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LOOKING BACKWARD FROM THE YEAR 2099

Ecozoic reflections on the future

It's all a question of story. We are in trouble just now because we ... are in between stories. The old story, the account of how the world came to be and how we fit into it, ... sustained us for a long period of time. It shaped our emotional attitudes, provided us with life purposes, and energised action. It consecrated suffering and integrated knowledge. We awoke in the morning and knew where we were. We could answer the questions of our children. ... [But now the old story] is no longer effective. Yet we have not learned the new story.

– Thomas Berry

Preamble

Thomas Berry was a visionary. He told new stories about the universe and our place in it, stories not only about where we have been and where we seem to be going, but also stories about where we could go, if only we exercised our freedom in different ways. Indeed, story, myth, and narrative played a central role in Berry's thinking, as the epigraph to this essay indicates.

Every individual life and every society is an enactment of a story people tell themselves about the nature and purpose of their existence and of the world they live in. These stories shape our experiences and guide our thoughts and actions – for better or for worse, consciously or unconsciously. Needless to say, Berry was deeply troubled by the dominant story of our times. Put simply, he felt it was a story of Earth as a limitless resource to be exploited for

human gratification, a story which not only degraded the integrity of our living planet but also promoted a materialistic attitude to life by equating happiness and wellbeing with increased opportunities to accumulate and consume. Berry tried to provoke us into re-considering this story. He tried to unsettle and inspire us, by telling new stories. As one of its defining features, Berry's Earth scholarship is a reminder of the significance of story.

In this essay, rather than offering a close reading of Berry's writings in *Earth Jurisprudence*, I have dared to experiment with story, inspired by those writings. Due to the unconventional nature of my undertaking, I have avoided direct reference to Berry's writings, but the influence of those writings should be clear, everywhere lying just beneath the surface. In an attempt to build upon Berry's Earth scholarship and contribute in some modest way to the Great Work, I will tell a story of the future, a possible future that was conceived of in between the poles of pessimism and optimism but which is ultimately based upon a faith in the human spirit to meet the challenges of creating an Ecozoic era. Though I cannot be sure Berry would have agreed with all the conclusions drawn or speculations made, I believe he would have been sympathetic to my general undertaking.

What follows is an attempt to look back on the 21st century from the vantage point of the year 2099. It takes the form of an essay, entitled 'The Path to Entropia', written for the journal *Possibility* by Lennox Kingston, a 90-year-old retired Professor of Legal and Political History. Motivated by various themes in *Earth Jurisprudence*, the essay reviews how attitudes toward consumption and economic growth underwent a radical shift over the course of the 21st century and how this affected, through legal transformation, the social, political, and economic order of late capitalism. Particular attention is given to the legal evolution of property rights and the cultural movements that made this evolution possible. Whether the changes described are a cause or effect of a shift in human consciousness in relation to Earth is a question that I leave open for future reflection. I dedicate this experimental story to the memory of Thomas Berry.

THE PATH TO ENTROPIA

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1. Past, Present, Future

The Ecozoic movements, which emerged with loud warnings in the final decades of the 20th century and which promised so much in the

early decades of the 21st century, ultimately failed to prevent corporate profiteers and the consumer class from having a devastating and irreversible impact on global ecosystems and biodiversity. Scientists, who used to categorise geological ages into periods of millions of years, now commonly use the term ‘Anthropocene’ to refer to the last 300 years only. During this geological blink-of-an-eye, human economic activity violently degraded the planet in many ways, including pervasive deforestation and the mass extinction of species, climate destabilisation, soil erosion, ocean acidification and depletion, and the near exhaustion of many non-renewable resources, most notably oil. Though recent decades of sustained and dedicated commitment to the Great Restoration seem to have stabilised the biosphere and lessened the threat of ecosystemic collapse, our world has changed and there is no going back. History will never forget that fateful day when our species witnessed the last fragments of the polar ice cap melt away, stamping our age with a new image of Earth. It was in 1968 when the Apollo spaceship first captured those iconic pictures of our fragile planet floating mysteriously through the dark heavens of outer space. Fewer than 100 years later human beings had altered that cosmological scene.

We need not review here the catastrophic effect rising sea levels had on the lives of millions of environmental refugees, to say nothing of the other humanitarian crises, including the Water Wars, which were also causally linked to climate change. Nor is there any need to contribute a word further to the massive literature on the breakdown of global economic institutions during the Lost Years of 2031-34, from which the International Monetary Fund, the World Bank, and most transnational corporations never recovered. We know about these tragic, destabilising events all too well. But as the 21st century draws to a hesitant close – not with a bang but with a sigh of relief – there may be some value in looking back on our long, uncertain, and painful recovery from these events, if only so that we may better understand the present as we look to the future. It is a recovery which we must attribute primarily to all those in the Ecozoic movements who, despite repeated, harrowing disappointments, kept fighting tirelessly for the cause they knew to be just.

2. The Rise and Demise of Growth Economics

For most of human history – romantic myths aside – the vast majority of human beings lived lives oppressed by material deprivation and insecurity. Generally speaking, human existence was an ongoing struggle for little more than bare subsistence, and

for several millennia the standard of living of the average person in civilised centres did not rise significantly. But then, in 1712, the steam engine was invented and the First Industrial Revolution was set into motion, catalysed by market forces. Suddenly the energy stored in the planet's fossilised fuels was released in an explosion of mechanised economic activity. The result was that the wealth of nations – primarily Western nations, at least at first – began to grow at exponential rates that previous generations would not have thought possible.

Within those nations that progressed from circumstances of widespread poverty to circumstances of moderate or comfortable material security, the human lot seemed to improve considerably. Although there were always costs, sometimes great costs, associated with economic growth – factory labour, pollution, deforestation, social dislocation, and so on – for many years these costs were generally outweighed, in terms of human wellbeing, at least, by the huge material benefits that resulted. This initial success led to the entrenchment of what political and economic historians now refer to as ‘the growth model of progress’.

