

Church Property as a Bulwark of Religious Liberty

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“Few issues are as central to Christian social thought, and indeed to Western civilization, as is property.”

-- Wolfgang Grassl, *Property* (Acton Institute, 2012)

Introduction: Property and Freedom

--Russell Kirk, *Conservative Mind*: “freedom and property are closely linked: separate property from private possession, and Leviathan becomes master of all.”

I. Property in the Christian Tradition

A. Theology: Stewardship

-- Roots in Judaism, early and medieval church

-- Calvin: “God’s steward who possesses the goods he has on condition that he must one day render an account.”

-- Pope Leo XIII: “The right of private property is derived from nature, not from man, and the State has the right to control its use in the interests of the public good alone, but by no means to absorb it altogether.”

B. History: Rise of Church Property

-- Constantine: donations, tax exemption, bequests

-- Peter Brown, *Through the Eye of a Needle*: “The church had become rich, but nobody, least of all the clergy, knew exactly how this wealth should be administered.”

-- Problem of legal status of church wealth

II. Property Law and the Church in the United States

-- Property rights in American law

-- Supreme Court: How to treat religion?

-- Church property in US law: corporation law

A. Catholic Church Property

-- Canon law and civil law

-- Problem: Maryland (*Speer v. Colbert*, 1906)

B. Protestant Church Property

-- Diversity of church law

-- Problem: Mainline doctrinal disputes (*Protestant Episcopal Church in SC v. The Episcopal Church*, 2018)

III. Contemporary Threats

A. Tax exemption

B. Abuse scandals

C. Building restrictions

Conclusion: Three Threats from Government

1. Regulation to control church intentionally

2. Weakening of church indirectly through direct action against property

3. Weakening of church control over property indirectly through extensive government action