blanc's theory, we know very well that State-controlled factories and workshops could not supply the demand of the consumers. Only private industry, under a regime of economic liberty, and stimulated by a desire for profits, could answer these demands. Moreover, would not Statesmen be exposed to countless opportunities of making graft and of robbing the people of their money and labour? We are well aware of what takes place under the regime of Private Property. We know that it is only the fear of the State that prevents many industrialists and capitalists from grafting. Place the State in the position of the capitalists and let us imagine the consequences. Very probably these men would also be dishonest and rob the people with impunity. They would have no State to fear or to prevent them, for they themselves constitute the State, and the legislative and executive authority. Thus we see that conditions under Blanc's theory would become far worse.

The fourth and last fact, and by far the most conclusive, is the failure of the National Workshops founded at Paris by Emile Thomas, the failure of the nine societies founded by Robert Owen, the failure of the thirty-six phalanges organized by Fourier, and last of all, the failure of the three or four

experiments tried by Cabet. Lastly, let us consider the catastrophe which has befallen Socialist Russia. Before the Great War, Russia was one of the largest wheat-producing countries in the world. To-day, after the Revolution of 1917, her people are perishing from hunger. Is this what Blanc promised his followers? Can this be success? It is hardly the case.

There is only one logical conclusion possible in the present case, namely, that Collectivism, as conceived by Louis Blanc, is impracticable and ruinous in its effects, and would only make the working man's condition worse instead of ameliorating it. It is illogical, and is nothing less than a sophism. It paints the workingman's condition in a worse light than it really is, and it has not one sound argument in favour of it. We may apply to Louis Blanc the words of the French proverb: "Grand parleur, petit faiseur."

While Blanc's theory is constructive in nature and while he offers suggestions with the object of bettering the workingman's social condition, Karl Marx contents himself with merely criticizing the existing order of thing. Karl Marx is the Champion of the Proletariate, the man who battles for the rights of the workingman against the wealthy Capitalist, and the man who is a firm believer in the inevitable industrial revolution which will inaugurate Collectivism and gain control of all the means of production.

In our refutation of Marx's doctrines, which are to be found in his book "Das Kapital", the Gospel of Collectivism, we shall reduce his theories to three chief propositions:

I: Capital is an injustice and a theft.

II: By this continual theft, carried on by wealthy capitalists, the Nation's wealth is concentrated in the hands of a few individuals. But the centralization of the

means of Production and the socialization of the mode of production reach a point where they become incompatible with their Capitalist integument. Then the knell of Capitalist Private Property will have been rung.

III: Historic Materialism, which is a law of evolution towards Collectivism, in which all men are inevitably drawn to this system.

We shall now refute these three propositions. Marx bases his condemnation of Capital on the theory that Labour is the sole determinant of Value. He makes a distinction between Value in Use and Value in Exchange. Value in Exchange, according to Marx, is independent of Value in Use. It results from the amount of human labour devoted to it. Thus, objects differ in Value of Exchange on account of the greater or less amount of work entailed in their fabrication. Labour, alone, gives them their Exchange Value, and not their capability of satisfying wants. Is this true? If Labour is the sole source of Value, if the amount of time and labour spent in the manufacturing of an object, constitutes the value of that object, and nothing else, then, according to Marx, poorly trained workmen might spend hours over the production of a shoe, while a highly skilled craftsman might take only a few moments at a similar piece of work. Yet if we admit Marx's logic, the shoe made by the inexperienced labourer who spent hours in its fabrication, would be worth much more than the well-made shoe, the product of the highly-skilled craftsman, who manufactured it in a few moments. The ridiculousness of this idea is self-evident. We must reject the theory that Labour is the sole determinant of Value. The value of an object depends not only upon the labour devoted to its fabrication, but also upon its utility, the intrinsic worth which it possesses, and the demand people have for it.

Marx also asserts that Capital is a theft. He says that the patron has no right to the profits he derives from the sale of his products, and maintains that the profit belongs to the workmen alone, the real producers of the object. Is this just? Marx calls Capital a theft, because he assumes that the patron devours all the profits. This is not at all the case. We know that the more profit a patron makes, the more prosperous he becomes. According as he is more prosperous, the more he can afford to pay his employees. Let us take the case of Henry Ford, for example. Ford has accrued huge profits from the manufacture of his world-famous automobile, the Ford. He pays his workmen in proportion. If Marx were alive to-day, what would he have to say if confronted with this example? Do Ford's workmen ~~perish~~ from hunger? Are they living under conditions which bring tears to the eyes of the philanthropic Socialists? Do they not earn from \$5.00 to \$15.00 per diem? The poorest workman receives \$5.00 a day, which is certainly not small pay. Yet if the State were in control of this manufacturing business, are we <sup>to</sup> suppose that the workmen would receive the same salary? Where is the theft? It is extremely difficult to see where it is. It is only just that the patron be entitled to a profit, always supposing that it be not exorbitant and that he manufactures a product which is really worth its price. Let us cite the classical example of Robinson Crusoe and his ~~wheel-barrow~~. Robinson Crusoe, isolated on an island, made for himself a ~~wheel-barrow~~ which multiplied his ~~working force~~ <sup>working force</sup>. All must admit that this rudimentary machine possesses a productive capacity. If, later on, other individuals wish to borrow it and manufacture others like it, it is only equitable that a recompense be sought. Paul Leroy-Beaulieu says in this regard:

"L'homme qui a fait la machine ou celui qui l'a achetée ou  
 "qui est l'ayant-cause de celui qui l'a faite, a le droit

"pour prendre le style de Karl Marx, de retirer de cette  
 "machine sa valeur en usage; or sa valeur en usage c'est  
 "d'accroître la productivité du travail de l'ouvrier, c'est  
 "par conséquent d'engendrer un avantage auquel on donne le  
 "nom d'intérêt ou de profit. Supposez que la machine au  
 "lieu d'être inerte, fût un être animé, s'appartenant à  
 "lui-même, stipulant pour lui-même, personne à coup sûr  
 "ne lui refuserait une part dans l'excédent de productivi-  
 "té qu'elle aurait donné au travail de l'ouvrier. La brou-  
 "ette, en la souhaitant vivante, s'adressant à celui qui  
 "l'aurait empruntée, lui dirait: 'Avec mon secours volon-  
 "taire, car ce n'est pas toi qui m'as faite, tu as pu en  
 "six heures achever un travail qui sans moi t'en aurait  
 "demandé douze; tu as donc été, grâce à moi, en gain de  
 "six heures; partageons cet excédent que tu ne dois qu'à  
 "moi; donne-moi la moitié ou les deux tiers c'est à dire  
 "donne-moi pour ma peine un produit qui corresponde à  
 "trois ou quatre heures de travail, et tu seras encore en  
 "bénéfice.' Cette brouette animée ne trouverait pas un tri-  
 "bunal pour lui refuser satisfaction; celui qui a fait la  
 "brouette ou qui l'a achetée et la possède est absolument  
 "dans le même cas où elle serait elle-même si elle avait  
 "âme, intelligence et volonté."

Let us then conclude by saying that Marx is wrong when he  
 says that Capital is an injustice and a theft. We have proven  
 that it is neither. It is not an injustice, since it constitutes  
 one of the most efficacious means of ameliorating the working-  
 man's lot, as we have seen in the example of Henry Ford, and it  
 is not a theft, since we have seen that justice and common sense  
 demand that the patron receive a profit from his products, as in  
 the case of Robinson Crusoe. To substantiate this state ent, we  
 have cited Paul Leroy-Beaulieu. Let us then repudiate the pro-

position that Capital is an injustice and a theft.

Let us now consider the second proposition, namely, that by this continual theft, carried on by wealthy Capitalists, the Nation's wealth is concentrated in the hands of a few individuals, with the result that small industries are crushed. We have already seen that the patron is not the only one who profits by the Capitalist regime. We have seen in the preceding paragraphs that, according as the patron is prosperous, so much the better is the workingman's condition. Moreover, the labourer should consider himself fortunate in having the work which is offered to him by the patron, always supposing that conditions offered are in accordance with the principles of justice and right. Is it not also true that the workman has an opportunity of becoming a patron, himself? Offered the employment by his patron, he is enabled to keep his family alive and to save a modest amount of money which, if judiciously disposed, will enable him to pass his final years in ease, and even to start up a business of his own. Let us look into the cases of many of the rich industrialists in the United States and in other countries. Do we not find that the majority of them were at one time labourers, themselves? In his "Histoire des Doctrines économiques", page 494, Mr. J. Rambaud says: " Depuis les cinquante ou soixante dernières années, les deux tiers des grands industriels et des grands commerçants sont issus de la classe ouvrière." This propensity towards the concentration of the Nation's wealth in the hands of a few Capitalists is not a law but rather a tendency. Capital does not swallow up the smaller industries. Besides this, is Capital really concentrated in the hands of a few individuals? Let us again consult facts of experience. Take a large Company, for example the Standard Oil Company, whose founder and president is John Rockefeller, the American multimillionaire. Now, does Rockefeller's concern swallow up the smaller industries? Such is far from

being the case. Rockefeller is not the only person who profits by the success of his Company. There are thousands of stockholders who are also made rich by Rockefeller's good fortune. The fact that Rockefeller has amassed millions does not harm the smaller industries, but rather provides them with trade. Thus, their large Company has need of trucks to convey their oil, and so they purchase from another Company which deals in automobiles. Many gasoline stations have come into existence and owe their prosperity to Rockefeller's Company. In succeeding, Rockefeller makes others succeed. Rockefeller devotes many thousands of his fortune to philanthropic causes, to the interests of education, and to other worthy causes, not only in his own country, but even in Canada, as in the case of McGill and Montreal Universities. Does this confirm or condemn Marx's proposition that Capital swallows up smaller industries and concentrates the Nation's wealth in the hands of a few individuals. It is a condemnation of Marx's doctrines based on facts of experience. Thus we must reject Marx's second proposition.