Put simply, the growth model assumed that the overall wellbeing of a society was approximately proportional to the size of its economy, because more money or higher Gross Domestic Product (GDP) meant that more individual or social ‘preferences’ could be satisfied via market transactions. No matter how rich a society became, growing the economy was thought to be the only effective way to eliminate poverty, reduce inequality and unemployment, properly fund schools, hospitals, the arts, scientific research, environmental protection programmes, and so on. In other words, the underlying social problem (even within the richest nations) was believed to be a lack of money, and thus for more than two centuries economic growth was heralded across the political spectrum as the goal toward which societies should direct their collective energy. The notion of a macroeconomic ‘optimal scale’ was all but unthinkable. It was assumed that a bigger economy was always better.

This growth model of progress, as we now know, turned out to be dangerously flawed, although dislodging it from the social imagination proved exceedingly difficult. John Stuart Mill, writing in 1848, was one of the first to point out that the costs of economic growth may one day outweigh the benefits, at which time, he argued, the most appropriate form of government would be ‘the stationary state’. By this he meant a condition of zero growth in population and physical capital stock, but with continued improvement in technology and in what he called ‘the Art of Living’. This aspect of his oeuvre, however – today his most famous – was

either ignored or summarily dismissed by his contemporaries, and for several generations it lay forgotten in the intellectual dustbin. Growth scepticism was revived and updated in the late 1960s by the economist Ezra Mishan, and developed further in the 1970s and beyond by Donella Meadows, Ernst Schumacher, Herman Daly, and Fred Hirsch, among many others. But although these theorists attained a certain notoriety within the intelligentsia and certain counter-cultures, for a long time their work had no significant politico-economic impact. Economic growth remained the overriding objective of governments across the globe.

In the late 20th century and early 21st century, as the costs of economic growth became more pronounced and harder to tolerate, the undercurrent of growth scepticism slowly strengthened and began entering the intellectual mainstream. Many rigorous and credible sociological studies showed that, from about the 1970s onward, economic growth in most Western societies had stopped contributing significantly to human wellbeing. That is, it became apparent that a rise in material ‘standard of living’ (measured by per capita income) was no longer strongly correlated with ‘quality of life’ (measured by subjective wellbeing). Indeed, economic growth had even begun undermining many of the things upon which wellbeing depended, such as responsive democratic institutions, social solidarity, spiritual and aesthetic experience, and stable, functioning ecosystems. The clear implication of these findings was that economic growth should no longer be the primary measure of policy and institutional success within Western societies. But, again, the impact of this scholarship was very limited, at least for a time. Corporate interests ensured that growth economics remained firmly entrenched in the political realm, and well into the 21st century the reigning orthodoxy was that the answer to almost every problem – including environmental problems – was *more economic growth*.

Below we will review the broad legal and political transformations that eventually helped free the world from this growth fetish. Before doing so, however, we should direct our attention to the cultural movements that put those transformations on the political agenda and which were the driving force behind their implementation. Admittedly, this inquiry is bound to oversimplify the catalysts of change, because the extensive institutional restructuring that occurred over the 21st century doubtless had an infinite array of causes. Nevertheless, historians generally accept that within Western societies, at least, there were two causes of particular significance: the first being a destabilising but ultimately productive disillusionment with top-down politics; the second being a radical change in attitudes toward material consumption. Let us briefly consider these matters in turn.

The onset of chronic disillusionment with top-down or ‘representative’ politics is typically traced back to the years 2007-09. During these years there were two events of global significance which tested the capacity of democratic systems to function for the common good. The first was the Global Financial Crisis (GFC); the second was the United Nations’ Climate Change Conference held in Copenhagen, Denmark.

The GFC had its roots in the so-called ‘credit crunch’, when a loss of confidence by US investors in the value of sub-prime mortgages caused a liquidity crisis, precipitated by expensive oil. Due to unscrupulous lending by several mega-banks – a process which had been insufficiently regulated and, indeed, had been systematically encouraged – a huge number of homeowners in the US found that they were unable to meet their mortgage repayments. But when the housing market crashed, banks found that the repossessed houses and land were worth less than what the bank had originally loaned out. This resulted in the liquidity crisis. The consequence was that it became increasingly difficult to obtain loans, investments dried up, and consumer confidence was shattered, all of which ended up having hugely negative impacts on the global economy. Moreover, many of the mega-banks were on the brink of collapse. Because those banks were considered ‘too big to fail’, however, governments were essentially forced to bail out the very institutions which caused the crisis in the first place. This approach proved to be efficacious, in the sense, at least, that over the next two years the global economy slowly recovered, at least superficially, not without great hardship to many millions of people. But as ‘business as usual’ seemed to resume, there was the deeply troubling sense that nothing of any significance had been done to rein in the vast powers of privately owned financial institutions or to protect people from history repeating itself. In short, Western governments of the time proved to be either impotent in the face of corporate power or unwilling to confront it.

Much the same can be said of the pivotal Climate Change Conference held in Copenhagen during December 2009. By this stage the state of scientific research meant that it was no longer credible to deny the reality of climate change or to deny the potentially catastrophic consequences – later realised, of course – of failing to significantly reduce global carbon emissions without delay. Despite the clarity and force of the scientific warnings, however, the Copenhagen conference lacked any real sense of urgency and was considered a despairing failure both by and for the Ecozoic movements. Eventually, a weak, non-binding Emissions Trading Scheme was agreed to, heralded by some as the salvation of Earth, but the very method of trying to use market mechanisms to solve a

problem essentially caused by markets was doomed to failure – and fail it did. Looking back we see that Copenhagen was a great crossroad for humanity, a final opportunity to take climate change seriously. Vested interests in the economic status quo, however, were able to keep growth capitalism firmly on track, leading not to a decline but, for too many years, a continued rise in emissions.

