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## Henry George and Leo XIII

### *Introduction*

It often happens that ideas which are closest in their aims exhibit the most bitter of disputes, while ideas that are farthest apart in their goals exhibit surprising similarities. As an example of the later, we can take corporate capitalism and state socialism. While these might appear to be bitter enemies, in fact both have a fascination with large accumulations of capital administered by professional bureaucrats in the name of some remote but largely anonymous constituency. In the case of state socialism, this constituency is supposed to be “the people,” but the people are never allowed near “their” capital; their “property rights” consist in choosing the ruling bureaucrats in periodic plebiscites. By the same token, the corporate bureaucrats rule in the name of the stockholders who are the nominal “owners” of the firm. But they have almost no rights of ownership, save to vote in annual elections for the ruling bureaucrats, elections which largely go unnoticed by most stockholders. The real argument therefore is not about large accumulations and bureaucratic control, but only about which bureaucrats will control the large accumulations.

While apparent enemies can be similar, natural friends can be the most divided. An example of this is the bitter feud between Henry George and Leo XIII. That they had similar aims cannot be doubted. Both wanted a wider distribution of property, a closer association of the classes, and a more just society. And both saw the problem in terms of property and its distribution. But they had completely different understandings of “property” and were hence often talking past each other.

The unfortunate consequence of this feud is that groups and ideas that should be natural allies are kept from working with each other on common aims. Worse, they are unable to see how the position of the other strengthens their own understanding of the problem and its solution. Now, when the whole world is in economic crises, a crises that comes as no surprise to partisans of both George and Leo, the time has come to examine this conflict, and perhaps to heal it, in order to better respond to current conditions. In this paper, I will attempt to examine this dispute in terms of the Catholic Church's own tradition on property, and to determine which of the views, Leo's or George's, was more in line with this tradition, and which was in the more modern tradition exemplified by John Locke.

## The Vatican and Georgism

Henry George believed that *Rerum Novarum* was directed primarily at himself<sup>1</sup> and said as much to his son.<sup>2</sup> Georgists in general have followed this view, but the evidence for this within the document is slim. Mason Gaffney, for example, can only cite one line from the encyclical as direct evidence,<sup>3</sup> and that line is merely a condemnation of excessive taxes on property, a critique that George himself could endorse, if the tax be on any property but land. But while George had many critics, for none of the others did he ever write a whole book, a book that took the extraordinary step of including the entire text of the opposing critique within its covers. Indeed, Catholics outside the Vatican were important to George. His wife was Catholic, and he had many supporters among the Catholic laity, particularly the Irish, and among the clergy, even in the hierarchy.

Nevertheless, George had grounds for his suspicion in events that preceded the publication of the encyclical, most notoriously the defrocking of his friend and supporter, Father Edward McGlynn. Father Edward was a popular preacher in New York and the pastor of one of New York's largest parishes, St. Stephen's. McGlynn was somewhat *avant-grade* in his opinions, questioning Papal infallibility, the use of Latin, confession, vestments, celibacy, and other issues, opinions that even today would bring a parish priest into conflict with his bishop.<sup>4</sup> Father McGlynn, wearied by the constant procession of parishioners seeking jobs, was moved to study political economy and to find the causes of poverty and unemployment. He believed that he found the answers within Henry George's *Progress and Poverty*.<sup>5</sup>

When McGlynn supported Henry George in the 1886 New York mayoral election, the rupture between him and his Bishop, Michael Corrigan, became complete. The Archbishop was an ally of Tammany Hall and the candidacy of Henry George posed a real threat to their control. Corrigan was relentless in seeking the condemnation of Henry George, and the defrocking of

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1 Henry George, *The Condition of Labour: An Open Letter to Pope Leo XIII* (London: Swann Sonnenschein & Co., 1898), 1.

2 C. Joseph Nuesse, "Henry George and 'Rerum Novarum': Evidence is Scant that the American Economist Was a Target of Leo XIII's Classic Encyclical," *American Journal of Economics and Sociology* 44, no. 2 (April 1985): 244.

3 Mason Gaffney, "Henry George, Dr. Edward McGlynn, and Leo XIII," in (presented at the International Conference on Henry George, Cooper Union, New York, 1997), 13.

4 Ibid., 1.

5 Sylvester Malone, *Dr. Edward McGlynn* (New York: Dr. McGlynn Monument Association, 1918), 4.

McGlynn from the Vatican.<sup>6</sup> However, the Vatican had a problem because George had many powerful friends in the hierarchy, names like Cardinals Gibbons, and Manning, and Archbishops Ireland and Walsh. Further, Corrigan had very little support among even the American hierarchy. Nevertheless, McGlynn was summoned to Rome by Leo XIII under pain of excommunication, and when he defiantly refused to go, the excommunication became effective on July 4<sup>th</sup>, 1887. Still, the popularity of both George and McGlynn among Catholics, and their powerful friends in the hierarchy, caused the Vatican to proceed cautiously. They took the extraordinary step that pleased neither side: they issued a secret condemnation of Henry George on February 6<sup>th</sup>, 1889.<sup>7</sup>

For all of the drama and intrigue that surrounds this case, its importance has been over-rated. It involved one priest in conflict with his bishop over a variety of issues, some of them clearly political rather than religious. And the Vatican was obviously unfamiliar with the work of Henry George; when they consulted their “experts” it is not surprising that they found little support for him. But for all that, the issue was amicably resolved. In 1892, the condemnation of George was lifted and the Pope sent Monsignor Satolli to New York with instructions to resolve the McGlynn case. On December 23rd, Satolli cleared McGlynn, saying, “Dr. McGlynn was declared free from ecclesiastical censures and restored to the exercise of his priestly functions, after having satisfied the Pope's legate on all the points in his case.”<sup>8</sup> Several weeks later he added,

Dr. McGlynn had presented a brief statement of his opinions on moral-economic matters and it was judged not contrary to the doctrine constantly taught by the Church, and as recently confirmed by the Holy Father in the Encyclical, *Rerum Novarum*.<sup>9</sup>

Despite the fact that McGlynn was cleared and there were no further actions against Georgists, the Vatican and the Single Tax Movement never warmed to each other, and have remained distant at best and antagonistic at worst. The movements that drew inspiration from Leo's work rarely took to George's, while the Georgists themselves rarely allied with the Catholics. Thus two great movements with similar aims remained estranged from each other.

