# Dedication.

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To
The Right Rev. W. M. Wigger, D. D.,
Bishop of Newark, N. J.,
in acknowledgment of many acts of kindness
received at his hands,
in token of long cherished esteem and respect,
this little pamphlet,
on the doctrine of the Angel of the Schools,
on a question of
paramount importance to the Church
and human society,
is inscribed
by the Author.

# INTRODUCTION.

Next to the Holy Scripture, there is no doctor or theologian of the Church whose authority is sought with greater anxiety by any one wishing to establish some new theory or some new form of an old error than that of the Angel of the Schools.

It is the tribute that even error unwillingly pays to that grand and colossal genius, who for height and sublimity of intellect, for vastness of comprehension, for depth and profundity of investigation, for matchless lucidity of style, for celestial calmness and serenity of mind in dealing with opponents, for the firm, imperturbable, tenacious conviction, evidenced in his decisions and conclusions, distances all other doctors and theologians, however eminent they may be.

It is not surprising, then, that our new social reformers, those who, under the guise of philanthropists, seek to propagate the new gospel of plunder and rapine, and under the pretext of benefiting the masses, and of ameliorating their condition by exciting hopes and expectations which can never be realized, make their wants and sufferings more acute and unbearable; I say it is not surprising that such as these have endeavored to look for support of their theories in the works of St. Thomas, and by travesting a few expressions and misinterpreting others, have proved to their satisfaction that St. Thomas was a socialist, the precursor and harbinger of our modern theorists.

Those conversant with the works of St. Thomas will calmly smile at the conceit. But a large class, who have simply heard of St. Thomas, or merely read a few texts of the holy doctor in compendiums of theologies, such as are in the hands of our seminarians, will easily be deceived and carried away

by the name and authority of those who are striving to realize the unhallowed purpose. [Besides, St. Thomas has not written a special treatise on property, its right, its use, the origin of such right, the necessity of such a right and other parallel questions. His real doctrine must be gathered from all his works, by accurately comparing statement with statement, definition with definition, by paying particular attention to the accuracy of his language and expressions, and by affixing and attaching to them no other meaning than the one he intends to convey.] This very few are capable of doing, even supposing them to have the leisure. But it is the only true way to get at the real doctrine of St. Thomas.

This is the task we have attempted in this pamphlet. We will present the full doctrine of St. Thomas on the right of property in land or in any other thing; on the rightful use of property, by not merely quoting a few texts, but by bringing forward and arranging in proper order and under their respective topics all that the holy Doctor has written upon the subject, as founded not only in the Summa Theologica, but also in all his other works which are not so well known.

After the perusal of our essay we are confident that our readers will be able to determine whether St. Thomas, the sublimest, the best, the bravest champion of Catholic doctrine and morality, the safest guide in theological questions, can be branded with the stigma of being the supporter of one of the worse errors of modern times, which our unscrupulous social reformers attach to his name.

# CHAPTER I.

## Definitions.

To understand the doctrine of St. Thomas on the right of property and all cognate topics, we must studiously attend to his definitions of the various subjects. Therefore, as a preliminary to the statement of his doctrines we will give his definitions of right, or jus, and of its divisions.

### *Jus or Right in its Nominal or Ethimological Sense.*

In this sense St. Thomas remarks that the word jus was first used to signify the just act itself; then it was applied to the art by which we learn what is just, next it was given to the place where justice is dispensed; and finally it is said that right is done by him whose office it is to do justice. [1]

### *Real Definition of Jus.*

But if we ask for the *real* definition of what is jus or just in the abstract, St. Thomas answers the question in the body of the article we have quoted: "It is the office of justice among the virtues to regulate man as to his relations with others. For, as the very name implies, it signifies a certain equation; since those things which are righted or equalized are commonly said to be *adjusted*. Now equation implies relation to another. Hence we call just that which bears the rectitude of justice and in which the action of justice terminates." [2]

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[1] "*Nomen jus primo impositum est ad significandum ipsam rem justam; postmodum autem est derivatum ad artem qua cognoscitur quid sit justum; et ulterius ad significandum locum in quo jus redditur, sicut dicitur aliquis comparere in jure; et ulterius dicitur etiam quod jus redditur ab eo ad cujus officium pertinet justitiam facere.*"—2–2 qu. 57, art. 1 ad 1.

[2] "*Justitiae proprium est inter alias virtutes ut ordinet hominem*

An action, therefore, to be just, must present the following qualifications, according to St. Thomas: 1st. It must be directed from one to another; because justice regulates the actions of man in his dealings with his fellow-men. 2d. It must square or be adjusted with what is due to the other person.[1] 3d. There must be an equation between what is done or given and what is due.[2]

Hence, jus or just in itself, and as object of justice, can be defined, that act or deed which is adapted to another, according to a certain manner of equality. "Jus sive justum est aliquod opus adaequatum alteri secundum aliquem aequalitatis modum."—Q. 57, art. 2, corp.

This in answer to the question—What is just or right? But if we inquire what is right in the active sense, that is, in the person who possesses it, as when I say I have a right to my own. All men have a right to the pursuit of happiness; in this sense St. Thomas, with all theologians, defines right as a moral faculty or power to do, or to have what is adapted to, or commensurate with, one. We don't find this definition in so many words, but it follows from the whole theory of St. Thomas; for instance, when I say I have a right to my own, I imply that not only I have a power over certain objects, but that power, being of a moral nature, obliges all others to respect it.

*Division of jus.*—According to St. Thomas, jus, or that which may be just or right, is divided into natural and positive.

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*in his quae sunt ad alterum. Importat enim aequalitatem quamdam, ut ipsum nomen demonstrat; dicuntur enim vulgariter ea quae adequantur* justari; *aequalitas autem ad alterum est. Sic ergo justum dicitur aliquid quasi habens rectitudinem justitiae ad quam terminatur actio justitiae."*

[1] "*Materia justitiae est operatio exterior secundum quod ipsa vel res qua per eam utimur proportionatur alteri personae ad quam per justitiam ordinamur.*"—2-2, *qu.* 58, *art.* 9, *corp.*

[2] "*Sicut objectum justitiae est aliquid aequale in rebus exterioribus, ita etiam objectum injustitiae est aliquid inequale pro ut scilicet alicui tribuitur plus vel minus quam ipsi competat.*"—2-2, *qu.* 59, *art.* 2. *corp.*

"Jus, or that which is just, is a certain action adapted to another according to a certain manner of equality. Now a thing may be adapted to one in two ways. 1st. From its very nature; as for instance when one gives as much as he receives; and this is called natural jus. In another way may a thing be adapted to, or commensurate with, another by common agreement, that is, when one will hold himself content if he receive so much." [1]

*Subdivisions.*—Both the jus naturale and the jus positivum are subdivided. The jus naturale is subdivided into what is the natural jus, according to its absolute consideration, and according to what follows from it; that is, in what is just in itself or in what is just by a necessary consequence of the natural jus. "The natural jus is that which of its own nature is adapted to or commensurate with, another. This may happen in two ways: in one way according to its absolute consideration; as for instance the male of its own nature is adapted to the female to obtain offspring from it; and the parent to the child to nourish it. In the second way a thing may be naturally commensurate with another, not according to its own absolute consideration, but from the consequences which result from it But it is the proper office of reason to consider a subject by comparing it to the consequences which flow from it. And, therefore, this second way is also natural to man, from the fact that it is the natural reason which proclaims it." [2]

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[1] *Jus sive justum est aliquod opus adaequatum alteri, secundum aliquem aequalitatis modum. Dupliciter autem potest alicui homini esse aliquid adaequatum: uno quidem modo ex ipsa natura rei; puta cum aliquis tantum dat ut tantum recipiat et hoc vocatur jus naturale. Alio modo aliquid est adaequatum vel commensuratum alteri ex condicto sive ex communi placito, quando scilicet aliquis reputat secontentum si tantum accipiat.*—*Qu.* 57, *art.* 2, *corp.*

[2] *Jus sive justum naturale est quod ex sui natura est adaequatum vel commensuratum alteri. Hoc autem potest contingere dupliciter, uno modo secundum absolutam sui considerationem; sicut masculus ex sui ratione habet commensurationem ad foeminam ut ex*

ART. 3 -

The latter St. Thomas maintains to be the *jus gentium*, as he winds up the body of the article with the following words: "And hence Cajus the Juris consultus says: What natural reason has established among all men, the same is equally observed by all and is called the *jus gentium* or the law of nations. This answers the first objection."

Et ideo dicit Cajus Juris consultus Lib. 9. *Quod naturalis ratio inter homines constituit, id apud omnes peraeque custoditur vocaturque jus gentium.* Et per hoc patet responsio ad primum.

The objection which St. Thomas says is answered by his theory in the body of the article is—it seems that the jus gentium is identical with the jus naturale. Because all men do not agree except in what is natural to them. But all men agree in the jus gentium; since the lawyer (Ulpianus) says that the jus gentium is that which all men make use of. Therefore, the jus gentium is also the natural jus.

St. Thomas says that his distinction in the body of the article of what is natural in itself and according to its absolute consideration, and of what is natural considered in its consequences as drawn from human reason, which proclaims it, marks the sense in which the jus gentium is also natural.

As the point is of the utmost importance because the right of property is proclaimed by the jus gentium, we will subjoin another authority from St. Thomas, declaring what is the jus gentium and how it is the consequence necessarily resulting from the natural law and drawn and proclaimed by the human reason.

