

Private Property, the Environment and Christianity

Paul Babie

Abstract: This article argues that private property is a main cause of the current ecological crisis. The article offers a means of re-conceiving the 'orthodox' view of private property so that it is seen to embrace a moral element as part of its normative content. David Lametti, a Canadian property theorist, calls this moral element the *deon-telos* of private property. This article suggests that the content of the *deon-telos* ought to include a Christian ecological theology and morality. It draws upon the collection of essays found in Elizabeth Breuilly and Martin Palmer's *Christianity and Ecology* in order to identify the main elements of Christian ecological theology and morality necessary to fill the content of the *deon-telos*. By re-conceiving private property as embracing the *deon-telos* with Christian ecological theology and morality as a part of its content, private property may offer but one solution to the ecological crisis.

1. INTRODUCTION

THIS PLANET IS IN SERIOUS TROUBLE. It is dying, or rather it is being killed by its human inhabitants. Systematically, under the guise of "management" of natural resources, forests – the earth's lungs – are being clear-cut logged or burned for paper and new development; petroleum and minerals are being over-exploited to fuel our cars and planes; rivers and watercourses are either being dammed and diverted to quench an ever-growing thirst in large, over-populated cities, or polluted with the effluent of those cities; and oceans are being "mined" for their fish and other resources. One need not look far to see the results of our "management"; it is delivering deathblows to the earth. Yes, the planet earth, in full-blown ecological crisis, is being killed, by us.¹

¹. Many of these issues were highlighted by the recent Johannesburg Summit, 26 August-4 September 2002, (www.johannesburgsummit.org) and the intransigence of the United States and Australia in relation to ratification of the Kyoto Protocol to the United Nations Framework Convention on Climate Change, in force 21 March 1994 (<http://unfccc.int/resource/docs/convkp/kpeng.html>, 10 September 2002, 10:00am). For

Why? I leave to scientists the task of determining the scientific reasons for the negative impact of our management and use of the earth's resources and whether humankind can sustain itself into the future if it continues on its current course. Instead, I suggest here that one reason for the planet's death throes is not scientific at all, but political-philosophical. The current ecological crisis can be traced to the very foundation concept that drives the western political-philosophical view of the world, which, sadly in more recent times, has in one way or another permeated every society on earth. That foundation concept is private property, and it is part of the global mind-set that influences our management and use of the earth and its natural resources. All resources are allocated or distributed among people according to the private property concept. The earth is dying, therefore, because humankind sees it as private property, capital, valuable only if exploited for economic gain. The domestic legal system of every society that invokes the private property concept uses it as a rationale and justification for an exploitative stance toward the earth's natural resources.

As a means of distributing the earth's resources in a way that sees them as more than capital and profit, there seems little doubt that private property has been an abysmal failure, which is why the concept is in constant need of justification.² Nonetheless, while some may see it as best for the environment and the future of humanity that private property be abolished, in this article I do not suggest that private property ought to be completely discarded as a means of allocating natural resources. True, some other form of property may be preferable to the private property model for the allocation and use of natural resources; public property – the collective or state holding of resources – for instance, may soften the harmful effects of private property on the environment, but even that starts from the base-line of private property and is parasitic upon it as regards content.³ Thus, working on the assumption that private property, whether it can be justified or not, is around to stay in some form or other, I suggest that the normative content of private property requires re-conception.

Such a re-conception can be achieved by transplanting Christian theology and morality to the heart of that concept. By doing so, Christian theology assumes a role not often envisaged for it in the

full statistics on and explanations of the ecological crisis, see the links on the World Wildlife Fund website (www.panda.org) for climate change, endangered species, forests for life, living waters, species and toxics; and on the Greenpeace website (www.greenpeace.org) for climate, toxics, nuclear, oceans, genetic engineering, ocean dumping, and forests.

². David Lametti, "Property and (Perhaps) Justice. A Review Article of James W. Harris, *Property and Justice* and James E. Penner, *The Idea of Property in Law*", *McGill Law Journal* 43 (1998), 663-727, 675. A synopsis of all attempts at justification can be found in James W. Harris, *Property and Justice* (Oxford: Clarendon Press, 1996), Part II.

³. See Harris, *Property and Justice*, 104-109.

contemporary world: it acts as a very practical tool to reverse the use of the private property concept as a justification for exploitation of the earth. This article is not about whether law ought to enforce morality,⁴ rather, it is the converse, that morality, based upon Christian theology, has something important to say about private property that is but a first step to addressing the ecological crisis.