But why, if McGlynn was cleared on any charges, was the Vatican so suspicious of Henry George and the single tax? The answer is not to be found not primarily within *Rerum Novarum*,

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6 Nuesse, “Henry George and 'Rerum Novarum': Evidence is Scant that the American Economist Was a Target of Leo XIII's Classic Encyclical,” 250.

7 Ibid., 243.

8 Malone, *Dr. Edward McGlynn*, 6.

9 Ibid.

but within an earlier encyclical of Leo's, *Quod Apostolici Muneris* (1878), which bears the English title, *On Socialism*. Despite the title, very little actual examination is given to socialist doctrines. Rather, the encyclical condemns without defining, and the precise target is difficult to discern. We get some idea of the difficulty by noting the extreme terms that Leo uses:

We speak of that sect of men, who under various and almost barbarous names, are called socialists, communists, or nihilists...<sup>10</sup>

Surely, these are those who, as the Sacred Scriptures testify, "Defile the flesh, despise dominion, and blaspheme majesty"... They debase the natural union of man and woman...and its bond..they weaken, or even deliver up to lust. ...They assail the right of property sanctioned by natural law; and by a scheme of horrible wickedness...they strive to seize and hold in common whatever has been acquired either by title of lawful inheritance, or by labor of brain and hands, or by thrift in one's mode of life.<sup>11</sup>

It has been given out that public authority neither derives its principle, nor its majesty, nor its power of governing from God, but rather from the multitude, which, thinking itself absolved from all divine sanction, bows only to such laws as it shall have made at its own will.<sup>12</sup>

Aside from calling them bad names, Leo only once offers us a definition of socialism, which he reduces to a claim that the right of property is of "human invention, altogether opposed to the inborn equality of man and, claiming a community of goods," and that they, "argue that poverty should not be peaceably endured, and that the property and privileges of the rich may be rightly invaded..."<sup>13</sup> Against this view, Leo holds that the "right of property and of ownership, which springs from nature itself, must not be touched and stands inviolate."<sup>14</sup> Leo does not expand on this point, and does not tell us in what sense ownership is "inviolable." It stands as mere assertion, or, as one might say, perfect pontification.

Leo offers no systematic cure of poverty, save to advise the rich to "give what remains to the poor" while to the poor he offers only "hope for the reward of eternal bliss."<sup>15</sup> But he does not make this duty of the rich one that is enforceable in law, but in private charity only. Thus, in this encyclical, both the property and privileges of the rich are placed beyond any possible challenge, while poor have recourse only to patience in poverty and dependence on charity.

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10 Pope Leo XIII, "Quod Apostolici Muneris," December 28, 1878, 1.

11 Ibid.

12 Ibid., 2.

13 Ibid., 9.

14 Ibid.

15 Ibid.

So was Henry George a “socialist” in Leo's understanding? In once sense, the question is meaningless because Leo's definition and his defense of property so strong that any restrictions on ownership could be counted as “socialism.” But even from a more nuanced understanding, George's solution struck many as socialistic; when he says “*We must make land common property*,”<sup>16</sup> it sounds more like communism than socialism. And when he adds, “*It is not necessary to confiscate land; it is only necessary to confiscate rent*,”<sup>17</sup> then surely the land tax sounds like the short road to socialism. If one got no further into George's political economy than this (and most didn't go further) than surely George would have to be classified as a socialist, and would rightly fall under the condemnation of Leo or anybody else who opposes that system.

### Property in *Rerum Novarum*

It was this nearly pathological fear of socialism that drove Leo. But the challenge of socialism cannot be met merely by calling it bad names. The inadequacies of *Quod Apostolici Muneris* were evident to many bishops who had to deal on a day to day basis with the problems of poverty and the new industrial order. They were unwilling to counsel mere patience to the poor or to act as mere scolds to the rich. This early encyclical, written in the first year of Leo's reign, offered no definition of either property or socialism, and hence no guide to understanding either, nor any remedy—nor even acknowledgment—of the problems of the poor. However, Leo attempted to address these difficulties in *Rerum Novarum*, written 13 years later. In that encyclical, Leo does acknowledge the actual condition of the working class:

[I]t gradually came about that the present age handed over the workers, each alone and defenseless, to the inhumanity of employers and the unbridled greed of competitors. ... the whole process of production as well as trade in every kind of goods has been brought almost entirely under the power of a few, so that a very few rich and exceedingly rich men have laid a yoke almost of slavery on the unnumbered masses of non-owning workers.<sup>18</sup>

Here Leo acknowledges the problem as the concentration of productive property in the hands of a “a very few rich.” He immediately rejects what he understands to be the socialist solution:

To cure this evil, the Socialists, exciting the envy of the poor toward the rich, contend that it is necessary to do away with private possession of goods and in its place to

16 Henry George, *Progress and Poverty* (New York: Robert Schalkenbach Foundation, 1880), 338 Italics in original.

17 Ibid., 403 italics in original.

18 Pope Leo XIII, *Rerum Novarum* (Boston: St. Paul Books and Media, 1891), 6.

make the goods of individuals common to all, and that the men who preside over a municipality or who direct the entire State should act as administrators of these goods.<sup>19</sup>

It is evident here that Leo identifies all socialism with state socialism or communism. This is not quite correct, not today and certainly not in Leo's day. Prior to Marx, "socialism" was a diverse set of movements which, in general, sought to restore to the worker the rights he had enjoyed in the pre-capitalist era. In general, these movements did not look to the state, but to voluntary associations; they were quite different from the modern notions of socialism, being, if anything, mostly opposed to state power on the whole rather than supportive of it.<sup>20</sup> The socialism of Proudhon, for example, is what we would call today "anarcho-libertarianism."<sup>21</sup> It is somewhat unfortunate that Leo treated of only one kind of socialism, since the non-statist forms might be natural allies in the struggle for a wider distribution of property, which is Leo's preferred solution.