Now let us consider Marx's third and final proposition, namely, HISTORIC MATERIALISM, which states that according to an inevitable law of Evolution, men are intrinsically determined to the regime of Collectivism. We shall now refute it by means of a triple argument based on common sense, experience, and on Marx's own teachings.

In the first place, common sense tells us that we are free, that we enjoy the faculty of liberty in our actions. Peoples, as well as individuals, enjoy this freedom, and cannot be driven by intrinsic determination towards any regime or system of government or property. On the one hand, we have the testimony of our own conscience as to our freedom. On the other hand, Karl Marx informs us that we cannot help going towards Collectivism. Which of the two is to be believed? Are we to reject the universal con-

sent of Mankind, the universal testimony of the human conscience, in favour of a theory proposed by Karl Marx, or are we to reject Marx's doctrine because it is a contradiction of the teachings of common sense and of Nature? We can only reply that Karl Marx is to be rejected rather than the universal assent of Mankind.

In the second place, are we to say that our tendencies and actions are altogether uninfluenced by the examples of great minds? Are we to deny that the Church, that great men such as Alexander, Aristotle, Julius Caesar, Louis XIV, Saint Francis of Assissi, Saint Thomas Aquinas, Napoleon Bonaparte, and in modern times, Mussolini, have exercised great influence upon the human race, and have helped to shape, as it were the destinies of Nations? Is this not a fact? Can it be denied that we are affected by their teachings and example? Experience and History show us that we have been influenced by the teachings of the Church, and that the Church has done much, if not the most, in the progress of civilization and morality? In the Middle Ages, was not the Church looked upon as the Great Teacher at whose feet men learned to live in peace and harmony? Was not the Church of Christ responsible for that great mediaeval institution known as "The Truce of God"? Did not the Church keep alive the torch of Science, and take care of the poor, the beloved of Christ? In modern times, did not Popes like Leo XIII, Pius X, and at present Pius XI do much to settle international difficulties and to solve economic problems? Can we, then, deny to the Church the credit which is <sup>her</sup> just due, by saying that we are uninfluenced by her teachings? Did not men like Julius Caesar, Louis XIV, and Napoleon Bonaparte do much to influence their generations? Is this in accordance with Marx's theory of Historic Materialism? Such is not so, and we must reject it because it is contrary to Experience.

Finally, the most potent argument against this theory of Historic Materialism is to be found in the actions of Marx, himself

This is an argument "ad hominem". Why, if we cannot avoid drifting into Collectivism, does Marx go to such pains to write a lengthy volume as "Das Kapital" in support of this theory? Is this not useless and a waste of energy? Is it not ridiculous? If we cannot help ourselves, if we are bound to enter this regime eventually, there is absolutely no use in advising us that this Collectivist system is the one which should be in vogue. Why, if such be the case, did Marx raise conflicts and class hatred? Why did he form the "International Association of Workers", if we cannot help ourselves? If a man is falling from an aeroplane, it is certain that he is ~~going~~ <sup>going</sup> to hit the ground. Arguments are unnecessary to convince him of this fact. He cannot help himself and he does not need to be told of it. It is the same in the case of Marx. Marx tells us that eventually we are bound to drift into Collectivism. Why tell us in such a long and laborious volume as "Das Kapital"? This is unnecessary. Thus we see that Marx's theory is as ridiculous as it is absurd.

This concludes our refutation of the doctrines of the two leaders of Collectivist thought, namely, Louis Blanc and Karl Marx. If we consider Collectivism carefully, we shall arrive at the following general conclusions:

1o: The task imposed by Collectivism upon the Government is much too heavy for it to bear. No human organization could successfully take overall the means of production and make the project prosper.

2o: An organization such as Collectivism wishes us to believe it to be, is a HUMAN IMPOSSIBILITY. No such perfection can be found in any human organization. Where would we find such virtuous or energetic men to consecrate their entire efforts to so difficult and arduous a task, exposing themselves to the indignation and insults of the people and receiving for all this time and labour,

a salary based upon the common measure of time employed for working? What man is so perfect as to come up to this standard of heroic sacrifice? What man would undertake to feed and clothe and provide work for all his fellow-citizens and receive a salary calculated in the same manner as that of the man who cleans the street, and even at the same pay? Such men cannot be found, and never will be. No natural motive would induce any man to do this, and only a supernatural motive could prompt him, a motive which is denied and scorned by Collectivists.

Lastly, no individual perfection is possible under the Collectivist regime, for what is the use? If we are to be provided with work, if we are to be paid only for our time, and not for the quality of our work, is there any need of perfecting ourselves? Would it not be a waste of energy? Thus we see that the Collectivists lead us to a regime of laziness and to the degeneration of mankind into a race of loafers. Progress would be impossible and we agree with Paul Leroy-Beaulieu, when he says: "L'histoire du progrès démontre deux faits; d'abord le progrès s'opère toujours par des "individualités sans mandat", Gutenberg, Christophe Colomb, et toute la glorieuse série intermédiaire jusqu'à Arkwright. Watt, Jacquard, Fulton, Lesseps en fournissent le témoignage irrécusable. En second lieu, le corps social, l'ensemble professionnel est en général réfractaire; il cherche à arrêter le progrès; les copistes qui veulent briser les presses, les matelots qui détruisent les premières chaloupes à vapeur en sont la preuve."

Let us then conclude by condemning Collectivism as pernicious and destructive in its effects, and as inadmissible and ridiculous in theory.

END OF THE REFUTATION OF COLLECTIVISM.

Refutation of Socialism:b) AGRARIAN SOCIALISM: HENRY GEORGE

Let us now consider the second form of Socialism, namely, Agrarian Socialism. In the preceding paragraphs, we have refuted Collectivism which attacks Private Property in the means of Production. Now we shall examine a system which attacks Private Ownership of LAND. The representative of this doctrine, the man whose theories form its basis and who is quoted by all Agrarians as an authority, is HENRY GEORGE, the American Economist and Sociologist. In refuting his theories, we shall disprove the entire Agrarian doctrine.

The principle of Agrarian Socialism and the premise of its entire argument is the RIGHT OF EVERY INDIVIDUAL TO THE LAND. George attributes the unequal distribution of wealth and the misery which exist among the poorer classes of humanity to the private ownership of land, which, he claims, is a theft. He maintains that the Land belongs, of right, to all and that it is against the principles of morality for any one individual to convert into his own property the land which was given by God to the entire human race. ("Coeli coelorum Domino, terram autem dedit filiis hominum.") In his celebrated book, "PROGRESS AND POVERTY", which may be termed the Koran of the Agrarians, he writes the following:

" To extirpate property, to make wages what justice  
 " commands they should be, the full earnings of the  
 " labourer, we must substitute for the individual  
 " ownership of land a common ownership. Nothing  
 " else will go to the cause of the evil.. in nothing  
 " else is there the slightest hope. This, then, is  
 " the remedy for the unjust and unequal distribut-  
 " ion of wealth apparent in modern civilization, and  
 " for all the evils which flow from it: WE MUST  
 " HAKE LAND COMMON PROPERTY."

This, then, is the remedy proposed by Henry George to cure the ills which affect civil society...the conversion of Land into Common Property.

What means does Henry George propose to employ in the nationalization of the Land? What method does he wish to follow in the execution of his benevolent project? George submits that LAND ALONE BE SUBJECT TO TAXATION. He urges that all land-owners be taxed according to the land which they possess, and he concludes that the immense burden of taxation will discourage them from owning their land. He proposes as a means to this end the celebrated SINGLE TAX SYSTEM. Henry George maintains that as the Land is the sole source of all wealth, it alone should be taxed. In order to refute Henry George, we shall reduce his doctrines to five propositions and then proceed to refute each of them. The following principles form the basis of his system:

- I: ALL CANNOT LIVE WITHOUT LAND.
- II: MAN MUST HAVE LAND TO BETTER HIS CONDITION.
- III: PRIVATE OWNERSHIP OF LAND IS A SIN.
- IV: A POOR MAN CANNOT PROCURE LAND.
- V: THE LAND IS THE SOLE SOURCE OF WEALTH.

Let us now reply to each of these five propositions and in so doing we shall disestablish Agrarian Socialism.

Let us first consider the foundation of the entire system of Henry George, namely, the proposition that God has given the Earth to the Human Race as a patrimony, which, in the designs of Divine Providence, ought to remain forever common and undivided. From this he deduces the equal right of all men to the Earth. Let us see if this is exact. We are quite ready to admit that God gave the Earth to men as a "common patrimony", but we must determine the sense of the word. Let us hear what St. Thomas Aquinas says on this matter:

- " Communitas rerum attribuitur juri naturali, non
- " quia jus naturale dicitur omnia esse communia

" communiter et nihil esse quasi proprium possi-  
 " dendum; sed quia secundum jus naturale non est  
 " distinctio possessionum...Unde proprietates pos-  
 " sessionum non est contra jus naturale, sed juri  
 " naturali superadditum per adinventionem rationis  
 " humanae." (Summa Theologica, IIa, 2ae, q. LXVI, art. 2  
 ad primum.)

The earth is the common patrimony of man in this sense that it is necessary to provide for the wants of all. We may say that God gave the earth to men as a common patrimony without assigning it to any one individual in particular. This is borne out by common sense. Had God given the earth to Men with the intention that it should remain undivided, it naturally follows that NATIONS have no right to appropriate any portion of the earth, a conclusion which is manifestly absurd. Neither would collective property be legitimate, were we to accept this interpretation. The only regime which would be just would be that which declares "tout à tous et rien à personne" which Henry George does not accept. Hence we must conclude that the principle upon which George bases his whole system is equivocal and inadmissible, according to his interpretation.

Let us now examine the five propositions which George lays down as justifying his pretensions that the Land belongs to all and not to any particular individual.