In the first of the second part of the Summa, Quest. 95, art. 4 ad 1, He says: it is to be concluded that the jus gentium is, in a certain way, natural to man, inasmuch as it is in conformity with reason as derived from the natural law, by way of in-

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*ea generet, et parens ad filium ut eum nutriat. Alio modo aliquid est naturaliter alteri commensuratum non secundum absolutam sui rationem sed secundum aliquid quod ex ipso consequitur. Considerare autem aliquid comparando ad id quod ex ipso sequitur est proprium rationis, et ideo hoc idem est naturale homini secundum rationem naturalem quae hoc dictat.—Ibidem.*

ference, which is not far removed from principles; wherefore men are easily agreed upon it.[1]

*Subdivision of the jus positivum.*—The jus positivum is subdivided, according to our Doctor, into private and public. The first is that which is entered upon by two or more private persons, uno modo per aliquod privatum condictum sicut quod firmatur aliquo pacto inter privatas personas. The second is that which, established by a public agreement, as when a whole people agrees in holding a certain thing as adequate and commensurate with another; or when such a thing is proclaimed by the ruler who has the government of the people and whom he represents.[2]

The jus publicum is also called jus civile.

To complete the clear and accurate understanding of these definitions and theories of the Angelic Doctor, we will distinctly point out the differences which exist between the *jus gentium* and the *jus positivum.*

*First difference.*—Both the jus gentium and jus positivum or civil take their origin in the natural law, but the first is strictly a conclusion logically derived from the natural law; the second is simply a voluntary and free enactment in cases which the natural law does not determine or decide. "Est de ratione legis humanae quod sit derivata a lege naturae ut ex dictis patet art. 2, hujus qu. et secundum hoc dividitur jus positivum in jus gentium et jus civile secundum duos modos quibus aliquid derivatur a lege naturae ut supra dictum est. Nam ad jus gentium pertinent ea quae derivantur ex lege naturae sicut conclusiones ex principiis;

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[1] *Dicendum quod jus gentium est quidem aliquo modo naturale homini secundum quod est rationalis, in quantum derivatur a lege naturali, per modum conclusionis, quae non est multum re mota a principiis, unde de facili in hujusmodi puta homines consenserunt.*—See also Ethics, lib. 5, lect. 12.

[2] *Alio modo ex condicto publico, puta eum totus populus consentit quod aliquid habeatur quasi adaequatum vel commensuratum alteri; vel cum hoc ordinat princeps qui curam populi habet et ejus personam gerit et hoc dicitur* jus positivum.—2-2, *qu.* 57, *art.* 2, *corp.*

ut justae emptiones venditiones et alia hujusmodi sine quibus homines ad invicem convivere non possent; quod est de lege naturali; quia homo est naturaliter animal sociabile, I. Pol. Ch. 2. Quae vero derivantur a lege naturae per modum particularis determinationis pertinent ad jus civile, secundum quod quælibet civitas aliquid sibi accomode determinat."—1–2, qu. 95, art. 4, corp.

According to this difference it follows:—1st. That which is right and just according to the jus gentium, is determined by the law of nature, and is a necessary conclusion logically drawn by human reason, from the first principles of the natural law; so that men are not free to adopt or not such conclusions; whereas, in the positive law every enactment is free and arbitrary; because every community can enact such laws as will suit their wants or well being, or even pleasure; the only restriction which is placed on them, is that none of their enactments conflict or contradict with the principles and prescriptions of the natural law.

*Second difference.*—The second difference flows from the first, and is that the jus positivum vel civile is local, temporary and variable; it is for this place and not for that; it can last as long as it is not altered or abolished by the community which enacted it, and can vary according to the will and pleasure of the same. But the jus gentium, being a necessary conclusion of the natural law, easily deduced by the human intellect, obtains in every civilized country, at all times, and is always the same; idem, ubique, et semper. "Sed cum justum naturale sit semper et ubique ut dictum est hoc non competit justo legali vel positivo. Et ideo necesse est quod quid ex justo naturali sequitur, quasi conclusio (jus gentium) sit justum naturale; sicut ex hoc quod est nulli injuste nocendum, sequitur non esse furandum quod quidem ad jus naturale pertinet."—5 Ethicorum, Lect. 12.

*Third difference.*—The jus positivum or civil requires a real positive enactment by the proper authority, at a specified time and place, together with a proper promulgation of the law, under circumstances special to each community. Otherwise the law will have no force whatever. The jus gentium requires none of these conditions, any more than the

natural law. Dicendum quod quia eaquæ sunt juris gentium naturalis ratio dictat, puta ex propinquo habentia æquitatem (that is the equity of which is easily seen from their propinquity to the first principles of natural law) inde est quod non indigent aliqua speciali institutione sed ipsa naturalis ratio ea instituit. 2–2. Quest. 57, art. 3. ad 3.

*Fourth difference.*—The jus gentium receives its force and authority and sanction from the natural law; whereas the jus positivum draws all its force from purely human law.(?)

"It is to be remarked that something may originate in the natural law in two ways: in the first way as a conclusion from the premises; in the second way as certain determinations of things indefinite. Now certain things are derived from principles common to the natural law, by way of conclusion and inference; as the principle thou shalt not kill is a conclusion which can be drawn from the principle—*We should not do any one evil.* Certain other things, by way of determining, as, for instance, the law of nature proclaims that he who sins should be punished, but to define that this or that punishment should be inflicted on him, is a determination of the law of nature. Both are fulfilled by the human law. But the principles of the first mode are contained in the human law, not simply as laid down by it, but as having certain vigor from the natural law. Those of the second draw all their force from human law."[1]

[1] *Sciendum quod a lege naturali dupliciter potest aliquid derivari: uno modo sicut conclusiones ex principiis; alio modo sicut determinationes quaedam aliquorum communium. Derivantur ergo quaedam a principiis communibus legis naturae per modum conclusionum; sicut hoc quod non est occidendum, ut conclusio quaedam derivari potest ab eo quod est* nulli esse faciendum malum; *quaedam vero per modum determinationis, sicut lex naturae habet quod ille qui peccat puniatur sed quod tali poena vel tali puniatur hoc est quaedam determinatio legis naturae. Utraque igitur inveniuntur in lege humana posita. Sed ea quae sunt primi modi continentur in lege humana non tamquam sint solum, lege posita sed* habent etiam aliquid vigoris ex lege naturali *sed ea quae sicut secundi modi ex sola lege humana vigorem habent.*—1–2, *qu.* 95, *art.* 2 *corp.*

*Corollary from the definitions.*—Whenever St. Thomas makes use of the expression *secundum humanum condictum, ex jure humano, per ad inventionem rationis humanae,* he means the *jus gentium,* which is the verdict of the human mind, reasoning upon the first principles of the natural law; in other words, he means the natural law as reasoned out by the human intellect, and not a law merely and exclusively positive and arbitrary, and the sole result of the will of the human legislator.

This corollary is evident from the definitions we have given, and also from the particular care which St. Thomas takes of using words, always implying the act of the species or of the specific faculty, whenever he wants to mention or allude to, the jus gentium: ex jure *humano* procedens, secundum *humanum* condictum, per ad inventionem *rationis humanae.*

Whereas when the Holy Doctor wants to point out a *private contract,* or the *jus positivum* of a community, he uses the expression *privatum* condictum, sicut quod firmatur aliquo pacto inter *privatas* personas; ex condicto publico justa cum *totus populus* consentit quod aliquid habeatur puta adaequatum et commensuratum alteri.—2-2, qu. 57, art. 2, corp.

Many have taken all these expressions in the same sense of mere positive law, and have sadly misunderstood St. Thomas' doctrine. A few times the Holy Doctor calls the *jus gentium positive jus* as in the art. 2 of the qu. 57 ad 1, secunda secundæ. But from the context invariably appears the distinction which he makes between the *jus gentium* and the *jus civile* or the jus merely positive.

## CHAPTER II.

### Subject Matter of the Right of Property, according to St. Thomas.—Direct Demonstration of the Lawfulness of Private Ownership in land.

Before proceeding to our next inquiry, whether, according to justice and the moral law, we can admit the private and individual ownership in land according to St. Thomas, we must premise a few remarks with regard to the subject matter of the right of property.

The subject matter of the right of property, as it is apparent to every one, may be either the land and the fruits which naturally and without any cultivation spring from it, or the fruits which may be gathered from it by human labor, and which together with the first, may serve as the raw material for human industry. Land, then, and its natural products, the industrial products of human cultivation, both natural and industrial products, resulting in *artificial* products, may be the subject matter of the right of property. St. Thomas takes all these things indiscriminately under various expressions, such as *bona temporalia*—1-2, qu. 114, art. 1, corp. —*bona exteriora ut divitiae*—2-2, qu. 58, art. 10 ad 2—*divitiae naturales et artificiales. Res exteriores*—2-2, qu. 66, art. 2, corp. —*Facultates quia sunt in dominio possidentis.*—2 Dist. 24, qu. 1, art. 1 ad 2.

The last expression he uses is *possessiones*, and though he may employ that word sometimes to express other goods besides real estate and ownership of land, as *a general rule he restricts* that expression to *ownership in land*. We will quote a few passages in support of our assertion.

Sors accipitur pro officio vel re propria juste possessa, vel debita in divisione aliquarum personarum vel *possessionum* sicut vocantur sortes filiorum Israel justæ portiones destinatæ cuilibet tribui vel personæ assignatæ Opus. 72, art. 8. Now everybody knows that the portion allotted to each

tribe of Israel was a piece of land. Therefore St. Thomas takes here the word possessiones as ownership in land.

Again Utrum emere aliqua bona ut redditus vel possessiones ad vitam quæ est tempus determinatum, liceat.—Ibid., Chap. 9. Here possessiones is taken again for land, for the context does not allow the word to be taken in the sense of things perishable by use.

Homo attenuatus paupertate tales redditus invitus vendit, vel *possessiones* suas pro necessitate cogente.—Ib. Ch. 9.

