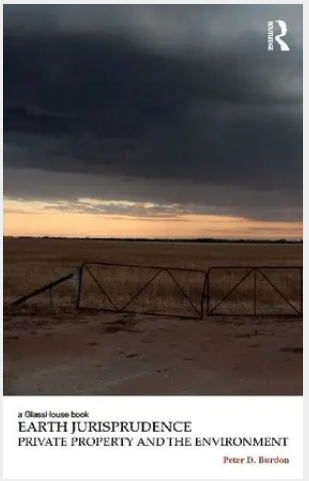
Burdon

Earth Jurisprudence

Private Property and the Environment



The idea of human dominion over nature has become entrenched by the dominant rights-based interpretation of private property. Accordingly, nature is not attributed any inherent value and becomes merely the matter of a human property relationship. Earth Jurisprudence: Private Property and the Environment explores how an alternative conception of property might be instead grounded in the ecocentric concept of an Earth community. Recognising that human beings are deeply interconnected with and dependent on nature, this concept is proposed as a standard and measure for human law. This book argues that the anthropocentric institution of private property needs to be reconceived; drawing on international case law, indigenous views of property and the land use practices of agrarian communities, Peter Burdon considers how private property can be reformulated in a way that fosters duties towards nature. Using the theory of earth jurisprudence as a guide, he outlines an alternative ecocentric description of private property as a relationship between and among members of the Earth community. This book will appeal to those researching in law, justice and ecology, as well as anyone pursuing an interest more particularly in earth jurisprudence.

Earth Jurisprudence: Private Property and the Environment argues that the institution of private property is anthropocentric and needs to be reconceived. The dominant rights-based interpretation of private property entrenches the idea of human dominion over nature. Accordingly, nature is not attributed any inherent value and becomes merely the matter of a human property relationship. This book considers how an alternative conception of property might be grounded in the eco-centric concept of an Earth community. Recognising that human beings are deeply interconnected with and dependent on nature, this concept is proposed as a standard and measure for human law. Using the theory of Earth Jurisprudence as a guide, this book then outlines an alternative eco-centric description of private property, as a relationship between and among members of the Earth community.

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