Whether it was due to impotence, incompetence, or sheer unwillingness to face the facts, it must be said that at Copenhagen the political response to the ecological crisis – the response from the Western nations, in particular – was a profound dereliction of duty. Not only that, its short-sightedness was economically irrational, because the financial costs of taking genuine preventative action at that stage would have paled in comparison to the costs of what lay ahead. At this time democratic rule may still have been ‘of the people’, but there was a growing suspicion that it was no longer ‘by the people’ or ‘for the people’.

And so it was that Western citizens began to lose faith, as never before, in representative democracy. The most significant political decisions of the age were widely perceived to be dishonourable capitulations before corporate power. Furthermore, the ballot box seemed to provide no avenue for redress, because it was understood to merely offer the choice between two or three essentially corporate parties. In such destabilising circumstances, one of two things tends to happen: either democratic subjects violently overthrow the unrepresentative government, or those subjects take government into their own hands at the local level. For several years, as the collective rumbling grew to a crescendo, political commentators were unsure which course of action would prevail, and some even voiced their concerns about the prospect of wholesale collapse of democratic processes and the rise of fascist or totalitarian politics in the West. More pessimistically still, others predicted the collapse of human civilisation itself.

But rather than a violent revolutionary movement, what in fact emerged was a highly-agitated (though inspired) grassroots democratic culture based on local participation, community activism, and personal responsibility. Though the essential structure of representative democracy remained in place, how it functioned changed in almost unrecognisable ways. Most notably, the Local Life Networks and the Online Referenda which today structure government so effectively, and which are able to instruct Members of Parliament so precisely and efficiently, would have been considered utopian dreams not so long ago. Leaving the details aside, however, our present point is simply that the disillusionment with top-down politics gave birth to an activist, grassroots culture, animated by the belief that another world was possible. Through

sophisticated organisational techniques, this culture was able to change the nature of representative democracy by taking the power out of the hands of corporations and placing it in the hands of the people. This transition naturally faced fierce resistance from the economic elite, who had grown accustomed to getting their own way. But the tide of participatory democracy proved to be unstoppable. As corporate influence over governments faded, new space opened up within Western democracies, and elsewhere, for radical political change.

Of course, the mere possibility of radical political change did not guarantee that anything much would change, nor, if change were to come about, did it imply a particular direction. But when democratic processes are functioning sufficiently well, changes to the legal and political structure of a society tend to reflect cultural values, like a 'magic mirror', to revive Kermit Hall's old metaphor. This notion that 'law reflects culture' leads us to the second major reason, mentioned earlier, for the demise of growth economics in the West – namely, the radical transformation in attitudes toward material consumption that occurred during the second and third decades of this century.

The legal and political structures of growth capitalism depended, among other things, upon a culture of consumption – that is, upon a populace driven by an insatiable craving for more consumer goods and services. Though such commodity fetishism was observable in Western societies almost from the onset of industrialisation, it was really in the decades after World War II (during the era sometimes referred to as 'postmodernity') when consumption became a truly acute and debilitating social practice. A collective psychological disorder by our standards, commodity fetishism reached its zenith at the beginning of this century, establishing a materialistic culture without *any* sense of sufficiency. For reasons we still do not wholly understand, life in postmodernity was structured around the pursuit of luxuries and comforts merely, and no matter how rich people became, it never seemed to be enough.

Unsurprisingly, during this era the West entered a phase of social decay. Despite unprecedented levels of material wealth and sophisticated technologies, most Westerners during these times were working longer hours than they had in the past, and aside from working and sleeping, Westerners generally spent more time watching television than doing anything else. The division of labour reached an extreme, which may have efficiently maximised economic growth, but it also meant that people became wholly dependent on the market and thus were locked upon a consumerist treadmill that had no end and attained no lasting satisfaction.

Furthermore, urban sprawl led to highly artificial living environments that disconnected people from a community of neighbours and from any real engagement with nature. This was the culture that transnational corporations celebrated as the ultimate fulfilment of human destiny, the peak of civilisation.

So long as most people felt that a higher material ‘standard of living’ was needed to increase ‘quality of life’, growth capitalism was politically safe. However, what is kept alive by the citizenry can also, through a change in consciousness, be transformed by it. This subversive thesis was famously advanced during the counter-cultural movements of the 1960s and 1970s, and was neatly captured in their slogan ‘revolution by consciousness’. But it was not until the so-called ‘New Generation’ counter-cultural movements of the late 2010s and early-to-mid-2020s that a ‘revolution by consciousness’ genuinely threatened to become a socio-political reality. Of those counter-cultural movements, one in particular, which came to be known as the Voluntary Simplicity Movement, deserves our immediate attention, as it undermined growth capitalism and consumer culture most directly. Its unexpected emergence and impact remains a subject of fascination amongst cultural historians, even if the radical ideas upon which it was based seem rather mundane in an age, such as our own, that accepts them unquestioningly as expressing the plainest commonsense. Let our examination, then, be brief.

The emergence of the Voluntary Simplicity Movement was inextricably intertwined with the rise of grassroots politics, which we have seen was a reaction against the undemocratic influence corporations had on ‘political representatives’. But it was not enough simply to wrestle political power from corporations; the grassroots culture had to know what to do with power should it succeed in attaining it, and thus it needed a guiding philosophy. Furthermore, because the grassroots culture upheld ‘personal action’ and ‘community action’ as the means to social and political transformation, people realised that they needed to seriously explore, en masse, ways they could oppose growth capitalism in their daily lives. An attractive, meaningful, and coherent philosophy of living was found in the theory and practice of voluntary simplicity. Before proceeding, it may be helpful to present a short statement of this philosophy: first, so that we appreciate its stark contrast with consumerism, and second, to make explicit the ethics of consumption that came to inform the (soon-to-be-considered) politics beyond growth economics.