In hoc contractu ipsæ res emuntur quæ vel per fructus suos referuntur ad hominis usum ut *ager* et *possessiones aliae* vel per scipsas ut triticum.—Ib., Ch. 9. Here ager is ranked among the possessiones. De pauperum necessitatibus negotiantur (divites) et student *possessiones* aliorum acquirere quando tenentur ex fraterna charitate eis indigentibus accomodare et paulatim de fructibus agrorum accipere.—Ib.

Puta proprietas possessionum si enim consideretur iste ager etc.—Qu. 57, art. 3, corp.

We may pass to the second question, to wit, does St. Thomas admit the lawfulness of private ownership in land? We answer that St. Thomas, in his several works, and not in one place only, as it has been asserted by a recent writer, demonstrates not only the moral lawfulness of private ownership in land, but also the necessity which exists of such ownership, for the good of individuals and of society.

He does this by means of a twofold demonstration: the first is the direct demonstration when he *ex professo* sets out to prove that private ownership in land is lawful and necessary; the other demonstration is the refutation, which is found in several of his works, of all kinds of communism. We will present before our reader both kinds of demonstrations.

In the Summa 2-2, qu. 66, art. 2, inquiring whether it is lawful for man to possess *anything* as his own, he answers: "It is lawful that man should possess things as his own. For this is necessary to human life for three reasons: First, because every one is more solicitous to procure what belongs exclusively to himself than that which is common to all, or many, since each one, shrinking from work, leaves to others what is the business of all, as it happens where there is

a multitude of servants. Besides there will be better order in the government of the commonwealth if to each citizen is laid the burden and care of acquiring certain things; and it would cause great confusion if each one promiscuously should procure every kind of thing.

"Thirdly, the community is kept in greater peace when each one is satisfied with his own property. Hence we see that among those who possess things promiscuously and in common there arise frequent quarrels."[1]

"The possession of exterior things is necessary to procure food, to educate the offspring, support the family and for other wants of the body. Wherefore the possession of riches is not in itself unlawful if the order of reason be observed, that is to say, that man possess justly what he owns, and that he use it in a proper manner for himself and others."—Contra Gentes, Lib. 3, 128.[2]

"We must say, that possessions as to the ownership of dominium should be private, and common in a certain sense. For from the fact of private possessions follows that the acquisition of possession is divided, each one busying himself about

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[1] *Licitum est quod homo propria possideat. Est enim necessarium ad humanam vitam propter tria: primo quidem quia magis solicitus est unusquisque ad procurandum aliquid quod sibi soli competit quam id quod est commune omnium vel multorum; quia unusquisque laborem fugiens relinquit alteri id quod pertinet ad commune sicut accidit in multitudine ministrorum; alio modo quia ordinatius res humanae tractantur si singulis imminet propria cura alicujus rei procurandae; esset autem confusio si quislibet indistincte quaelibet procuraret; tertio quia per hoc magis pacificus status hominum conservatur dum unusquisque re sua contentus est. Unde videmus quod inter eos qui communiter et ex indiviso aliquid possident frequentius jurgia oriuntur."*

[2] *Ea quae exterius possidentur necessaria sunt ad sumptionem ciborum, ad educationem prolis, et sustentationem familiae et ad alias corporis necessitates, consequens est quod nec secundum se etiam divitiarum possessio est illicita si ordo rationis servetur quod juste homo possideat, quae habet et quod eis debito modo utatur ad suam et aliorum utilitatem.*

his own. Two good effects result from this: First, that each one takes care of his own only, and not of that which belongs to others, and thus are avoided all those disputes which happen among those who have to procure the same thing, one opining this and another opining that.

"The second is that each one will the better increase his possessions, as he will attend to them with more diligence as to his own exclusive property."[1]

"With regard to the possession of things, it is best, as the Philosopher says, that possessions should be distinct."

Then the Holy Doctor passes to enumerate and approve of the division of land made in the old law. "For possessions were divided among each, as it is said Num. xxxiii. 52: I gave you the land in possession which you will divide among you by lot. And because of the irregularity of possessions many cities are destroyed, as the Philosopher says: Polit. Ch. 5, 7, therefore the law employed a threefold remedy to regulate possessions. The first was to divide equally but according to the number of men, hence it is said, Numb. xxxiii. 54: To the more you shall give a larger part and to the fewer a lesser. The second remedy was that the possessions should not be alienated forever, but should return to their possessors after a certain time, that the allotted possessions should not be confounded. The third remedy to prevent such confusion was that the nearest relations should succeed to the dead, in the first degree the son, in the second, the daughter, in the third, the brothers, in the fourth, the uncle, and in the fifth,

[1] *Oportet enim possessiones simpliciter quidem esse proprias quantum ad proprietatem dominii sed secundum aliquem modum communes. Ex hoc enim quod sunt propriae possessiones sequitur quod procurationes possessionum sunt divisae dum unusquisque curat de possessione sua. Et ex hoc sequuntur duo bona; quorum unum est quod dum unusquisque intromittit se de suo proprio et non de eo quod est alterius non fiunt litigia inter homines quae solent fieri quando multi habent unam rem procurare dum uni videtur sic et alii aliter faciendum. Aliud bonum est quod unusquisque magis augebit possessionem suam insistens ei solicitius tamquam propriae.—Politicorum, Lib. 2, lect. 4.*

all other relations. And to preserve the destinction of fortunes the law enacted that the women who fell heirs should be married to men of their tribe.[1]

The indirect demonstration which we will bring forward from the works of the Holy Doctor consists of three parts; the first is that in which he condemns and repudiates all community of goods and possessions; the second is that in which he rejects even a modified form of communism, the equal division and distribution of fortunes; the third, finally, is that in which he peremptorily demands the inequality of fortunes and possessions in the commonwealth, as the only solution of the difficulty in conformity with the natural law and the order established by the Almighty for the well being, peace, stability and good government of a community.

As to the first we translate from the Opusc. 20, Book 4, Ch. 4, De regimine Principis: "The necessity of founding a city to unite men in society being established, it remains for us to examine in what this society should consist.

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[1] *Circa res possessas optimum est ut dicit philosophus in* 2 *Pol., corp.* 3, *quod possessiones sint distinctae. Et haec tria fuerunt in lege statuta; primo enim ipsae possessiones divisae erunt in singulos; dicitur enim Num.* 33, 53. Ego dedi vobis terram in possessionem quam sorte dividetis vobis. *Et quia per possessionum irregularitatem plures civitates destruuntur ut Philosophus dicit in* 2 *Polit., cap.* 5, 7, *et ideo circa possessiones regulandas triplex remedium lex adhibuit; unum quidem ut secundum numerum hominum aequaliter dividetur unde dicitur Num.* 33, 54: Pluribus dabitis latiorem et paucioribus angustiorem. *Aliud remedium est ut possessiones non in perpetuum alienentur sed certo tempore ad suos possessores revertantur ut non confundantur sortes possessionum. Tertium remedium est ad hujus modi confusionem tollendam ut proximi succedant morientibus primo quidem gradu filius, secundo filia, tertio fratres, quarto patrui quinto quicumque propinqui. Et ad distinctionem sortium conservandam ulterius lex statuit ut mulieres quae sunt haeredes. nuberent suae tribus hominibus ut habetur Num.* 36.—1–2, *qu.* 105, *art.* 2, *corp.* Cf. again in regard to (usu)

"Philosophers and sages have broached several social systems, as Aristotle relates in his Republic, wherein, in the second book, he treats at first of the opinion of Socrates and Plato, who admitted in their republic the community of everything, of goods, as well as women and children. [moved, no doubt, by the beneficial effects which result from union in society and which forms the grandeur and force of a republic. Moreover, as good seeks to expand and to communicate itself, the more accessible a thing is, the more it partakes of goodness. Therefore to put everything in common displays more goodness and virtue. Besides, as Dionysius teaches, love is a unifying force. Wherever, therefore, we find more of the essence of love, there we find more of that force which establishes and preserves cities, as St. Augustin remarks. There is, therefore, more of goodness in placing women and children and goods in common."

[Here St. Thomas, after expressing his doubts as to whether those philosophers really admitted the community of women and children, passes to give his opinion on the theory, [and shows that the real perfection of union does not consist in abolishing all distinction and variety, but, on the contrary, that it lies in bringing the greatest distinction and variety into unity.]

"By this we can see the answer to the objections; because union and love are found also in inferior beings, now in an organized body the union is the more perfect, the more the energy of the soul is extended to various operations, all centering into the one substance of the soul; as is manifest not only in animated beings, which happen to be more perfect, but also in those which have only the sense of touch, as worms and other animals, which Aristotle calls imperfect animals. Wherefore the Apostle compares the mystical body, which is the Church, to a true and natural body, in which are different members under different faculties and powers, rooted in one principle, the soul; and hence the Apostle disapproves of the above pretended union in the first Epistle to the Corinths, saying:—'If the eye be the whole body, where is the hearing? and if the hearing be all, where is the smell?' Showing how necessary it is in every collective body. which is principally verified in a city,

to have different ranks among the citizens as to their houses and families, and as to arts and employments, but all united in the bond of society, which is the love of our fellow-citizens, as has been said, and about which the Apostle speaks to the Colos. For, having enumerated all the good offices which citizens owe to each other, he adds: Above all, have charity, which is the bond of perfection and the peace of Christ will rejoice your hearts, that peace to which you have been called into one distinct body, that is, as members according to each one's condition.

"And indeed, the more arts and employments are multiplied in it, the more famous a city becomes; since the more easily can be found in it all that is necessary to man's life, to provide which the foundation of city is so indispensable.