This article is divided into three parts. First, I shall outline a very basic definition of the traditional or orthodox⁵ view of private property. I shall argue that the orthodox understanding of private property lies at the foundation of the current ecological crisis. In the second part, I summarise a recent theory of private property developed by David Lametti, a Canadian property theorist, which attempts to add a moral dimension to the orthodox view. This moral dimension, which Lametti calls the *deon-telos* of private property, offers a salve for the unfettered exercise of rights normally envisaged by the orthodox view. The final part of the article will suggest that Lametti's *deon-telos*, as he develops it, fails to define precisely what its content includes. I suggest that an essential element of that content ought to be a Christian ecological theology and ecological morality. In order to construct such a theology and its resulting morality, in the final part, I utilise the collection of essays edited by Elizabeth Breuilly and Martin Palmer, *Christianity and Ecology*.⁶ As such, the final part of this article is a selective review of *Christianity and Ecology*, using the articles found there as resources in beginning the task of filling the content of the *deon-telos*.⁷

2. THE ORTHODOX VIEW OF PRIVATE PROPERTY⁸

⁴. The classic jurisprudential studies of that question are Patrick Devlin, *The Enforcement of Morals* (Oxford: Oxford University Press, 1965); H. L. A. Hart, *The Concept of Law* (Oxford: Clarendon Press, 2nd ed, 1997); *Law, Liberty and Morality* (Oxford: Oxford University Press, 1963); *The Morality of the Criminal Law* (Oxford: Oxford University Press, 1965).

⁵. I use "orthodox" not in the theological sense, but in the lay sense of commonly understood or accepted.

⁶. Elizabeth Breuilly and Martin Palmer (eds.), *Christianity and Ecology* (London: Cassell Publishers Limited, 1992).

⁷. This raises the question "why should the *deon-telos* of private property include *Christian* thought as a part of its content?" While this question will need to be addressed in order to fully articulate the relationship between private property and Christian theology, that is not the focus of this article. Rather, it will be the concern of future work.

⁸. There is no classic text on what private property is; indeed, this has been one of the most contentious issues in legal philosophy for a very long time. The account of private property found in this article draws together many strands of that debate in order to present a brief outline of the orthodox view of private property. For those readers who wish to explore the debate further, see Harris, *Property and Justice*, and Stephen R. Munzer, *A Theory of Property* (Cambridge: Cambridge University Press, 1990).

For the layperson, the meaning of private property is clear: a person's home, books, car, or any tangible thing is private property. The thing itself – the house, the books, the car, or whatever – is the property. This understanding, however, is shared neither by lawyers nor philosophers. Rather, in legal and philosophical theory, private property is conceived of as rights- or relationship-based.⁹ Such rights-based theories are known as the sophisticated theories, while the view which sees private property as merely things is called unsophisticated. While contemporary scholarship challenges this rigid dichotomy between sophisticated and unsophisticated theories,¹⁰ it is the case that every theory of private property at least begins from the orthodox base-line of rights. Together, all rights-based theories of private property comprise the orthodox view.

The orthodox view begins from the premise that property is not any specific, tangible thing, but rather a complex of rights between individuals in relation to things. A complex of such rights is often referred to as a "bundle of rights", and in relation to any given thing, a unique bundle of rights in relation to the person who holds it constitutes private property; the thing itself is merely the subject-matter to which that bundle refers. One who has private property, therefore, has a bundle of rights that defines a relationship with others in relation to a thing.

Consider my books as an example: the books themselves are not private property, rather, the private property resides in the relationship that I have to all other people in the world ("all the world", as the vernacular of private property goes) that allows me to dictate my own use of those books, as well as the use that others may make of them, and the way or ways in which I can dispose of them. What I have just described in relation to my books captures the essential core of rights that every property theorist would agree constitutes a private property relationship to a thing. Known as the "liberal triad",¹¹ the core of rights includes the right to use and enjoy, the right to exclude, and the right to alienate. If one enjoys the liberal triad in relation to a thing, it is often said that that person is an "owner". Ownership simply means the largest bundle of rights that can be enjoyed in relation to a thing.

⁹. See Stephen R. Munzer, "Property as Social Relations" in Stephen R. Munzer (ed.), *New Essays in the Legal and Political Theory of Property* (Cambridge: Cambridge University Press, 2001) 36-75.

¹⁰. Some contemporary theories of private property argue that it is both things *and* rights. This is a contentious view. See Harris, *Property and Justice*, Munzer, *A Theory of Property*, and James E. Penner, *The Idea of Property in Law* (Oxford: Clarendon Press, 1997).

¹¹. Margaret Jane Radin, *Reinterpreting Property* (Chicago and London: The University of Chicago Press, 1993) 121 and 124, and see generally Chapter Four, "The Liberal Conception of Property: Crosscurrents in the Jurisprudence of Takings", 120-45.

A little more can be said about this idea of ownership by unpacking the liberal triad. Again, consider my books. The right to use and enjoy relates simply to the fact that I am free to make any use I please of my books, I can read them, but I can just as easily use one as a doorstop, if that is what I choose to do with it. The right to exclude means that I have the *exclusive* right to use and enjoy my books, so, I can dictate whether or not some other person can read one of them or use it as a doorstop. But I can also prevent others from trying to take the book away from me to put it to their own use. So the right to exclude has a dual characteristic which, on the one hand, allows me to dictate the use others may make of my book and, on the other, to be free from interference from others in the way that I may use it. Finally, the right to alienate encompasses the disposition of my books. Thus, I can sell a book, I can lease it, I can give it away, I can leave it in my will, I can mortgage it, and so on, as far as my imagination for disposition extends. Combining the right to use and enjoy and the right to alienate might even allow me to tear the book apart into its separate pages and give each page to a separate person, although I could just as easily use each page as kindling for my fireplace.

