

# Relationship of Private Ownership with Land

## Chapter 10

People have claimed the right to benefit from the land on which they grow food since the rise of agriculture some 10,000 years ago. Once people started domesticating plants and animals in confined places, community acknowledgment of who had control over defined spaces became necessary to reduce interpersonal conflicts over crop theft.

Property rights shape our relationships with land and interbeing. They determine who gets what and who gets excluded from accessing the land and its resources. Communities collectively developed rules and practices that determined who had control over specific areas of land to grow crops and animals for their families and other resources such as hunting areas. Instead of growers having to defend their domesticated plants and animals individually, the community punished those who broke its rules forbidding crop and animal theft. The evolution of these rights, rules, and practices gave rise to what we call today the traditional commons.

### **Ethics of Traditional Commons**

The cultures of indigenous people stretch back some 2.5 million years, when people cooperated as communities to survive as hunter-gatherers. The people learned how to live sustainably off the land and to get along with each other and all life. Communities developed rules and practices to ensure a way of life in which everyone knew how to live this way, which they encoded in stories, songs, dances, and ceremonies that each generation passed on to the next.

These ancient cultural ethics overlay even today's traditional commons. Every commoner knows and practices these ethics as a way of life that ensures the survival of their community's integrity now and into the future. Regardless of the continent, terrain, or bioregion, traditional commons share strikingly similar ecological ethics. Several of these ethical principles shaped the property rights of traditional commons.

**Sacredness of the Earth and Life:** Traditional people know the sacredness of creation. All life shares Creation for the common benefit of all life, and they adhere to the sacred instructions they received on how to live in ways that sustain the Earth Interbeing, not just for themselves but for all beings and all generations.

**Sufficiency:** Interbeings depend upon the Earth and, with the exception of photosynthesizing beings, depend upon each other for food. Life shares food. Sufficiency requires that we only take enough from the interbeing food commons to meet our own essential needs but not beyond what we can use. Further, we should not take so much of any resource as to disadvantage others from accessing their share of the same needed resource.

Households, extended families, and communities provide for themselves with what they need to live, and nobody takes more than they need to survive. Intentionally growing more animals and crops beyond sustenance needs violates the harmony and balance of creation. A surplus creates a deficit for other beings in terms of the unnecessary taking

of life and other life not having access to their fair share of food. If growing conditions cause a surplus, those with a surplus give it as a gift to others and the community. Private gain or accumulation violates multiple ethics. Traditional people see avarice, self-interest, and opportunism as unnatural as interbeing social obligations override self-interest.

**Reciprocity:** We give back to the Earth Interbeing in equivalent value for what we take from it to restore its harmony and balance. Traditional people view the forest's abundance as a consequence of their treating the forest's wealth as a gift in return for their care of the forest. The Earth Interbeing cares for us by giving us food. We reciprocate by caring for the Earth Interbeing in some meaningful way. Possession becomes reciprocity. Life and land are one. People and land are inseparable through the ties of obligation and gratitude.

**Sharing:** A gift economy reflects the ethic of social reciprocity. Gift-making obligates one to another, cultivates sharing relationships, and meets the needs of the needy, a state of being that all life experiences. Within a gift economy culture, when someone makes a gift of food or whatever to another, the receiver becomes the steward of the gift ethic and must return a gift at some point, but not necessarily of the same kind. Gift-giving extends to community distributions. For example, when a traditional community gave food to a neighboring village needing food, the community expected that the village would provide it food when needed. Individuals distributed possessions during community celebrations and potlaches to enhance their prestige as leaders. In these and other ways, traditional cultures practiced mutual aid and wealth destruction to avoid conflicts over resources and the emergence of material inequality.

### **Relations of Private Property to Land**

The practice of nobility and wealthy merchants claiming private ownership of commoned land gained traction in England during the 1500s and reached its peak during the 1600s and 1700s, the peak time for English colonialism in North America. Remnants of feudalism persisted then, a land system in which the monarchy claimed ownership of all the land, which they granted to nobility the right to occupy and locally govern the king's land. Traditional commons managed the land for growing food and raising domesticated animals. The 17<sup>th</sup> and 18<sup>th</sup> century elites who stole the land from English commoners and the Indigenous people of the Western Hemisphere justified the taking of commoned land as the will of God to end the evil of commoners wasting land and to free themselves from the tyranny of feudalism.

