

Review of *The Earth Is the Lord's: A Natural Law Theory of Property* by Liam de Los Reyes

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The Earth Is the Lord's: A Natural Law Theory of Property

Liam de Los Reyes

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The legitimacy of private property is once again being questioned. There have, of course, been other critics over time. Anti-property sentiments gained currency in eighteenth-century France on the eve of the Revolution. Karl Marx's call for the elimination of private property and the formation of a new communist order proved influential in the late nineteenth and early twentieth centuries. Liam de Los Reyes has mounted a new and different challenge grounded in the Christian tradition, placing emphasis on the social obligations of property ownership.

Drawing extensively upon scholastic thought of the twelfth and thirteenth centuries, Los Reyes advances a theory of the "natural law of common dominion" (7). This rests upon the belief that God has given the earth to everyone, and that a valid property regime should be in accord with the divine donation. Accordingly, he contends that any property system ought to "realize the equity, equality, sufficiency, and liberty that characterize the divine donation" (7). The author maintains that property is not a product of nature but is constructed by societies to meet their needs. Although Los Reyes recognizes the tension between dominion in common and acquisition of private property, he stresses that various property regimes might be legitimate. They should, however, be structured according to moral principles.

Not surprisingly, Los Reyes draws a sharp distinction between natural law as espoused by the influential political theorist John Locke in the late seventeenth-century, and his own conception of common dominion. Locke asserted that private property existed under natural law before the establishment of

governments, and that property was therefore insulated from the arbitrary will of government. Indeed, a principal purpose of government was to safeguard these natural property rights.¹ In Los Reyes's view, Locke has promoted "the political insulation of property" (97). Moreover, it is these "strict boundaries" around individual property that some see as "frustrating the pursuit of justice in society" (97).

The author takes particular aim at Locke's contention that the power of private appropriation of property is encompassed within natural law. He considers at length the relationship between Locke's theory of property and English colonialization. He concludes that Locke's emphasis on the right to acquire unused land, as the English saw it, for purposes of economic development, facilitated the disposition of land from the North American Indians. Los Reyes categorically rejects this aspect of Locke's theory and any notion of property as merely an economic institution.

The author contends that capitalist societies fall short of the Christian tradition because "liberty is evidently a principle whose expression is curtailed through the introduction of property, precisely through the introduction of unequal access and ownership" (133). To his mind, ownership of private property as a natural right contradicts the concept of common dominion, which entails a natural right to use things. Indeed, the natural right to use things in effect displaces any claim of a natural right to own things. As a practical matter, how would the views of Los Reyes change society? He does not call for the abolition of private property. Rather, he would insist that private property be subordinate to the political order and to the demands of social justice, but he offers few specific proposals. However, the author does endorse redistributive taxation to correct inequities in the distribution of resources.

Despite prodigious research, Los Reyes fails to make a convincing case for abandoning the Lockean framework or overhauling private property laws. Although he frequently invokes the Christian tradition, he seemingly equates that with Roman Catholic social thought. The author examines in detail papal teachings regarding property, finding that recent pronouncements converge with the older scholastic tradition. But the Christian tradition is more than Catholic

¹ See Eric R. Claeys, *Natural Property Rights* (Cambridge University Press, 2025).

social thought. Los Reyes gives no attention to leading Protestant leaders. Yet Martin Luther and John Calvin strongly endorsed private property. In fact, Calvin has been widely recognized by historians as promoting the rise of capitalism. This important strain of the Christian tradition is unexamined by the author.

Los Reyes treats property in the Lockean framework as largely justified in economic terms. Unquestionably, societies that respect property rights have created more wealth and have provided a better standard of living for their residents than societies with a weak or contingent property system. This utilitarian argument, however, should not obscure the long Anglo-American constitutional tradition linking private property with individual liberty. Not only does security of private property constrain the reach of government over individuals, but it encourages individual autonomy.² There are few examples of societies without the institution of private property where individual liberties flourish.

Based on assumptions that are probably not widely shared, this work is unlikely to have a broad impact in the polity. It seems to yearn for a mythical and unattainable utopian society that never existed in history. Yet the volume raises some challenging questions about the role of private property.

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² See Richard Pipes, *Property and Freedom* (Alfred A. Knopf, 1999).