

# A TIME BEFORE PREDATION: OWNERSHIP IN EARLY CHRISTIANITY AND THE NATURAL LAW TRADITION

Charles Avila's book *Ownership: Early Christian Teaching* shows us that the Church Fathers addressed the question of land ownership and its exploitation very strongly. For example Avila quotes from Saint Ambrose, Bishop of Milan, in the fourth century who wrote:

*The elements have been granted to all for their use. Rich and poor alike enjoy the splendid ornaments of the universe. . . The house of God is common to all (p. 72).*

In another passage Ambrose says:

*Thus God has created everything in such a way that all things be possessed in common. Nature therefore is the mother of common right, usurpation of private right (p. 74).*

Ambrose's assertion that the earth and all the elements belong to all in common is to be found in the other Church Fathers. It was an essential part of early Christian thought. From the Christian perspective all nature belongs to the Creator who has given it, simply as a gift, to all the creatures to share in common. Just as God has created each being, so likewise he has created their dwelling place, where all may flourish with each other. With the human race this is even more so, since through intelligent cooperation the community may enhance the gifts of nature in mutual benefit, so there is no need for want or poverty. This is the true 'state of nature' contrary to the atomistic doctrine of Hobbes.

According to Ambrose, the cause of poverty is avarice. Very simply, it is the desire to possess for oneself what by nature is to be shared amongst all. Here he accuses the wealthy landlords as avaricious who exploit their tenant farmers who barely survive while they themselves live in luxurious palaces, gathering riches for their own sake. Their defence, according to Avila, is the Roman law of property.

But to Ambrose, and from a Christian perspective, gathering wealth as an end in itself is to live for the wrong reason, out of accord with nature, and to wilfully inflict harm on others. Like the other Church Fathers, Ambrose pleads with the landed rich to give their excess to the poor. This would be no more than to return what they have stolen from them. On being elected Bishop of Milan by popular demand, Ambrose gave most of his property to the poor.

Needless to say, beyond a few rich Christians who heeded these pleas from the Fathers, the exploitation of the land remained. And since the wealth of the Roman Empire derived primarily from agriculture, the direct abuse of land monopoly was a plainly evident wrong. Now it is worth asking why this teaching of the early Church went largely unheeded. Christianity, we should remember, became the official religion of Rome, and these teachings widely known, especially the idea of the community holding all in common and giving any excess wealth to the poor.

We are faced with the same question today. Why, after such great popularity, have the insights of Henry George into the proper use of land also gone unheeded? After all, as Charles Avila points out, George was only saying in economic terms what the early church was saying in ethical terms.

The Fathers called upon the justice of divine providence, George upon empirical economic justice. Both arrive at the same evident truth: that if the gifts of nature are misappropriated, then exploitation will arise between citizens, poverty will increase while wealth increases and, if this is not remedied, a society will eventually destroy itself – as did the Roman Empire.

Now Avila wonders why the slaves or tenants did not rise up against the powerful landowners. It seems there were small rebellions, but these were easily put down with force. If we look around the world today, it is clear that the oppressed have no chance of remedying their condition themselves. It is precisely because they are at a disadvantage that they are oppressed.

But if we turn to what we may call the modern free democracies, it is equally clear that the disadvantaged or exploited there are also the least likely to rise up and bring about justice. A more likely result of any rebellion is that the oppressed will become the oppressors – just as those fleeing to America from the Irish potato famine have done through taking land-ownership with them. Avarice and injustice seem to take root even from the best intentions.

Why is it, then, that the more educated and influential cannot bring about a remedy to this most basic injustice of misappropriating the earth? Even those politicians who understand the land question cannot bring about any change. All they can do is try to mitigate the consequences of injustice.

Here is where I believe the Church Fathers and the classical philosophers had an insight which our own age lacks. They understood the human situation at a far deeper level than either the poor or the rich and powerful of their day. They could see that neither the rich nor the poor understood human nature or the laws of nature – what we may call, along with Henry George, the 'social laws' of nature.

