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PRIVATE PROPERTY IN LAND

AT the end of the fifth year of War, September 1, 1944, Pope Pius XII made an "urgent appeal," over the radio, not only to the Sons and Daughters of the Catholic Church, but also to sympathetic outsiders, still under the influence of their Christian heritage, for co-operation in the great work of building a new and better world on the ruins to which the terrible disaster of the World War has reduced the Old World for martyred peoples. He earnestly asked these Christians to consider "that fidelity to the legacy of Christianity and its powerful work against all *atheistic* and *anti-Christian* currents is a master key that cannot be sacrificed for any temporary advantages or any shifting combinations."

In this new world order the raising of the proletariat was declared by the Holy Father to appear, "to every true follower of Christ, not only as earthly progress but also as fulfilment of a moral obligation." This was to be achieved by "organic reform" and not by "subversion and violence," in which "fertile ground of propaganda for a most radical program" is furnished by "the victims of an unhealthy social and economic order" in the world when misled by "promises of statesmen and proposals of scientists and technicians" into "a senseless hope of millennium of universal happiness."

As an antidote the Holy Father pointed out first and foremost the principle laid down by Leo XIII in his famous encyclical on Labor, May 15, 1891, "that any legitimate economic and social order should rest on the indisputable foundation of the right to private property." Defining them, as a matter of Christian conscience, the natural right to ownership of commodities and means of production, against those who deny the principle or render it impossible or useless, Pius XII condemned "those economic concentrations of economic wealth . . . that succeed in evading their social duties, thereby preventing the worker from building up his own effective property."

Under the circumstances the Holy Father sees "*small and medium property owners* compelled

to wage a defensive struggle increasingly arduous and without hope of success." Following the consistent policy of the Church, ever since its origin, in protecting "the poor and weak against the tyranny of the powerful," Pius XII strongly champions "the just claims of workers against any injustice" inasmuch as the Church "does not intend to protect the rich and the plutocrat against the poor."

In fact the Pope finds that "the Church has condemned it as contrary to the rights of man whenever capitalism . . . arrogates unlimited right to property without subordination to the common good." Consequently Pius XII recognizes it to be the duty of the State, whenever "distribution of property is an obstacle to this end," to "intervene, regulate its activities, or issue a decree of expropriation with suitable indemnity." This last is the right of higher domain vested in the Sovereign State which practically acknowledges the principle of private property in land by payment of a just indemnity in its exercise of condemnation proceedings.

While maintaining the Catholic doctrine of the natural right to private property, Leo XIII was amazed to find opposition to Catholic land doctrine on the part of those who "grant to the individual man the use of the soil and the various products of landed possession, but declare it absolutely wrong that one should consider himself the real owner of the land on which he has built or of the estate which he has brought under cultivation," thus "robbing man of the very fruits of his labor."

The most prominent American to fall under this condemnation was Henry George, and so September 11, 1891, he addressed *The Condition of Labor, An Open Letter to Pope Leo XIII*, criticizing the Papal Encyclical, "since its most strikingly pronounced condemnations are directed against a theory that we, who hold it, know to be deserving of your support." He therefore argued for a reconsideration of the question, "confident that, instead of defending private property in land, you will condemn it with *anathema*."

Henry George would not have been so confident of this, had he known that, fully two years before Leo XIII's encyclical on Labor, the American Hierarchy had received a secret document of the Holy Office in Rome, announcing the condemnation of Georgism by decree of February 6, 1889, in the following terms: "The Church has perpetually taught the right of private property, *that of land included*, and has more than once defined it, most recently by the Encyclicals of Pius IX *Qui pluribus* and Leo XIII *Quod Apostolici Muneris*. The faithful and the clergy especially are to be sure to retain the true faith and beware of the false theories of Henry George."

It certainly was preposterous for him and some others to view the restoration of his contumacious disciple, Dr. McGlynn, Priest and Rebel, by Apostolic Delegate Satolli over the head of Archbishop Corrigan, in the course of the year following the encyclical, as Leo XIII's reaction to Henry George's protest. Catholic teaching, in fact, did not change in regard to the right of private property in land. Consequently, in the celebration of the Golden Jubilee of that encyclical Pope Pius XII declared: "Of all the goods that can be the object of private property none is more conformable to nature, according to the teaching of the *Rerum Novarum*, than the land, the holding in which the family lives, and from the products of which it draws all or part of its subsistence."