The following definition serves our purposes. It is taken from the introduction to an early anthology on voluntary simplicity, published 90 years ago at the height of consumer culture:

Voluntary simplicity is a post-consumerist living strategy that rejects materialistic lifestyles of consumer culture and affirms what is often called ‘the simple life’, or ‘downshifting’. The rejection of consumerism arises out of the recognition that ordinary Western-style consumption habits are destroying the planet; that lives of high consumption are unethical in a world of great human need; and that the meaning of life does not and cannot consist in the consumption and accumulation of material things. Extravagance and acquisitiveness are thus considered a despairing waste of life, not so much sad as foolish, and certainly not deserving of the social status and admiration that they seem to attract today. The affirmation of simplicity arises out of the recognition that very little is needed to live well – that abundance is a state of mind, not a quantity of consumer products or attainable through them.

Sometimes called ‘the quiet revolution’, this approach to life involves providing for material needs as simply and directly as possible, minimising expenditure on consumer goods and services, and directing progressively more time and energy toward pursuing non-materialistic sources of satisfaction and meaning. This generally means accepting a lower income and a lower level of consumption, in exchange for more time and energy to pursue other life goals, such as community or social engagements, family time, artistic or intellectual projects, more fulfilling employment, political participation, sustainable living, spiritual exploration, reading, conversation, contemplation, relaxation, pleasure-seeking, love, and so on – none of which need to rely on money, or much money. The grounding assumption of voluntary simplicity is that human beings are inherently capable of living meaningful, free, happy, and infinitely diverse lives, while consuming no more than an equitable share of nature. Ancient but ever-new, the message is that those who know they have enough are rich.

According to this view, personal and social progress is measured not by the conspicuous display of wealth or status, but by increases in the qualitative richness of daily living, the cultivation of relationships, and the development of social, intellectual, aesthetic, and spiritual potentials. As Duane Elgin has famously defined it, voluntary simplicity is ‘a manner of living that is outwardly simple and inwardly rich, . . . a deliberate choice to live with less in the belief that more life will be returned to us in the process’.

Voluntary simplicity does not, however, mean living in poverty, becoming an ascetic monk, or indiscriminately renouncing all the advantages of science and technology. It does not involve regressing to a primitive state or becoming a self-righteous puritan. And it is not some escapist fad reserved for saints, hippies, or eccentric outsiders. Rather, by examining afresh our relationship with money, material possessions, the planet, ourselves, and each other, the simple life of voluntary simplicity is about discovering the freedom and contentment that comes with knowing how much consumption is truly ‘enough’. And this might be a theme that has

something to say to everyone, especially those of us who are every day bombarded with thousands of cultural and institutional messages insisting that ‘more is always better’. Voluntary simplicity is an art of living that is aglow with the insight that ‘just enough is plenty’.

The spirit of late capitalist society, however, cries out like a banshee for us to expend our lives pursuing middle-class luxuries and coloured paper, for us to become faceless bodies dedicated to no higher purpose than the acquisition of ‘nice things’. We can embrace that comfortable unfreedom if we wish, that bourgeois compromise. But it is not the only way to live.

Voluntary simplicity presents an alternative.

Of course, this ‘art of living’ was not by any means new. The virtues of moderation and enlightened material restraint had been integral to almost all ancient wisdom and spiritual traditions, with prominent advocates including Lao Tzu, Confucius, Buddha, the Stoics, Jesus, Mohammad, St. Francis, the Quakers, John Ruskin, the New England Transcendentalists (especially Henry David Thoreau), Gandhi, Richard Gregg, Helen and Scott Nearing, and many of the indigenous peoples around the world. But in postmodernity, when consumption was glorified and luxury admired as never before, voluntary simplicity acquired a special significance.

Exactly why the Voluntary Simplicity Movement became a powerful oppositional force in the second and third decades of this century remains something of a mystery, as noted above. Few saw it coming or even recognised the signs of its emergence until it had already arrived. Notions of simplicity spread, here and there, person to person, community to community, as if by means invisible. Perhaps the idea just gave people hope. The movement had no leader, as such, though it developed strong social networks. It received almost no support from mass media. Even politicians, despite their rhetoric of sustainability, were reticent to promote simplicity for fear that widespread reductions in personal consumption would slow economic growth. But still the light of simplicity began to dawn gradually over the whole.

Perhaps Theodore Roszack, writing in the depths of consumer culture, was the most prescient:

There is one way forward: the creation of flesh-and-blood examples of low-consumption, high-quality alternatives to the mainstream pattern of life. This we can see happening already on the counter cultural fringes. And nothing – no amount of argument or research – will take the place of such living proof. What people must see is that ecologically sane, socially responsible living is *good* living;

that simplicity, thrift, and reciprocity make for an existence that is free.¹

In the end, the nature of any society is shaped primarily by the countless number of small decisions made by private individuals. With respect to the Voluntary Simplicity Movement, those small decisions, those small acts of simplification – insignificant though they may have seemed in isolation – were ultimately of revolutionary significance when added up and taken as a whole. But this ‘quiet revolution’, as it came to be known, was not like revolutions of the past. It originated with the individual and with culture. It did not need violence to succeed, and it could not have been successfully resisted by violence. And it changed the politico-legal structure only as its final act.²

3. Politicising the Economy: The Emergence of Radical Democracy

By the end of the 2020s, the Voluntary Simplicity Movement had become a significant oppositional force, and it would continue to strengthen and expand every year. Though it had not, at this stage, achieved the cultural paradigm shift it sought, and though its political impact had so far been quite modest, the line between counter-culture and mainstream had certainly blurred, which is always a sign of great social transition. Within large sectors of Western societies attitudes to consumption changed drastically, encouraged, it should be noted, by very hard economic times. Luxurious and extravagant lifestyles, once almost universally admired and envied, had come to be seen by many as tasteless ostentation, improper in an age of human and ecological need, and certainly not a reliable path to personal wellbeing. Furthermore, simple living had become a socially accepted alternative lifestyle, which made stepping out of the mainstream much less isolating, thus hastening the demise of consumer culture. All this had discernable social and ecological benefits. The suburbs, in particular, were slowly transforming into bastions of home production and local food production.