"Should any one allege against us the example of Christ's disciples, among whom everything was common, we say that their state was an exception to every usual way of living. Because their republic did not have as an object wives and children, but the celestial city, in which they neither marry nor give in marriage, but are as the angels of God. With regard to riches, indeed, their goods were common; but this belongs only to the state of perfection, as the Lord says in the Gospel: 'If thou wilt be perfect, go and sell all which you have and give it to the poor and then come and follow me.' This was done by the disciples of Socrates and Plato. out of contempt for temporal things, but for the rest of mankind, united in society, the usual state is to have distinct possessions, to avoid litigations, as it is written of Abraham and Lot, etc."[1]

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[1] *Habita igitur necessitate constituendae civitatis propter communitatem hominum nunc quaerendum videtur in quo sistat ista communitas. Circa quod diversi philosophi et sapientes diversas constituerunt politias respectu communitatis ut Philosophus refert in sua Politica, ubi primo narrat opinionem Socratii ut Platonis in 2 Polit. quod communitatem ponerent in sua politia quantum ad omnia ut videlicet omnia essent communia tam divitiae quam uxores et filii, moti quidem ex bono unionis in communitate per quam respublica commendatur et crescit. Amplius autem*

## CHAPTER III.

### Indirect Demonstration.

So far St. Thomas has proved directly the error of communism from the metaphysical reason that perfect social unity cannot be obtained except by means of variety and distinction of possessions. We will bring forward the refu-

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*cum bonum est diffusivum et sui communicativum quanto res communior est tanto plus de bonitate habere videtur. Ergo omnia communicare plus habet de ratione virtutis et bonitatis. Praeterea amor est virtus unitiva ut Dionysius tradit. Ubi est ergo unionis major ratio ibi plus vigebit virtus amoris qui civitatem constituit et conservat ut Augustinus dicit.*

*Per hoc autem patet responsio ad objecta quia unio et amor habet gradum in inferioribus entibus; quoniam perfectior est unio in corpore animato si in diversis organis virtus animae diffundatur ad diversas operationes unitas in una substantiae animae sicut apparet tam in animatis perfectis quam in animatis quae habent solum sensus tactus ut sunt vermes et quaedam animalia quae Aristotiles vocati n si de anima imperfecta. Propter quod et Apostolus comparat corpus mysticum id est Ecclesiam vero corpori et naturali in quo sunt membra diversa sub diversis potentiis et virtutibus in uno principio animae radicatas unde et unionem allegatam reprobat Apostolus in 1 Ep. ad Cor. dicens. "Si totum corpus oculum ubi auditus et si totum auditus ubi adoratus?" Quasi necessarium sit in qualibet congregatione quae precipue est civitas esse distinctos gradus in civibus quantum ad domos et familias quantum ad artes et officia: omnia tamen unita in vinculo societatis quod est amor suorum civium ut dictum est supra et de quo etiam Apost. dicit ad Color. Cum enim enumerasset quaedam opera virtuosa ad quæ cives ad invicem obligantur statim subdit. Super haec autem omnia charitatem habentes quod est vinculum perfectionis et pax Christi exultet in cordibus vestris in*

tation of communism from the evil results which spring from it. In the commentary on the Politics of Aristotle, Book 2, lect. 4, he says that the philosopher brings three reasons to prove the evil results of the community of goods. "The first is, that if possessions were common to all citizens, it would be necessary to admit of two things: one, either that the fields should be cultivated by strangers or by some among the citizens. If they were cultivated by strangers, this would present some difficulty, because it would be difficult to find so many cultivators from among strangers, and yet this would be the easier way, than if they were cultivated by some of the citizens, as the last mode would present many difficulties. For it would be impossible that all the citizens should cultivate the earth; as the ablest among them would be obliged to attend to the more important business, and the less capable, to see to agriculture; and yet this would require, at the same time, that the capable ones, who worked less as to agriculture, should receive more of the fruits of the same, and thus the receiving of the fruits would not correspond equally, according to proportion, to the labor of agriculture; hence recriminations and quarrels,

*quo vocati estis in uno corpore distincto videlicet per membra juxta civium statum. Ex qua diversitate artium et officiorum quanto in eis multiplicatur amplius tanto civitas redditur magis famosa quia sufficientia humanae vitae propter quam necessaria est constructio civitatis magis reperitur in ea; quod si forte allegatur de discipulis Christi quibus omnia fuerunt communia non importat legem communem quoniam status eorum omnem modum vivendi trascendit. Ipsorum enim politia non ordinabatur ad uxores et filios sed ad civitatem cœlestem, "in qua neque nubent neque nubentur sed sunt sicut angeli Dei." Sed quantum ad divitias bona erant communia. Quod solum perfectorum est ut Dominus dicit in Evangelio. Si vis inquit, perfectus esse vade et vende omnia quæ habes et da pauperibus et veni sequere me. Hoc et Socratici fecerunt et Platonici sicut contemptivi rerum temporalium. In ceteris autem civibus communis status expedit possessiones habere distinctas ad vitanda litigia sicut enim et de Abraham et Lot scribitur.*

because the common people would murmur at the prominent citizens for working less and receiving more, and at themselves receiving less and working more. Thus it is clear that from such law the harmony of the city would not be obtained, but rather dissensions would be the result.

"In the second place it is exceedingly difficult that a great number of men, who have certain human goods, and especially riches, in common, should live together. For we see by observation, that among those who have certain riches in common, many dissensions arise; as it is evident in those who travel together; they frequently quarrel over the amount of what they spend for food and drink, and oftentimes for very little they separate and insult each other by word or deed. Hence it is clear that if all citizens had all possessions in common, they would give way to a great number of quarrels.

"The third reason is that men become highly incensed at their servants, of whom they stand so much in need for many menial services, and this on account of the familiarity of life; for those who do not come together often have less opportunity of quarrelling."[1]

The second part of St. Thomas' indirect demonstration, is that which discards the equality of fortunes.

"There were two philosophers, who, considering that litigations arise in cities from the fact of one having too

[1] *Quarum prima est, quia si possessiones essent communes omnium civium oporteret alterum duorum esse, scilicet quod vel agri colerentur per aliquos extraneos, vel per aliquos ex civibus. Et si quidem per alios colerentur haberet aliquam difficultatem, quia difficile esset advocare tot extraneos agricolas: tamen hic modus esset facilior, quam si aliqui ex civibus laborarent: hoc enim exhiberet multas difficultates. Non enim esset possibile quod omnes cives colerent agros; oporteret enim majores majoribus negotiis intendere, minores autem agriculturae et tamen oporteret quod majores qui minus laborarent circa agriculturam, plus acciperent de fructibus et sic non aequaliter secundum proportionem corresponderet perceptio fructum operibus sive laboribus agriculturae; et propter hoc ex necessitate orirentur accusationes et litigia, dum minores qui plus laborant murmurarent de majoribus qui parum laborantes multum acciperent; ipsi autem e contrario minus acciperent plus laborantes. Et quo patet quod ex pac lege non sequeretur unitas civitatis ut Socrates volebat sed potius dissidias.*



much and another too little, wished to establish in their commonwealth the equality of possessions. The first was Phineas of Chalcedon, mentioned by Aristotle in his Republic, the other was Lycurgus, son of the king of the Lacedemonians, as Justin relates, both founded their constitution upon the equal partition of goods, in such a way that one would not be more influential than another."

After explaining the different ways they followed in levelling fortunes, he shows the absurdity of allotting equal fortune to each citizen. "First, from human nature, which is not multiplied equally in every family; since it may happen that one father of a family may have several children, another none at all. It would be absurd, therefore, to allot to these two equal possessions; as in that case one family would be in want of necessaries, and the other would have abundance of them, which would be against the providence of nature. Because that family which is the more numerous serves to strengthen the commonwealth by its increase better than the one which fails in having children, and has, therefore, by natural right the greater claim to be provided for by the

*Secundam rationem ponit. . . . et dicit quod valde difficile est quod multi homines simul ducant vitam quod communicent in quibusdam humanis bonis et præcipue in divitiis. Videmus enim quod illi qui in aliquibus divitiis communicant multus habent dissensiones ad invicem ut patet in his qui simul peregrinantur; frequenter enim ad invicem dissentiunt ex his quae expendunt in cibis et potus computum faciendo, et aliquando pro modico se invicem propulsant et offendunt verbo vel facto. Unde putet quod si omnes cives haberent communes omnes possessiones plurima litigia inter eos existerent.*

*Tertiam rationem ponit . . . et dicet quod homines maxime offenduntur suis famulis quibus multum indigent ad aliqua servilia ministeria; et hoc propter communitatem conversationis vitæ; qui enim non frequenter simul conversantur non frequenter habent turbationes ad invicem. Ex quo patet quod communicatio inter homines existens est frequenter causa discordiæ.*

community. And not only does human nature repudiate the equal division of possessions, but the different condition of persons as well. For there must be difference among citizens. the same as we perceive to exist between the members of the body to which we have compared a state ; now, faculties and operations differ according to difference of members, since it is clear that one who is noble is subject to greater expenses than a commoner ; hence the virtue of liberality in princes is called magnificence, owing to the magnitude of his expenses. This could not be if possessions were equal. The Gospel itself confirms this truth in the parable of the father of the family, who, upon starting on a journey, divides his goods among his servants ; but in different proportions, to one four talents, to another two ; to the third one, to each according to his ability."[1]

Finally, St. Thomas contends that the inequality of fortunes

[1] *Et primo ex parte humanae naturae quae non semper in familiis multiplicatur aequaliter ; quia contigit unum patrem familias habere multos filios, alium autem nullum. Quod ergo isti duo haberent aequales possessiones esset impossibile quia una familia deficeret in victualibus, altera superabundaret ; et hoc esset contra provisionem naturae quia quae familia plus multiplicatur in prolem amplius cedit ad firmamentum politiae propter ipsius augumentum quam quae in generatione prolis deficit, et quodam jure naturae magis meretur a republica sive politia provideri. Non tamen autem ex parte naturae humanae sequitur inconveniens adaequare possessiones sed etiam ex gradu personae. Est enim differentia inter cives, quemadmodum inter membra corporea cui politia est superius comparata ; in diversis autem membris virtus diversificatur et operatio. Comstat enim quod majores expensas cogitur facere nobilis, quam ignobilis, unde et virtus liberatitatis in principe magnificentia vocatur propter magnos sumptos. Hoc autem fieri non posset ubi possessiones essent aequales ; unde et ipsa vox evangelica testatur de illo patre familias sive rege qui peregre profectus est qualiter servis suis bona distribuit sed non aequaliter, immo uni dedit quinque, talenta, alteri duo, alii vero unum uni quique secundum propriam virtutem."—De Regimine Princ., Lib. 4., Ch. 9.*

and possessions alone is according to the order of nature and the disposition of Divine Providence.

