

The Medieval Condemnation of Usury and Today's Profits from Intensive Animal Farming

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Introduction

This essay deals with the current relevance of the Medieval ethical condemnation of usury as the theft of time, and is seen as a model for the profits derived from intensive animal farming. Both usury and profit are time-dependent. Usury was condemned as stealing time, profit ought to be condemned as robbing life to living creatures. The ancient ethical stance condemning usury ought to be applied to inadequate modern legislations allowing profit to prosper on crimes.

We start by considering how usury was seen in ancient times and note that all Religions and some great works of Art paid a great deal of attention to the subject. It is well known that all Religions forbade usury and many works of Art, mainly poems and plays, condemned it. This is derived mainly from the well-known view of Aristotle that money is a convention and thus cannot generate more money (the theory of the "sterility of money"). Turning to the law, usury occupies a central position in Canon Law which condemned usury as a crime. One of the most lucid canonists, William of Auxerre, sanctioned usury as the theft of time which belongs to all creatures and is thus contrary to the law of nature. It is precisely the association of usury with time that demonstrates the iniquity of usury, since time is not a commodity that can be bought and sold.

Time is also related to another economic variable: profit, the remuneration of entrepreneurs who buy at a price that is known and sell at a price that is as yet uncertain. Profit is the reward of entrepreneurs who are able to face uncertainty by lowering costs and generating revenues. But when costs are lowered at the expense of suffering of animals they must be prohibited. This happens in intensive farming where animals are exploited in the cruellest of ways both while living (in tiny cages) and dying (in slaughterhouses). The instruments used to make profits in intensive animal farming are the adoption of technical progress, the exploitation of economies of scale and the use of advertising campaigns, adapted to take on particular forms: progress is not technical but pharmacological, economies of scale are achieved via horrifying prisons for animals, advertising is misleading and extremely damaging. All this means lower costs at the expenses of animal life. But the life of animals belongs only to them and nobody has the right to use it to make money. Costs reduced as the suffering of animals increases ought to be prohibited as usury was under Canon Law: Medieval rules could be the best model for modern legislations.

Usury in Religions, the Arts and the Law

Among the economic variables that have attracted attention over the centuries, few have been so focused upon as usury, which became the focus of religious condemnation (a), artistic expression (b) and legal thought (c). Starting with religion (a) and in India, the Vedas (2000-1000 BCE), Hindu texts (720 BCE) and Buddhist texts (600 BCE) all condemn usury. In the Old Testament Jews are forbidden to practise usury (*Leviticus* 25:35-36) except where a foreigner is the borrower (*Deuteronomy* 23: 20). The *Quran* says that Allah declares war on those who do not renounce profits from usury (II: 278-279). Christianity heeds the admonishment of Saint Luke "lend...without expecting to get anything back"; [1] we will see below how this develops over time.

In relation to artistic expression (b) in Dante's *Divine Comedy* (1306-1321) usurers are placed in the seventh circle of Hell (*canto XVII*) featuring in particular Reginaldo degli Scrovegni from Padua, who spitefully names the other usurers on their arrival whilst his son, still alive, orders the building of the Padua Chapel (1304-06) – painted by Giotto – in the hope of obtaining salvation for his soul. Dante was doubtless influenced by the contemporary religious debate concerning usury; not so a much later poet, Ezra Pound, who called usury a “leprosy” and “cancer” corrupting everything, including Art (*Cantos*, XLV, 1915-20); he rages against the banks and trading that corroded modern society, depriving it of ideals. Between the two examples is Shakespeare's famous depiction of Shylock (1594-1596), a Jewish usurer who demands a “pound of flesh” from the Catholic merchant Antonio in repayment of a debt.