Nevertheless, despite significant cultural transformation in attitudes to consumption, around this time many within the Voluntary Simplicity Movement came to a troubling realisation. It

¹ Theodore Roszack, *Where the Wasteland Ends: Politics and Transcendence in Postindustrial Society* (1972): 422.

² See Charles Reich, *The Greening of America* (1970).

was becoming apparent that even those who genuinely wished to embrace voluntary simplicity as an oppositional living strategy were finding the *practice* of simplicity extremely challenging, especially in urban centres. Put otherwise, it seemed that political and economic institutions, and social infrastructure, were functioning to lock many people into high-impact consumerist lifestyles, despite their desire for a simpler way of life. There had, of course, always been an undercurrent within the Voluntary Simplicity Movement that insisted that personal action alone was never going to be enough to achieve sustainability and social justice – that political engagement was necessary. But few had appreciated quite how hard it would be to create a simpler form of life from within an institutional framework based on materialistic values and imperatives to grow. By the late 2020s, however, it had become obvious to all that the socio-cultural movement away from consumerism needed to be supplemented and facilitated by a politico-legal movement away from growth economics, and that latter transition is the one to which we must now turn our attention.

Before we review the specific structural reforms that resulted from the gradual politicisation of the Voluntary Simplicity Movement, there is a somewhat abstract matter in political and legal theory that ought to be addressed, albeit briefly. It concerns the nature of property rights and the ways in which property rights were perceived to limit state power. We must not forget, after all, that in the first half of the 21st century, ‘neoliberalism’ was the dominant political ideology, one of the central assumptions of which was that, *prima facie*, the state had no right to interfere in the economy. This assumption had certain problematic implications for those seeking deep political and economic change. Let us consider those implications, for together they represent the last major obstacle that had to be overcome on the path to revolutionary reform.

When participants in the Voluntary Simplicity Movement first began seriously advocating political reform of the economy, they faced three fundamental objections arising out of neoliberal ideology: 1) that the reforms advocated would result in a property system that was no longer a private property system (and, if true, this was widely considered to be a knock-down argument, politically speaking); 2) that the reforms, by interfering in the property system, would violate the liberally revered ‘private sphere’ into which the state purportedly had no right to enter; and 3) that the reforms would arbitrarily interfere with the natural result of voluntary transactions made within the neutral and non-coercive ‘free market’ system.

These objections were not new and, indeed, they had been fairly well answered in the 20th century by other progressive intellectual

movements such as Legal Realism, Critical Legal Studies, and Social Relations Theory. Accordingly, the Voluntary Simplicity Movement did not really need to develop new intellectual tools to respond to those objections, but it certainly needed to, and did, campaign laboriously to weaken the hold neoliberalism had on the popular consciousness. The following excerpt is taken from an anonymous political pamphlet distributed by the Voluntary Simplicity Movement during its influential internet campaign of 2034-5. It is quoted at some length because it responds, quite directly, to the three objections stated above:

Our detractors rely on an ‘essentialist’ view of property. They assume that there is a concept of property that, in fact, is the right one or the only one; that there is *a* conception of property that is *the* concept of property. But the indeterminacy critique has thoroughly discredited any such claim to essentialism. The ‘bundle of rights’ conception of property, in particular, though it is hardly a complete or uncontroversial picture, has shown that we cannot say that person owns a resource if and only if that person has certain specified rights, powers, liberties, and duties. In other words, the *concept* of property is one that has many *conceptions*. This means that private property can take the shape of many different ‘bundles’, and so it should not be conceived of as a fixed, static, or homogenous category, especially since each ‘bundle’ can be disaggregated into isolated ‘sticks’. Furthermore, the ‘sticks’ themselves – such as the ‘right to use’, the ‘right to exclude’, the ‘right to transfer’, or the ‘duty not to harm’ – are far from absolute or self-defining.

This, in short, is the great legacy of Legal Realism to which essentialist and absolutist property theorists have never developed a satisfactory response. It is also the legacy upon which our Politics of Entropia are founded, for it promisingly demonstrates that there can be private property/market systems that are radically different from growth capitalism as we know it, since ‘private property’ does not mean one thing, and neither does ‘the market’. Another property system is possible.

Our detractors also claim that our political agenda would involve illegitimate state interference in the property and market system. But this objection is analytically outdated. Critical Legal Studies (CLS) showed long ago that for property and property-related concepts (such as ownership, harm, rights, wealth, efficiency, free contract, duress, justice, and so on) to become concrete conceptions in legal reality, state institutions must be always and necessarily involved in defining property rights and market structures. One consequence of this is that the neoliberal demand for state ‘non-intervention’ in the so-called ‘private economic sphere’ – where property rights are said to be sacrosanct and self-regulating – is an impossible one, and transparently so. The state is necessarily implicated in the economy because (among

other things) it must: a) provide details on which incidents of ownership will form the ‘bundle’, what each incident entails, and in which circumstances; b) define the idea of ‘freedom of contract’, since it too is not self-defining; c) set other ‘ground-rules’ to the economy (such as, ‘What can be property?’; ‘What kind of entities can be agents in the market?’; and ‘What happens when property rights conflict?’); and d) enforce the property rights created by a), b), and c). As one critical theorist noted: ‘The question is not whether to regulate owners; the question is what kind of property system to create in the first place.’³ ‘Hands off’ is simply not an option.

This critique of the private/public distinction exposes how often the distinction between the ‘free market’ and ‘regulatory systems’ breaks down, a point another theorist has expressed in the following way: ‘There is no nonarbitrary way to differentiate the law *constituting* a market, from the law supposedly *regulating* or *intervening in* the market.’⁴ This critique is significant because it answers the neoliberal lament that property rights are violated whenever the state ‘interferes’ in the economy. Again, the state is *necessarily* implicated in the economy, and so reformers are entitled to question whether society may be better off if the state implicates itself in different ways and on a different basis. What is clear is that this reformist approach – which may include ‘revolutionary reform’ – cannot be dismissed in advance on the basis of an essentialist view of ‘private property’ or ‘the market’, or on the basis that the state ought to stay out of the ‘private economic sphere’, since both essentialism and the private/public distinction clearly lie in ruins.