From the Christian perspective, the question is: why does avarice arise? Indeed, why does 'possessiveness' arise? Why do human beings desire to take things as their own property, even when it obviously harms others? Is humanity selfish and brutal by nature as Thomas Hobbes proposed in his *Leviathan*? Or, further, is there no such thing as 'justice' in the order of nature, but merely brute force, survival of the fittest, and the 'war of all against all'? Is divine justice no more than a fiction invented by the powerful in order to impose their rule on the weak, as the Sophists argued in Plato's time?

The early Christians, like the classical philosophers before them, asked these questions, and they rejected the idea that human nature is essentially selfish. Christianity sees human nature as fallen from its original natural or 'innocent' state. It has always been concerned with restoring human nature to its natural condition – its condition before the Fall. This meant that the political or social teaching of the early Church, and in the Middle Ages, recognised that there cannot be a truly just society in the fallen human condition. What is required is a transformation of the soul, so that the providential order of nature can again be perceived.

The earliest Christian communities did attempt to live in common and share all property. And this became the basis of monastic life – to live without any possessions. Yet even the monasteries tended to accumulate wealth and every now and then needed great reform, as with the birth of the Cistercians, Franciscans and Dominicans. But it was recognised that the majority cannot live this way. We will come back to how this was answered in a moment.

The philosophers had a different explanation. They saw the problem lay in errors of judgement, of mistaking for true what was not true. This is how Plato and Aristotle saw the human situation. According to them we do not know how to judge correctly between the true and the false, or between the just and the unjust. They understand that the faculties of the mind are naturally directed towards truth, just as the eye is directed towards light, or the ear towards sound, but that this capacity needs to be developed through careful education.

This meant strengthening the rational faculties, but also the body, and the cultivation of the virtues – primarily justice, courage, prudence, and temperance. For Plato and Aristotle, the understanding of the truth of things is directly connected with understanding justice. For them enquiry into the true and the good cannot be separated.

Book I of Plato's *Republic* is all about misconceptions of justice. These take several forms. First, that justice is only an external convention in a society. Second, that justice is the rule of the strong over the weak. Third, that it is doing good to your friends and harm to your enemies. Fourth, that it is giving to each what they are owed. Each of these positions are shown by Socrates to be flawed in one way or another. They belong to the realm of uninformed opinion. The remaining books of the *Republic* seek to overcome these false conceptions of justice and to find its true nature.

This is not the time to explore that in detail. But one thing ought to be noted. Plato's dialogue arrives at an understanding that, through erroneous thinking, Nature and Law have become separated. The Greek words are *physis* and *nomos*. For Plato the law of anything is its nature, or its nature is its law. This law belonging to each thing is also its natural connection with all other things. The whole cosmos is a harmony between all its parts, and this harmony is the coincidence of *physis* and *nomos*, Nature and Law.

The Greek word *kosmos* means 'order'. Everything has a part to play within the great whole, and through performing that part

each fulfils its own being. It becomes harmonious with itself and with the whole cosmos. This harmonious order of things is true justice. Justice is not imposed upon things from outside but belongs to their essence and their proper mode of being. It means each thing acts according to its own true nature when it acts according to the order of the whole. It also means that each human being who lives justly has a harmonious order in their own being or soul, so that thought, action and virtue all work together. Most important of all, living justly becomes the primary aim of human life, both within and without. Next after that is the health of the body, and lastly the right use of wealth.

For Plato and for Aristotle, a life devoted to gathering money or wealth is quite simply an ignoble life. This is especially clear in Aristotle. In his *Politics* he argues that nature is ordered in such a way that the needs of all creatures are fully met. The land naturally supplies enough for a human community, and there is a natural limit in what it provides. Seeking in excess of this natural limit is harmful. True economics is an economics of sufficiency, in accord with what nature provides in due measure.