The discipline that most naturally treats of usury is the law (c); in the Middle Ages this meant Canon Law, in turn, rooted in Roman law. In Rome usury was not forbidden – Caesar, Cicero and Justinian all dwelt at length on the subject – except when excessive interest was demanded. In the first centuries after the birth of Christ, usury occupied a central position in the considerations of Canon Law, the regulations promulgated by the Church to govern the activities of the clergy and the faithful. It incorporated Roman law, Biblical texts, the work of the Church Fathers, the outcomes of numerous Councils (from Nicaea in 325 CE to Chalcedon in 451 CE), as well as the pronouncements of Popes and the writings of bishops. Given the immense variety of sources, usury was defined in many different ways; perhaps they are best summarized in the words of Francesco Zabarella, a native of Padua and bishop of Florence, who wrote in *Consilia* that: “*Usuram esse, cum recipitur aliquid ultra sortem*”, therefore “*Item usura est crimen ac peccatum mortale*” [2]. Scholars agree that this severe condemnation of usury was based on Aristotle who called money “sterile”: Medieval thought, first and foremost Saint Thomas Aquinas, inherited from the Greek philosopher the concept of money as a convention whose function was to act as a means of exchange (i.e. without a value of use): money could not generate money; usury was therefore against nature.

However, despite the strict prohibition, usury had always been paid, exploiting various loopholes, essentially in the world of business and the economy which was transitioning from mainly agricultural to trading by sea. Gradually, the justifications associated with “*damnum emergens*” (actual loss) and “*lucrum cessans*” (“loss of profit”) became established in commercial practice and were echoed in the explanations of scholars: the Franciscan monk Bernardino da Siena (*Sermo*, XXXIV, 1444) and the bishop of Florence Saint Anthony (*Summa Theologica*, 1459) accept them and, in some manner, consider them justified. Does this mean that the Aristotelian theory of monetary sterility was not so fundamental after all? Undeniably it had its limits, referring solely to monetary usury whilst usury can also be expressed in real terms; moreover Humanism was getting closer into line with the changing needs of merchants, including the need for profit, unlike in the static traditions of a purely agricultural economy. The prohibition of usury was circumvented using techniques which were gradually refined to today's bank interest; in this way, lost forever was “the honest intellectual effort [...] of the Medieval Church...” to keep separate usury and the use of money, as noted by Keynes in 1936 [3]. Usurers indeed sell time but time is the property of all creatures and cannot be traded. And the French theologian and philosopher William of Auxerre [4] is no less clear when he states that: “Time belongs to God” meaning everyone, so selling it signified acting against natural law. It is recourse to time that explains the true nature of usury and condemns it at its roots because it sells what cannot be sold. Only the profundity of the thinking of William of Auxerre and others like him was able to throw light on an economic phenomenon like usury, identifying its motivation from the root. Modern legislative systems are unable to explain usury and limit themselves to regulating the interest rate without investigating its profound nature. This always happens when prices are determined (“*preisbestimmung*”) without concern about how they are formed (“*preisbildung*”) as Boehm-Bawerk [5] teaches. An example of this is provided by Italian law which applied articles 644 and 644 bis of the Rocco Penal Code dated 1930 to situations in which the Global Average Effective Rate (TEMG) established by the Bank of Italy and the Exchange Office was exceeded, without going to the source of the problem, i.e. usury. Subsequently, Law 108 of 1996 and Legislative Decree 70 of 2011 also failed to go beyond the mere calculation of the maximum interest rate and did not question the lawfulness of usury as trafficking in time. A return to the Medieval and ethical conception of usury and to the profundity of this vision would therefore be most welcome.