I: MAN CANNOT LIVE WITHOUT LAND. Is this exact? We all know that man cannot live without bread, but is it necessary that he, himself, personally till the soil in order to procure bread? Is it necessary for all men to forsake their pursuits and cultivate the land in order to live? Cannot a man be a carpenter, a manufacturer, a lawyer, a doctor, or a priest, and still live? Nothing demands that all men possess the same means to live, although all possess the same right to live. In answer to this first proposition of Henry George, let us cite Pope Leo XIII, who, in his Encyclical "RERUM NOVARUM", declares:

"Moreover the earth, though divided among private owners, ceases  
 "not thereby to minister to the needs of all; for there is no one  
 "who does not live on what the land brings forth. Those who do  
 "not possess the soil contribute their labour; so that it may be  
 "truly said that all human subsistence is derived either from la-  
 "bour on one's own land, or from some laborious industry which is  
 "paid for, either in the produce of the land itself or in that  
 "which is exchanged for what the land brings forth."

To strengthen our contention, let us consider what occurs  
 in our midst every day. In large cities, where millions of human  
 beings reside, such as New York, Chicago, London, Paris, or Ber-  
 lin, are we to suppose that each individual in those cities, must  
 possess land in order to subsist? Must we say that those individu-  
 als are obliged to cultivate the earth in order to live? Do they  
 not seem to exist quite as well in their present condition, as if  
 they all enjoyed possession of the land? They are quite contented  
 to live together and to earn their living in the various trades  
 and professions, without quarreling over the land, which, accord-  
 ing to Henry George, belongs of right to all. Hence we see that  
 men can subsist without land, and that George is wrong when he  
 claims the contrary. Thus, his first proposition is refuted.

We shall now consider his second proposition, namely, that  
MAN MUST LIVE AND TO BETTER HIS CONDITION. What must we reply to  
 this? In answer, we need merely point out the present condition of  
 society. It cannot be denied that men, if not the majority, of  
 individuals succeed very well without tilling the soil. Let us  
 consider the professional circles of society, for example, the  
 industrialists. They undeniably thrive without becoming farmers.  
 If we admit George's second proposition, it necessarily follows  
 that if man wishes to better his condition, he must renounce his  
 lucrative position, as lawyer, doctor, etc., and settle down to

till the soil. Is this not ridiculous and non-sensical ? Is it necessary that all men become agriculturalists in order to better conditions ? It would simply involve the ruin of Society, for, deserting the other professions, men would cease to give themselves up to intellectual pursuits, and as a consequence, would degenerate. Let us picture to ourselves some of the consequences which would ensue, if man, in order to better his condition, were obliged to become a tiller of the soil. We all know that Society has need of the various professions, legal, medical, etc. The men in these professions must constantly study in order to become proficient in their calling. It is incessant study and reflection which make a successful practitioner. Take, as an example, the medical profession. How could the doctor have an opportunity of studying and attending to his patients, were he obliged to devote a large part of his time to the cultivation of the fields, which belong to all ? He would neglect his patients and would lack sufficient time to keep abreast of the times. Consequently, his patients would suffer and the medical science would make little if no progress. Is it to be supposed that great discoveries would be made in the science of medicine, if medical men had to consecrate much time to agriculture ? Are we to suppose that discoveries such as that of Doctor Danting would have been made ? Is it probable that Insulin or Radium would have been discovered, had mankind given itself up entirely to agriculture ? It is the same in all the other professions. Can a man become competent and follow two professions ? We are told in the Gospel that "NO MAN CAN SERVE TWO MASTERS." No man can follow two trades and make a success of them. It is impossible to do so. Hence we must conclude that George commits a grave and grossly inexcusable error when he proposes that men, if they wish to better their condition, must devote themselves to the Land.

His third proposition states that PRIVATE OWNERSHIP OF LAND IS A THEFT. Is this the case? If it be so, the THE RIGHT OF THE FIRST OCCUPANT IS A THEFT. Are we to say that the pioneers who came to Canada, such as Louis Hébert and other settlers, are thieves because they cut down the trees, because they claimed a portion of the earth from the vast wilderness of North America? Who would be so foolish as to deny that these men have rendered great service to humanity? If what Henry George says be true, then these men are no better than thieves. They are thieves because they cultivated the wilderness; they are thieves, because they helped to build up a great nation; they are thieves, because they worked night and day to settle this country. Such a method of reasoning is absurd and has no sense. The squatter's right is well founded, for it is based on justice and common sense. If a man finds something that belongs to no individual in particular, he has a right to that object, and no court of justice will reject his claim. If a man goes into the wilderness and claims a certain portion of the forest; if he devotes his time and labour to its cultivation; if, with his own sweat and blood, he renders this portion of land arable and fruitful; if he infuses, as it were, his own personality into this land, has he not a perfect right to call it his own? Would it be just to deprive him of its possession and property? Let us consider what occurs daily, here in our own country. Let us penetrate into the Gatineau district, where, for many years, hard-working farmers have been engaged in cultivating the land and have consecrated all their time towards its improvement. A large and powerful Company declares that it needs this territory for the establishment of an artificial lake, to be used in the production of electric energy. Does any one suppose that these farmers will surrender their land without a murmur? Such is far from the case. They demand an indemnity. They demand that the Company pay them an amount which corresponds

to the time and the labour spent in the betterment of their property. Is it not just that such indemnity be paid? No intelligent person will contest this fact. What would we say, if the State declared: "Here, you have cultivated this property; you have spent your life in making this land habitable and fruitful; you have given your sweat and your blood toward the improvement of this property. But God has given the Land to all men. We are going to take your land and give it to another to cultivate. You have no right to it." Would THIS not be theft? Would this not be injustice, itself? Would this not be the blackest ingratitude imaginable? Yet this is precisely what Henry George proposes to do, when he declares that Private Property of Land is a theft, and when he proposes to levy a tax upon Land alone. Instead of Private Property of Land being a theft, George's method is a theft, and merits no other name. In summing up this refutation of George's third proposition, let us cite Pope Leo XIII, who in his Encyclical "Rerum Novarum", declares the following:

" Here again, we have another proof that private ownership  
 "is according to nature's law. For that which is required  
 "for the preservation of life, and for life's well-being,  
 "is produced in great abundance by the earth, but not until  
 "man has brought it into cultivation and lavished upon it  
 "his care and skill. Now, when a man thus spends the industry  
 "of his mind and the strength of his body in procuring the  
 "fruits of nature, by that act he makes his own that portion  
 "of nature's field which he cultivates...that portion on  
 "which he leaves, as it were, the impress of his own person-  
 "ality; and it cannot but be just that he should possess that  
 "portion as his own and should have a right to keep it without  
 "molestation.

" These arguments are so strong and convincing that it seems

"surprising that certain obsolete opinions should now be re-  
 "vived in opposition to what is here laid down. We are told  
 "that it is right for private persons to have the use of the  
 "soil and the fruits of their land, but that it is unjust for  
 "any one to possess as owner either the land on which he has  
 "built or the estate which he has cultivated. But those who  
 "assert this do not perceive that they are robbing the man  
 "of what his own labour has produced. For the soil which is  
 "tilled and cultivated with toil and skill utterly changes  
 "its condition; it was wild before, it is now fruitful; it  
 "was barren, and now it brings forth in abundance. That which  
 "has thus altered and improved it becomes so truly a part of  
 "itself as to be in great measure indistinguishable and inseparable  
 "from it. Is it just that the fruit of a man's sweat  
 "and labour should be enjoyed by another? As effects follow  
 "their cause, so it is just and right that the results of labour  
 "should belong to him who has laboured."

Henry George's fourth proposition is that A POOR MAN CANNOT PROCURE LAND. What have we to say in this regard? We answer that, if he works and economizes, he can procure enough money to buy a small property and if such be his desire, cultivate it. Let us take a humble workman, with a family, and suppose that he earns \$25.00 per week. Out of this he can surely, if he be thrifty and wise, lay aside \$5.00 a week, or \$20.00 per month. By dint of economizing, he can save \$240.00 per year, and in two or three years will be in a position to buy a property. Surely George does not expect that others who have worked hard to cultivate their land and who have denied themselves many things, in order that they might have enough money to purchase it, are going to surrender the fruit of their labour and sacrifice for nothing. It is Nature's decree that we must fight if we wish to succeed. If an individual wishes to possess a pro-

perty and has no wealthy relatives to bequeath him one, let him work and save. Then, when he possesses his land, the fruit of his savings and toil, he will appreciate it. In reply to this argument of George, namely, that a poor man cannot procure land, we reply that work and economy will permit any man, no matter how humble or poor he may be, to procure property for himself.

We now come to the fifth and last proposition of George, namely, that THE LAND IS THE ONLY PRODUCER OF WEALTH. This is a false assertion. We ask George, in reply, whether the farmer is the only producer. What must we say of the manufacturers, the labourers who work at other crafts, and the professional men? Is the doctor who saves the farmer's life not useful? Is the lawyer, who protects his interests, not helpful? Is there no other labour than that of the hands? Is there no intellectual work? If this be so, why have we the professions? Why have we the trades and the manufacturing industries? If they are useless, if they fail to contribute to the wealth of the nation, why not abolish them and let agriculture have full sway? Let us abolish the trades, the industries, and the professions, and what will be the result? We shall become as the peasants of Russia, ignorant, illiterate, and uncultured. Our intellectual and moral faculties will become rusty and we shall degenerate into a race of simple peasants.