For Leo property derives from labor alone and "it is clearly in this that the ownership of movable and immovable goods consists."<sup>22</sup> Note that Leo makes a distinction between "moveable and immovable" goods, but not between man-made and natural goods. Leo does face the question of land, and says, "The land, surely, that has been worked by the hand and the art of the tiller greatly changes in aspect"<sup>23</sup> and by changing the land he makes it his own. "...so it is just that the fruit of labor belongs precisely to those who have performed the labor."<sup>24</sup>

Since property derives from labor, "private ownership must be preserved inviolate."<sup>25</sup> Yet it is clear that at least some property has its origins in something other than labor: right of conquest, government grant, inheritance. Leo does not tell us if these other titles to property are "inviolable," and the silence is telling.

Aside from the defense of property based on labor, Leo provides a rather unique defense based on the combination of "man's dominion over nature" and his ability to plan for the future. Since reason allows a man to plan for the future, ownership cannot be limited to use:

<sup>19</sup> Ibid., 7.

<sup>20</sup> Christopher Lasch, *The True and Only Heaven: Progress and Its Critics* (New York and London: W. W. Norton & Company, 1991), 318.

<sup>21</sup> Cf. Pierre-Joseph Proudhon, *What is Property?*, Cambridge Texts in the History of Political Thought (Cambridge: Cambridge University Press, 1994).

<sup>22</sup> Leo XIII, *Rerum Novarum*, 9.

<sup>23</sup> Ibid., 16.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid., 23.

it is necessary that man have goods not only to be used, which is common to all living things, but also to be possessed by stable and perpetual right; and this applies not merely to those goods which are consumed by use, but to those also which endure after being used.<sup>26</sup>

The argument here is that man is by nature reasonable, and reason extends to the future, therefore property is “natural” because,

nature necessarily gave man something stable and perpetually lasting on which he can count for continuous support. But nothing can give continuous support of this kind save the earth with its great abundance.”<sup>27</sup>

But note a subtle shift in this reasoning. Man supports himself by labor on the land, and “the fruit of labor belongs to those who have performed the labor,”<sup>28</sup> but in this passage, it is the land that supports man, with no mention of labor. Presumably, Leo has in mind pure rent.

From this point is put a short step to dividing mankind into two classes: those who have land and those who don't. And between these two classes, “Each needs the other completely: neither capital can do without labor, nor labor without capital.”<sup>29</sup> That capital needs labor is clear, just as the laborer needs capital, but the issue is whether the laborer needs the capitalist. Leo will ascribe at least a part of the division to the natural differences in talents and abilities, and from these differences “unequal fortune follows of itself.”<sup>30</sup> Still, Leo does not ascribe all inequality to ability, since the worker has been handed over to “to the inhumanity of employers and the unbridled greed of competitors.”<sup>31</sup>

Leo does make a distinction between ownership and use, and concerning the later he states that property ought to be used as if it were common, and that whatever remains over what is necessary to maintain a person in their “station in life” should be given as alms to the poor. This duty, however, Leo places as one “not of justice, except in cases of extreme need, but of Christian charity, which obviously cannot be enforced by legal action.”<sup>32</sup> He thus places proper use of property beyond law and presumably beyond the limits of political economy.

Among property holders, the poor have a special place, since “[their] property, being so

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26 Ibid., 11.

27 Ibid., 12.

28 Ibid., 16.

29 Ibid., 28.

30 Ibid., 26.

31 Ibid., 6.

32 Ibid., 36.

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meager, ought to be regarded as all the more sacred.”<sup>33</sup> This idea of the “sacredness” of property being inversely proportional to its size is an interesting one, though not fully developed within the encyclical. But it is clear that Leo does wish for the wider distribution of property, since this lies at the heart of his solution to the problems of poverty. He specifically rejects state redistribution as the solution<sup>34</sup> Rather, “private property ought to be safeguarded by the sovereign power of the State and through the bulwark of its laws.”<sup>35</sup> The means for the distribution of property should be a just wage, an amount not only sufficient for a frugal worker to support himself and his family, but also sufficient so that “after expenditures are deducted there will remain something over and above through which he can come into the possession of a little wealth.”<sup>36</sup> By this means,

if the productive activity of the multitude can be stimulated by the hope of acquiring some property in land, it will gradually come to pass that, with the difference between extreme wealth and extreme penury removed, one class will become neighbor to the other.<sup>37</sup>

While in the main, this encyclical is quite conservative, in one sense at least it is radical, at least as radical as the statist socialism which it condemns, and that is in its insistence on a just wage. The encyclical comes just at the moment when “political economy” is converting itself into the “science” of economics. It comes just six months after A. E. Marshall's groundbreaking textbook, *Principles of Economics*, whose first line is “Political Economy or Economics is a study of mankind in the ordinary business of life...”<sup>38</sup> From this point on, political economy, with its implicit demands of justice, will be displaced by a science whose claim to be a science rests precisely on the rejection of any moral norms. The wage, in this new science, is merely the price of a commodity known as labor, and cannot be “just” or “unjust” so long as the price does not involve force or fraud.

## George's Critique of *Rerum Novarum*

It is precisely the insistence on an ethical economy that unites George and Leo against the “scientific” economists of their day, and ours as well, for that matter. In *The Condition of*

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33 Ibid., 32.

34 Ibid., 45.

35 Ibid., 55.

36 Ibid., 65.

37 Ibid., 66.

38 Alfred Marshall, *Principles of Economics* (Library of Economics and Liberty, 1890), 1, <http://www.econlib.org/library/Marshall/marP.html>.