"This system (of the equality of possessions) is in contradiction with the order of nature, according to which, providentially, a certain inequality exists among created things, either with regard to nature or as regards capacity; consequently, to admit equality in temporal goods, such as possessions, is to destroy order in things, which is, according to St. Augustine, results from inequality. For order is nothing else than the setting of equal and unequal things in their proper place; and hence, Origen has been blamed for saying that nature had made all things equal, and that they had become unequal by their own failure, that is, by the fall. Litigations, therefore, are not avoided by equalizing possessions; on the contrary, they are multiplied, since the jus of nature is violated or destroyed when we subtract from one who is in need, and who deserves more. Again, because it is against reason to have everything equal in the community, since God has established everything in number, weight, and measure, as it said in the book of Wisdom, which supposes inequality in beings, and hence inequality among citizens in cities or commonalities." [1]

[1] *Amplius autem nec ipse ordo naturae hoc patitur in quo in divina providentia res creatas in quadam inaequalitae constituit, sive quantum ad naturam sive quantum ad meritum, unde ponere aequalitatem in bonis temporalibus, ut sunt possessiones est ordinem in rebus destruere quem Augustinus respectu in aequalitatis diffinit (de Civitate Dei). Est enim ordo parium et disparium rerum sui cuique tribuens dispositio, et ex hoc Origenes in Periarchon reprehenditur, quia omnia dixit aequalio ex sui natura sed facta sunt inaequalia propter defectum sui hoc est propter peccatum. Non ergo ex adaequatione possessionum vitantur litigia, quin potius augumentantur, dum in hoc destruitur jus naturae quando subtrabitur indigenti qui plus meretur. Item quia contra rationem est esse omnia aequalia in politia cum omnia Deus instituerit in numero pondere et mensura, ut in lib. Sapientiae dicitur, quae gradum inequalitis ponunt in entibus et per consequens in civilibus sive politiis.—Ibidem.*

(17)

We think we have given most abundant authorities from all the works of St. Thomas, in which he treated of the subject, that the holy Doctor admits and defends the lawfulness and necessity of private ownership in land and other goods.

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## CHAPTER IV.

### Different Ways of Acquiring the Right of Property or Dominium.

We may proceed to the next question, that is, admitting the abstract legitimacy of the private right of ownership in land, how many ways are there, according to St. Thomas, of actually acquiring this right? In other words, how many ways are there of acquiring dominium?

The dominium, according to one author, is primarily acquired by occupation.

The Holy Doctor admits the principle of the lawfulness of occupation in the following: "Dives non illicite agit si praeoccupans possessionem rei quae a principio erat communis aliis etiam communicet; peccat autem si alios ab usu illius indiscreted prohibeat."—2-2, qu. 66, art. 2 ad 2.

Upon the same supposition of the legitimacy of occupation, St. Thomas justifies the occupation or appropriation of things that have never belonged to any one, or of things found after having been hidden, forgotten and lost. Circa res inventas est distinguendum; quaedam enim sunt quae nunquam fuerunt de bonis alicujus sicut lapilli et gemmae quae inveniuntur in littore maris, et talia occupanti conceduntur, et eadem ratio est de thesauris antiquo tempore sub terra occultatis, quorum non extat aliquis possessor.—2-2, 66, art. 5 ad 2.

The above texts not only prove the legitimacy of occupation, but allude to its conditions, which alone justify it. They are:—1st. That the object should not only be unoccupied at present, but that none should have a prior title to it by former appropriation, which has not been relinquished or lost,

2d. The thing occupied should be made useful somewhat to the occupant and to the community in some way or other, within a reasonable time, to be determined by circumstances.

3d. The occupant should share the fruits of things he occupies in the manner to be explained, according to the sense St. Thomas attaches to this condition. Occupation, then, is the most general primary title to all kind of property, not excluding that which originates in human exertion, labor, or industry; because, as man cannot create things from nothing, he must necessarily occupy the land or the natural raw material springing from it, as the object upon which to exercise his industry and his labor.

Next to occupation the dominion is acquired, according to St. Thomas, by its being transferred from one to another, which may be done in three ways:

1st. By natural right when the dominion passes from father to son and heirs by the death of the former (Testament).

2d. By right of favor, when one gives what belongs to him to another without any compensation, by simply as a favor (Donation).

3d. Or a thing may be transferred from one to another when, according to the equity of jus, one offers a proper compensation in exchange for what he receives; as it happens in all contracts of buying and selling, or in giving a certain pay for labor.[1] (Contracts.)

To these titles another must be added, that of prescription, or the right acquired by the statute of limitation, as it is called in this country.

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[1] "*Translatio rei de domino in dominum non potest fieri justo titulo nisi tribus viis, scilicet aut per jus naturae, quando scilicet res devolvitur a patribus vel parentibus in filios et haeredes per mortem; aut per jus gratiae et liberalitatis, quando scilicet dominus rei dat gratis alteri, quod suum erat. Aut potest fieri suum de non suo, quando secundum aequitatem juris fit recompensatio alicujus rei, sicut in venditionibus et emptionibus rerum, vel laboris, sicut quando laborantibus redditur merces laboris.*" —*Opusc.* 72. *Chap.* 4.

This implies that after the expiration of a certain time, one can no longer be disturbed in the possession of anything, however it may have been actually acquired. Yet a distinction is to be made with regard to the conditions required by the civil law in order to grant such a right, and the conditions annexed to it by the natural law of justice to sanction such right.

The civil authority which enacts such a statute, simply to maintain peace and tranquillity among the citizens, and to prevent them from being disturbed at any time in the tranquil possession of their property, exacts only one condition in order to grant the right of prescription, and that is the uninterrupted and undisputed possession of it for a certain limited and prescribed time.

The natural law to sanction such a right as just and equitable requires more than that; it demands that the object should have been acquired and held in good faith by the actual possessor, during the time necessary. This is the doctrine of St. Thomas.[1]

[1] *Dicendum quod qui prescribit bonafide possidendo non tenetur ad restitutionem etiam si sciat alienum fuisse post præscriptionem; quia lex potest aliquem propena et negligentia punire in re sua et illam alteri dare et concedere. Sed qui mala fide prescribit tenetur encendare reddendo damnum quod intulit.*

*Circa hoc est contrarietas juris civilis et canonici (founded on natural justice and divine law) quia secundum jus civile praescriptio tenet (even if acquired in bad faith) secundum jus canonicum talis praescribere non potest. Et ratio hujus contrarietatis est; quia alius est finis quem intendit civilis legislator scilicet pacem servare et stare inter cives quae impediretur si praescriptio non curreret: quicumque enim vellet posset dicere istud fuit meum quocumque tempore. Finis autem juris canonici tendit in quietem Ecclesiae et salutem animarum. Nullus autem in peccato salvari potest nec poenitere de damno vel de alieno nisi recompenset.—Quod libet qu. 15, art. 14.*

## CHAPTER V.

### In what Jus is Founded, the Right of Property in Land?

The next important question is: By what right is private ownership in land acquired by occupation or testament or donation or contracts? What makes it just and lawful? Is it so by natural right, or by positive human law, which can easily be altered, rescinded or abolished?

We answer with St. Thomas that private ownership in land is founded not on human positive arbitrary law, which can be abolished or changed at the will of those who made it, or who have the same authority; but it originates in the jus gentium, which is the necessary consequence and result of the natural law, and therefore cannot be altered, changed, rescinded or abolished by any human authority whatever.

St. Thomas teaches so expressly in the Qu. 57, art. 3, in which, answering the query whether the jus gentium be not the same as the jus naturale, he says: "Jus, or what is naturally just, is that which of its own nature befits to, or is commensurate with another. This, however, may happen in two ways: the first is when *the what is just* is regarded under its absolute aspect, as, for instance, the male of its own nature is commensurate with the female to obtain offspring and the father with the child to support it.

The second way is when we do not consider a thing in itself but in relation to another which follows from it. Take, for instance, property in land. If we consider a field in itself and under its absolute aspect, we find that it offers no reason why it should belong to this person more than another. But if we regard it in view of the opportunity of cultivation or of the peaceful use of the same, it may present a certain fitness why it should belong to this one rather than to another.

Now, to look at a thing by comparing it to what follows from it is the proper office of reason, hence this very thing

is natural to man, according to natural reason, which proclaims it. And therefore, Cajus the lawyer says: What natural reason establishes among all men that same is equally maintained among all, and is called the jus gentium.[1] Quod naturalis ratio inter omnes homines constituit id apud omnes peræque custoditur vocaturque Jus gentium.

The Holy Doctor repeats the same in the 66 quest., art. 2 ad 1. Property of possession is not against natural right but is added to natural right by discovery of human reason.

Proprietas possessionum non est contra jus naturale sed juri naturali superadditur per adinventionem rationis humanæ.

*Corollaries.*

1. The right of property in land, as well in any other thing, is the direct consequence of the natural law, drawn by the human mind, reasoning upon the first principles of that same law. It is found, therefore, to be the same at all times and in all places among civilized nations.