It is probably apparent by now that there is a fundamental quality that underlies the *exercise* of any of the rights found in the bundle of rights: referred to by many names, this quality is most commonly called “preference-satisfaction” or “self-seekingness”. In the absence of any other laws or rules that may prevent me from doing so, I can exercise any of the rights that I enjoy in relation to my books to suit my own preferences. I can suit myself in how I use the things which are the subject-matter of my private property, and in answer to any opposition to such use, I can simply respond “the thing is mine to do with as I please”. And that would be the end of it.

Of course, there are rules and laws, many of them, that prevent me from making *any* use of the things which are the subject-matter of my property. For instance, if I were to decide to burn all of my books in a bonfire in the garden of my house, I may be in violation of state environmental laws in relation to the pollution of the environment. In any event, such laws exist and prevent me from making such uses.

Notwithstanding such laws that may prevent me from exercising the rights that I enjoy in relation to things completely to satisfy my own desires, those laws do not comprehensively prevent the exercise of rights for adverse desires. Consider land use, which is where the ecological crisis begins. Legislation may not prevent a person from exploiting the natural resources found in or on land held as private property, in which case those resources may be exploited to suit personal preferences or desires.

Preference satisfaction lies at the core of the ecological crisis. Every person or company that makes use of the earth's natural resources does so because it has private property in relation to a certain part of those resources and because the bundle of rights encompassed by such private property can be exercised to suit preferences. In many cases such preferences will be adverse to the sustainability of the earth's resources. Preference-satisfaction may even allow wasteful use.¹² This is the great failure of the orthodox understanding of private property: it contains no inherent or internal limits upon preference-satisfaction. Unless the quality of preference-satisfaction is re-conceived, private property will continue to serve as a justification for the unfettered exploitation of the earth's resources.¹³ The next section offers a possible vehicle for the re-conception of private property away from unfettered preference-satisfaction.

3. DAVID LAMETTI'S *DEON-TELOS* OF PRIVATE PROPERTY

David Lametti,¹⁴ in his excellent review article of James Harris' *Property and Justice*¹⁵ and James Penner's *The Idea of Property in Law*,¹⁶ critiques the rights-based theories of private property on the basis that such theories fail to account for specific and general duties and obligations that go beyond the correlative rights and duties between and among individuals in relation to things.¹⁷ In other words, the orthodox view of private property posits that in relation to any one of the rights contained in the bundle the holder has the right to exercise that right, while all the world has a correlative duty to observe and respect it. For Lametti, there is a set of specific and general duties that constitute the core of private property that goes beyond and is not explained by the correlative relationships encompassed by the rights in the bundle. These neglected elements of private property are captured in what Lametti calls the *deon-telos* of private property.

For Lametti, the *deon-telos* is the "deontology of private property".¹⁸ He takes *deon* from the Greek, which means "duty" or "that which binds", which, in the context of private property "identifies specific

¹² Edward J. McCaffery, "Must We Have the Right to Waste?" in Munzer, *New Essays in the Legal and Political Theory of Property*, 76-105.

¹³ A re-conceived understanding of the quality of preference-satisfaction within a theory of private property raises the question of how such a theory might be implemented by a legal system. Being a matter of applied theory, that question is beyond the scope of this article. In this article, I concern myself with the re-conception of the quality of preference-satisfaction – which is novel – and leave the matter of application to subsequent work.

¹⁴ Lametti, "Property and (Perhaps) Justice".

¹⁵ Harris, *Property and Justice*.

¹⁶ Penner, *The Idea of Property in Law*.

¹⁸ Lametti, "Property and (Perhaps) Justice", 670.

duties and responsibilities contained in legal property norms and their justification, emanating from a variety of sources, whether universal imperatives or more specific types of moral and ethical duties".¹⁹ And with this he combines *telos*, also from the Greek meaning "goal" or "end point", by which he "refers to the inclusion of societal goals and values in the discourse of private property...."²⁰

The *deon-telos* of private property, then, includes the societal goals which the institution of private property is meant to serve. This may make the institution somewhat utilitarian, according to Lametti, focusing on particular goals, such as the simple good administration of society, or more substantive concerns such as fostering certain individual and collective goods or virtues. Either way, in both theory and practice private property serves larger purposes. Still, not all of the duties encompassed by private property, or even the most important ones, will find their origins in societal goals; it may even be the case that some duty-based imperatives will influence the goals themselves.²¹ Lametti therefore concludes that "the traditional labels of deontology and teleology are difficult to apply, and necessitate a new term: *deon-telos*. In short, the relationship between goals and duties – and rights, too, of course – is a rich and complex one."²² The teleological and deontological goals, duties and responsibilities that go beyond the traditional deontological rights and correlative duties of private property serve to demarcate what rights comprise private property, and at the same time define the limits of the exercise of those rights.²³