*Labour*, his response to Leo, George uses the terms “justice” or “injustice” 72 times, and terms “moral” or “ethics” a further 73 times. Nor is this just a show for the benefit of the Pope. In *Progress and Poverty*, he used “justice” and “injustice” 161 times and “morals” and “ethics” 60 times. For both Leo and George, the title to land is a matter of justice, and upon that just title the whole strength of the economy rests. In connecting the moral and economic orders, George and Leo were continuing a long tradition that had connected justice and economic order, even in the modern era. Adam Smith used the term “justice” about 100 times in *The Wealth of Nations*, and it was a staple of economic discussion throughout the 19<sup>th</sup> century. But by the end of the century, the term had gone out of fashion. Marshall uses it but four times, and W. S. Jevons uses it but once, and that to deny that it should be used at all.

The problem in using a term like “justice” is locating just where it should occur within the economic order. For George, justice begins with just title to land, which resided in use, while for Leo it resided primarily in the wage. These two different approaches lead to two different ends. For example, the Catholic economist, Fr. John Ryan, was led to solutions like the minimum wage, social security, and similar income support programs. Interestingly enough, G. K. Chesterton and Hilarie Belloc, who were attempting to implement the new encyclical, quietly reversed the terms; where Leo had made the just wage the key to the distribution of property, they made the distribution of property the key to the just wage, thereby standing Leo's encyclical on its head.<sup>39</sup> However, the “distributists” (as they called themselves) viewed land taxes as a threat to property, rather than a limit on the accumulation of property. This misunderstanding has had unfortunate consequences.

In George's response, he gives eight specific critiques of Leo's thesis, but the major one is number four, where he disputes the notion that labor gives title to land. George points out the obvious problem with this:

This contention, if valid, could only justify the ownership of land by those who expend industry on it. This would not justify private property in land as it exists. On the contrary, it would justify a gigantic no-rent declaration that would take land from those who now legally own it, the landlords, and turn it over to the tenants and labourers. And if it also be that improvements cannot be distinguished and separated from the land itself, how could the landlords claim consideration even for improvements *they* had made? But your Holiness cannot mean what your words imply. What you really mean, I take it, is that the original justification and title of

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39 Hilarie Belloc, *The Servile State* (Indianapolis, Indiana: Liberty Classics, 1913), 122.

land ownership is in the expenditure of labour on it. But neither can this justify private property in land as it exists. For is it not all but universally true that existing land titles do not come from use, but from force or fraud?<sup>40</sup>

George then points out the limits of such a justification:

But your contention is not valid within any limits or to any extent. Industry expanded on the land gives a right of ownership in the fruits of that industry, but not in the land itself, just as industry expended on the ocean would give a right of ownership to the fish taken by it, but not a right of ownership in the ocean.<sup>41</sup>

In response to Leo's justification of land as an expression of man's reason, George replies:

The right of private ownership does therefore indisputably attach to things provided by man's reason and forethought. But it cannot attach to things provided by the reason and forethought of God!<sup>42</sup>

As a producer, man is merely a changer, not a creator; God alone creates. And since the changes in which man's production consists inhere in matter so long as they persist, the right of private ownership attaches the accident to the essence, and gives the right of ownership in that natural material in which the labour of production is embodied. Thus water, which, in its original form and place, is the common gift of God to all men, when drawn from its natural reservoir and brought into the desert, passes rightfully into the ownership of the individual who, by changing its place, has produced it there.<sup>43</sup>

George confronts the claim that property in land is a "natural right." This right George will concede only to the products of labor, not to the work of God. Products made by the worker are the worker's by right, and this is a right anterior to the state.<sup>44</sup> But as for private property in land, it is not a natural right, but from the state.<sup>45</sup> George faults the Pope for failing to point out a source for the "natural" right of land, and for confusing ownership of man-made products with natural ones.

George also rejects Leo's easy acceptance of the division of the world into owners and non-owners who "need each other."

Or, to state the same thing in another way: Land being necessary to life and labour, its owners will be able, in return for permission to use it, to obtain from mere labourers all that labour can produce save enough to enable such of them to maintain

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40 George, *The Condition of Labour: An Open Letter to Pope Leo XIII*, 52-3.

41 Ibid., 54.

42 Ibid., 42.

43 Ibid., 43-4.

44 Ibid., 78.

45 Ibid., 79.

life as are wanted by the land-owners and their dependents. Thus, where private property in land has divided society into a land-owning class and a landless class, there is no possible invention or improvement, whether it be industrial, social, or moral, which, so long as it does not affect the ownership of land, can prevent poverty or relieve the general conditions of mere labourers.<sup>46</sup>

But perhaps the most fundamental difference between the two men lies in their ultimate vision of a peaceful society. For Leo, the balancing term in reaching an equilibrium state is *charity*, whereby there would be neither excess nor want.<sup>47</sup> Against this, George states:

But in the state of society we strive for, where the monopoly and waste of God's bounty would be done away with, and the fruits of labour would go to the labourer, it would be within the ability of all to make more than a comfortable living with reasonable labour. And for those who might be crippled or incapacitated, or deprived of their natural protectors and bread-winners, the most ample provision could be made out of that great and increasing fund with which God in His law of rent has provided society-not as a matter of niggardly and degrading alms, but as a matter of right, as the assurance which in a Christian State society owes to all its members.<sup>48</sup>

We can say that Leo's view is more realistic; no matter how perfect the system, it will be implemented by imperfect humans, and hence there is no *systemic* way of eliminating the need for charity. Nevertheless, we should have some paradigm in mind that does not depend on charity. To deny that would be to deny there can ever be, even in theory, a complete system of political economy, which would be to say that the world is merely random and there can be no science of economic relationships. And while that may be the case, it would, from the standpoint of Christianity, make a strange statement about God. Namely, that he has set us the natural goal of economic justice while denying us the natural means to reach that goal.

## Property in the Patristic Tradition

George and Leo present two very different ideas on property, one as a “sacred right” and one as no right at all. Leo is speaking to Catholics, and within Catholicism such disputes are normally resolved by an appeal to the Church's tradition, beginning especially with the Patriarchs of the first four centuries. But even for historians of economics and ideas, it is useful to compare these two views to the history and traditions that produced them, and so locate their origins.

The situation that confronted the early church would certainly be recognizable to moderns. In

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<sup>46</sup> Ibid., 97.

<sup>47</sup> Leo XIII, *Rerum Novarum*, 43.