Profit from intensive animal farming

The central role of time in economic analysis is also shown by theories relating to profit. As Cantillon [6] explains, profit is linked to time because the entrepreneur purchases at a price that is certain and then sells at a price that is uncertain and the profit is the remuneration for facing the uncertainty. For Knight this uncertainty, which involves risk, becomes itself the source of profit [7]. And the entrepreneur, albeit extraordinarily skilled, according to Schumpeter [8], faces the uncertainty associated with time by innovating but risking failure is at the hands of competitors in the market who copy these innovations. Hence, in order to survive the entrepreneur needs (a) huge financial resources (to adopt technical progress), (b) significant size (to achieve economies of scale), (c) advertising campaigns (to influence elasticity of consumer demand). Intensive animal farmers (dealt with exclusively in this essay) use all three of these tools. And this is a sector of the economy which, unlike others, uses live animals as factors of production without the slightest regard for their specific natures. Below, we will see how the economic activity of entrepreneurs of intensive animal farming commercializes the life of living creatures, just as usury commercializes time. This is shown following the theory of profit as the remainder left over after total costs have been subtracted from total revenues and therefore increased by lowering costs. In relation to the three entrepreneurial tools mentioned above, it should be noted that technical progress (a) does not mean renewing machinery or restraining personnel or in further industrializing the few functions already adopted, these comprising the assembly lines of slaughterhouses, mechanizing milking, distributing animal feed and using conveyor belts for droppings, none of which can be further perfected. What really matters is pharmacological progress. As I wrote in 2018 [9] "Pharmaceuticals in intensive animal farming are indispensable because the aim is to force rapid fattening, hence the use of growth hormones and, given their proximity, a potential source of contagion and disease, also the use of stronger and stronger antibiotics. In addition, the tails of piglets and the beaks of hens are cut (without anaesthetic) so they do not injure each other due to the stress accumulated in such conditions of so-called life." The cost of these practices and of pharmaceuticals is offset by the unnaturally rapid growth of the animals in constant rotation between life and death.

The other source of profit comprises economies of scale (b) through the size of the farm. Intensive animal farms are set up in huge sheds that cannot be further enlarged but space can be made by placing the animals in narrower and narrower cages, preventing all movement. Pregnant cows and sows are held in pens where they cannot move and consequently often suffocate their newborn. There is no air, no sunlight. Hens are given a space no larger than an A4 sheet of paper and "the litters are not changed, the droppings are impregnated with ammonia causing inflammation of the skin... The lack of space deforms the feet of chickens sometimes causing paralysis; unable to move to the feeding troughs some die of starvation and thirst" as I reported in 2015 [10]. A no less horrendous death is reserved to male chicks, considered unproductive (non-broilers), shredded alive or suffocated without stunning 24 hours after birth. Each year, in Italy, between 25 and 40 million male chicks meet this end. On 2 July 2022, the Chamber of Deputies finally put an end to this demented practice but only until December 2026 and as yet without the necessary implementation decrees. Together with France and Germany "sexing in the egg" will be adopted, a system that identifies the gender of the embryo before hatching [11]. Finally, if national production is insufficient to meet demand, live young animals (including lambs from eastern Europe) are imported, stuffed into lorries and driven huge distances without providing them with food or water.

These abominable conditions provide profits at the expense of the lives of animals. But consumers are kept in ignorance, providing them with a quite different sort of communication, i.e. advertising campaigns (c) that trumpet the non-existent quality of meat and how healthy it is. This is one of the biggest legal swindles perpetrated on consumers, made to believe that their delicacies are a source of wellbeing whilst both the World Health Organization and scientific journals such as *Nature* say that these products can cause type 2 diabetes, stroke and cancer of the colon. The environment is polluted with greenhouse gases from intensive animal farms (from animal waste) amounting to 17% of all vehicle emissions and 24% of total emissions [12]. But meat producers play on the elasticity of demand and pride themselves on their product as a symbol of social prestige. This is what J. Rifkin, as early as 1992, called the "Steak Myth" [13] which consumers and institutions, including the European Parliament, seem unable to give up on [14].

Conclusions

Animals are denied the right to live their natural lives with systems of torture in intensive farming systems and the horrific factories of death known as slaughterhouses. But life belongs to all and no one has the right to take it from others. Today, only in religious rituals are animals sacrificed; civil societies should consider it criminal to deprive living beings including animals of life. Just as time, which belongs to everyone, cannot be sold, so life which is shared by all living creatures should not be taken. If time and life are the possessions of all, they should not be stolen. Commercializing the life of animals should be repugnant to human conscience and deemed a horrific crime; allowing it for profit should be considered unethical. The ancient ethical stance that prohibited usury as a practice counter to nature should be applied to the profit derived from intensive animal farming as the theft of life. If no one can sell time because it belongs to everyone, it is all the more evident that no one can deprive living beings of the sole life they possess.

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