Recall that in the orthodox view of private property, it is accepted that there are limitations placed upon the preference-satisfying exercise of rights by laws and rules external to the rights themselves, and therefore external to the concept of private property. Such rules might best be called external property-limitation rules.²⁴ These are not, on the orthodox view, part of the private property bundle of rights. External property-limitation rules are not what Lametti is concerned with here. For him, any discussion of private property without the *deon-telos* and its goals, duties and responsibilities, is incomplete, so that "those aspects of private property captured by the rubric of the *deon-telos* **are an intrinsic component of the concept of private property itself**".²⁵ In other words, the *deon-telos* is not a mere external property-limitation rule, it is part of private property itself. It acts as an internal moral or ethical, rather than

¹⁹ Lametti, "Property and (Perhaps) Justice", 670.

²⁰ Lametti, "Property and (Perhaps) Justice", 670.

²¹ Lametti, "Property and (Perhaps) Justice", 670.

²² Lametti, "Property and (Perhaps) Justice", 670-71 (footnote omitted).

²³ Lametti, "Property and (Perhaps) Justice", 670-71.

²⁴ Harris, *Property and Justice*, 29-30, 33-36, 41, and 78-79.

²⁵ Lametti, "Property and (Perhaps) Justice", 670-671 (emphasis added).

a merely external legal, limitation on the way in which the holder of private property may exercise, in a preference-satisfying way, any particular right encompassed by the bundle of rights. By viewing the *deon-telos* in any way other than as intrinsic to the private property concept forces the deontological and teleological elements of the institution into the background.²⁶ Lametti concludes that

rights-based theories are inadequate to explain private property, missing not only aspects of the institution that serve important societal values and goals, or what one might call "goal-based" justifications, but also the aspects that one might call "duty-based" justifications, requiring certain types of conduct with respect to certain resources.²⁷

Lametti's work is ground-breaking; to argue that the *deon-telos* and its limitations upon the exercise of private property rights are internal to the concept itself is novel. He advances the debate concerning the normative content of private property well beyond the orthodox view. Because he was concerned to reconfigure the normative understanding of private property and to offer an analysis of its justification as an institution, however, his review article failed to articulate the specific content of the *deon-telos*. To fully define its content is beyond the scope of this article. The next section suggests, though, that the content of the *deon-telos* ought, if the current ecological crisis is to be addressed, include as part of its content goals, duties and responsibilities drawn from a Christian ecological theology. The next section offers a selective review of *Christianity and Ecology* in order to suggest the possible shape of that ecological theological content.

4. FILLING THE CONTENT OF THE *DEON-TELOS*: CHRISTIAN THEOLOGY

Christianity and Ecology is a collection of essays which seeks to answer the question "What does Christianity have to offer the environmental debate?"²⁸ The collection is aimed at a wide audience, and while this may detract from its usefulness, for present purposes it provides the building blocks upon which part of the content of the *deon-telos* of private property can be constructed. This at once achieves two objectives. On the one hand, it allows us to continue some of the work left undone by Lametti, while, on the other, it puts ecological theology to practical use by re-conceiving the orthodox understanding of private property so as to temper the quality of preference-satisfaction in the exercise of private property rights with a greater understanding of and respect for the ecological consequences of particular exercises of those

²⁶ Lametti, "Property and (Perhaps) Justice", 671-72.

²⁷ Lametti, "Property and (Perhaps) Justice", 672.

²⁸ Breuilly and Palmer, *Christianity and Ecology*, vii.

rights. This part of the article is divided into four parts, each integral to an ecological theology necessary to fill the *deon-telos*: the first proposes a means of moving beyond the limitations of the Biblical world-view; the second offers a contemporary Christian world-view; the third provides some specifics of the ecological theological content of the *deon-telos*; the final section concludes with some possible implications of this ecological theology for the content of the *deon-telos*.

Moving Beyond the Limits of the Biblical World-View

Two essays by Ruth Page focus on the ecological crisis and the role that the Bible can play in preserving God's creation.²⁹ She argues that both the Old and New Testament, rather than standing as an exhortation to humankind to exploit the earth, emphasise the interconnectedness of all things in creation, "all components, inhabitants, location or weather of the world...[are]...creature[s] deriving from God and dependant on God. It is all under God's control, God's care and, when necessary, God's judgment."³⁰ As such, as expressed beautifully in the New Testament, "human beings are also called upon to love the created world, as representatives of Christ's love".³¹ Still, merely understanding what the Bible says in historical context is not enough upon which to build a useful ecological theology. Rather, to use the Bible for such an endeavour, we must use it on its own terms in order to "see more clearly where it does indeed give us guidance for today, where it has been misunderstood by Christians, and where the conditions of life have changed so much that what the Bible says can hardly help us with present-day problems".³²

One such instance of this discontinuity between the Bible in historical context and the present day ecological crisis is the case of the unqualified approval the former gives to the cultivation of land.³³ In the Old Testament cultivation was seen as the only really worthwhile relationship with land or water.³⁴ Today, we can see that conservation and reduced cultivation for environmental purposes is also a worthwhile relationship, one which has been practised by many indigenous peoples for thousands of years.³⁵ Thus, in order to move beyond the

²⁹ Ruth Page, "The Bible and the Natural World", in *Christianity and Ecology*, 20-34; Ruth Page, "The Influence of the Bible on Christian Belief About the Natural World", in *Christianity and Ecology*, 35-46.