<sup>48</sup> George, *The Condition of Labour: An Open Letter to Pope Leo XIII*, 72-3.

a history that repeats itself across many cultures and civilizations, the history of Roman property is one that moves from common ownership to absolute private ownership. According to tradition, at the foundation of Rome, Romulus granted a *heredium* of one or two acres to each citizen, but this was by nature of a homestead and not enough to support a family. Rather, the “cornland was of common right,” owned by no one and used by all.<sup>49</sup> However, the wars of Rome were fought mainly by its farmers. For the rich, this was not a problem, since they could go to war and leave the farming to slaves or hired servants. But the lower orders had no such recourse and returned from their 20-year enlistments to ruined farms, while the common lands disappeared entirely into the *latifundia*, or great estates of the rich. In the political struggles between the patrician and plebeian classes, the patrician notion of property won out, a notion of *vindicatio* or absolute ownership with no restrictions whatsoever.<sup>50</sup> Even many pagan writers descried this situation, with Pliny noting that “The great estates ruined Italy” while Tiberius Gracchus noted,

In Italy, the wild beasts have their holes and their lairs where they can rest, but you who fight and die for Italy's power have nothing but air and light, which are about all you cannot be robbed of. You roam with your wives and children without house and home.<sup>51</sup>

The Roman system led to a great distinction between rich and poor and within the confines of Rome itself a vast welfare state of “bread and circuses” to keep a poverty-stricken population under control.

Much of the appeal of the early church was precisely to the landless poor, and the Church refused to vindicate the *vindicatio*. On the contrary, they wrote into their scriptures an account of the early Christian community in Jerusalem where “The community of believers was of one heart and mind, and no one claimed that any of his possessions was his own, but they had everything in common” (Acts 4:32). The earliest Christian catechism, the *Didache*, says, “You shall not turn away from someone in need, but shall share everything with your brother, and not claim that anything is your own.”<sup>52</sup> Tertullian will claim that “All things are common among us but our wives.”<sup>53</sup> One can debate the extent to which property was actually held in common, or even

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49 Charles Avila, *Ownership: Early Christian Teaching* (Maryknoll, New York: Orbis Books, 1983), 16.

50 Ibid., 19.

51 Ibid., 14.

52 Michael W. Holmes, *The Apostolic Fathers: Greek Texts and English Translations* (Grand Rapids, Michigan: Baker Books, 1999), 255.

53 Tertullian, *The Apology*, Logos Roman Catholic Edition., The Ante-Nicene Fathers Vol.I : Translations of the Writings of the Fathers Down to A.D. 325 (Oak Harbor, IL: Logos Research Systems, 1997), XXXIX.

whether the early Jerusalem community described in *Acts* actually existed, but it is clear that they held common ownership as at least an ideal.

Far from being “natural” or “sacred,” the discussion of property in the early Church Fathers dismisses both ideas in favor of two others: *αὐτάρκεια* and *κοινά*, “sufficiency” and “common elements.” Sufficiency refers to the proper use of private property, and therefore to its limits, and what is common pertains to the excess over this sufficiency. Clement of Alexandria summarizes what might be called the “patristic system” thusly:

But those who are in earnest about salvation must settle this beforehand in their mind, “that all that we possess is given to us for use, and use for sufficiency, which one may attain to by a few things.” For silly are they who, from greed, take delight in what they have hoarded up. “He that gathereth wages,” it is said, “gathereth into a bag with holes.” (Haggai 6:1) Such is he who gathers corn and shuts it up; and he who giveth to no one, becomes poorer.<sup>54</sup>

Possessions are for sufficiency, and the excess is for common use, to be given away. Clement is not inveighing against possession *per se*, for if no one owned anything, no one could share.<sup>55</sup> Hence Clement will command that no one should cast away their substance (as some of the more radical preachers advised), but rather to “cast away the passion that keeps him from a better use of it.”<sup>56</sup> In regard to excess, it should be noted that not even honest labor confers an absolute right to property beyond sufficiency.<sup>57</sup>

These same ideas appear in Basil, called “the Great” in the Orthodox Church. Basil contrasts *ta koina* with *ta idia*, what is “common” with what is properly “one's own.” The latter belongs to the things of one's own labor, while to the former belong to nature's bounty: the air, the water, the land.<sup>58</sup> The *ta idia* is limited to what is necessary for *autarkeia* and the rest belongs to *ta koina*.<sup>59</sup> Basil also rejects the idea that first occupancy justifies ownership. This he compares to the situation where a person arrives first at the theater and thereby claims all the seats.<sup>60</sup> Basil continues:

This is what the rich do. They seize common goods before others have the

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<sup>54</sup> Clement of Alexandria, *Pedagogus*, The Ante-Nicene Fathers Vol. II : Translations of the Writings of the Fathers Down to A.D. 325 (Oak Harbor, IL: Logos Research Systems, 1997), 2,3.

<sup>55</sup> Igino Giordani, *The Social Message of the Early Church Fathers* (Boston: St. Paul Editions, 1977), 272.

<sup>56</sup> Ibid., 271.

<sup>57</sup> Ibid., 283.

<sup>58</sup> Avila, *Ownership: Early Christian Teaching*, 53.

<sup>59</sup> Ibid., 54.