2. It has never been enacted by any peculiar statute, because it is easily perceived by the human intellect the moment it reflects upon the first principles of natural right.

3. It has never been denied or contradicted by any civilized nation in the whole history of the world; on the contrary, it has been approved in thousands of regulations determining

[1] "*Jus sive justum naturale est quod ex sui natura est adæquatum vel commensuratum alteri. Hoc autem potest contingere dupliciter: uno modo secundum absolutam sui considerationem; sicut masculus ex sui ratione habet commensurationem ad fœminam ut ex ea generet, et parens ad filium ut eum nutriat. Alio modo aliquid est naturale secundum aliquid quod ex ipso sequitur, puta proprietas possessionum; si enim consideretur istæ ager absolute non habet unde magis sit hujus quam illius; sed si consideretur per respectum ad opportunitatem colendi et ad pacificum usum agri hoc habet quandam commensurationem ad hoc quod sit unius et non alterius ut patet per Philosophum. Considerare autem aliquid comparando ad id quodex ipso sequitur est proprium rationis et ideo hoc idem est naturale homini secundum rationem naturalem quæ hoc dictat. Et ideo dicit Cajus Jurisconsultus.*

more or less questions which the jus gentium leaves undecided.

4. It receives its force and sanction from the natural law and not from mere human authority.

5. It partakes of the attributes of the natural law, which are especially inviolability and immutability.

Hence no human power, no government on earth, for any reason whatever, can violate or do away with the right of property in land or otherwise.

*Solution of Objections against the Right of Property in Land.*

The right of property in land is strenuously objected to by some modern communists as unlawful and unjust and contrary to the natural law, and this on different grounds, but the principal argument they make use of, and on which they mostly insist, is that the land is the common gift of the Creator, that each human being coming into this world has as much right to the land as any other, that according to the natural law the land must be the property of no one in particular, but must be common to all.

The Angelic Doctor, in the question so often quoted, 66 art., 2 ad 1, has the objection almost in as many words: "It would seem that none should be allowed to own anything as his own. Because everything which is contrary to the natural jus is illicit. But according to the natural jus all things are common and the private ownership is in contradiction with this common possession. Therefore, it is unjust for any man to appropriate to himself any exterior thing."

St. Thomas answers the objection by fixing and defining the sense according to which we must understand that all things should be common according to the natural jus. "To the first objection the answer is that the community of goods is attributed to the natural jus, not because the natural jus exacts that all things should be held in common; but because, according to the natural jus, no distinction of possession is made; but this is done by the verdict of human reason, which belongs to the positive jus, as we have said in qu. 57, art. 2, 3."

Dicendum quod communitas rerum attribuitur juri naturali non quia jus naturale dictat omnia esse possidenda commu-

niter; sed secundum jus naturale non est distinctio possessionum, sed magis secundum humanum condictum, quod pertinet ad jus positivum[1] ut supra dictum est quaest. 51 art. 2-3.

In the third article to which the Holy Doctor refers, he explains more clearly what he means by the distinction of possessions not being made by the jus naturale; by laying down the theory that a thing may be just, according to the natural law, either in se, and absolutely considered, or relatively to what results from it. In this second sense the private ownership in land is according to natural jus. "For," says St. Thomas, "if we consider this field, there is no reason, according to the natural jus, considered in itself, why it should belong to this one rather than to that one. But if it be considered relatively to the opportunity of cultivating, and to peaceful holding of it, this may offer a fitness why it should belong to this one rather than to another." St. Thomas then concludes: "Wherefore private ownership of possessions is not against the jus naturale, but is attached to it by the verdict of human reason."

Unde proprietas possessionem non est contra jus naturale sed juri naturali superadditur per ad inventionem rationis humanae.— Qu. 66, Art. 2 ad 1.

The next objection which we will touch upon is that which is founded on what is called altum dominium. It is alleged that the government of every nation has the eminent right of domain over the property of all citizens. That, therefore, in view of this right, a government may abolish all private ownership of land or otherwise and render everything common. Thus, for instance, the government of New York State could confiscate, without any compensation, all private property, hold it in common for all citizens, and distribute its fruits according to some system or other.

Does St. Thomas know of or acknowledge in any part of his works this pretended right of eminent domain?

Not at all. though the Holy Doctor is perfectly aware of the rights which belong to a government and states them with

[1] This is one of the few places where St. Thomas calls the *jus gentium jus positivum*, but one can easily see from the context what St. Thomas means.

a clearness which leaves nothing to be desired. But he calls confiscation and rapine anything else which goes beyond those rights.

In Qu. 67, art. 8, he lays down the rights of government with regard to its claims on the property of its citizens; but as distinctly asserts that any exaction beyond these rights is rapine.

"I answer by saying that rapine implies a certain violence and forcing, by means of which something belonging to another is unjustly taken from him. Now in a civil society none should suffer violence except from the public authority; and therefore, whosoever takes away something from another by violence, if he be a private person, not making use of the public authority, acts unjustly and commits rapine, as is manifest in robbers. But princes are intrusted with public authority to the end that they may be the custodian of justice and therefore it is not lawful for them to use force and violence, except according to the rule of justice and this in order to fight against enemies or against citizens by punishing malefactors, and what is taken away by such violence has not the nature of rapine, because it is not contrary to justice. But if some, by means of the public authority, should take anything belonging to others by violence, such as these act unjustly, commit rapine, are bound to restitution."[1]

And again answering the third objection, which lays down the fact of princes usurping and extorting much from the citi-

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[1] *Dicendum quod rapina quamdam violentiam et coactionem importat per quam contra justitiam alicui aufertur quod suum est. In societate autem hominum nullus habet coactionem nisi per publicam potestatem: et ideo quicumque per violenti am aliquid alteri aufert, si sit privata persona non utens publica potestate illicite agit et rapinam committit sicut patet in latronibus. Principibus autem potestas publica committitur ad hoc quod sint justitiae custodes et ideo non licet eis violentia et coactione uti nisi secundum justitiae tenorem; et hoc vel contra hostes pugnando, vel contra cives malefactores puniendo, et quod per talem violentiam aufertur non habet rationem rapinae, cum non sit contra justitiam. Si vero contra justitiam aliqui per publicam potestatem violenter abstulerint res aliorum, illicite agunt et rapinam committunt et ad restitutionem tenentur."*

zens without any necessity or right: which if it were grave sin for them, most of them would be damned!

St. Thomas says: "If princes exact from their subjects what is due to them according to justice to maintain the public good, though they may use violence, it is not rapine; but if princes extort by violence what is not due they commit robbery and rapine. Hence St. Augustine says, in 4 de Civ. Dei: *If you remove justice from them, what are kingdoms but robbery on a great scale? nay, and the robbery itself a kingdom on a small scale?* And in Ezechiel xxii. it is said: *the princes in its midst as wolves ravening their prey.* Wherefore they are bound to restoration like robbers, and they sin more grievously, inasmuch as they can act more dangerously and more frequently against that justice of which they have been placed the custodians."

"Dicendum quod si principes a subditis exigant quod eis secundum justitiam debetur propter bonum commune conservandum, etiam si violentia ad hibeatur non est rapina sivero aliquid principes indebite extorqueant per violentiam rapina est sicut et latrocinium. Unde dicit Augustinus in 4 de Civ. Dei: "*Remota justitia quid sunt regna nisi magna latrocinia, quia et ipsa latrocinia quid sunt nisi parva regna?*" Et Ezech. xxii. 27. *Principes ejus in medio ejus quasi lupi rapientes praedam.* Unde ad restitutionem tenentur sicut et latrones quanto periculosius et communius contra publicam justitiam agant cujus custodes sunt positi."

We remark in conclusion that if St. Thomas ever thought of admitting such a right as the eminent domain, it would be absurd for him to speak of robbery and rapine in connection with a government, because if a government took anything or all from its citizens, it would only be availing itself and carrying into effect its own right; and none could complain.

## CHAPTER VI.

### Doctrine of St. Thomas on the Use of Property.

A modern writer has asserted in a very plausible article published in the leading paper which advocates the new form of communism and socialism, that the Angelic Doctor admits the right of private ownership in land or other things; yet he maintains the doctrine of St. Thomas to be that any one enjoying such right must make use of his property or its fruits for the common good. The great text alleged in support of this assertion is taken from the 2 art. of the Qu. 66, 2-2, corp., wherein St. Thomas says: "The next thing which concerns man as to exterior things is *their use*; and as to this man must not hold exterior things as his own, but as common."

Upon this text the writer alluded to has raised the grand structure of what he calls Scholastic or Medieval Communism.

We will, in the first place, give here the real theory of St. Thomas with regard to the use of one's property or its fruits, as flows logically from the right of property.

In the second place, we will examine the text just quoted, and show that the writer alluded to has clearly mistaken the sense in which St. Thomas has spoken of the use of property. the Holy Doctor explaining in the self-same text in what sense are his words to be understood.

Thirdly, we will bring forward all the parallel texts confirming the real meaning of St. Thomas on the use of property.

As to the first, St. Thomas, in the Opus. 72, Ch. 9, lays down the theory he holds with regard to the use which a man can make of his lawful property.

"We say in the first place that the owner of a certain thing is also the owner of the use of the same thing." "Dicimus primo quod qui dominus est alicujus rei, dominus est et usus ejusdem rei."

"We say in the second place that the real owner of a thing may transfer it to another gratis, or for a consideration, or in exchange for another thing."

Dicimus secundo quod dominus verus alicujus rei potest eam transferre in alterum gratis. vel etiam pro pretio et pro commutatione alterius rei.

"We say, moreover, in the third place that an owner may transfer the use and the fruit of his own property." Dicimus insuper tertio quod dominus potest transferre usum et fructum propriæ rei.

"We say also in the fourth place that as the true owner of a thing can give away, or sell the property of the thing, or the use or fruits of certain possession simply for all time (fee simple), so he can give away or sell it for a certain definite and specified time (lease)."