³⁰ Page, "The Bible and the Natural World", 21, and see also 33.

³¹ Page, "The Bible and the Natural World", 33.

³² Page, "The Influence of the Bible on Christian Belief About the Natural World", 35.

³³ Page, "The Influence of the Bible on Christian Belief About the Natural World", 36.

³⁴ Page, "The Influence of the Bible on Christian Belief About the Natural World", 36.

³⁵ See John J. Borrows and Leonard I. Rotman, (eds.), *Aboriginal Legal Issues: Cases, Materials and Commentary* (Toronto and Vancouver: Butterworths Canada Ltd, 1998) 1-4;

negativity sometimes fostered by an uncritical Biblical world-view, we must, as a precursor to developing an ecological theology which will fill the content of the *deon-telos* of private property, build from the foundation of sound Biblical scholarship which searches the Bible using a variety of hermeneutical techniques for its wisdom in promoting harmony between humankind and earth in anticipation of the eschaton.³⁶

A Contemporary Christian World-View

How, then, can we use the Bible and the tradition of the Church in order to see things differently? Greek Orthodox Metropolitan John of Pergamon, in his essay "Preserving God's Creation",³⁷ argues that rather than an ethical or moral solution that recasts domestic laws, we must move towards an ethos, informed by Christian theology, that will go to the heart of humanity and its place within the world.³⁸ It is possible to use this ethos as part of the content of the *deon-telos* of private property so that that concept itself will become a part of that ethos.

Metropolitan John begins with the history of Christianity, and divides it into two periods. The first, when the Hebrew world of the Old Testament encountered the Greek world of the philosophers, produced a Christianity which held nature and the cosmos at the centre of its teaching. This was seen in two continuous events: "God's constant giving or sustaining of the world, and the world's being constantly referred back to God [by humanity]"³⁹ In the second period of history, the biological and natural sciences developed ways of explaining the natural world; for Metropolitan John, "theology must try to adjust the past to the present by creatively combining it with whatever is best in science, art, philosophy and other areas of thought".⁴⁰ The solution to the problem lies with the cause of the problem: humanity.

Treaty 7 Elders and Tribal Council, *The Spirit and Original Intent of Treaty 7* (Montreal and Kingston: McGill-Queen's University Press, 1996) 83-108; Heather McCrae, Garth Nettheim and Laura Beacroft, *Aboriginal Legal Issues* (Sydney: Law Book Company, 1991) 1-9; Heather McCrae, Garth Nettheim and Laura Beacroft, *Indigenous Legal Issues* (Sydney: Law Book Company, 1972) 87-97; Ronald M. And Catherine H. Berndt, *The World of the First Australians: Aboriginal Traditional Life: Past and Present* (Canberra: Aboriginal Studies Press, 1965) 135-149.

³⁶. See Page, "The Influence of the Bible on Christian Belief About the Natural World", 46.

³⁷. Metropolitan John of Pergamon, "Preserving God's Creation" in *Christianity and Ecology*, 47-63.

³⁸. Metropolitan John of Pergamon, "Preserving God's Creation", 47-8.

³⁹. Metropolitan John of Pergamon, "Preserving God's Creation", 50.

⁴⁰. Metropolitan John of Pergamon, "Preserving God's Creation", 53. And see John Polkinghorne, *Serious Talk: Science and Religion in Dialogue* (Valley Forge, PA: Trinity Press International, 1995) 58-9.

Metropolitan John argues that God created human beings out of nothing, and in doing so created us in God's own image, giving us the capacity and the desire for freedom. But as long as we are faced with the fact of being created, we cannot have absolute freedom, try as we might to achieve it. Why, then, did God give us this unfulfillable desire? To be the "priest of creation".⁴¹ Humanity was created in the image of God to fulfil the representative function of offering the whole created world back to God. Metropolitan John argues that this priesthood is realised either in a utilitarian or in a personal way. The former, when applied to private property and the environment, smacks of preference-satisfaction, not lifting creation, but subjecting it to the level of the human.⁴² A personal image of this priesthood, however, sees humanity only as part of a relationship with someone or something else, either God or creation; creation thus acquires a personal, humanising, dimension.⁴³

