**Property diversity and a duty of land stewardship**

**John Page**

**Senior Lecturer, Southern Cross University, Australia**

Abstract

To ‘see’ property patterns in human landscapes is to invoke a duality of perspective. One view is atomistic, an image of individual land parcels, and the distinct property lines that divide and fragment ownerships.[[1]](#footnote-1) The other is holistic, the collective ‘warp and woof’[[2]](#footnote-2) of property type that weaves a pluralistic fabric across place. In this conflicted dialectic, where the private, atomistic vision of property is dominant yet only ‘half-true’[[3]](#footnote-3), land stewardship is an ideal largely adrift.

To re-imagine property as a mosaic of diverse types, ownerships, and interests, is to shift perspective. It is to envision a conceptualization of property accommodating of ownership obligations, as well as rights, where ownership of land is ‘suffused with moral content.’[[4]](#footnote-4) This paper describes property diversity, a conceptualization reflective of the truth of ‘the propertied facts on the ground’[[5]](#footnote-5), a vision of property where good land use is measurable by its performances and property’s normative values.

Ultimately, which property patterns we become conditioned to ‘see’ depend on which side of the duality prevails. The challenge (and unmet opportunity) is to entrench a coherent and enduring place for land obligation in property, one where the implications of property diversity may resolve this dialectic tension, and the institution of property may start to enhance, rather than diminish, our capacity to live within our ecological limits.

1. ‘Land parcels are discrete things, managed separately, and connected to one another only at the

edge.’ Eric T. Freyfogle, ‘Bounded People, Boundless Land’ in *Stewardship Across Boundaries,* (Richard L. Knight & peter Landres (eds. 1998) 17. [↑](#footnote-ref-1)
2. Aldo Leopold, *For the Health of the Land: Previously Unpublished Essays and Other Writings*

(Island Press, 1999) (J. Baird Callicott & Eric T. Freyfogle eds.) 168 “Doesn’t conservation imply a certain interspersion of land-uses, a certain pepper-and-salt pattern in the warp and woof of the land-use fabric?” [↑](#footnote-ref-2)
3. Gregory Alexander, *Commodity & propriety Competing Visions in American Legal Thought 1776-1970* (1997) [↑](#footnote-ref-3)
4. Eduardo Penalver, “Land Virtues”, (2009) 94 *Cornell LR* 876 [↑](#footnote-ref-4)
5. Nicholas Blomley, *Unsettling the City: Urban land and the Politics of Property* (2004) [↑](#footnote-ref-5)