These words of the Pope were cited by the Administrative Board of the National Catholic Welfare Conference in its statement on the *Crisis of Christianity*, issued November 17, 1941, after the annual meeting of the Catholic Bishops of the United States. They found the Holy Father thus laying "stress on the social significance of widespread ownership of land in the form of the family homestead," inasmuch as the family cannot be the "cell of society," which nature destined it to be without that "stability which is rooted in its own holding." This makes the right of private property in land of fundamental value for world reconstruction.

It is interesting to note in what close conformity to this Catholic land doctrine the Republican Post-War Advisory Council, which Governor Thomas E. Dewey, the Republican Presidential candidate, also attended, expressed itself in a pertinent passage of its report on Domestic Problems, adopted September 7, 1943. This affirmed "its belief in the strength, the character and the right of the American workingman; his pride in him-

self; his aims to get for himself a bank account, an insurance policy, *a home of his own* with a a self-reliant family in it; his right to organize and bargain collectively through agents of his own free choice."

On the other hand the land philosophy of Henry George's *Progress and Poverty* needs radical amendment to make it conform to Catholic teaching on the natural right of private property in land. Although Archbishop Walsh of Dublin greatly admired Henry George as author of "a singularly interesting as well as ably written book, at least in these chapters that deal with the nationalization question," he wrote Cardinal Manning, who confessed never to have read the book, that there is "nothing more explicit" than the denial of the right to private property in land by this book on *Progress and Poverty*.

In his correspondence with the English Cardinal the Irish Archbishop repeatedly questioned the justice of Henry George's denial of the right to private property in land as it involved "a transfer without compensation, practically a confiscation." He finally concluded his discussion of Georgism by confessing to Cardinal Manning that he could "not see that the absorption of the rent in the form of a land tax [Henry George's Single Tax] is free from the objection (on the score of injustice) to the simple transfer of the ownership from the private owners to the State." He therefore had declared in an interview that "he was for the nationalization of the land here (Ireland), but in Michael Davitt's way." Questioned about this by Cardinal Manning, Archbishop Walsh explained the difference between the two:

"George, taking it as a fundamental principle that there can be no private property in land, would transfer the land from the present owners to the State, *giving them no compensation*, but Davitt, while relying on many considerations to show that the present owners (in Ireland, remember) have claim but to a small share in the property, fully recognizes that property of theirs and *would make compensation to them for it*. The difference is manifestly one of fundamental principle."

The difference was precisely the difference between justice and injustice. In Ireland it was a question of seeking a solution to the land problem that would do justice to the landlord created by the English conquest and the Irish tenant, the original owner of the land, who had substantially improved it. Here the nationalization of the land

through just indemnity to the landlord would be a rightful step toward the restitution of the land to the original owner. This was Davitt's, not George's plan for the nationalization of land in Ireland.

This was also what was behind the statement made before by Bishop Nulty of Meath, quoting "the very words of Mr. Mill and of a dozen of other political economists who hold 'that the land of a country ought of right to belong to the people of that country.'" When Bishop Nulty's statement was abusively circulated first in England and Ireland, and then in the United States, he published "an emphatic protest against an unfair as well as unauthorized use made of an extract" from his writings; he complained to the Editor of the *Dublin Freeman*:

"1st. That a solitary, isolated sentence is very liable to be misinterpreted, and may give rise to grave misconception, when detached from the context in which it stood and by which its meaning was clearly fixed and defined.

"2nd. That,—although the extract is taken from an essay which I published on the Land Question before the passage of the Land Act,—the placard leads one to believe that it has been taken from a letter published quite recently.

"3rd. That a facsimile of my signature is attached to this extract without my knowledge as if I had sanctioned and approved of a course of action which I entirely disclaim."

Bishop Nulty's statement was attached to the original *No Rent Manifesto* in the United States. This was all the more culpable because of the action Bishop Nulty had taken upon learning that a "special cable" of his interview to Henry George in *The New York Irish World* reported that this prelate "found nothing to condemn in the *Kilmainham Manifesto*," as there was "nothing immoral in the refusal of the Irish people to pay rent to the jailers of Ireland until their leaders are released from prison." When this was telegraphed to the *London Standard*, Bishop Nulty, contradicting "what that telegram insinuates rather than states directly," declared: "I never asserted then, nor indeed in my whole life, that landlords were not fully and justly entitled to a fair rent for the use of their lands; and . . . I expressed no opinion at all on the publication of the late *Manifesto*." It is the irony of fate that Bishop Nulty's authority is still being abused even in the remote antipodes¹⁾ to bolster up Henry George's un-Catholic land philosophy.

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