Three conclusions follow from the personal priesthood of creation. First, creation is seen not only as a collection of things, good or bad depending on what they can do for us, but also as a totality, a body in which each part is related to the others.⁴⁴ Secondly as a priest of creation, each human being is also a creator, sharing in partnership with God to "re-create" the world.⁴⁵ Finally, "in the person of Christ the world possesses its Priest of Creation, the model of humanity's proper relation to the natural world".⁴⁶ As does the priest of the Eucharist when he offers the bread and wine, elements from creation, back to God as God's own, we recognise that creation does not belong to us but to God, who is its only true "owner". For Metropolitan John, by both offering and recognising God's ownership, humankind believes creation is brought into relation with God.⁴⁷

Metropolitan John concludes that the personal priesthood of creation demands an ethos, a way of viewing the world that sees nature, not as in itself sacred, but when brought into relationship with God as something worthy of reverent treatment:

a Christian respects [the world], but regards the human being as the only possible link between God and creation, a link that can either bring nature to communion with God and thus sanctify it, or turn it ultimately towards humanity and condemn it to the state of a

⁴¹. Metropolitan John of Pergamon, "Preserving God's Creation", 56.

⁴². Metropolitan John of Pergamon, "Preserving God's Creation", 58.

⁴³. Metropolitan John of Pergamon, "Preserving God's Creation", 58.

⁴⁴. Metropolitan John of Pergamon, "Preserving God's Creation", 59.

⁴⁵. Metropolitan John of Pergamon, "Preserving God's Creation", 60.

⁴⁶. Metropolitan John of Pergamon, "Preserving God's Creation", 61.

⁴⁷. Metropolitan John of Pergamon, "Preserving God's Creation", 61.

“thing” whose meaning and purpose go no further than the satisfaction of our needs.⁴⁸

Some Specifics of the Ecological Theological Content of the
Deon-Telos

Part C of *Christianity and Ecology* offers three possible ways in which we can achieve a reverent treatment of nature: Benedictine monasticism, Franciscan spirituality, and Protestantism. Only the first two are considered here.

In her essay “Monasticism: An Ancient Answer to Modern Problems”, Sr Joan Chittister⁴⁹ posits that Benedictine monasticism provides a model for living in accordance with the needs of the whole earth.⁵⁰ Benedictine monasticism was formed around “community life centred on God, in peace with all of humankind both within and outside of their own monasteries, and in harmony with nature”.⁵¹ Most important of all, monastics were tied to the land, and saved from complete ruin land that had already been destroyed in an earlier era.⁵² Chittister argues that what we can learn from Benedictine monasticism, therefore, is a way of seeing, working and living that affects a person’s whole style of life. It does so through the use of the second chapter of Genesis, which teaches that humanity was placed on earth to cultivate and care for it (Gen 2:15). Five qualities guide this way of life: praise, humility, stewardship, manual labour, and community.⁵³

Praise flows from a life of prayer, especially the Psalms, which celebrate the splendour of God and the goodness and connectedness of the cosmos.⁵⁴ In this vision of the earth and creation, one “recognize[s] the value of everything, to recycle rather than to waste, to conserve energy rather than to pollute, to beautify rather than to distort an environment so that the whole world can come to praise”.⁵⁵

Humility captures “the idea that we each occupy a place in the universe that is unique but not compelling, wonderful but not controlling [which acts]...as an antidote to excess in anything and

⁴⁸. Metropolitan John of Pergamon, “Preserving God’s Creation”, 62-63.

⁴⁹. Sr Joan Chittister OSB, “Monasticism: An Ancient Answer to Modern Problems”, in *Christianity and Ecology*, 65-75.

⁵⁰. Chittister, “Monasticism: An Ancient Answer to Modern Problems”, 65-8, although it needs to be said that the Rule of St Benedict was influenced by the father of Eastern Christian monasticism, St Basil the Great, who himself was influenced by the Desert Fathers: Augustine Holmes, *A Life Pleasing to God: The Spirituality of the Rules of St Basil* (London: Darton, Longman & Todd, 2000) xvi and xxi.

⁵¹. Chittister, “Monasticism”, 67.

⁵². Chittister, “Monasticism”, 67-68.

⁵³. Chittister, “Monasticism”, 69.

⁵⁴. Chittister, “Monasticism”, 69.

⁵⁵. Chittister, “Monasticism”, 70.

everything.... None of us...has an exclusive right to the fruits of creation."⁵⁶ No one is to hoard or use the earth's resources in a way that prevents others from doing so.

The essence of stewardship lies in caring for something that belongs to another: "[i]n a world where control of resources, control of labour, control of profits, control of markets is the order of the day, monastic ecology calls for the cherishing of the entire planet and all of its peoples".⁵⁷

Manual labour centres on a theme that Metropolitan John touched upon in his essay: because we are co-creators of the universe we must take responsibility for all life.⁵⁸ We must "take life into [our]...own hands by shovelling its mud and planting its seeds and carrying its boulders and digging its wells".⁵⁹ In this way, rather than seeing the earth as having only an economic, and typically temporary, usefulness, all of creation becomes important to us.