If, as George maintains, the Land is the sole source of wealth, then, according to him, land, alone, ought to be subject to taxes. What becomes of the land-owner? His "unearned increment" (rente) is taxed exorbitantly, and he must in the end hand over his land to the State when he is no longer able to pay the tax. Is anything more unjust? George's "Single Tax System" is one of the greatest injustices that could ever befall humanity. What would become of the modest land-owner who, by his own labour, cultivated and improved the condition of his property? He would

namely, the protection of the people's rights and the attainment of the common good. Is it attaining prosperity when it crushes private initiative, which is the only sound means of arriving at this state? Is it helping to reach this condition of affairs when it brings up little children to look upon itself as the Supreme Being and deprives them of all moral training? Can these children be relied upon to obey their fathers and mothers, when they are taught that the State comes first? Has the State the right to encroach upon the rights of the family and to dissolve the marriage of two individuals whom God has joined together? Is it respecting the rights of those unfortunate children who have a right to be brought up and educated by their parents? Does it not openly teach adultery when it permits the matrimonial link to be so easily dissolved? Does it not instill into the minds of the children a hatred for those parents whom God gave them as protectors and whom the State permits to be lax in their duty and to neglect their offspring? Is this right or moral? Is this in accordance with common sense? Can the State hope to succeed by these nefarious means? A person who would dare to maintain such a pretension is either a scoundrel or an unfortunate idiot. Such a person should be confined in an asylum for the feeble-minded so that he might not harm others by his noxious and subversive doctrines. The State, if we admit the doctrines of State Socialists, instead of working for the welfare of all the citizens, is working against their interests, and in favour of the privileged few who will profit by the monopolies. It is true that the presidents of these State-controlled Companies may have the means of filling their pockets with the country's dearly earned money, but will the unfortunate workman profit, when he is forced to accept lower wages and has no recourse against his unjust patron? It is true that the judges who grant divorces will be remunerated, but what of the poor children who are left

may say that the platform of State Socialists is composed of the following principles:

I: Abolition of Private Property in the means of Production.

II: Universal Suffrage.

III: Complete State control in all ordinary activities.

The State, for them, is "a great moral institution for the education of the race." State Socialism differs from Collectivism in as much as Collectivism is content to await the natural course of events to carry out its theories, while State Socialists wish to bring about the change by direct legislation. State Socialism is the most wily form of Socialism, since it saps at its base the liberty of private individuals and makes of the State a Supreme Being, before whom all must bow down in adoration, and before whom private interests must cede. It is most treacherous and dangerous, on account of its conciliatory attitude. It plays upon the sentiments of the masses and endeavours to have them transfer imperceptibly all their rights and privileges to the State. It thus possesses many more chances for success than do the revolutionary methods of the Collectivist and the Communist. It respects Private Property IN A HYPOCRITICAL MANNER, just as the Lion invited the other animals into its den, in an endeavour to get them into its power. The State Socialists offer the people equal rights in order that they may get them into their power. Gradually they wrest from the people their rights, one by one, and eventually gain control of all ordinary activities. State education is one of the insidious means employed by State Socialism to gain control of the people. In this system of education, religion and morality are banned, and worship of the State is substituted for the worship of God. The children are thus brought up to look upon the State as the provider of all and the All-sufficient Being who is endowed with infallibility, and who must be obeyed even when it commands the most immoral actions to be performed. We can

well say that State Socialists believe in the principle that "THE END JUSTIFIES THE MEANS". In the name of the State's welfare, unjust wars are begun and minorities are persecuted. All this is done in the name of Patriotism. It has been well said that "Patriotism is the last refuge of a scoundrel". The scoundrels who pose as benefactors of society and who parade in lamb's clothing, while inwardly they are ravening wolves endeavouring to control all means of production and thus become the supreme masters in order to profit by the stupidity of the masses. To attain this end, they propose State monopoly which has infallibly proven to be a failure. Have we ever known a State-controlled business project to succeed ? It is never the case.

We do not deny that the State can legitimately interfere when private individuals are lax in their duty. When it is a question of the common good, the State is obliged to intervene and to see to it that the people's rights are safeguarded. Thus, in matters of education, the State has the obligation to see that the parents educate their children, but they must refrain from infringing upon the rights of the parents, who must be left free to educate their children according to their religious beliefs. When it is a question of public morality, the State must do its duty in putting an end to anything which tends to undermine public morals, as in the case of Birth Control. But beyond this, the State must take care not to encroach upon or to deprive the people of their rights. If, in the name of public prosperity, it declares that schools shall be controlled exclusively by the State, and that text books compiled by the State shall be used in these schools, it is encroaching upon the rights of the parents. Its duty is to aid the schools financially and to see that the parents do their duty. When the State undertakes to monopolize industry and to nationalize all means of production, it infringes upon the rights of individuals and is going contrary to the end which it is supposed to attain

a rely, the protection of the people's rights and the attainment of the common good. Is it attaining prosperity when it crushes private initiative, which is the only sound means of arriving at this state? Is it helping to reach this condition of affairs when it brings up little children to look upon itself as the Supreme Being and represents to them of all moral training? Can these children be relied upon to obey their fathers and mothers, when they are taught that the State comes first? Is the State the right to encroach upon the rights of the family and to dissolve the marriage of two individuals whom God has joined together? Is it respecting the rights of those unfortunate children who have a right to be brought up and educated by their parents? Does it not only teach adultery when it permits the matrimonial link to be so easily dissolved? Does it not instill into the minds of the children a hatred for those parents whom God gave them as protectors and whom the State permits to be lax in their duty and to neglect their offspring? Is this right or moral? Is this in accordance with common sense? Can the State hope to succeed by these nefarious means? A person who would dare to maintain such a pretension is either a rascal or an unfortunate idiot. Such a person should be confined in an asylum for the feeble-minded so that he might not harm others by his noxious and destructive doctrines. The State, if we admit the doctrines of State Socialists, instead of working for the welfare of all the citizens, is working against their interests, and in favour of the privileged few who will profit by the monopolies. It is true that the presidents of these state-controlled companies may have the means of filling their pockets with the country's dearly earned money, but will the unfortunate workman profit, when he is forced to accept lower wages and has no recourse against his unjust patron? It is true that the wages of the workmen will be increased, but what of the poor children who are left no less?

It is true that the teachers who are employed in the State-controlled schools will profit by their position, but what of the unfortunate youth who are brought up without a knowledge of the true God and without the elementary principles of morality? According to State Socialism, the Church must bow before the State, and the people, instead of worshipping the Eternal God, who made all things, must offer sacrifice to a man-made State. Must we suppose that the State can supplant the Church in charitable work, in works of social good? Must we imagine that the men at the head of the State are filled with the same zeal as St. Vincent de Paul, St. Peter Claver, St. Francis of Assisi or Father Damien? With millions at their disposal, these Statesmen cannot accomplish what the above mentioned Saints and holy men effected with a few hundred dollars. Must we suppose that, once in control, they will for one instant think of the individuals who compose their State? From these considerations, it is only reasonable to condemn State Socialism which wishes to control all things, even to the slightest and most trivial activities of every day life. Let us look at the condition of Mexico. Whether they are willing to admit it or not, Mexico is really a good example of what State control will cause. Are we to say that the bloody murders of unfortunate individuals, in the name of the State, are justified? Who will say that pious and charitable priests and nuns who are taken from their rectories and convents and butchered like cattle, are enemies of the State? In the name of the nation's good, religion is abolished and state-worship is substituted in its place. Let us contrast President Calles or Gil with the early Franciscan and Jesuit missionaries, who did more for the State than Calles or his contemptible successor. They came into the country, educated the natives from their heathen idolatry, established missions among them, and formed a loyal and true body of citizens. Calles, in the name of the Supreme State, came into power and abolished the good work done by these missionaries, whose successors

are still labouring in the Lord's vineyard, despite the tyrannical decree of the State. In the name of liberty of religion he put these men to death, who had done so much for the State. Instead of bringing peace, he brought war and strife. Instead of prosperity, he has brought economic ruin and poverty. Instead of enlightening the masses, he has done such to drive them back to their primitive ignorance, and all this in the name of the common good. This is an excellent example of State Socialism, and may be quoted and cited against all who uphold the worship of the State.

From this we can easily perceive that State Socialism can do no good, but can only do harm. It promises so much that many credulous people are ready to place their trust in it and to surrender imperceptibly their dearest rights. Private property in the means of production is to be abolished under this system, and we have seen in the refutation of Collectivism what are the results of such a measure.

Let us cite M<sup>onsieur</sup> L.A. Paquet, an eminent Canadian theologian and sociologist, and we shall see what he thinks of such a system: In his "Nouveaux Mélanges canadiens", he writes:

" Nous ne voulons, certes, pas nier au pouvoir civil tout droit d'intervenir dans les questions sociales. En vertu de ses fonctions, l'Etat peut et doit tout ce qui est nécessaire pour maintenir parmi ses sujets, et entre les classes qu'ils forment, le règne de la justice. Il lui appartient également, dans l'intérêt du progrès et du bien-être de la communauté, de suppléer autant que possible l'insuffisance des forces et des initiatives privées, individuelles ou collectives.

" Là arrête sa tâche. C'est un rôle supplétif, non destructif des activités sociales particulières. L'Etat n'a pas le droit de s'emparer de tous les aspects

" d'échange et de transport, de tous les moyens d'assistance,  
 " du gouvernement de toutes les fonctions et du contrôle  
 " de toutes les libertés. La sphère des attributions gou-  
 " vernementales reconnues par la sociologie chrétienne est  
 " assez vaste pour satisfaire les ambitions légitimes de  
 " nos hommes publics, sans que ceux-ci empiètent sur le  
 " terrain réservé aux pères de famille, aux chefs d'entre-  
 " prises et d'exploitations nées sans le concours de l'Etat,  
 " et qui peuvent prospérer sans lui."

Let us then reject State Socialism on the grounds that it overthrows and disturbs the order which is natural to Society, since it gives the State extravagant powers, which are altogether unnatural to it, and finally, since, instead of working for man's happiness here upon earth, it renders him more miserable. This, then, is the indictment and the impeachment of State Socialism which must be rejected as false and pernicious.