During that time, English cultural values still favored common property management and supported the ethic of growing only enough food for sufficiency and survival. According to advocates of private property, this limit on production disobeys the will of God, who wants people to profit as much as they can from the land and its resources. More production would benefit everyone in society because others would then have as much access to food and other conveniences of life as they could afford. This recasting of private property as the will of God justified godly elites taking possession of the land previously inhabited by lazy, primitive, and backward people.

Private ownership of land unleashed the historical process of wealth accumulation from the theft of common land everywhere on the planet. For English commoners and Indigenous people, it meant the loss of their rights to benefit from land. When pushed off their land by ongoing colonialism, small growers exchanged their labor for a wage. They no longer had a guaranteed right to food that the commoned land provided. Cut off from sustaining themselves on the land, they faced hunger.

The market economy views land as a universally commensurable, commodifiable, and alienable resource. *Commensurable* means that the market sets a dollar value for property. This singular value does not include any other values that cannot be translated into dollars, such as family sacred ties to a place, its ecology, or the benefits of the land to future generations. The *commodification* of land radically extinguishes from the determination of a land's value all the human and nonhuman values that had grown alongside a place, such as community well-being or sustainable livelihoods. Unless otherwise stipulated within a property deed or code, the new owner can freely use their land in ways that may forever change the wider community's ecology and culture, such as developing a lithium mine on top of a sacred place. *Alienability* of privately owned land allows one owner to convey it to another without restriction unless some contractual, common law, or statutory restriction on it states otherwise. The term alienability first came into use when the U.S. government passed one of its first acts, the Land Ordinance of 1785, which legislated the process by which the U.S. government conveyed land stolen from Indigenous people into the hands of private owners, essentially laundering the land from any tribal claims upon it.

The culture of the Western market economy views people, life, and the Earth not as interdependent social relationships but as tradable items and raw materials for private gain. Western society functions as God intended, with self-centered rational people joining the market for mutual self-interest. This Western cultural view expects everyone to behave selfishly. Those who strive to defend their communities from the privatization onslaught get labeled sentimentalists and emotional. The market economy eliminates all other social opportunities for people to act otherwise, from destruction of the commons to commercializing human needs. The liberal democracies step in to protect the interests of the market economy with threats of reprisal when local cultures resist. Private ownership overrides all social and ecological relationships.

Whoever buys land owns all the life on it and all the Earth resources bounded by property lines. A private owner's relationship to its land entails privileges but no obligations. Private property law fails to recognize the fundamental importance of the Earth's Interbeing and the need for sustainable relationships with it. Private property detaches owners from any and all common ethics that might restrain their dominion over the piece of Creation they own.

Further, modern private property laws view any legally imposed restrictions on the owner's ability to act freely on their land as illegitimate. Private property owners have the liberty to impose any harm on the life and Earth they own in the exercise of their property rights. Courts determine the harm a private owner may inflict upon others outside their property not on the basis of morality, but on whether the exercise of the owner's absolute rights would adversely affect the market economy, the greatest good. The law only understands what private owners do to their land and the life on it in market terms.

Private property law recognizes no limits to damages that may incur from the actions of a private owner. The law has no means of restricting cumulative damage to sustainable limits. Private landowners have no responsibility or duty to avoid ecological and environmental damage as a qualification of private ownership.

Private property rights drive unrestrained economic growth, deeply compromising the integrity of our shared social, Earth, and life systems. The same enshrined private property rights prevent us from stopping the behaviors that imperil the planet. Ongoing and even accelerating degradation diminishes the well-being of present and future generations and erodes the ecological basis on which the common good of all depends. We belong to the first generation that knows with certainty that future generations will not have the same opportunities that we had to live within an abundant and thriving Earth Interbeing. In the heart of private property lie the criminal acts of claiming ownership of the commons and the right to destroy the Earth and life.

### **Resources**

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