Monasticism is, finally, "rooted in stable human community, with its variety of gifts, variety of needs, and equality amongst its members".⁶⁰ It sees the accumulation of goods as a character flaw standing in stark contrast with the conspicuous consumption and greedy capitalism encouraged by contemporary western society.⁶¹

Chittister concludes with this admonition, particularly apt to the content of the *deon-telos* of private property:

Enlightenment for our age requires that we begin to see the planet as something with a life of its own, holy and filled with the glory of God. It is not for us to exploit or discard or use for false and short-term profit. We must begin to see the sacredness of life itself, in all its forms, for all peoples of the earth. We must begin to understand that nature is not separate from us, it is basic to us. Its fate is our fate. Its future is our future. Its life is essential to our own.⁶²

Fr Peter Hooper, with Martin Palmer, focuses on the ecological vision and spirituality of St Francis of Assisi.⁶³ Francis saw the whole of nature as a sign of God's love and generosity, and the whole of that creation was touched by the forgiveness and new life brought by Christ. But while Francis loved all creation, he learned first to love himself by

⁵⁶ Chittister, "Monasticism", 70.

⁵⁷ Chittister, "Monasticism", 71.

⁵⁸ Chittister, "Monasticism", 71-2.

⁵⁹ Chittister, "Monasticism", 71.

⁶⁰ Chittister, "Monasticism", 73.

⁶¹ Chittister, "Monasticism", 73.

⁶² Chittister, "Monasticism", 73.

⁶³ Fr Peter Hooper with Martin Palmer, "St Francis and Ecology", in *Christianity and Ecology*, 76-85.

renouncing his own "self, self-will, self-love, [and] self-seeking in order to give his whole self to Christ and to learn to walk in the path of Christ".⁶⁴ What, then, can this renunciation of self, especially self-seekingness, tell us about Francis' ecological world-view?

Francis saw the relationship between God and humanity in different, broader terms. Perhaps his most fundamental insight into this relationship was that of "Mother Earth" as a part of God. Francis turned traditional teaching of the Church about nature on its head:

he praised nature and saw nature praising God, its creator. For him, God was not the stern Father of so much of the Church's teaching. God was the creator Mother who gave birth to all and who cared, lovingly, for all. So when he called the Earth, Mother Earth, he saw her as being a part of God. When he spoke of the birds and animals as being his brothers and sisters, he meant that they were part of the same great family under God.⁶⁵

Hooper and Palmer argue that Jesus Christ has a central position in Francis' view of the relationship between God and creation. The coming of Jesus Christ was an event of importance for all life, God entering into the world, passing through it, sharing its joys and sorrows, hardships and trials, and leaving it the better. Jesus Christ became our brother so that we might call God our Father. Jesus' earthly journey brought all creation together as members of the same family. Jesus Christ heralded the re-establishment of the right relationship, originally envisaged by Genesis, between humanity and the rest of creation. In seeing this, we must also recognise that for too long we have repaid God with sin and evil. Thus, as penance for our sins it is necessary to show God we are sorry for our ingratitude. And it is Jesus who sets the model for our brotherhood with all creation.⁶⁶

Implications for the Content of the *Deon-Telos* of Private Property

What then, can we draw from the foregoing discussion of the re-working of historical Christian world-views that is useful in describing the content of the *deon-telos* of private property? In their essay, "Treatment for the Earth's Sickness – the Church's Role", Freda Rajotte and Elizabeth Breuilly⁶⁷ suggest two main implications. First, a new theology is needed, and much of what has been discussed here identifies

⁶⁴. Hooper with Palmer, "St Francis and Ecology", 78-9.

⁶⁵. Hooper with Palmer, "St Francis and Ecology", 79-80.

⁶⁶. Hooper with Palmer, "St Francis and Ecology", 81-2.

⁶⁷. Freda Rajotte with Elizabeth Breuilly, "Treatment for the Earth's Sickness – the Church's Role", in *Christianity and Ecology*, 98-118.

the content of that theology. Second, a new morality, which flows from a Christian ecological theology, is also necessary.

Ecological theology, a branch of liberation theology, takes as its central premise the raising of the voices of the oppressed, silenced and powerless, in God's name, against the injustice and the destruction going on in the world.⁶⁸ Rajotte and Breuilly argue that all previous attempts at theology are flawed because they are human-centred, ascribing to the earth a value, if it has any value at all, as a means to some goal: profit, development, modernisation, or increase in national wealth.⁶⁹ As such, an ecological theology must:

declare that both people and the land have their own value. They are not the means to some goal or value – they *are* the goal and the value: a value that is infinite in God's eyes. When we look at the unity of creation we see that people and land, the physical and the spiritual, cannot be separated. Together we compose one world.⁷⁰

In the context of private property, this theology forms part of the content of the *deon-telos*. In Metropolitan John's ethos of creation, and the specifics of Benedictine monasticism and Franciscan spirituality, private property must be re-conceived as having an internal ecological content, one which does not view the rights which constitute that concept as exercisable solely on the basis of preference-satisfaction or self-seekingness. Rather, because humanity and the earth are one world, it is in the interests of all creation that property serve, rather than subordinate the earth. Private property rights, therefore, must be conceived of as exercisable only on the basis of the *deon-telos*, which takes as part of its content a Christian concern for the earth.