We have now arrived at the conclusion of our indirect proof. Up to the present we have succeeded in demolishing the theories of all those opposed to the right of Private Property. In the first place, we attacked Communism, which proposes to place all things in common, and which denies altogether the right of property. We refuted Plato and J.J.Rousseau and in so doing, destroyed the Communist theory. We next considered the Collectivist School and refuted the doctrines of Louis Blanc and Karl Marx, who wish all means of production to be owned in common. Next we refuted the theory of Henry George who wishes all Land to be owned in common. Finally, we rejected the theories of the State Socialist School.

In all of these proofs we have shown that the systems are against common sense, experience, and morality. We have shown them to be illogical, impracticable, and chimerical.

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We shall now establish the justification of the right of Private Property by exposing and proving to be correct the doctrine of the Scholastic or Catholic School.

END OF THE INDIRECT PROOF.

P R O O F   O F   T H E   T H E S I S :   D I R E C T   P R O O F

We shall now proceed to the direct proof of the thesis and to the justification of the right of Private Property. Our proof shall be based on five propositions, each of which we shall prove in detail. The following are the propositions which prove conclusively that the right of Private Property is a natural right which has its foundation in human nature:

- I: THE DUTY OF MAN TO PRESERVE HIS LIFE..
- II: THE RIGHT OF MAN TO PERFECT HIMSELF.
- III: THE RIGHT OF MAN TO THE FRUITS OF HIS OWN LABOUR.
- IV: THE NECESSITY OF PRIVATE PROPERTY TO PROVIDE FOR THE WANTS OF THE FAMILY.
- V: PRIVATE PROPERTY IS NECESSARY TO PRESERVE ORDER IN SOCIETY.

We shall now consider each of the above mentioned propositions.

I: THE DUTY OF MAN TO PRESERVE HIS LIFE..

If we reflect for a few moments, we shall observe that in this life there exist many relations. There are rulers and there are subjects. There exist between these two terms relations which we call DUTIES AND RIGHTS. Duty and right are correlative. If there exists a duty, there must also exist a right to the means of performing that duty. Thus, for example, if I have the obligation of observing a law, I have a right to the means of obeying it. Now, we all know that God, the Author of Nature, has imposed upon Man the obligation of preserving his life. If He has imposed this duty upon Man, then, man has a right to the means of preserving his life. However, this right to the means of preserving his life would be incomprehensible, if Man did not have a right

to extend his dominion to those inferior beings which surround him and without which he cannot dispense. Therefore, we are bound to conclude, we cannot do otherwise, that there exists a right to Property and that this right of Property is for man a NATURAL RIGHT. We shall now develop this argument more fully.

Man, as we all know, is superior to the brutes, plants and minerals. Man is a being endowed with intelligence and free will. He is master of his actions and employs his intelligence in choosing the means to the end, that is, in choosing his happiness. He is not free in his tendency towards happiness, but he is free to choose that particular being in which he considers his happiness will be found. Man is intelligent and free. He plans and disposes, and, in this, he differs from the inferior orders of creation. The brute acts by pure instinct. Plants and minerals do not choose. But Man, in whom spirit and matter unite, is able to think for himself and to put into execution his plans. Holy Scripture tells us that God places Man in the hands of his own counsel... "Ponit hominem in manu consilii sui." Man is, in a way, his own providence. He is the ruler of the inferior orders, the masterpiece of Creation. Yet, if we examine the lower orders of creation we shall find that brutes, in order to live, eat and make use of plants and minerals. The squirrel stores up a supply of nuts to tide it through the long cold winter months. The oak feeds upon the soil and extracts from it nourishment with which it feeds its numerous branches. If this be true for the inferior grades of creation, why should it not also be true of Man? Should not Man be allowed to make use of the inferior orders? Should not he be permitted to eat the flesh of animals, to live on plants, and to use minerals, in order to preserve his life? It is plainly the case. Man has certain

ly a right to make use of the inferior orders of creation in order to preserve his life.

Yet man, alone, can enjoy the right of private property. Alone endowed with intelligence and free will, he can dispose at his will of those things which he appropriates

Let us hear what Father Thomas Calmes says about this matter

"La propriété est un droit. Pour être vraiment  
"propriétaire, il faut dépendre de l'ordre juridi-  
"que et moral. Reconnaître à l'animal la propriété  
"de certaines choses, c'est proclamer qu'il a des  
"droits. Dès lors, la conduite des hommes à son  
"égard est injustifiable. Pour observer les règles  
"de la stricte justice, il faudra se résigner au  
"régime végétérien, et encore! Si on ne peut pas  
"sans injustice déloger l'animal du repaire qu'il  
"s'est choisi, il n'est pas plus légitime d'arra-  
"cher la plante de la terre dans laquelle elle a  
"plongé ses racines."

From this we can see that Man, alone, is capable of being the subject of the right of Private Property. It is senseless for individuals to pretend that plants and animals have certain rights, since we see that it is only natural that Man should make use of beings belonging to inferior orders of creation. It is only common sense that Man, alone, should enjoy the right of Private Property, since, he, alone, of all creatures inhabiting this earth, is endowed with intelligence and free will. Hence, Man, alone, possesses rights on this earth, and hence, he, alone, can be the subject of the right of Private Property.

If man has a right to appropriate beings of inferior orders in order to live, why should he not also be en-

titled to possess the earth, to convert into his own property a certain portion of the land? Before the appropriation the earth belonged to no one, and whoever took possession of a certain portion of it to satisfy his wants, injured the rights of no one. On the contrary, he rendered a great service to humanity. If man be permitted to take possession of the fish which swim in the river or the wild animals which run loose in the woods, who will deny him the right to appropriate a certain portion of the soil? It is a fact that the soil is a much more productive possession than either a fish or a wild animal. Father Charles Lahr, in his "Cours de Philosophie", (Vol.II, p.209) writes the following:

"On a constaté en effet qu'une lieue carrée de terre nourrit fort mal un homme par la chasse; qu'une étendue égale suffit à nourrir cent hommes par le pâturage, mille par l'agriculture, plus encore par l'agriculture et l'industrie réunies."

Let us then conclude from this that individual appropriation, indispensable for a rational and efficacious cultivation of the land, results rather in the extension than in the diminution of the surface occupied.

However, there are other reasons ordained by Nature for this individual occupation.

Man must be his own providence, as we said in the preceding paragraphs. Man must lodge himself, clothe himself, and protect himself against the rigours of the climate in which chance has placed him. He must fortify himself against the wind, rain and snow. He must build for himself a dwelling in which he may live comfortably. He must not only provide for the days that are at hand,

but he must see farther ahead. He must look forward to the time when old age will overtake him and render him unable to work any more. He must provide against sickness and misfortune which may be his lot as well as that of any other man. Hence, he must take permanent possession of the land and of consumptible goods in order to provide for his wants which occur continually and which are felt every day of his mortal life. This stability of possession is made manifest by a material fact, namely, the actual detention of the soil. It is accompanied by the intention to become proprietor, "animo demini" and must be accompanied by effective control, obtained principally by labour. In this instance, the taking possession of land is as legitimate as the appropriation of consumptible goods.

Let us conclude, then, by declaring that the right which man has to appropriate goods is a natural right, and to make our contention stronger, we shall cite St. Thomas Aquinas who says the following:

"Manifestum est quod homo indiget ad suam vitam  
 "aliis animalibus et plantis; sed natura neque  
 "demittit aliquid imperfectum, neque facit aliquid  
 "frustra. Ergo manifestum est quod natura fecit  
 "animalia et plantas propter hominem. Sed quando  
 "aliquis acquirit id quod natura propter ipsum  
 "fecit, est naturalis acquisitio. Ergo possessiva  
 "qua hujusmodi acquiruntur, quae pertinent ad ne-  
 "cessitatem vitae, est naturalis."

SECOND PROPOSITION: PERFECTIBILITY OF MAN.

We now come to the second proposition which establishes the right of Private Property and proves it to be a natural right, namely, the right of man to perfect himself.

It is a principle admitted by all that man acts for an end, and, above all, for an ultimate end. This end consists in his perfection, and perfection consists in the satisfaction of his faculties. When he is satisfied, we then say that he is HAPPY. There is no human being who is without this desire to be happy. This desire is natural and one which we cannot resist. Man tends necessarily towards happiness. If this tendency be necessary, if we cannot help experiencing it, then we have a right to the satisfaction of that tendency. Now, as our good or happiness consists in the possession of God, face to face, it follows that, on earth, we cannot be altogether happy. But we can be happy to a certain degree and this happiness consists in the perfection of our physical, intellectual and moral faculties. We have a right to this perfection and this right is a natural one.

Being endowed with this natural desire to perfect himself, Man has the right to have this desire satisfied. In fact, of all beings on earth, Man is by far the most capable of perfection. Born into this world, unable to help himself, unable to speak, unable to walk, his mind a clean slate, ... "tabula rasa", he grows up and perfects himself more and more every day. Born unlike the lower orders of creation, who are born practically perfect, he grows up and becomes master of these beings. Man is unlike the brute. The brute remains always the same. It performs its action with the correctness of a machine, it rarely makes a mistake. Take the beaver, for example, who builds dams, cuts down trees, and acts as if inspired with the art of an architect. It never deviates from the original plan. The same thing is daily repeated. But with man, this is different. Man always endeavours to do better and with more facility each time he performs an action. To

what cause is this due? It is due to the mark which specifies man and which essentially distinguishes him from the brute, namely, his intelligence and his will, which are spiritual faculties, and consequently, belong to a higher order than the mere material faculties of the brute. His intelligence teaches him to co-ordinate the means to the end, to judge cause and effect, and to search for the reason of all things. He is not guided by instinct which is a blind faculty, but by his intelligence which can pierce the external appearances of things and extract their essence, which he can foresee events and effects which will follow from given causes. Take for example, the primitive savage. He knew that by rubbing two pieces of wood together he could produce fire. An animal would not be able to do this since it requires an act of the intelligence to see the cause and the effect of such an action. The chemist knows that by mixing certain elements together he will obtain a certain combination. Man acts intelligently, and in this he acts AS A MAN. He always works in view of obtaining happiness. When he makes use of an instrument, it is with a view to manufacture for himself some means of pleasing himself, not merely physical pleasure, for the sake of pleasure, but for the sake of comfort and utility. When he eats, he does so because he wishes to satisfy the demands of his physical nature which clamours for food. When he is thirsty, he drinks a glass of water in order to satisfy his thirst. In satisfying his needs, he becomes contented and to a certain degree happy.