This means that trading solely for monetary profit is not only an ignoble way of life, it also goes beyond the natural limits of nature's provisions. To seek to acquire unlimited wealth distorts the harmony of nature. It is unjust. The fact that such acquisition has no natural limit indicates it is unjust, since justice is always proportionate. But also, for both Plato and Aristotle, trading merely for the sake of money corrodes the civil order of the community. Markets in this sense are a threat to the social stability of the *polis*. They corrupt natural human relationships. For Aristotle economics is the study of a society becoming self-sufficient in necessities, within the limits of nature. It is more a study of 'good management' rather than of 'commerce'. The aim is health and peace rather than wealth.

These two perspectives – the Christian and the philosophic – are quite different to each other, yet together they embody the highest aims of a just society in Western civilisation, which has absorbed aspects of each. One seeks a way of life based on goodness and mercy, on the love of God and neighbour. The parable of the Good Samaritan still strikes a note. The other seeks a way of life through reason and discriminating between reality and appearance. It seeks an understanding of the unity of *physis* and *nomos*, Nature and Law, or the real and the good, the truthful and the ethical. Yet both see the quest for the just life as an ongoing journey. For the Christian tradition it lies in overcoming the avaricious desires that come with the Fall, while for the philosophic tradition it is a way of bringing human nature and society into harmony with the cosmic order.

These are the leading responses in our Western civilisation to the injustices that afflict human society. Yet they both aim at a condition of justice that seems beyond the capacity of the majority of people. The Church Fathers and the philosophers were perfectly aware of this. Those who are wealthy through misappropriating the labour of others are not that keen on having a just society. They can console themselves with the belief that justice is an impossible utopian dream. Those who protest on behalf of the poor are too often driven by envy of the rich, and so they bring no remedy. Complacency and anger are two common responses to the question of justice.





Given the fact that few are likely to become saints or philosophers, is there a kind of justice that can be established which removes the worst ills that arise from the misappropriation of the land, and which opens a way towards the possibility of a truly just society? Well, obviously at least to us, Henry George opens the door to such a possibility, by removing the means of misappropriating the land and stealing the value created by the community and the wages of those who produce wealth. There are elements of the generous Christian ethic in George's work as well as elements from the noble philosophic tradition, especially that of the Natural Law and the understanding of justice as a universal principle. There is a tendency nowadays, unfortunately, to reduce the scope of George's insights merely to his fiscal proposals, and to seeking ways of implementing a land tax, forgetting that it is the love of justice that informs all his social and economic analysis.

We are confronted with the simple fact that modern society is as far from achieving this today as George was a hundred years ago – or the Church Fathers were in persuading the people that the land belongs to all in common sixteen hundred years ago, or Plato 2,500 years ago. For as far back as we can go in recorded history it has always been proclaimed by the poets, the prophets and the philosophers that the earth belongs to all in common. Virgil, for example, writes of a Golden Age when:

*No tenants mastered holdings,  
Even to mark the land with private bounds  
Was wrong: men worked for the common store, and earth  
herself, unbidden, yielded more fully. (Georgics I/126-29)*

And the great Roman poet Ovid writes:  
*The earth itself, which before had been, like air and sunshine,  
A treasure for all to share, was now crisscrossed with lines  
Men measured and marked with boundary posts and fences.  
(Metamorphosis I/134-36)*

The Stoic philosopher Seneca also writes of the Golden Age:

*The social virtues had remained pure and inviolate before  
covetousness distracted society and introduced poverty, for men  
ceased to possess all things when they began to call anything their  
own... How happy was the primitive age when the bounties of  
nature lay in common and were used freely; nor had avarice and  
luxury disunited mortals and made them prey upon one another.  
They enjoyed all nature in common, which thus gave them secure  
possession of public wealth. Why should I not think them the richest  
of all people, among whom was not to be found one poor man?  
(The Epistles)*

Not only are we far from such visions, we have an added difficulty in our time, the implications of which were only hinted at in George's time: the separation of the economic realm from the social realm. This is something Karl Polanyi has observed very clearly in his *The Great Transformation*. With the growth of a market economy, aimed at exchange for profit, the creation of wealth has gradually divorced itself from the social realm, and come to exist independently of society. Not only is land monopoly misappropriating the natural community revenue and diminishing the wages of labour, the economy as a whole is becoming parasitic upon society, making human life serve the economy, rather than the economy serve human life.

