

*Mine:*  
*Questioning God-Given Private Property Rights*

Acts of the Apostles 4: 32-37  
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In 1795, Spain signed the Treaty of San Lorenzo, thereby ceding land it claimed to possess east of the Mississippi River, land that now comprises the states of Alabama and Mississippi.

Spain's move prompted a group of US citizens, including a justice of the US Supreme Court, a territorial governor and two senators, to form the Georgia-Mississippi Land Company. Seeing the potential to develop the fertile soil into highly profitable cotton plantations with slave labor, the Georgia-Mississippi land company bribed Georgia legislators to sell them 35 million acres of the land, quickly and cheaply, before the Federal Government could take possession of it.

Immediately upon buying the land, the Georgia-Mississippi Land Company resold it at a nice profit to a group of northeastern speculators, who themselves quickly formed the New England-Mississippi Land Company. The New England Company divided the land into parcels and resold it at a nice profit to men who then force-marched thousands of slaves into the region to plant and harvest cotton.

When some other rich and powerful men in Georgia realized they missed the opportunity to cash in on the land, they whipped up public sentiment against the northern speculators and Georgia legislators. In the next state election, Georgians threw the bums out, and in their next legislative session, a new slate of legislators passed a statute overturning the previous legislature's land sale.

Who owned the land now? Nobody could agree. So they went to court. All the way to the US Supreme Court.

In 1810, the US Supreme Court upheld the original land sale in *Fletcher v. Peck*. Chief Justice, John Marshal, argued that Georgia could not overturn the sale, even though it was accomplished through bribery, because when Georgia signed a contract and sold the land it became private property and the sanctity of private property was absolute. According to the Chief Justice's interpretation of the contract clause of the Constitution, the state could not violate landowner's private property rights.

That ruling had far-reaching consequences. Slave owners loved it. They applied it to their slaves. Once they purchased a slave, the slave was their private property. Private property rights were absolute. The government could not take their property away. The government could not interfere with their property or regulate how they treated their property. The government could not prohibit them from selling their property, transporting their property, or disposing of their property.

One of the Supreme Court Justices who concurred with Justice Marshal in *Fletcher v. Peck* was Justice Bushrod Washington, George Washington's nephew. When the former president's nephew sold 54 slaves from his Mt. Vernon estate to a slave trader, an anti-slavery newspaper editor criticized him for treating humans like cattle. Washington fired back a

response, “on my own behalf and that of my fellow southern citizens to enter a solemn protest against the propriety of any person questioning our right; legal or moral, to dispose of property which is secured to us by sanctions equally valid with those by which we hold every other species of property.”

A solemn protest against the propriety of any person who questions private property rights. In other words, never question private property rights, either legally or morally. To do so is wrong. Isn't that how unjust power often justifies itself? By declaring it wrong to question it's legal or moral propriety. Declaring it improper to question private property rights is a trump card people still pull today. No pun intended.

Robert Henneke and James Quintero, writing for the Texas Public Policy Foundation, published an op-ed piece in the Austin American Statesman in March in support of Texas legislators seeking to prohibit ordinances by which local governments regulate the cutting of trees.

A number of cities in Texas are trying to preserve their trees because trees provide shade that lowers surface temperatures, trees absorb CO2, trees help maintain watersheds, trees prevent erosion, trees provide habitats for birds and animals, and trees provide natural beauty. In other words, trees serve a lot of good purposes from which many people benefit, so for the sake of the common good, cities regulate tree cutting on people's private property. But the common good argument doesn't fly, according to Henneke and Quintero, because the sanctity of private property rights are absolute.

Trees are timber—a natural resource that belongs to private property owners...overregulation of landowners and their ability to trim and remove trees is the focus of a major property rights fight at the Capitol. And while most recognize the obvious—that private property owners should control what they possess—some are doing their best to muddy the waters....

...Philosophically speaking, the wants of a community do not trump the freedoms of an individual. No government is bigger than a person's natural rights as enshrined in the US Constitution.

...Property rights are an essential ingredient to our free society...Landowners must be protected from local government overreach and Texans guarded against violations of our God-given rights to life, liberty and private property.