But Man is a being composed of two essential parts, a BODY and a SPIRITUAL SOUL. Each part has faculties and these faculties clamour to be satisfied. If he satisfies his

physical faculties by eating, drinking, etc., he must also satisfy his spiritual faculties. He is unlike the brute which is satisfied by material things alone. The brute is purely material, man is composed of matter and spirit. The two faculties of his spiritual soul are the INTELLIGENCE and the WILL. The Intelligence is satisfied by TRUTH, while the Will is satisfied by GOOD. SCIENCE and VIRTUE, then, are the objects of the spiritual faculties of Man. He clamours for them, as he clamours for food and drink. Now, in what consist~~x~~ the perfection and the development of the intelligence and the will? The process by which the intellectual and the moral faculties of man are developed is called EDUCATION. If a man wishes to be successful in this world, if he wishes to lead others, he must be educated. It is so true that every parent who has at heart the interest of his child, does his best to procure for his offspring a suitable education. In fact, it is the duty of the parents to procure for their children an education which is in conformity with their station in life. We are not laying down as a principle that all parents, without regard to their wealth, are obliged to send their children to college. But, if they are not required to procure for their children a higher education they are at least bound in conscience to give their children a decent~~y~~ education in the primary schools. In most cases, parents do their best to send their children on to a superior institution of learning. They save and make the greatest sacrifices in order that their children may make a better start in life than they did. They know that the more perfection a man possesses, the greater capacity he has to be happy. They wish to provide them with the means to arrive at happiness, both material and spiritual, and so they do

their best to obtain for them the best possible education.

If education is the means suited for the development and the perfection of the Intelligence and the Will, it cannot be denied that it costs money to procure education. To obtain the degree of B.A., it is necessary to spend long years in College and University, before the coveted parchment is obtained. In order to go on for a profession, it is necessary to spend another long period of time in specializing in the desired branch. Medicine, for example, requires six years of hard study, Law, four years. Without money, this would be impossible.

This draws us to the conclusion that without material goods, we could not, without extreme difficulty, procure for ourselves education and the perfection of our faculties. Without money we cannot satisfy the most legitimate demands of our physical faculties, without money, we cannot satisfy the ardent yearnings of our spiritual faculties. We thus see that Private Property is necessary to man in the perfection of his being.

In order that he may have the time to perfect himself, man must not be loaded down with care, with thinking of how he can keep the wolf from the door. The only way he can be assured of this tranquillity, so necessary for the successful culmination of a course of studies, is in the possession of INDIVIDUAL PROPERTY. When he is the possessor of individual property, he is independent. He can thus dispose of his time and of his faculties and intellectual gifts as he wishes. Without this independence, he could not easily arrive at this perfection.

From these remarks, we must conclude that Private Property is necessary for the perfection of Man.

In conclusion, let us sum up what we have said in the preceding paragraphs. Man has a right to be happy. No one will contest this fact. Happiness consists in the perfection of the faculties. This is procured through Education and moderate comfort. However, without private property, it would be impossible for man to procure either moderate comfort or education. Hence private property is necessary to man in the attainment of his perfection. We consider that this is a conclusive proof that private property is a natural right to which every human being is entitled, just as every human being has a claim to be perfect.

THIRD PROPOSITION: RIGHT OF MAN TO FRUITS OF OWN LABOUR.

Let us now consider the third proposition, namely the right of every man to the fruits of his own labour. Just as the effect is attributed to the cause, so must we attribute the fruits of a man's labour to him and to him alone. This is according to the rules of strict justice. Otherwise, would not hatred and discord arise, if we were to deprive a man of something which his own intelligence <sup>conceived</sup> ~~created~~ and which his own hands created.? When a man labours, when he devotes an amount of energy to the production of an article, who will deny that the object produced is not the result of his own work? Has he not a right to recompense, has he not a right to call that article his own? If another party claims that object, has not the artist a right to an indemnity? It is said that the labourer is worthy of his hire, and it is only just that such be the case. It is identically the same in the case of intellectual labour. When an inventor creates some new contrivance, the object of which is to facilitate work, who will deny him the right of a reward? Who will de-

prive him of the fruits of his own labour? Let us quote Abbé Théodore Delmont, who, in his book "La Propriété", says:

"Si notre personne nous appartient, si notre  
 "âme avec ses facultés intellectuelles et morales,  
 "si notre corps, avec ses organes et ses forces  
 "physiques sont réellement à nous, nous avons le  
 "droit de les employer comme il nous plaît, et il  
 "est évident que l'oeuvre à laquelle nous les con-  
 "sacrons, nous appartient en propre, car nous les  
 "marquons, pour ainsi dire, du sceau de notre per-  
 "sonnalité, nous nous retrouvons nous-mêmes, avec  
 "le droit inhérent à notre être, dans toute oeuvre  
 "sortie de notre intelligence et de nos mains."

The positive law recognizes the right of man to the fruits of his own labour. If we open the Civil Code of the Province of Quebec, we shall find that articles 434 and 435 guarantee the labourer the fruits of his own activity. Let us see what they say. Article 434 declares that: "If an artisan or any other person have made use of any material which did not belong to him to form a thing of a new description, whether the material can resume its previous form or not, he who was the owner of it, has the right to demand the thing so formed, on paying the price of the workmanship." Article 435 says that: "If, however, the workmanship be so important that it greatly exceeds the value of the material employed, it is then considered as the principal part, and the workman has a right to retain the thing, on paying the price of the material to the proprietor." From this we can see that the right of the labourer to the fruits of his labour is entirely respected by the positive. If, however, we do

not wish to listen to the Natural or the Positive Law, let us see what will result if we deny to man the right to the fruits of his own labour. It is an established fact that property is the only stimulant to labour. When an artisan works, he works in view of obtaining a salary. If he did not receive a salary, are we to suppose that he would work as hard and as zealously as if he were assured of a reward? We know how difficult it is at times to work hard, even when a reward is offered. Let us take away the reward and what is left? There is nothing left to work for. There is no stimulant, no ideal to push man on to strenuous efforts. All ends, if we deny man the right to the fruits of his own activity. For what other reward does man work? Man acts for an end, and that end is a reward, whether in the natural or supernatural order. In the present thesis, we are speaking of the purely material reward, of the everyday salary which a labourer receives for his handicraft. We are speaking of the emoluments which professional men receive for their services. Let us take a lawyer as an example. He takes a case and studies it. He pleads the case in the courts of justice and wins it. Who will deny him the right to a reward? It is true that lawyers are bound in charity to defend gratuitously those who are financially unable to pay for the services of an advocate. But, in the majority of cases, the clients are perfectly able to recompense their attorney. What man, then, would spend his time and energy in searching through dusty tomes and case-books in order to win a difficult case, if he had no hope of a reward? We know that men, in the abstract, are supposed to be inspired with generous and noble sentiments. We would be

only too glad to be able to say the same for men in the concrete. But, unfortunately, we are forced to take them as they are. Inspired with merely human motives, they would certainly not devote themselves with as much zeal and care to a case, as they would, if they expected to be paid for it. It is the same with any work. Without hope of some reward, man becomes negligent and ceases to attempt to attain perfection in his profession or trade.

Imagine the consequences that would ensue if we were to deny this right to the fruit of his activity to Man. Laziness would be the result and apathy would cause men to degenerate. Men would cease to pursue higher studies and would be content to do the least possible amount of work. They would just work for enough to keep life in their bodies. Intellectual and moral training would be abandoned, and Man, instead of becoming more perfect, as Nature ordained him to be, would deteriorate. This is the disastrous result of denying to man the fruits of his own activity.

In support of our contention, we shall quote Abbé Garriguet, who, in his excellent book "Le Régime de la Propriété", writes the following:

"Le travail est un devoir rigoureux pour tous,  
 "nul n'a le droit de s'y soustraire, mais comme  
 "tout travail suppose un effort qui va contre  
 "les tendances paresseuses de notre nature, le  
 "plus grand nombre des hommes se dispenseraient  
 "d'obéir à cette loi universelle, s'ils n'avai-  
 "ent pour les stimuler, que la pensée abstraite  
 "d'un devoir à remplir. Ils ont besoin d'être  
 "poussés par la nécessité de subvenir aux exi-

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"gences de la vie et aussi par le désir de  
"créer ou d'augmenter un patrimoine. Il faut  
"que l'intérêt vienne en aide à la conscience."

From this consideration, let us deduce some necessary conclusions. Work, for Man, is a necessity, a duty from which he cannot escape. Now, we know that man is possessed of a certain lazy disposition. Work, in itself, is often disagreeable and requires an effort. To stimulate man to this effort, some reward must be offered, and this reward is PROPERTY. Hence we see that property is necessary to stimulate man to work. If we abolish individual property, we abolish all initiative.

Let us then conclude that the right of Property is a natural right, that property is necessary to prosperity, that it is necessary to the perfection of man, and that ~~if~~ we abolish all stimulus to labour, when we abolish private property. This concludes our third proposition and helps to justify our contention that the right of Property is a natural right.

#### FOURTH PROPOSITION: NEEDS OF THE FAMILY.

We now come to the fourth proposition, namely, that the Family, according to the designs of Divine Providence, has need of Private Property. In the past three propositions, we have proven that the individual has need of private property, that he has a natural right to appropriate the inferior things of this earth and that this right is inviolable. A fortiori, if the individual has need of property and if he has a right to use, enjoy and to dispose of goods, the family which is composed of sev-

eral individuals bound together by inseparable ties, has need of property and has a natural right to it.