<sup>60</sup> Ibid.

opportunity and claim them as their own by right of preemption. For if we all took only what was necessary to satisfy our own needs, giving the rest to those who lack, no one would be rich, no one would be poor, and no one would be in need.<sup>61</sup>

This same idea that sufficiency provides the limits for property is hammered by St. Ambrose:

But each has a terminal limit of space in accordance with its need, so that only so much is given to each as to satisfy completely its wants—not so much as its unregulated greed can claim for itself. There is, if I may say so, a law of nature that one can seek only what suffices for nourishment and that the allotment “which thy fathers have set” (Proverbs 22:28) should be in proportion to the need for food.<sup>62</sup>

Ambrose denies that private property is a “natural right.” On the contrary, he states that “God has willed this earth to be the common possession of all...Avarice, however, has made distribution of property rights.”<sup>63</sup> For Ambrose, “Nature is the mother of common right; usurpation of private right.”<sup>64</sup> This theme is carried forward in his protégé, St. Augustine, who states that private property is from human law, not divine.<sup>65</sup> Indeed, “private” property represents a privation:

[Avarice] by which each desires something beyond what is appropriate, for its own sake, and a certain love of one's own property—which the Latin language has wisely called “private,” for it connotes more a loss than an increase. For all privation is a diminution.<sup>66</sup>

For the early Fathers, it is this lust for private property that creates poverty, and not some defect of the poor. Basil, Ambrose, Augustine, John Chrysostom, and many others are united on this point. Chrysostom especially hammers this point, and turns the dictum of St Paul against the idle rich:

For why does he not work (you say)? And why is he to be maintained in idleness? But (tell me) is it by working that thou hast what thou hast, didst thou not receive it as an inheritance from thy fathers? And even if thou dost work, is this a reason why thou shouldest reproach another? Hearest thou not what Paul saith? For after saying, “He that worketh not, neither let him eat” (2 Thess. iii. 10), he says, “But ye be not weary in well doing.” (2 Thess. Iii. 13.)...Are all poor through idleness? Is no one so from shipwreck? None from lawsuits? None from being robbed? None from dangers? None from illness? None from any other difficulties?<sup>67</sup>

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61 St Basil the Great, *On Social Justice*, Popular Patristics (Crestwood, New York: St. Vladimir's Seminary Press, 2009), 69.

62 Avila, *Ownership: Early Christian Teaching*, 72.

63 Ibid., 74.

64 Ibid.

65 Ibid., 111.

66 Ibid., 117.

67 St. John Chrysostom, *Homilies on the Epistle to the Hebrews*, The Nicene and Post-Nicene Fathers Second

Since it is the unjust appropriation that is the major cause of poverty, redistribution in charity is no more than a matter of justice.<sup>68</sup> It is noteworthy that the Fathers never call upon the state to redistribute property. Of course, for most of this period, the Church will not have access to the state. So while they will not make the distinction between justice and charity that Leo makes, neither do they refer the matter to *legal* justice. They will not threaten the rich with a lawsuit, but they are quite comfortable with threatening them with damnation. Indeed, St. John Chrysostom will class the rich along with the robbers and thieves.<sup>69</sup>

There seems to be little support for Leo's notions of sacred and inviolable property among the Fathers of the Church. However, this was a Church largely divorced from the sources of public power. After the conversion of Constantine, it becomes the official Church, and immensely wealthy. And with the fall of the empire, the Church becomes the dominant institution in Europe. Perhaps this more powerful church will take a kinder view of the power of property.

## Property in St. Thomas Aquinas

The classic position on ownership of the land in the Scholastic Age comes from St. Thomas Aquinas. For Thomas, there is no reason why a "particular piece of land should belong to one man more than another," but in any use, such as cultivation, it may be more useful to one than another.<sup>70</sup> St. Thomas gives a strong defense of private property based on three points: that people are more careful with their own property than with common property; Human affairs are more orderly if each person is charged with the care of some particular property; there will be fewer quarrels if each person "is contented with his own."<sup>71</sup>

The thing to note about this defense is that it is *pragmatic*: things just work better when there is private ownership. But then Thomas identifies a second aspect of property, its use. He writes, "The second thing that is competent to man with regard to external things is their use. In this respect man ought to possess external things, not as his own, but as common, so that, to wit, he is ready to communicate them to others in their need."<sup>72</sup>

Thus Thomas identifies two aspects of property: *ownership* and *use*. One dictates a *private*

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Series Vol. XIV, n.d., 11.8.

68 Giordani, *The Social Message of the Early Church Fathers*, 299.

69 Avila, *Ownership: Early Christian Teaching*, 91-2.

70 Thomas Aquinas, *Summa Theologica* (Allen, Texas: Christian Classics, 1911), II-II, 57, 3.

71 Ibid., II-II, 66, 3.

72 Ibid.

aspect of property and the other a *public* or *common* aspect. In this we can see echoes of the Patristic division between *autarkeia* and *koina*, even if Thomas does emphasize the private aspect rather more than do the Fathers. What is the relationship between these two aspects? According to Thomas,

Community of goods is ascribed to the natural law, not that the natural law dictates that all things should be possessed in common and that nothing should be possessed as one's own: but because the division of possessions is not according to the natural law, but rather arose out of human agreement which belongs to the positive law... Hence the ownership of possessions is not contrary to the natural law, but an addition thereto devised by human reason.<sup>73</sup>

Here we can note a subtle shift from the patristic position. The natural law remains with the *koina*, the common aspects of property, but private ownership is no longer a “privation” as in Augustine or a “usurpation” as in Ambrose. Instead, it is a prudential addition to the natural law by means of the positive law. Still, the common claims on property predominate and are so strong that theft is allowed in cases of need: “In cases of need all things are common property, so that there would seem to be no sin in taking another’s property, for need has made it common.”<sup>74</sup> We can note here that Thomas takes a position specifically condemned by Leo, namely that property is not from the natural law, but from human invention.

For St. Thomas, then, there is a common aspect of property that is governed by the natural law and a private aspect which is governed by positive law, or prudence. Now we can better understand Thomas’s pragmatic defense of private property: it is a method, governed only by prudence, of insuring that the common values of property will be available to all; it is a way to ensure that property will be properly developed so as to be useful to the whole community, since property always needs to be developed in order that its values be made available to men. Absent from Thomas is any notion that private property is “sacred”; rather, it is a pragmatic arrangement sanctioned by positive law. We do see Leo’s distinction between ownership and use, but use is not totally relegated to the area of charity and isolated from legal justice, since the whole question of private property resolves to positive law.

## Property in John Locke

No modern discussion of property is complete without a consideration of John Locke’s

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<sup>73</sup> Ibid., II-II, 66, 3, ad 3.

<sup>74</sup> Ibid., II-II, 66, 7.



