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978-0-521-87677-3 - Thinking about Property: From Antiquity to the Age of Revolution

Peter Garnsey

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## THINKING ABOUT PROPERTY

In this book Professor Garnsey explores ancient 'foundational' texts relating to property and their reception by later thinkers in their various contexts up to the early nineteenth century. The texts include Plato's vision of an ideal polity in the *Republic*, Jesus' teachings on renunciation and poverty, and Golden Age narratives and other evolutionary accounts of the transition of mankind from primeval communality to regimes of ownership. The issue of the legitimacy of private ownership exercises the minds of the major political thinkers as well as theologians and jurists throughout the ages. Among those whose ideas are woven into the discussion are Plato, Aristotle, Cicero, Jesus, Augustine, Thomas Aquinas, Bartolus, William of Ockham, Plethon of Mistra, Grotius, Pufendorf, Locke, Hume, Rousseau, Kant, Hegel and Proudhon. The book gives full consideration to the historical development of Rights Theory, with special reference to the right to property. It challenges the dominant historical paradigm that the ancient world made little or no contribution to Rights Theory. The book ends with a comparative study of the Declarations of Rights in the American and French Revolutions and seeks to explain, with reference to contemporary documents, why the French recognized an inalienable, human right to property whereas the Americans did not.

PETER GARNSEY is Director of Research in the Faculty of History at the University of Cambridge, having previously been Professor of the History of Classical Antiquity. His recent books include *Ideas of Slavery from Aristotle to Augustine* (1996), *Food and Society in Classical Antiquity* (1999), (with Caroline Humfress) *The Evolution of the Late Antique World* (2001) and (with Anthony Bowen) a translation, with introduction and notes, of Lactantius' *Divine Institutes* (2003).

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# THINKING ABOUT PROPERTY

*From Antiquity to the Age of Revolution*

PETER GARNSEY

*University of Cambridge*



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To  
R. G.            R. G.            C. H.

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<i>AARC</i>	<i>Atti dell' Accademia Romanistica Costantiniana</i>
<i>AFLN</i>	<i>Annali della Facoltà di Lettere e Filosofia di Napoli</i>
<i>AJPh</i>	<i>American Journal of Philology</i>
<i>ANRW</i>	<i>Aufstieg und Niedergang der römischen Welt</i>
<i>CJ</i>	<i>Codex Iustinianus</i>
<i>CQ</i>	<i>Classical Quarterly</i>
<i>CSEL</i>	<i>Corpus Scriptorum Ecclesiasticorum Latinorum</i>
<i>CTh.</i>	<i>Codex Theodosianus</i>
<i>GCS</i>	<i>Die griechischen christlichen Schriftsteller der ersten drei Jahrhunderte</i>
<i>IJ</i>	<i>Institutes of Justinian</i>
<i>JbAC</i>	<i>Jahrbuch für Antike und Christentum</i>
<i>JRS</i>	<i>Journal of Roman Studies</i>
<i>JTS</i>	<i>Journal of Theological Studies</i>
<i>OSAP</i>	<i>Oxford Studies in Ancient Philosophy</i>
<i>PG</i>	J. P. Migne, <i>Patrologiae cursus completus: Series Graeca</i> , Paris 1857–66
<i>PL</i>	J. P. Migne, <i>Patrologia Latina</i> , Paris 1841–55
<i>REG</i>	<i>Revue des études grecques</i>
<i>RHD</i>	<i>Revue Historique de Droit Français et Etranger</i>
<i>RIDA</i>	<i>Revue Internationale des Droits de l'Antiquité</i>
<i>RISG</i>	<i>Rivista Italiana per le Scienze Giuridiche</i>
<i>SC</i>	<i>Sources Chrétiennes</i>
<i>SDHI</i>	<i>Studia et Documenta Historiae et Iuris</i>
<i>SP</i>	<i>Studia Patristica</i>
<i>St. Mon.</i>	<i>Studia Monastica</i>
<i>TAPA</i>	<i>Transactions of the American Philological Association</i>
<i>ZSS</i>	<i>Zeitschrift der Savigny-Stiftung für Rechtsgeschichte</i>

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## *Preface*

This book has its origin in the Carlyle Lectures delivered at Oxford University in Hilary Term 2005. I would like to thank George Garnett and the other members of the Carlyle Committee for honouring me with their invitation to give the lectures, and the Warden and Fellows of All Souls College for extending to me their hospitality for the period concerned. I benefited greatly from discussing matters arising from the lectures with members of the audience during my time in Oxford. In composing a work of this kind, I have inevitably drawn on the learning of a large number of scholars who have written extensively and expertly in aspects of my subject. In addition, colleagues and friends have generously read my work or parts of it in draft and given me encouragement and advice. They include Margaret Atkins, Tim Blanning, Anthony Bowen, Peter Brown, Myles Burnyeat, Luigi Capogrossi Colognesi, Patricia Crone, John Crook, Michael Frede, Raymond Geuss, Richard Gordon, Verity Harte, Caroline Humfress, David Ibbetson, Melissa Lane, Geoffrey Lloyd, John Marenbon, Dieter Nörr, Michael O'Brien, Glenn Olsen, Christopher Rowland, Magnus Ryan, Malcolm Schofield, David Sedley, Quentin Skinner, Gareth Stedman Jones, John Thompson, Robert Tombs and Frank Walbank. I owe a special debt of gratitude to Raymond Geuss, Richard Gordon and Caroline Humfress for raising my sights and lifting my spirits. Niketas Siniosoglou has given me invaluable assistance in the closing stages. My family has been as usual tolerant, patient and supportive.

There were six lectures in the first instance. They have been expanded and two new chapters added (6 and 8). The book now consists of four pairs of chapters corresponding to four main themes. I hope that readers who were also members of the audience will agree that the changes form a natural and logical development of the original lectures.

Two days before I delivered my typescript to the Press the state of Virginia issued an apology for the enslavement of Africans and the exploitation of native Americans by the country's white settlers. It will be



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interesting to see whether this event, which might be expected to be replicated by some other American states, will revive interest in the significant decision of Thomas Jefferson, a slaveowner and landowner, not to include property among the inalienable and natural rights of man in his draft of the Declaration of Independence, which was later ratified by Congress in July 1776. The issue of the legitimacy of private property, its acquisition and its retention, which has troubled the human mind for over two millennia, has not gone away.