Just as the individual needs property to subsist, so also the family, of which the individual forms part, needs property. The children and the parents must preserve their lives. They have a right to property, in order that they attain the perfection which a Divine Creator intendend them to attain. If this be the case, then we at once see the great need that the family has of private property.

Man, as we said before, is unlike the brute. He is an intelligent being, a being possessed with feelings of charity, justice and mercy. He is a noble being, who works for an end which is higher than the end intended for the brute. God has given him a free will and an intelligence in order that he may, himself, co-ordinate the means to the end, without being led by blind instinct as is the brute. Man is capable of a higher love than that of the senses. He is a benevolent and a beneficent being, who wishes well for others and who does good to others, not for the good which he expects others to return to him, but because he wishes to help others for the love of God. The brute does not possess these sentiments, since it is purely material, possessing no spiritual soul. It is incapable of arraiving at an idea of charity, justice or mercy. It is led solely by the senses and by instinct. Thus if we examine the brute kingdom, we shall see that the brutes do not bestow the same care and attention upon their offspring as do human beings. The male practically ignores the existence of his progeny and does very little to help

the female in feeding them and in searching for food. Man is different. He is inspired with noble sentiments. He loves his children, because he recognizes in them a gift sent by God, a blessing from the Most High upon his union. The father and the mother, recognizing this blessing and seeing in their children an extension of their own personalities, work and make sacrifices in order that their children may be happy and good.

This leads us to the duties of the parents. The parents are bound in conscience to rear and educate their children. They are bound to provide their children with the means of arriving at the end, which is happiness. In this life, happiness is imperfect, yet it can be possessed to a certain degree, when all the faculties have their objects. Thus, the intelligence is perfected by truth and the will by virtue. Now truth is obtained by instruction and virtue by the moral formation of the child, which process is known as education proper. Parents, then, must procure for their children education. They must look after their physical perfection. They must clothe and feed them, protect them from disease and from the rigours of the elements. In short, they must do their best to see that their children are developed physically, intellectually and above all, morally. Moral training is what counts the most, since a man can sometimes dispense with instruction, but he can never dispense with VIRTUE, which is the putting into practice of those moral principles which are taught to Man by God, ~~both~~ <sup>both</sup> in the ~~and~~ <sup>and</sup> Natural Law ~~or~~ in these supernatural truths which were revealed to us by the Author of Nature through the medium of the Holy Catholic Church. Thomas A Kempis says: "What use

is it for a man to be able to discourse about the Trinity, if he neglects to observe the commands of the Trinity?", and again, "I would rather be a simple rustic who knows how to obey God, than a proud philosopher who refuses to obey." Parents, then, have the obligation to work for the perfection of their children, and they must do their best to leave them well provided for, in the event of their early demise. They must not leave them unprepared for the battle of life. St. Paul says: "DEBENT FILIIS PARENTES THESAURIZARE." The parents ought to store up this world's goods for their children. They should endeavour to provide a patrimony for their children which will enable them to make a decent start in life.

There exists a link between one generation and the succeeding one. The first generation must prepare the way for the following one. Nature never does anything in leaps and bounds. The father and mother must prepare their children to do the same work as they have done, in order that the human genus may advance in perfection and in virtue.

Now, in order to perform all these duties, in order to attain this end, Private Property is absolutely indispensable. In order to perfect their children, in order to feed, clothe and educate them, and, lastly, in order to help them to make a start in life, the parents require a certain amount of property. One who would declare the contrary would be insane. Good will never kept life in the body; the greatest and best intentions never educated a man, and the best possible wishes never helped him in a very perceptible way to make a successful start in life. The old adage, "Voulpir, c'est pouvoir" is an equi-

voeal saying. We may have the best possible intentions, we may have the best wishes for the success of our children, but if we do not have any money or any possessions, we are incapable of doing anything. Private Property is absolutely necessary in order that we attain the end, that is to say, the rearing and the education of the children. It takes money to buy food and clothes, it takes money to house the family, and it takes money to educate the children. There is no such thing as "free" education. If we do not pay for it in one way, we make up for it in another. It is a true saying that nothing comes from nothing, when applied to creatures. If we give nothing, we receive nothing. Hence if we wish to obtain something, we must pay for it, and in order to pay for it, we must have possessions.

This shows us the indispensableness of Private Property. Private Property is a necessary means to attain the perfection of the family, just as it is necessary in the perfection of the individual. Without property, it would be extremely difficult for ordinary persons, living in the world, to exist. We see what a hard time poor families have to exist. They have to rely upon public charities at times. These charities give them food and provisions, and even money. This bears out our contention that it is necessary to have possessions in order to exist, both in the case of the individual and of the family.

From this consideration of the subject, what relation must we remark between the family and private property? The family has a right to private property and this right is a natural one. Let us add one more proof to show that the right of Property is a natural right.

FIFTH PROPOSITION: THE SOCIAL FUNCTION OF PRIVATE PROPERTY.

We have now come to our last proof in the justification of the right of Private Property. Up to the present, we have considered Private Property in relation to the individual and the family. We have shown the indispensableness of private property and the necessity of private property for the welfare of the individual and the family. We shall now consider it in relation to the extension of the Family namely, the STATE.

We know that Man is a sociable being, St. Thomas Aquinas says that "Homo est animal naturaliter sociale". It is in his nature to live in the society of his fellow-men. The agglomeration of families and individuals constitutes Civil Society, or THE STATE. The State is a moral person, and as such it has duties and rights. It has the right to exact loyalty and support from the persons composing it and it has the duty of procuring public prosperity and the protection of the rights of the citizens. Now, up to the present we have proven that that the individual has a right to private property, and that this right is a natural one, and is inviolable. Hence, it is the duty of the State to protect this right instead of endeavouring to abolish it. Nature always punishes a violation of her Law. If we despise and contemn the Natural Law, we are certain to suffer in the effects which follow from such contempt. If we disturb the natural order established by God, be assured that we shall be the sufferers. If the State refuses to respect the natural right of private property, it will be the sufferer. It is a false idea that the individual exists for the State. It is commonly supposed that private rights must cede before the

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demands of the State, but when we make this statement, let us be careful to limit the meaning of our words. When it is a case of the common good, as for example, in the case of expropriation for public utility, the individual may be deprived of his property, but, only in consideration of a just indemnity to be paid beforehand. The State has no right, on a vain and trivial pretense, to rob the individual citizen of what properly belongs to him, even in the name of patriotism. The State exists for the individual and not the individual for the State. Let us hear Abbé Garriguet on this subject. He says:

"Quoique l'homme soit essentiellement sociable, il n'a pas été créé pour le bien et l'intérêt de la société, c'est la société qui a été créée pour le bien et l'intérêt de l'homme. C'est la fin et la vraie raison d'être de toute société. Une société qui ne procure pas à l'ensemble de ses membres un minimum de ces avantages, fait faillite à sa mission; elle n'atteint pas le but en vue duquel uniquement elle a été instituée; elle mérite d'être considérée comme défectueusement organisée ou administrée; elle a besoin d'être réformée, certains disent radicalement transformée."

We must hence conclude that, although the general interest must take precedence over the interest of the individual, when it is a question of the public good, yet the State must never absorb the individuality of the citizens. The powers of the Government are limited, just as are the powers and rights of individuals. If the State oversteps this boundary and exceeds her just powers, then, the general

interest must suffer as a consequence. Horace tells us in one of his odes:

"Est modus in rebus, sunt certi denique fines,  
"Quos ultraque citraque nequit consistere rectum."

Let us also remember that the individual has rights as well as the State. If man is born to live in the society of many, he must have some advantages in so doing. His rights which he received as a human being, when he came into this world, must be safeguarded. Otherwise, why live in Society? Men live in society, as in any society, that they may attain the end and that they may protect one another in the attainment of that end. Hence the State would be unnatural if it refused to take cognizance of these natural rights, and we must conclude that it is bound to protect them, and among others, the right of Private Property, which is so necessary to the common prosperity of the country. If it refuses to respect this right, then, it has signed its own death warrant.

The State, then, has the obligation to protect the right of Private Property. How can it do this? It can do it in many ways. Firstly, by respecting that right, itself, and then by forcing others to respect it. It must protect this right by legislation, and even, if necessary, by force and penalties imposed upon those who infringe upon this right. Happily, in most countries, the government respects the right of property. In our own land, both Civil and Criminal Law protect the individual in the use and exercise of this right. Civil Law declares that no one may be dispossessed of his property, except for cause of public utility and only in consideration of a just indemnity to be paid beforehand. Criminal Law punishes severely those who steal the property of others

or who injure the property of others either by negligence or malice. This protection of property is very conducive to peace and order, which are so necessary for the prosperity of the country.

As a final reason, we base the justification of the right of Property on three great principles, namely, JUSTICE, LIBERTY, AND UTILITY.

In respect to Justice, it is clearly seen that private property is in accordance with the principles of Justice. Justice consists in rendering to every man his due, "REDDERE CUIQUE SUUM." Now what is due to man? Most assuredly that which he possesses, that which his own labour has produced, that which his intelligence has created, so to speak. It is only just that we allow man the right to the fruits of his own labour. "DIGNUS EST OPERARIUS MERCEDE SUA..." "The labourer is worthy of his hire." No just man will deny this statement. If, then, the labourer, whether intellectual or manual, is worthy of his hire, let us give him what is his due, namely, individual property, to which he is entitled.

In respect to Liberty, it is an evident fact that Private Property is in accordance with the principles of Liberty. Every man has the right to exercise his proper activity if he does not infringe upon the laws of God or upon the rights of his neighbour. The State has no right to monopolize industry, thus choking any private interests which may wish to enter the field of competition. We have seen in the refutation of State Socialism what State Monopoly causes. Liberty in the exercise of the right of Private Property assures the prosperity of the State. Charles Gide, the renowned economist in his "Principes d'Economie politique", p.435, declares:

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"L'histoire et les faits nous montrent que la  
"propriété individuelle a été jusqu'à présent  
"le meilleur moyen et même la condition "sine  
"qua non' de l'utilisation des richesses, le  
"plus énergique stimulant de la production."