# cover story

This separation, now so plainly evident, especially in the great cities where land monopoly is rife, is precisely what Aristotle warned against, and what the Church Fathers struggled against.

This separation of the economic from the social is reinforced by the modern reduction of economic analysis to mathematical models. The tendency to reduce economics to mathematical calculation was already present in the early economic thinking of the seventeenth century. And this in turn came from a previous shift in the conception of the 'laws of nature'. The new conception of the laws of nature was based upon a purely mechanistic observation of the laws of motion, to which all phenomena could be reduced. This new view was hailed as superseding the religious and philosophical approaches to nature. These, it was argued, belonged to a more primitive stage of society, preparing the way for the empirical method of mechanical science. This idea is expressed in Turgot, for example, one of the pioneers of economics in the eighteenth century. The Physiocrats were not immune to the mechanistic thinking of their age through which they sought to express their insights.

The expression 'laws of nature' was directly opposed to the tradition of 'natural law' which extended back to Plato, the Stoics and early Christians such as St Augustine, and was greatly refined through the Middle Ages, producing in the twelfth century the *Decretum Gratiani*, and culminating in the thirteenth century in Aquinas's great treatise on law in the *Summa Theologica*.

Natural law refers to what we spoke of earlier, the harmonious order of the cosmos in which everything plays its part for the sake of the whole. It is the cosmic justice which brings community into being. It is essentially 'cooperative' as opposed to 'competitive', communitarian as opposed to individualistic. Natural law expresses the common good.

According to natural law the land belongs to all in common, or simply to the Creator as St Ambrose and St Augustine argued. The new mechanical conception of the 'laws of nature' cannot account for just possession or ownership. It cannot encompass commutative or distributive justice. There is no ethical dimension to the mechanistic conception of nature.

The new mechanistic conception of nature gets transferred to jurisprudence with the rise of 'positive law', which is no longer rooted in the natural law or a conception of universal justice, but rather in the will of the legislator. Law became divorced from ethics in the same way as economics became divorced from community.

It is therefore no surprise that the expansion of positive law since the seventeenth century has been primarily in property law. Legally speaking, 'ownership' becomes the new way of conceiving human nature and society. Locke's famous theory that the ownership of land springs from extending self-ownership through labour to land is the obvious development of this new kind of 'law of nature' absorbed into positive law. The 'self-owning person' has no precedent in history. It is rooted in a new conception of human nature and our relation to the world and society. Out of it springs a new branch of law called 'human rights', which are claims made upon the state, more or less replacing earlier 'natural rights', which are natural liberties, as formulated





in the American constitution, which in turn replaced the natural law tradition extending back into the Middle Ages. This is a mode of law for the self-owning person, whose claims stand in opposition to the state.

The modern conception of the state has arisen through the loss of the communal understanding of society, in which each citizen, through their specific talents or vocations, serves the whole. Once society is conceived in terms of proprietorial individuals, each seeking their own private ends, then 'the state' in some form or other has to be imposed to regulate the conflicting desires and actions of individuals. And this includes the market.

These are problems that George does not tackle. In his time for most ordinary people the vision of freedom was still framed within the context and language of the common good and natural justice, and had not yet declined into the notion of private freedom and individual rights in opposition to the state or community. It was only the 'intellectuals' who propagated these ideas, while the majority of people still lived in the shadow of Christian morality.