Dicimus etiam quarto quod verus dominus rei sicut potest dare vel vendere proprietatem rei, vel usum seu fructas alicujus possessionis, simpliciter quantum ad omne tempus, sic potest dare vel vendere quantum ad tempus determinatum vel particulare.

Now if a man who is master and owner of a property is also master of its use, according to the Angelic Doctor, and can transfer not only the dominion of such property as a gift, or for a price, or in exchange, but also the use and fruits of such property, if he can transfer the use only of such property, reserving to himself the dominium over it; if he can give or sell the property or its use simply and forever, or for a certain specified time, surely it would be absurd and ridiculous to suppose that such a man is holding the use of his property for the common good and for the public.

Why! give a man perfect right over his own property and its use so that he can give away or sell or exchange either the property and its use or one or the other, and all this as he pleases forever and in fee simple or for a certain time and what more could he desire? What more have the most zealous advocates of the right of property and its use have even claimed? And if St. Thomas grants all this to a proprietor, how can he be supposed to teach that a man must not have the use of exterior things except for the common good?

Could St. Thomas, the keenest and the most comprehensive intellect that ever adorned mankind, contradict himself so flagrantly and so childishly? Add to this that St. Thomas unhesitatingly and categorically lays down the principle that all those rights of the owner of a property to do just what he pleases with it or with its use, give away one or the other or both forever or for a time, or sell both or either for a price or in exchange, *all such rights follow logically* from the very essence of dominium. "Omnia ista probantur per ipsam rationem in dominii." So that, admitting the dominium, all those rights follow as a necessary consequence.

But let us come to the real meaning of the words which have given such unfounded hope to our new reformers of numbering St. Thomas among their ranks. Here are the words in full. "Aliud vero quod competit homini circa res exteriores est usus ipsarum, et quantum ad hoc non debet homo habere res exteriores ut proprias sed ut communes." That is to say: "Another thing concerns man with regard to exterior things; that is, their use and as to that man should not have exterior things, as his own." Pray, in what sense does St. Thomas say this. In the sense that the real owner of a thing is not the master also of its use, so that he cannot give or sell or exchange the thing or its use? Certainly not but in the sense which the Saint explains in the next words: "Ut scilicet de facili aliquis eas communicet in necessitate aliorum; that is to say, that one may be disposed easily to communicate them when others are in want." In other words, St. Thomas expresses here the natural duty and the supernatural obligation of the rich to bestow alms.

This sense is confirmed by his quoting the words of the Apostle to Timothy. "Unde Apostolus dicit 1 ad Tim. Divitibus hujus sæculi præcipe facile tribuere communicare de bonis. Wherefore the Apostle says 1st to Tim.

Charge the rich of this world to give easily to communicate (to others).

We will subjoin all the parallel texts of St. Thomas confirming the explanation we have given of the text.

2-2, qu. 32, art. v. ad 2, he says: "The temporal goods which are given to man by Divine Providence are *his* as to the

dominium, but as to the use, they must not only be *his*, but of others who can be supported from that which is left to him over and above."

"Bona temporalia quæ homini divinitus conferuntur, ejus quidem sunt quantum ad proprietatem, sed quantum ad usum non solum debent esse ejus, sed etiam aliorum qui ex eis justintari possunt, ex eo quod ei superfluit."

But could any one take this superfluous independent of, or in spite of the owner? The Holy Doctor, 2–2, qu. 66, art. 7, asking the question whether it be lawful to steal in case of necessity, answers:

We must say that those things which originate in human jus (jus gentium, according to definition) cannot derogate from the natural and divine. But according to the natural order established by Divine Providence, inferior things are intended to relieve man's necessities. And, therefore, the division of goods and appropriations originating in human jus must not prevent the relieving of man's necessities from those things; and therefore things which some have over and above are intended for the support of the poor. But as there are many suffering want, and it is impossible to relieve all with the same thing, so it is left to the good will of every one, the distribution of his own to relieve with it those who suffer want.

Dicundum quod quæ sunt juris humani non possunt derogari juri naturali vel juri divino. Secundum autem naturalem ordinem ex divina Providentia institutum res inferiores sunt ordinatæ ad hoc quod ex eis subveniatur hominis necessitati. Et ideo per rerum divisionem et appropriationem ex jure humano procedentem non impeditur quin hominis necessitati subvenieundum ex hujusmodi rebus. Et ideo resquas aliqui superabundanter habent debentur pauperum substantioni.

*Sed quia multi sunt necessitatem patientes, et non potest ex eadem re omnibus subveniri relinquitur arbitrio uniuscujusque dispensatio propriarum rerum ut ex eis subveniat necessitatem patientes.*

Of course the only exception to this, as it is well known, is the case of extreme necessity, in which case and whilst it continues Omnia sunt communia.

In 1-2, Qu. 105, art. 2 corp., St. Thomas, treating of the fitness of the Mosaic regulations with regard to the property and its use, repeats substantially the same theory.

"With regard to things to be possessed, it is the best to have distinct possessions; and the use of it to be partly in common and partly to be communicated by the owners.

Circa res possessas optimum est quod possessiones sint distinctae, et usus sit partim communis, partim autem per voluntatem possessorum communicetur.

What St. Thomas means by that partim communis, he explains in the application he makes of the theory to the principles of the Mosaic law with regard to its judicial precepts.

The law enacted that with regard to certain things the use of them should be common, and first as to the care to be taken of them. You shall not see the ox or the sheep of thy brother going astray and shall pass on. Secondly, as to the fruits, it was generally allowed to all, upon entering the vineyard of a friend, to eat of the grapes, provided they carried none with them outside; but to the poor, in a special manner, were purposely left the forgotten bundles, and the fruits and stalks of the grapes left over; and was given to them whatever was born every seven years.

Thirdly, the law exacted a purely gratuitous communication made by the property owners. Every third year you shall set apart another tithe, and the Levites, and the stranger, and the orphan and widow shall come and they shall eat and be filled.—Deut. xiv. 28.[1]

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[1] *Instituit lex ut quantum ad aliqua usus rerum esset communis et primun quantum ad curam. No videbis bovem et ovem fratris tui errantem et praeteribis. Secundo quantum ad fructum concedebatur enim communiter quantum ad omnes ut ingressus invineam amici comedere posset; dum tamen extra non deferret; quantum ad pauperes vero specialiter ut eis relinquerentur mani puli obliti et fructus et racemi remanentes et etiam comsunicabantur ea quae nascebantur in septimo anno.*

*Tertio vero statuit lex communicationem factam per eos qui sunt rerum domini unam pure gratuitam. Anno tertio separabis aliam decimam, venientque levitae et peregrinus et pupillus et vidua et et comedent et saturabuntur.—Deut. xiv.* 28.

To complete the theory of St. Thomas on the subject in hand, we may add here his doctrine of what constitutes what is called superfluous; and how far is the obligation of giving alms from the superfluous, binding under pain of mortal sin. In Quest. 33 of the 2–2, art. 5, corp. the holy Doctor, inquiring whether to give alms be a strict obligation, after having answered in a general way that almsgiving, being a part of the precepts of charity, must necessarily be obligatory as charity itself, he subjoins that as precepts are given to strict acts of virtue, almsgiving cannot be of obligation except inasmuch as virtue requires it; in other words, according as right reason demands, and to resolve the question according to the dictates of the latter, we should take into consideration something on the part of the giver, and something on the part of him to whom alms is to be given.

With regard to the giver, it is to be considered that he is bound to give away only what remains of the superfluous.

Ex parte quidem dantis considerandum est, ut id quod est in eleemosynas erogandum sit ei superfluum secundum illud. —Luc. 2–41. Quod superest date eleemosynam.

But what constitutes the superfluous? St. Thomas answers: "I call superfluous (1) not only that which remains over and above what is necessary to the individual, but also (2) what is necessary to those who are dependent upon him, (3) and in respect of that which is wanted for the person in as much as person implies dignity or rank; since it is necessary that one should first provide for himself, and for those who depend upon him, and then relieve the wants of others from what remains over and above; as nature sets apart first for the support of one's body that which is needed, by means of the faculty of nutrition, and then it uses for the generation of others what remains over and above by means of the faculty of generation.[1]

[1] *Et dico superfluum non, solum respectu sui ipsius quod est supra id quod est necessarium individuo, sed etiam respectu aliorum quorum cura ei incumbit, respectu quorum dicitur* necessarium personae *secundum quod* persona *dignitatem importat; quia prius oportet quod unusquisque sibi provideat et his quorum cura ei incumbit et postea de residuo aliorum necessitatibus subveniat; sicut et natura primo accipit sibi ad sus-*

But how far is alms-giving a strict obligation even of the superfluous!

"On the part of him who has to receive," says St. Thomas, "it is required that he should be in need, otherwise there would be no reason for giving him alms." But as a single individual cannot relieve the needs of all, it follows that not every want obliges under strict obligation, but only that want which, if it were not relieved, the sufferer could not live. In such a case happens what St. Ambrose says. Feed him who is dying of hunger; if you do not you will kill him.

Thus it is of strict obligation to give alms of the superfluous, and to give alms to him who is in extreme want, otherwise, to give alms is only a counsel.[1]

But is it ever obligatory to give alms from what is necessary?