Some detractors within the positivist tradition, however, accept that the state is indeed required to define the legal rules governing market transfers, private property, and voluntary contracting – since they are not self-defining – but argue that the rules set up by the state must be *neutral*. Legal rules that are neutral, the argument goes, would simply facilitate the voluntary exchange of private property rights in a free market, and thereby allow individuals to pursue their own preferences and visions of the good life without having the state impose its preferences or values upon them. Regulators and reformers, according to this view, are seen as politically biased people who try to use state apparatus to impose their own subjective preferences and values on others, and who try to bring about a distribution of wealth and power other than that which naturally results when individuals voluntarily exchange property rights in a free market.

The indeterminacy critique, however, renders this neoliberal view incoherent also. As outlined above, the state is required to

³ Joseph Singer, *Entitlement: The paradoxes of property* (2000): 7.

⁴ Stuart Banner, ‘Conquest by contract: Wealth transfer and land market structure in colonial New Zealand’ 34 *Law and Society Review* 47: 53.

make all sorts of *definitional choices* about what the abstract property and property-related concepts mean in economic reality, and these choices have significant implications for what type of society results. What CLS made perfectly clear, however, is that these choices can never be *neutral* – first, because there is no objective or apolitical standpoint from where those choices could be made, and second, because such choices always allocate wealth and power between individuals and groups in society. For these reasons it is wrong to disclaim all responsibility for the social and environmental consequences of those allocations and blithely say that they are the natural result of free choices made within a neutral and non-coercive market framework. To stress the so-called neutrality of the ‘free market’, and to deny that political, value-laden, choices inevitably go into its formation, is ideological. It is a perspective that deflects attention away from the political choices benefiting some individuals, groups, and interests at the expense of others, and it unduly limits what reformative options appear democratically available. It can make the existing property regime (including its concentrations of wealth and structures of power) seem ‘natural’ or ‘right’ or ‘just the way the world is’, when in fact that regime is a contingent creation of our choosing, which we have made, and which can be democratically remade.

The choice is ours, if we choose it.

The fundamental point here – a rather obvious one to us – is that property rights are not static or determinate entities that exist independently of the state, but are evolving and highly malleable creatures of legal convention. It follows that property rights are also inescapably value-laden and context-dependent, meaning that their legitimacy must be constantly reassessed as society or the environment changes. Indeed, the greater the changes in context, the greater the need for the reassessment, and perhaps revision, of property rights. These ideas, as they came to be widely understood and accepted, functioned to radicalise Western democracies by politicising the economy in new ways. It was this shift in political consciousness that allowed democratic citizens to see that they had the right and the power to design (or redesign) the economic framework within which they live their lives, an insight which neoliberal ideology had repressed for far too long.

During this time, as noted above, the Voluntary Simplicity Movement was entering the cultural mainstream and beginning to demand some political recognition – sounding the death knell for growth capitalism. Attitudes to consumption had undergone a huge shift toward material simplicity, and the time was ripe for the political manifestation of this new sensibility. Furthermore, by this stage the myriad problems of social and ecological overconsumption had intensified, meaning that a political response could no longer be

delayed. The Voluntary Simplicity Movement did not waste this opportunity to call for a politics of sustainable consumption, a politics beyond growth economics. And, at last, the call did not fall on deaf ears.

The world was ready for change.

4. A Politics of Property Beyond Growth Economics

What follows is a review of the matrix of ‘revolutionary reforms’ which resulted from the gradual politicisation of the Voluntary Simplicity Movement in Western societies over the course of the 21st century. Obviously, different nations evolved in different ways, at different times, and these differences were sometimes considerable. Indeed, throughout the Great Transition openness to plurality was, and still is, considered a virtue. Nevertheless, if we look at the world at the beginning of this century and compare it with how it is at the end, it cannot be denied that there has been a recognisable and coherent paradigm shift in law, politics, and economics, especially with respect to Western-style systems of property. In what follows an attempt is made to outline, with a very broad brush, the most significant features of the new paradigm, beginning with the new indicators of progress that were so instrumental in deposing growth economics. Deferring to convention, this new paradigm will be referred to as ‘Entropia’, which is not a place, as such, so much as it is the idealised social, economic, and political order which guided and motivated many of the radical law reform movements during this century.

4.1. Beyond GDP: Alternative indicators of progress

We saw earlier that during the era of growth capitalism, increasing GDP was the overriding objective of governments. It was an era when economists, policymakers, judges, reporters, and the wider public generally relied on GDP as a shorthand indicator of a nation’s progress (‘the growth model of progress’). But GDP is merely a sum of national spending which makes no distinctions between transactions that add to wellbeing and those that diminish it; it does not take any account of ecological damage or wealth distribution; and anything that is not recorded as a market transaction is excluded from its accounts, such as domestic work, volunteering, and leisure. For these reasons, among others, GDP is a highly defective measure of how well-off a society is and a poor indicator of policy and institutional success. When this was eventually

recognised and exposed, scholars began developing alternative, much more nuanced measures of societal progress. One such measure, which has gradually received official recognition and respect, is known as the Genuine Progress Indicator (GPI). Arguably, this development symbolises better than any other the transition from growth capitalism to Entropia.