George's eye is on the just society and on how to remedy the injustices that arose with the market society based on land monopoly. It may well be, with the full implementation of the land tax world-wide, that the separation of the economic realm from the social realm would be repaired. It may well be that then the pursuit of wealth for its own sake would be replaced by higher cultural aims, as George envisioned, including due care for the environment.

All that may well be so. But the implementation of the land tax will not come about without first overcoming the prevailing mechanistic interpretation of economics, which reinforces its separation from the social realm, and which suits land monopoly by abstracting the earth into capital or reduces it to mere 'resources'. Nor can the 'social' good be restored without a return to understanding the communal nature of the human person. This communal nature is something that the Church Fathers could call upon when prompting the rich to share their wealth with the poor. And it was something that was gradually developed throughout the Middle Ages through the formulations of civil and canon law, including English common law.

There is a growing body of scholarly study of the communal nature of society, and it is from this perspective that the limited nature of the sphere of economic theory is clearly brought to light. The study of economics in relation to other disciplines would be of enormous value. For example, the very good work being done in environmental studies and ecology would be greatly enhanced by a good knowledge of economic and social laws. Environmental destruction and economic injustice have a common cause. They occur through misconceptions of the nature of society rooted in the proprietorial conception of our human relation to the land or nature.

From the perspective of the Church Fathers and the Greek philosophers, these are manifestations of the separation of *physis* from *nomos*, of Nature from Law. Where George and the Church Fathers meet is in their common call for justice in conformity with the order of nature, and in their recognition of the essential goodness of human nature.

Given the Christian interpretation of the fallen human condition, or the classical philosophical interpretation of our misperception or ignorance of the true nature of things, how does each tradition conceive a remedy to the injustice that arises through the proprietorial relation with the land or nature?

Here the early philosophers and theologians gave a common answer: that, allowing for possession by convention, all property ought to be put to right use. It is not the claim to ownership as such that matters since, as Avila demonstrates, ownership can only ever be a *legal* claim on property. It is how property is used that ultimately matters. As John Chrysostom says 'For it is not wealth that is evil, but the evil use of wealth' (p. 87).

Locke's famous argument that we come to own things by extension of our self-ownership through labour is clearly flawed since we obviously derive our existence from nature or from the Creator. And why should Locke's principle apply only to human beings? What of the bird who builds its nest or the squirrel that buries its nuts? From the perspective of nature there is *nothing unowned* remaining for Lockean man to extend ownership to. St Augustine likewise discounts Locke's argument: 'Whence does anyone possess what he or she has? Is it not from human law? For by divine law, the earth and its fullness are the Lord's (*Psalm 23:1*)' (p. 111).

If, then, it is only flawed thinking or a legal fiction that makes ownership seem to be so, and yet through weakness or through ignorance our society cannot give up the notion of ownership, is there then a compromise that remedies the injustices that spring from it?

There is indeed. The compromise proposed by the philosophers and theologians is to permit ownership but demand right or beneficial use. Whatever a person possesses ought to be used in such ways as serve the common good. That was the ethical solution proposed by St Thomas Aquinas, and he draws it from Aristotle. Nothing in nature comes into being to be ill-used. Legal possession does not override that natural law. Good laws, then, are framed to ensure the beneficial use of things. This is not so strange, as is clear in the modern regulation of drugs and medicines, or food safety standards. And if this is right for the use of manufactured things, then how much more so for the right use of the land itself, the home of all living beings?

When Henry George suddenly saw how wealth and poverty arose together through the private monopoly of land he also saw how it could be remedied through a simple fiscal measure which struck a compromise between allowing the ownership of land to continue and ensuring its future beneficial use. This is precisely what a land tax ensures. Its implementation requires a general grasp of natural justice, but not that all citizens should become saints or philosophers. While it would not make citizens virtuous, it would remove practices which invited vice. It would change the ethos of society from that of citizens grasping whatever they can through fear of want, to a general contentment in a visibly just distribution of wealth. The 'proprietorial-self' would vanish from the conception of human nature. ■

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