*Second Treatise on Government*, which might be called the *Magna Carta* of the modern notion of private property. Writing in the last half of the 17<sup>th</sup> century, Locke came at a time when the facts about property had changed, but there was not, as yet, an attempt to justify these new facts. Right into the 16<sup>th</sup> century, property had maintained, in theory as well as in fact, something of its communal character. Not only were there widespread rights to the commons, but the use of land was widely dispersed among tenants, copyholders, freeholders, and other forms of title that involved customary fees rather than economic rents. Once the fees had been paid—in cash, kind, and service—the tenant claimed all of the output of his labor. **The fees were not based on the value of the land, but on the value of the services provided to the land.**<sup>75</sup> Adam Smith correctly identified the fees not as “rents” at all, but as taxes, that is, what someone pays the ruling authority for police protection, infrastructure, etc.<sup>76</sup>

This arrangement began to break down after the Black Death in 1348 made labor scarce. At first, this was to the benefit of the laboring class, since the price of labor became very dear indeed. Labor retained its commanding position even after the population recovered, so that by the 16<sup>th</sup> century, a laborer could maintain his family with 15 weeks of work, and an artisan with a mere 10.<sup>77</sup> However, this very success of the worker contained the seeds of his downfall. It was now the property owners who were getting squeezed by high wages, and they wanted their workers back at the former rates. But more importantly, it replaced a society of mutual obligations, only some of which were monetary, with a society with a cash nexus, and cash turns out to be an easy thing for a few to control. Indeed, it is the prevalence of money that Locke will use to justify the unequal division of property.

The “original accumulation” (as Marx would call it) of property came through an incredible act of state violence, the seizure of the monastic and guild lands, combined with the enclosure of the commons. At a single stroke,

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<sup>75</sup> Jarrett Bede, *Social Theories of the Middle Ages: 1200-1500* (Westminster, Maryland: The Newman Book Club, 1942), 139.

<sup>76</sup> James E. Thorold Rogers, *Six Centuries of Work and Wages: The History of English Labour* (New York: G. P. Putnam's Sons, 1884), 56.

<sup>77</sup> *Ibid.*, 250.

and very nearly on a single day, the whole property system of England changes and power passes to a new class. Note that it does not pass to the king, for Henry did not get the property; it all slipped through his hands, for pennies on the pound, to this new class that soon became the masters of England. This was the new situation that Locke set out to justify.

The frequent reading of Locke is that he justifies original title to land through the labor expended on it, at which point title becomes absolute, and the sole role of government is to defend that title. In fact, there is nothing even that coherent in Locke's *Second Treatise*. Locke does acknowledge that land is originally the common heritage of mankind and held in common.<sup>78</sup> Property is pulled out of common ownership by the labor of man and becomes private.<sup>79</sup> This form of ownership is self limiting, for,

No man's labour could subdue or appropriate all, nor could his enjoyment consume more than a small part; so that it was impossible for any man, this way, to entrench upon the right of another or acquire to himself a property to the prejudice of his neighbour.<sup>80</sup>

However, Locke had already contradicted this point by stating that land was taken out of common use not just by the laborer, but by any servants (or horses) that were in his employ.<sup>81</sup> Since a person can have innumerable servants, not to mention horses, he can thereby have an unlimited amount of land, which would certainly “prejudice his neighbor's interests.” Locke tries to limit this right with his famous “proviso”: “where there is enough, and as good left in common for others.”<sup>82</sup> Of course, there is no way to enforce this proviso, and Locke will say nothing further about it.

Still, at this point it would be no great trick to reconcile Locke with the Fathers of the Church, with St. Thomas, or even with the later Proudhon. But then Locke does something very peculiar: he introduces *money* as a justification for private property. Through the use of money, men could store up more than they could use, and hence the natural limits on acquisition are

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78 John Locke, *Second Treatise on Government*, 1690, 5, 25.  
<http://oregonstate.edu/instruct/phl302/texts/locke/locke2/2nd-contents.html>.

79 Ibid., 5, 27.

80 Ibid., 5, 35.

81 Ibid., 5, 27.

82 Ibid., 5, 26.

lifted.<sup>83</sup> From this he moves to his grand *non-sequitur*:

it is plain that the consent of men have agreed to a disproportionate and unequal possession of the earth- I mean out of the bounds of society and compact; for in governments the laws regulate it; they having, by consent, found out and agreed in a way how a man may, rightfully and without injury, possess more than he himself can make use of by receiving gold and silver, which may continue long in a man's possession without decaying for the overplus, and agreeing those metals should have a value.<sup>84</sup>

If gold is the justification for property, then the whole of chapter 5 is superfluous, and we need have no nonsense about labor being involved. If an unequal division is justified because we have “consented” to it, then justice can have no other meaning than “public consent.” Further, it is not at all clear that we “consent” to unequal property or to the dominance of money merely because it is a feature of the society into which we are born. Finally, the argument becomes circular. Locke will argue that government exists only to protect “life, liberty, and property,”<sup>85</sup> but property only exists as it does because government protects it.

## Locke and Leo?

Some have accused Leo of being a Lockean because he relies on labor to justify property.<sup>86</sup> However, by that measure, as we see, Locke isn't much of a Lockean. If there is a nexus between them, it is methodological: both start with labor as the justification for property and then drift off into other areas, without much of a transition. The fact is that labor *does* justify property, which means it cannot possibly justify the division between labor and land or between capital and labor. Yet Leo holds that “Each needs the other completely: neither capital can do without labor, nor labor without capital.”<sup>87</sup> And while this is obviously true, it is only true because somebody other than the laborer owns the capital.

Leo does maintain a distinction between right ownership and right usage that is a continuation of the older traditions. There is a hint of the Patristic distinction of *autarcheia* and *koina* here<sup>88</sup>, modified by the Scholastic notion of one's “station in life” as the defining limit of

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<sup>83</sup> Ibid., 5, 46-7.

<sup>84</sup> Ibid., 5, 50.

<sup>85</sup> Ibid., 9, 131.

<sup>86</sup> Michael Budde and Robert Brimlow, *Christianity Incorporated: How Big Business is Buying the Church* (Grand Rapids: Brazos Press, 2002), 109-128.