Let us then conclude that the right of Private Property is also defended by the principles of Liberty, which none can deny.

In regard to Utility, Private Property is the greatest stimulant to work, and hence, the great stimulant to the prosperity of the State. If we examine statistics, we shall find that in those countries where Private Property is most respected, there exists the greatest prosperity.

This concludes our direct proof. We have endeavoured in the few pages which we have at our disposal to justify the right of Private Property. We have proven conclusively that it has its origin in the nature of man, that it is as much a natural right as is the right to the means to live, which all must admit, is a natural right. We have presented five propositions, each of which we exposed and proved. We first treated private property in relation to the individual. We proved that the individual has a natural right <sup>to</sup> ~~to~~ private property by a triple argument, namely, the right of man to the means of preserving his life, the right of man to perfect himself physically, intellectually and morally, and the right of man to the fruits of his own labours. This forms the basis of the proof. We then treated private property in relation to the Family and proved that the Family has a right to Private Property, arising from the duties of the parents and the rights of the children. We then treated the problem of

Private Property in respect to the State, showing the necessity of Private Property for the welfare of Civil Society, of which the family and the individual are component parts. These five proofs, in our opinion, justify our contention that the right of Private Property is a natural right. This then, concludes our proof and the question has been proven.

CONFIRMATION OF THE PROOF FROM EXPERIENCE AND AUTHORITY.

However, to confirm our proof, we deem it wise to add a confirmatur taken from the universal consent of mankind, from the Holy Scriptures, and from the opinions of noted authorities on philosophy, law, and economics.

Firstly, let us consider the universal consent of mankind. There is not a country in the world where the idea of private property is not found. Whether we go to the igloos of the Esquimaux in the Far North, or whether we visit the cannibal islands in the Pacific Ocean, we shall find everywhere this idea of private property. Every man, no matter how ignorant, how uncultured or barbarous he may be, has something which he calls HIS OWN. The Esquimaux has his igloo his kayak, his dogs and his guns which he calls his own. Among these people the right of property is greatly respected. Let us go to the jungles of Africa and we shall find that among the negroes the same sentiment exists. Each man has his own hut or kraal and he calls it his own. Let us go to the South Sea Islands and we shall find the same respect for private property. We may travel the world over, and we shall find this universal consent, except in those countries in which it is abolished, and there we meet with a sad spectacle. People are starving by thousands and millions. Financial ruin

stares them in the face, and it is only a matter of time before there will come a revolution which will restore private property. But among all intelligent people, among all who live normal and healthy lives, there exists this sentiment of respect for the property of others. Such a sentiment, so universal in its scope, is the sign of a UNIVERSAL LAW, THE LAW OF NATURE. It proves that this right of property is universal and the same for all men. It is not the work of man, but of God, the Creator of all men and the Author of Nature. This shows us then that Private Property is a universally admitted right and that its existence or its right to existence has never been questioned by right-thinking individuals who admit the existence of a Supreme Being. It is only among those who have denied the existence of God that this right to any form of property has been denied, namely, among the Communists <sup>and some Socialists</sup>. Thus we see that this confirms our views as to the justification of the right of Private Property.

We shall now consider Holy Scripture, and in both the Old and the New Testaments we find that the right of Private Property is staunchly upheld. In the Old Testament, we find in Deuteronomy, Chapter V, verses 19 and 21, these words: "THOU SHALT NOT STEAL". Holy Scripture expressly forbids us to take what does not belong to us. If there were no right of private property, there could be no theft, since theft consists in the violation of the right of Private Property. We are thus forbidden to violate the right of Private Property. Further on, in Numbers, Chapter XXVII, verses 8 to 11, the people are instructed in the manner of succession, which clearly shows that the right of private

property was known and respected by the Jews, and that **God, Himself, the Author of the Holy Scriptures, has sanctioned the right of Private Property.** In the New Testament, Our Lord Jesus Christ promulgated anew the precepts laid down in the Mosaic Law, and **He** further instructed man in the manner in which they should dispose of the surplus of their property in coming to the aid of the poor. He warns men not to place all their thoughts on the goods of this world, but to look after our salvation first of all. But He recognizes and sanctions the right of Private Property. Thus we see that the Bible defends the right of Private Property.

We shall now pass to the opinions of eminent philosophers, jurists and economists, and see what they have to say in the defense of private property.

Quesnay, one of the leaders of the Physiocrat Movement, said, inspeaking of Private Property:

"Que la propriété des biens-fonds et des richesses mobilières soit assurée à ceux qui en sont les possesseurs légitimes: car la sûreté de la propriété est le fondement essentiel de l'ordre économique de la société."

Adam Smith, a leading English-speaking economist, considers Private Property as indispensable and he says that it is "a first principle, an axiom which cannot be proven on account of its very clarity."

Le Play has the following reference in regard to Private Property:

"Ceux des peuples modernes qui se distinguent le plus par leur succès et leur prépondérance, tendent chaque jour davantage à donner à toute

"espèce de propriété un caractère exclusivement  
"personnel."

Hello, in his book "Précis d'Economie politique", (13th Edition, p.114) says: "L'idée de propriété est tellement éclatante qu'elle inonde comme le soleil les blasphémateurs de sa lumière."

Let us now hear what leading jurists have to say about Private Property.

Portalis, in his exposition of the Civil Code of Napoleon gave vent to this striking truth:

"L'homme en naissant n'apporte que des besoins; il est chargé du soin de sa conservation; il ne saurait exister ni vivre sans consommer; il a donc un droit naturel aux choses nécessaires à sa subsistance et à son entretien.

" Il exerce ce droit par l'occupation, par le travail par l'application raisonnable et juste de ses facultés et de ses forces.

" Ainsi le besoin et l'énergie sont les deux principes créateurs de la propriété."

Planiol, the renowned French jurist, writes in regard to property:

"La propriété individuelle justifie amplement son existence par les services qu'elle rend à l'humanité. La preuve de la réalité de ces services se tire d'une comparaison entre les peuples qui pratiquent et ceux qui ne pratiquent pas la propriété individuelle. Ainsi, dans les pays habités par des populations nomades, il faut une lieue carrée de terrain par tête pour procurer à l'homme de chétifs moyens d'existence. Même dans les régions de population sédentaire où le sol est cultivé, l'absence de propriété individuelle est encore une cause de pauvreté; on le constate

"dans les communautés agraires de Russie, où règne la misère."

To conclude our citation of well-known jurists, we shall quote Honourable Judge P.B.Mignault, of the Supreme Court of Canada. In his "Droit Civil Canadien" (PP.466 &467), he writes the following:

"L'idée de propriété ne se trouverait pas exprimée dans tous les temps, dans toutes les langues, et chez tous les peuples, si le droit de propriété n'existait pas.

"Les idées que l'universalité des hommes sent et qu'elle exprime, ont nécessairement leur source dans un besoin et dans une faculté.

"Dans l'ordre que Dieu a créé, il n'est pas de besoin qui ne puisse être satisfait, de faculté qui ne puisse se développer.

"L'homme sent et exprime l'idée de propriété; c'est vers elle que tendent tous ses efforts, toutes ses aspirations. La propriété est donc pour l'homme tout à la fois, un besoin et une faculté.

"Supprimer l'intérêt individuel ou la propriété, c'est enlever à la société son véritable point d'appui, et la condamner à périr par la langueur du travail et la dissolution des forces qui donnent le mouvement.

"Propriété et société sont deux idées corrélatives et tellement inséparables qu'on a pu dire avec raison que l'imperfection de l'une est partout la mesure exacte de l'imperfection de l'autre."

This concludes our proof and our confirmation of the proof. The opinions which we have quoted are those of men who are profound thinkers and experienced masters in their respective sciences. Their opinions, then should count not a little in deciding the reasonableness of private pro-

erty. Added to the proofs which we have given, we think that no person will doubt for one moment that the right of Private Property is a natural right and one which is founded on the very nature of Man.

GENERAL CONCLUSION:

We have now come to the conclusion of our thesis. In the preceding pages we have done our best to prove that the right of Private Property is a natural right and that it was given by God to Man when the first Man was created. We consider that we have proceeded according to the method of Aristotle and St. Thomas Aquinas in our manner of proof. We commenced with the systems opposed to the right of Private Property and chose representatives from each opposing School. We then gave a synopsis of their arguments and showed them to be absurd, illogical, and disastrous in their consequences. After demolishing our opponents' arguments, we presented our own and justified them, by proving everything we said from common sense, logic, and experience. We were very careful to give a reason for everything we said in the course of our remarks.

We are thoroughly convinced of the truth of the problem which we have discussed. We are certain that the truth lies on our side. In our proof, we have not relied upon ourselves, alone, but have supported our contentions with the opinions of the greatest philosophers, theologians, jurists, and economists in the world. It is reported that Tertullian congratulated himself upon the fact that the first persecutor of Christianity was Nero. We congratulate ourselves upon the fact that the adversaries of Private Property are Rousseau, Marx, Blanc, Trotzky, and those others

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who are a discredit to Humanity. We are happy to know that what we have said is supported by the opinions of men like St.Thomas Aquinas, Aristotle, Planiol, Rambaud, Mignault, Garriguet, and those others whom we have cited in our thesis.

We conclude therefore, thoroughly convinced that as long as the right of Private Property is protected and ~~xx~~ safeguarded by the State, there is no fear for the safety of Civil Society.

We hope, therefore, that we have successfully convinced our readers that Private Property is a natural right and that it is the safeguard of social peace and order in Civil Society.

F I N I S .

April 4, 1929.