But Christian ecological theology also requires that the *deon-telos* – the moral orientation of private property – contain a Christian ecological morality. For Rajotte and Breuilly, such a morality ought to include nine central elements: (i) it must not be merely personal, but also nation-, continent- and culture-based; (ii) because people and nature are important in themselves, it is sinful to treat them as merely resources or commodities; (iii) the earth must be protected for future generations; (iv) economics must recognise the limits of the ecological system; (v) the earth itself is of value in itself, and as such, neither the earth nor the environment can be "owned" by anyone; (vi) pollution, extinction of species, destruction of forests and wildlife are crimes against the earth and humanity; (vii) our very system of pricing and valuation is evil in itself, since we cannot put a price on things which cannot be exchanged, such as love or hope; (viii) we have a moral obligation to non-human

⁶⁸ Rajotte with Breuilly, "Treatment for the Earth's Sickness", 100.

⁶⁹ Rajotte with Breuilly, "Treatment for the Earth's Sickness", 101.

⁷⁰ Rajotte with Breuilly, "Treatment for the Earth's Sickness", 102.

creation, which emphasises the presence of God in and for the world; and (ix) we have a responsibility for the suffering and harm caused to individual animals.⁷¹

This ecological morality emphasises the sacredness of the earth, seeing the whole of creation as an interdependent, living, organism. *Prima facie* this may appear irreconcilable with legal and philosophical structures that invoke the concept of private property with its emphasis on the value of the earth solely for exploitative purposes. A theory of private property, the rights of which are exercisable solely on the quality of preference-satisfaction, denies that there is a moral dimension to the exercise of those rights and it denies that there is any interdependence between humanity and creation. But, as we have seen, private property can and does contain a moral element, the *deon-telos*, the content of which includes Christian ecological theology and morality.

5. CONCLUSIONS

The orthodox understanding of private property sees it as rights- or relationship-based, or as a bundle of rights or relationships between persons in relation to things. The typical bundle of rights contains the right to use and enjoy, the right to exclude others from that use or enjoyment, and the right to alienate the thing and the rights in relation to it to some other or others. As such, rights are exercisable on the basis of preference-satisfaction or self-seekingness: "the thing is mine to do with as I please". In the absence of any external legal rules or norms that limit the way in which such rights are exercised, the quality of preference-satisfaction confers upon the holder of private property the unfettered discretion to do anything with the subject-matter of property. Such unfettered discretion means that things such as land or things that may affect land can be used in ways, subject of course to any environmental laws, that will seek profit and exploitation above all else, such as conservation and the recognition that the earth has its own inherent value.

Recent scholarship, however, posits that the exercise of private property rights are not unlimited. Indeed, there is a moral element internal to the normative content of private property: the *deon-telos*. The *deon-telos* recognises that private property confers upon its holders not only a bundle of rights, but also correlative goals and duties. This adds a radical new dimension to the orthodox view of private property, recognising that the exercise of rights is no longer based upon the unfettered preference-satisfaction of its holder, but, rather, that there are internal moral limits which constrain the exercise of rights. Such a

⁷¹1. Rajotte with Breuilly, "Treatment for the Earth's Sickness", 103-104.

conception of private property has clear benefits for the environment and equally clear implications for the solution of the ecological crisis. By eliminating the key justification for the exploitative use of the earth's natural resources – preference-satisfaction – David Lametti offers private property the opportunity to save, rather than subjugate, the earth and all creation. But the mere recognition of the *deon-telos* is not enough. It requires content.

This article argues that Christianity can fill at least a part of the content of the *deon-telos*. It can do so on two fronts: theological and moral. On the theological front, Christianity offers a new way of seeing the world, one that sees the interdependence of the whole of creation, humanity and the earth as one living organism. How can this ethos be put to practical use? Through a Christian spirituality that incorporates such elements as Benedictine monasticism and its praise, humility, stewardship, manual labour and community, or Franciscan spirituality and its renunciation of self and the recognition that Mother Earth, which God has passed through in the human person of Jesus Christ, is part of God.

In addition to this ecological theology, an ecological morality must also form a part of the content of the *deon-telos*. In this regard, humanity must see the earth as having its own inherent value, a value that is not in any way attached to its value as capital and profit.

The *deon-telos*, then, acts as a vehicle by which a Christian ecological theology and morality is transplanted into the heart of the concept which stands at the root of the destruction and killing of the earth. Paradoxically, private property, long the source of the ecological crisis, while it will always carry within it the very real potential for widespread environmental harm, may also offer a solution to the crisis.