Said another way: Your land, your tree.

It's the same argument John Marshal and Bushrod Washington made.

Private property rights are so clear, so “obvious,” they can never be violated. Nor should they ever be questioned. Private property rights are God-given. Who would dare violate what God mandates? Who would even question it?

Again, what a power play. When you question my philosophy, my orthodoxy, my power, you question God.

I find it ironic that we live in a society in which so many people worship private property rights, and yet we call ourselves disciples of a man who possessed no private property, nothing at all, for at least the last year of his life.

In the gospels, Jesus seemingly owns no possessions. OK, he's got the clothing on his back, the sandals on his feet. But that's it.

I think Jesus questioned private property. I think Jesus questioned possessing, owning

and controlling. I think Jesus questioned *how* people possess, own and control. And what possessing, owning and controlling *does to* people.

I think Jesus noticed that people consider possessing, owning and controlling so natural, they don't question this human construct we call private property. So he questioned it.

Most profoundly, I think Jesus questioned the word, "mine." I think Jesus recognized that the word, "mine," the attitude, "mine," was dangerous. It damaged a lot of relationships. It damaged a lot of people. It damaged the earth. Jesus questioned the right to say, "mine."

And Jesus lived out an alternative. Not possessing, not owning and not controlling. Not saying, "mine."

Jesus lived out an alternative. Sharing. Simply giving and receiving what's needed. Having an eye open, a heart open, and a hand open to the common good. Trusting that there's enough to go around if we don't accumulate and if we share it equitably.

I think the lesson we read in Acts of the Apostles this morning also questions private property. Acts portrays some early Christians emulating the way of Jesus Christ—not owning private property, sharing with one another, a concern for the common good. Biblical scholars and church historians debate whether, and to what extent, early Christians actually lived in this manner. Some may have, for a while. But at a minimum, the lesson calls into question private property. At a minimum this lesson calls into question the word, "mine."

And it poses a challenge to all disciples of Jesus Christ, no matter where or when they live—question private property, question the word, "mine."

So that's what I'm doing today. I'm questioning private property.

I'm not condemning private property. I'm not saying, nobody should own private property. I'm questioning private property. I'm considering the dangers associated with private property. The damage the word, "mine," the attitude, "mine," can inflict on others and the earth.

I'm questioning the way some people use private property rights as a legal and moral justification, as many do these days with their calls for deregulation and greater individual freedom, to exploit the earth, to harm the earth's biosphere, and to avoid responsibility for the common good.

I'm questioning the way our society so often worships private property rights, holding them up as the absolute value that must always trump everything else.

I'm questioning the legitimacy of the claim that we can never even question private property rights because they are self-evident. They are natural. They are God-given.

Henneke and Quintero, in their defense of God-giving property rights, complain that some people are trying to "muddy the water" by arguing in favor of the "wants of the community," a phrase they use to belittle the notion of the common good. From their perspective, the water is philosophically and theologically crystal clear—individual property rights in all cases outweigh any consideration of a so-called common good.

If only reality were that simple. But it is not. Human beings, as individuals and in community, are far more complex and complicated. So I'm thankful for those who resist simplistic ideologies by muddying the water. By questioning.

It seems to me that balancing individual rights and the common good, private property rights and the common good, is one of the most difficult and complicated balancing acts we humans face. And we have not yet realized how to achieve a harmonious, healthy, equitable and

just balance.

Our nation has historically skewed this balance heavily in favor of the individual and the private at the expense of the community and the common good. But if we continuously fail to achieve this balance, if we continuously skew the balance towards “me and mine,” instead of “us and ours,” if we continue to live a life out-of-balance with other people and the earth, the future will be very unkind to our children, because the stakes of human life out-of-balance are getting much higher, and quickly.

So let us muddy the waters.

Let us question possessing, owning and controlling.

Let us question *how* people possess, own and control, including ourselves.

Let us question what possessing, owning and controlling does to people, including ourselves. And what it is doing to the earth.

Let us question this too often unquestioned human construct we call private property.

Let us question the word and the attitude, “mine.”

As Jesus did. As Actos of the Apostles did.