The Holy Doctor replies that what is necessary, may be taken in a twofold sense; it may be taken in the sense that a thing is so necessary that, without it, something cannot be, and from such, one absolutely cannot give alms, for instance, if one be in such straits as to have only what would support himself, his children, and others depending on him; to give alms from this would be to take away from one's life. Except the case, if one were to deprive himself, to give it to some person on whom the welfare of the community or of the Church should depend. In such a case to deprive himself and his for the salvation of such person would be

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*tentionem proprii corporis quod est necessarium ministerio virtutis nutritivae superfluum autem erogat ad generationem alterius per virtutem generativam.*

[1] "*Ex parte autem recipientis requiritur quod necessitatem habeat, alioquin non esset ratio quare eleemosyna ei daretur. Sed cum non possit ab aliquo uno omnibus necessitatem habentibus subveniri, non omnis necessitas obligat ad praeceptum sed illa sola sine qua is qui necessitatem patitur sustentari non potest. In illo enim casu locum habet quoe Ambrosius dicit* Pasce fame morientem si non pascis occidisti.

"*Sic ergo dare eleemosynam de superfluo est in praecepto et dare eleemosynam ei qui est in extrema neceisitate; alias autem eleemosynas dare est in consilio.*"

praiseworthy, exposing one's self to the danger of death, as the common good is to be preferred before the private.

In the second sense, a thing may be called necessary, in as much as it is needed for the comforts of life according to the condition and station of a person and of those belonging to him. The limit or confines of such necessary is not an indivisible point; if you add much to it you cannot say that it is beyond the necessary, and if you take much from it, neither can you say that there is not left sufficient to lead life comfortably according to one's station.

To give alms for such as these is good, but it is not obligatory, but only of counsel. For it would be contrary to order if one should subtract from himself so much of his good, as not to be able to live on the rest in conformity with his proper state, and as circumstances of business may require. For none should unsuitably live.

There are three exceptions to this. The first is, when one changes state to enter some religious community. The second is, when one subtracts from the comforts of life as much as can easily be supplied and no grave inconvenience follows. The third is, an extreme necessity of private person, or some great want of the commonwealth. In such case it would be praiseworthy to give up what is needed for the decent maintenance of one's station in life to relieve greater necessity.

[1] *Respondeo dicendum quod necessarium dupliciter dicitur: uno modo sine quo aliquid esse non potest et de tali necessario omnino eleemosynam dari non debet, puta si aliquis in articulo necessitatis constitutus haberet solum unde possunt sustentari et filii sui vel alii ad eum pertinentes; de hoc enim necessario eleemosynam haberet sibi, et suis vitam subtrahere. Sed hoc dico nisi forte talis casus immineret ut subtrahendo sibi daret alicui magnae personæ per quam. Ecclesia vel reipublica sustentaretur; quia pro talis personæ liberatione seipsum et suos laudabiliter periculo mortis exponeret; cum bonum commune sit proprio præferendum.*

*Alio modo dicitur aliquis esse necessarium, sine quo non potest convenienter vita transigi secundum conditionem et statum propriae personae et aliorum personarum quarum cura ei incumbit. Hujus modi necessarii terminus non est in indivisibili constitutus; sed multis additis non potest dijudicari esse ultra taie necessarium,*

The doctrine of St. Thomas, then, is that the superfluous is that which is left over and above what is necessary for the proper and decent maintenance of man's life, that of his children and those dependent on him according to his rank and station in life, and that such superfluous must be given under strict obligation, to those only who are in extreme need. To give of the superfluous to those not in extreme need is praiseworthy but not obligatory. It is never obligatory to give what is absolutely needed to support one's life and of those belonging to one.

It is heroic to yield the absolute necessary to one's life for the common good, and praiseworthy to give, in the extreme necessity of private persons or in the grievous need of a community, what is necessary to the proper maintenance of one's station in life.

We conclude this part of the subject: if we do not wish to make St. Thomas contradict himself, if we are to understand his meaning from the context, from parallel texts, it is clear that by his saying that the use of exterior things should be common, he meant the precept of benevolence and charity, incumbent upon the rich to give alms from the superfluous of their goods and possessions.

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*et multis subtractis ad huc remanet unde possit convenienter aliquis vitam transigere secundum proprium statum. De hujusmodi ergo eleemosynam dare est bonum; et non cadit sub praecepto sed sub consilio. Inordinatum esset autem si aliquis tantum sibi de bonis propriis subtraheret ut aliis largiretur quod de residuo non posset vitam transigere secundum proprium statum et negotia occurrentia. Nullus enim in convenienter vivere debet.*

*Sed ad hoc tria sunt ex cipienda: quorum primum est quando aliquis statum mutat, puta per religionis ingressum; tunc enim omnia sua propter Christum largiens opus perfectionis facit se in alio statu ponendo. Secundo quando ea quae sibi subtrahit etsi sint necessaria ad convenientiam vitae tamen de facili resarciri possunt ut non sequatur maximum inconveniens. Tertio quando occurreret extrema necessitas alicujus privatae personae vel etiam aliqua magna necessitas reipublicae. In his enim casibus laudabiliter praetermitteret aliquis id quod ad decentiam sui status pervenire videtur ut majori necessitate subveniret.—Ib. art. 6 corp.*

And now we have a few general remarks to make. As is clear to the readers who have followed us, a stray expression of St. Thomas here and there may leave room for the cavillous to quibble, but on broad general principles, on wide and well defined lines, every one will perceive that the philosophy of St. Thomas differs *toto coelo* from the false and miserable theories of our modern social reformers.

To take a few points as example. They rest, for instance, their pet doctrine on tho fancy that all men are born equal and are entitled to the same rights and privileges. The philosophy of St. Thomas, whilst admitting the specific equality of all men, that is to say, that nature gives each man who is born soul and a body, and a right to procure his temporal and spiritual welfare; maintains that fact and considering each man individually as they exist and are born they are by no means equal, but one differs from the other in almost everything, and especially in intellect and in the power of will. Pope Leo the XIII. has so well expressed this fundamental doctrine on which the natural jus and the jus gentium of St. Thomas is founded that we cannot forbear quoting the passage. "Ii (Socialistae) profecto dictitare non desinunt ut innuimus omnes homines esse inter se natura aequales, ideoque contendunt nec majestati honorem ac reverentiam, nec legibus nisi forte ab ipsis ad placitum sancitis obedientiam deberi. Contravero ex Evangelicis documentis ea est hominum aequalitas, ut omnes eamdem naturam sortiti, ad eamdem filiorum Dei alissimam dignitatem vocentur, simulque et uno eodemque fine omnibus praestituto singuli secundum eamdem legem judicandi sunt, poenas aut mercedes pro merito consecuturi: Inequalitas tamen juris et potestatis ab ipso naturae auctore dimanat."

It is no wonder, then, that St. Thomas' philosophy, starting from the necessary fundamental difference in men as to the strength of body, of intellect and will, should, in questions of natural right and its primary consequences, absolutely conflict with the theories and tenets of those who admit and claim that imaginary individual equality.

Again the whole aim of our new reformers is to level everything as an application and logical consequence of their pre-

tended equality. If all men are born equal they must have equal rights, political, social, as well as civil, and none should have more property than another; each one should have enough for a comfortable, easy living; labor should be a work of love, an exercise rather than a task.

St. Thomas, on the contrary, starting from the necessary individual difference among men, requires that this distinction founded on the metaphysical order of the universe, which demands that all beings should be distinct and differ in number, weight, and measure, should be maintained as the order of Providence; and that men should have different rights, as they differ in power and strength of body, of intellect, of will.

Finally, our new reformers who wish to make everything common, but especially the land, are making great capital of the pretended right of eminent domain, which exists in the government of every country; and which claims for it the right of dominium over the property of every citizen paramount and superior to every individual right, they say in right of the eminent domain, adherent in every government, the latter can order the confiscation of the property of every one of its citizens and hold it in common for them, and use the fruits and the rents for the common good.

What a grand invention for political, social, civil, domestic slavery and thraldom!! It is worthy of the new reformers!

St. Thomas, on the contrary, loudly proclaims, in his grand philosophy, the true philosophy of freemen, freemen who are made so by *truth*, that every tittle taken by the government of a country which is not necessary for the maintenance of the government, for the internal and external peace and protection of its citizens, is nothing but sheer robbery, worse than rapine, and the offensor is bound to restitution on pain of damnation, be he a king, a president, an emperor or a misguided reformer and philanthropist. We conclude this essay with some words of Leo XIII., which recapitulate the whole doctrine of St. Thomas as we have tried to explain it.

"As socialists traduce the right of property as human invention, opposed to the natural equality of men, and pretending a community of goods, proclaim that poverty should

not be patiently borne with, and that the possessions of the rich should be violated with impunity, the Church of God, with greater safety and advantage, acknowledges the inequality among men, so different in mind and body, also in the possession of riches, and commands that the right of dominium and property should be kept safe and inviolate to every one. For she knows that theft and rapine have been so forbidden by God, the author and avenger of every right, as to render even the lust after what belongs to another unlawful; and that thieves and robbers, like adulterers and idolaters, shall be excluded from the kingdom of God. Nor does she neglect the care of the poor, or did ever the good Mother omit to relieve them in their wants. For she strictly enjoins the rich to give their superfluous to the poor," etc.

Cum enim socialistæ jus proprietatis tanquam humanum inventum naturali hominum æqualitati repugnans traducant et communionem bonorum affectantes pauperiem haud æquo animo esse perferendam et ditiorum possessiones ac jura impune violari posse arbitrentur, Ecclesia multos satius et utilius inæqualitatem inter homines corporis ingeniique naturaliter diversos, etiam in bonis possidendis agnoscit et jus proprietatis ac dominii ab ipsa natura profectum intactum cuilibet et inviolatum esse jubet; novit enim furtum ac rapinam a Deo omnis juris auctore et vindice ita fuisse prohibita ut aliena vel concupiscere non liceat furesque et raptores non secus ac adulteri et idolatros a cœlesti regno excludantur. Nec tamen idcino pauperum curam negligit aut ipsorum necessitatibus consulere pia mater præteruit. Gravissimo divites urget præcepto ut quod superest pauperibus tribuant etc.: Enciclica Quod Apostolici.