The ‘extended accounts’ of the GPI begin with total private consumption expenditure and then make reductions for things such as poverty, polarised income distribution, crime, resource depletion, pollution, environmental damage, and so on, and additions for things such as domestic work, volunteering, increases in leisure, public infrastructure, and the like. The aim is to measure, as accurately as possible, the ‘genuine progress’ of a society, not simply the growth of its GDP. Although the GPI remains an imperfect tool, and so must be employed cautiously and tentatively, the significance of it replacing GDP as a measure of progress can hardly be overstated. In essence, public support of the GPI means that political parties can campaign for policy and institutional reforms that are likely to genuinely improve wellbeing, even if those reforms would slow or even reduce economic growth. Once upon a time, of course, implementing reforms that would negatively affect growth rates was tantamount to committing political suicide. But by distinguishing genuine progress from economic growth, that changed. In particular, new space opened up within the political arena for the following legal reforms in property relations.

4.2. Basic income as a new property right

One of the deepest and most enduring criticisms levelled at capitalist societies was that, no matter how rich they became, there always remained an underclass of people who were unemployed and poverty-stricken. To permit members of an affluent society to live without any secure livelihood seems to us to be an evident moral abomination, but majority opinion among earlier generations took it to be regrettable but permissible, perhaps even necessary. Even strong varieties of the ‘welfare state’ were unable to provide all with the economic security which we regard as necessary to live a fully human life of freedom and dignity, because welfare payments could be denied, delayed, or revoked, for any number of reasons. The politics of Entropia boldly confronted this serious problem with remarkable directness, by gradually introducing what is called a ‘Basic Income System’, otherwise known as a ‘Simplicity Entitlement’.

Although there is considerable variety in forms of Basic Income, the core idea is relatively straightforward. In its idealised form, every permanent resident would receive a periodic (e.g., fortnightly) stipend sufficient to live at a culturally defined minimal standard of economic security, generally at a level marginally above the culturally specific ‘poverty line’; that is, enough to live simply, securely, and with dignity, though, as two commentators put it, ‘extremely modestly’. The Basic Income is guaranteed by the state, is unconditional on the performance of any labour, and is universal (excepting only those incarcerated). Parents are the custodians of children’s grants (which are typically somewhat lower than adult grants). Within a fully developed Basic Income System most other state transfers can be abolished – unemployment benefits, family allowances, pensions, and so on – because the Basic Income grant is sufficient to provide everyone with a decent, though minimal, subsistence. Economic insecurity, whether from incapacity or unemployment, is therefore essentially eliminated. Even minimum wage laws can be somewhat relaxed, because all earning above the Basic Income is discretionary. Other kinds of programmes remain, such as subsidies for people with special needs, as do universalistic programmes, such as public education and health care. In many jurisdictions, the Basic Income entitlement is increasingly being described as a ‘new’ property right.

The feasibility of a Basic Income System was historically doubted for two main reasons. The first objection was that making the Basic Income unconditional on the performance of any labour would give rise to a society of ‘free-riders’ and ultimately lead to economic collapse. This pessimistic outlook, however, has been proven unjustified. Few would be surprised to hear that the ‘free-rider’ problem does exist to a certain extent today – that is, there are indeed some who live off the Basic Income but who choose not to contribute to society in any discernable way. However, it turns out that human beings, by and large, are social creatures, who find being engaged in their community’s work more meaningful and fulfilling than being isolated, idle, and parasitic on the community. Furthermore, the very small minority that choose not to contribute in any way prove to be a tolerable burden – certainly more tolerable than the levels of poverty which persisted within the property systems of late capitalism. A large majority of citizens remain in some form of paid employment, and the percentage that do not are typically engaged in other forms of socially necessary and beneficial work, such as raising children, working in community gardens or local energy centres, volunteering at the esteemed and well-organised Centres for Social Service, or exchanging labour for

housing through the Organisation for Affordable and Sustainable Housing.

The second objection concerned the feasibility of financing a Basic Income System, an issue that is obviously of great importance, although it was and remains a matter of political commitment more than a financing issue. Basic Income entitlements did create a new and significant financial burden on the public purse; however, changes to public spending as well as significant tax reforms have been sufficient, in many of the wealthier jurisdictions, at least, to gradually raise the Basic Income to a minimal level of dignified subsistence. Those jurisdictions around the globe that are still transitioning toward a subsistence-level Basic Income System are often called ‘Guaranteed Income Systems’ (which guarantee a certain level of income, but below subsistence levels, meaning that some supplementary income is still necessary through earnings). Another method several nations have used to progress toward a Basic Income System is to establish a Negative Income Tax System, which differs from a Basic Income in that it provides a tax credit (typically beginning at low levels and increasing over time) to those with low incomes, providing such low-earners with a minimum income but by an alternative route. These approaches of incrementally raising the level of Guaranteed Income or Negative Income Tax to establish a fully developed system of Basic Income were key both to the financial viability and the political attractiveness of the Basic Income policy objective.

It is worth noting that a Basic Income System or one of its varieties does tend to slow growth in the economies in which they operate, for the reason that such systems – consonant with the predictions of orthodox economic theory – inevitably provide fewer incentives for citizens to dedicate so much of their energy to productive activity. But because the wealthiest nations today are no longer anxious to grow, and many are even voluntarily transitioning by way of degrowth to a steady state economy, the whole question of maximising incentives is much less pressing. Indeed, the level at which governments set a Basic or Guaranteed Income can be a device to control, to a certain extent, the level of growth/degrowth in an economy.

The social benefits of the Basic Income were profound and far-reaching. Beyond eliminating poverty and economic insecurity – which were the primary functions of a Basic Income System – its gradual institution also strengthened the bargaining position of workers, because it gave them a livelihood that was independent of their paid employment and thus more power to demand decent working conditions. It also meant that people did not have to accept alienating, exploitative, or degrading jobs just to survive; nor was

there any real pressure to sacrifice social and political autonomy in order to achieve economic security. Furthermore, introducing the Basic Income was effectively an acknowledgement of the worth of unpaid caring work and other forms of social contribution, thereby extending economic citizenship beyond participants in the traditional labour market. For these reasons, among others, the legal restructuring of property relations based upon the notion of Basic Income has done much to create more democratic and egalitarian societies. By structurally promoting ‘simple living’, the Basic Income has also had ecological benefits.