<sup>87</sup> Leo XIII, *Rerum Novarum*, 28.

<sup>88</sup> Ibid., 36.

*autarcheia*.<sup>890</sup> However, it seems very difficult to reconcile Leo's claim that property in land is both sacred and natural with either the Patristic or Scholastic traditions. Neither holds property to be sacred, nor as a natural right (although Aquinas will allow it as a prudential addition to the natural law). Nor does Leo cite any of the fathers; his earliest source is Gregory the Great, writing in the 6<sup>th</sup> century. And while he cites Thomas, he does not cite his passages on property. His sole citation for the "sacredness" of property comes from the Decalogue's prohibition of theft.<sup>91</sup> But surely the question of ownership is prior to the question of theft, and one must establish the former before speaking of the later.<sup>92</sup>

Leo is obviously aware of the injustices created by the concentration of capital<sup>93</sup>, yet he makes land "sacred," which appears to be an innovation in Catholic tradition. Is there any possible reading of the encyclical which reconciles it with the older traditions? I believe there is. Leo does tie wages to ownership,<sup>94</sup> with the small property of workers "being so meager, ought to be regarded as all the more sacred."<sup>95</sup> If small property is "more sacred," than large property must be less so, and at some point it must not be sacred at all. "Sacredness" in this reading appears as a ratio between property and labor, and that is a statement that can be reconciled with the Fathers, the Scholastics, and even with Henry George. The Lockean reading alone is excluded.

But if this is the implied thesis in *Rerum Novarum*, why does Leo not state it explicitly? We can only speculate, but I believe there are two reasons. The first is the fear of socialism, a theme both of this encyclical and the earlier *Quod Aposolici Muneris*. Making an explicit connection would lay the canons of the Church on the side of the socialists, giving justification for the seizure of large capitals, and this Leo was unwilling to do, given the political situation in the world at that time.

There was a second reason as well. By the end of the 19<sup>th</sup> century, Lockean notions of property had themselves become "traditional," even in religious thought. Indeed, the so-called

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89 Aquinas, *Summa Theologica*, II-II, 32, 6.

90 In Scholastic economics, the different orders of society were entitled to differing levels of support. A merchant was entitled to a higher standard of living than a laborer, and a prince a higher standard than a merchant.

91 Leo XIII, *Rerum Novarum*, 17.

92 There is a certain irony in citing the law of Moses here, since the earliest property code in Leviticus prohibited individual ownership. "You shall not sell the land in perpetuity, for the land is mine [says the Lord]; with me you are but aliens and tenants." (Lev 25:23)

93 Ibid., 6.

94 Ibid.

95 Ibid., 32.

“Wars of Religion” were not really about religion at all, but about property, namely, who would come into ownership of what was formerly Church property, a property that was as much as a third of Europe. But whichever side won, the older notions of property would lose. Neither side was fighting for church control of property, and the Catholic Monarchs had no intention of returning the Church's lands, nor restoring the common rights. Allodial property was triumphant on either side, and the nation-state necessary to protect that property was the big winner.<sup>96</sup> These wars made the Church, and indeed all churches, more dependent than ever on the aristocratic and land-owning classes.

It would be left to Leo's successors to qualify and develop his teaching on property so that it is more in line with the Church's traditional teachings. It is beyond the scope of this paper to detail the changes that took place in subsequent social encyclicals. It is sufficient to point to this passage from John Paul II's *Laborem Excerans* to get some idea of the shifts:

From this point of view, therefore, in consideration of human labour and of common access to the goods meant for man, one cannot exclude the *socialization*, in suitable conditions, of certain means of production. In the course of the decades since the publication of the Encyclical *Rerum Novarum*, the Church's teaching has always recalled all these principles, going back to the arguments formulated in a much older tradition, for example, the well-known arguments of the *Summa Theologica* of Saint Thomas Aquinas.<sup>97</sup>

We can speak of socializing only when the subject character of society is ensured, that is to say, when on the basis of his work each person is fully entitled to consider himself a part-owner of the great workbench at which he is working with every one else. A way towards that goal could be found by associating labour with the ownership of capital...<sup>98</sup>

## Conclusion

Given the cataclysmic triumph of State Socialism in Russia in the generation that followed Leo, the fears that he expressed were certainly not misplaced, however one may quarrel with his failure to distinguish state socialism from other forms. Indeed, the failure to make the distinctions meant that many possible solutions, solutions short of communist tyranny, were not given the hearing they deserved, because they were tainted by the mere word, “socialism.” Was

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96 Cf. William Cavanaugh, ““A Fire Strong Enough to Consume the House:” The Wars of Religion and the Rise of the State,” *Modern Theology* 11, no. 4 (October 1995): 397-420.

97 P. John Paul II, *Laborem Exercens*, 1981, 14.

98 Ibid.

Henry George a “socialist”? Most certainly he was, but just as certainly he was not a *state* socialist. Rather, George posed an elegant solution to the questions of ownership and use, questions which have been at the heart of the discussion since the patristic period. George proposed the *socialization* of ownership and the *privatization* of use.

Now the world is again, I believe, at the brink of another cataclysm. The old system is failing and great changes are in the works, whether we like it or not. Paths that lead to both tyranny and freedom are opening before us, but we must have the wisdom to choose the right paths, which means we must have the knowledge and wisdom to know where a particular path will lead. At base, this wisdom is a moral wisdom.

The choices before us are not just economic, nor even political. What unites Leo XIII and Henry George is their mutual recognition that, at base, we must make a moral decision. Individuals may go bankrupt for any number of reasons, but nations go into financial bankruptcy only after going into moral bankruptcy. In regard to land and labor, the greatest sign of an immoral economy is the prevalence of wealth without work, which in economic terms is called “economic rent.” As R. H. Tawney put it, “Property was to be an aid to work, not a substitute for it.”<sup>99</sup> Property is merely the means of insuring that the worker gets the full value of his labor (including that “stored-up” labor known as “capital”) while the community will be compensated for what they contribute to production. Solutions to our present crises should be judged solely on how well they eliminate the great economic evil known as economic rent.

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