4.3. Progressive income tax and the maximum wage

In general, the property systems of Entropia are shaped by highly progressive income or consumption taxes which fund a considerable portion of the state’s policies, including the Basic Income entitlement. Progressive forms of taxation were in place even within the paradigm of growth capitalism, so there is little need to address the matter of justification in any detail. Put simply, progressive taxation is justified primarily on the dual grounds of equity and utility. That is, because it is equitable for the richest to pay more than the poorest to fund the state’s policies, and because the diminishing marginal utility of money means that the more money one has, the less utility or happiness one can buy with each further dollar (i.e., one dollar is more valuable to a poor person than to a rich person), some redistribution is an efficient use of resources. What distinguished the politics of Entropia from growth capitalism was how progressive taxation was used to effectively create a ‘maximum wage’ or ‘income cap’. Let us consider this central development.

Just as most at the beginning of the 20th century had trouble imagining how their ancestors could have stomached slavery, so we at the end of the 21st century are dismayed by the truly excessive incomes that some executives, managers, shareholders, doctors, lawyers, and other professionals received not so long ago. We cannot understand why it was ever permitted for some incomes to reach into the millions or tens of millions of dollars when many workers – sometimes even those working in the same enterprise – received little more than an (insecure) subsistence wage. We consider such disparities plainly objectionable on many grounds: they undermine democracy and social solidarity, they encourage grossly extravagant lifestyles, and they simply cannot be justified by any appeal to proportional merit or social contribution. The politics of Entropia, of course, never advocated anything like strict equality

in incomes. Much inequality remains. However, it is widely taken for granted today that *some* limits must be placed on individual incomes, and a simple restructure of progressive income tax policy provided a straightforward method for doing so.

An income tax is ‘progressive’ when the tax rate increases as the taxable income increases. In theory, at least, all income over a certain amount could be taxed completely, thereby creating a ‘maximum wage’ or ‘income cap’. Although only New Zealand’s Remuneration Justice Act 2038 has actually gone this far, all of the Western economies have gradually established a top income bracket which is taxed more than 90% (which, strictly speaking, does not place any ‘cap’ as such on incomes, but functions in a similar way). The income level of the top tax bracket also varies between nations – often starting high, for political reasons, and then decreasing – but today it generally sits quite stably around 10 to 15 times the level of the Basic Income.

One might have thought that the introduction of such policies would have been politically controversial in the extreme, given the history of limitless incomes, but it turned out that this was not the case. Although there were certainly loud objections from advocates of the ‘free market’, various referenda were held which unambiguously demonstrated that the policies had overwhelming public support, doubtless owing to the fact that the maximum wage would only limit the incomes of a very small minority of people. Political representatives, accordingly, had no choice but to follow the will of the people.

4.4. *Worker cooperatives*

Capitalist economic relations paradigmatically involved workers selling their labour to the owners of productive assets and those owners then selling the commodities produced for more than the cost of the labour that went into making them, thereby making a ‘profit’. We attribute to Karl Marx, more than any other, the thesis that this capitalist mode of production and exchange exploits workers. It is exploitative, Marx argued, because workers are paid less for their labour than the value of the commodities they produce. The solution he proposed was to abolish all private ownership of productive assets and replace it with state ownership; that is, to replace capitalism with communism.

Many involved in the politics of Entropia were sympathetic to (without wholly subscribing to) the view that workers, to varying extents, were exploited under the capitalist mode of production and its legal superstructure; yet, for various reasons, they did not see

state ownership of productive assets as the solution. Rather than state communism, what emerged instead were various forms of ‘market-socialist’ property systems in which worker cooperatives are increasingly the dominant economic form. These enterprises are owned by their workers and democratically operated on a ‘one person, one vote’ basis, thereby avoiding the exploitative relationships which Marx and others criticised so vehemently. The cooperatives still fall within the private property paradigm, however, because workers still have individual ownership interests in them, and the state does not determine what the cooperatives produce. Furthermore, the economy is still based on market exchanges, because cooperatives gain income by selling their goods and services to customers. In doing this, they compete with other cooperatives (and other small businesses of the allowable types). The primary difference with growth capitalism is that large corporate entities employing non-shareholders have largely disappeared.

The transition to this type of ‘stakeholder society’ was facilitated both by public policy and cultural changes, each promoting the other in a dialectical fashion. When governments decided that broadening the ownership base of the economy was to be a policy goal, the first step in that direction was often to make the tax rates for worker cooperatives extremely attractive compared to the tax rates for the traditional ‘owner-shareholder’ corporate entities. Governments also began explicitly preferring worker cooperatives when contracting with the private sector, and whenever possible government spending was directed toward worker cooperatives. Various types of development banks were also created through which governments began funding new businesses that were required to establish themselves as worker cooperatives. Collectively, these strategies, and many others, were able to create fertile conditions in which worker cooperatives could take root, multiply, and flourish. It was arguably a shift in consumer attitudes, however, that was the deepest driver of change. When private individuals began choosing to direct their expenditure toward cooperative enterprises, the old corporate structures gradually withered away as a natural consequence of market forces. This is a powerful reminder that how we spend our money is how we vote on what exists in the world.

The emergence of worker cooperatives has been one of the most significant developments in the transition toward Entropia. It has expanded democratic decision-making beyond representative politics to include the everyday realm of economics, giving people much more control over their lives. Though democratising the internal workings of business enterprises has created new

inefficiencies – e.g., decision-making can be slower – the fact that workers now have a real stake in the businesses within which they work has also created new forms of efficiency and fostered a new ethics of productivity and collective responsibility. The material rewards of production are also distributed more evenly, though strict equality is rarely practised (or expected). Beyond these appealing features, worker cooperatives have also functioned to be more ecologically sensitive than the old corporate forms, because businesses owned and managed by local citizens take more care than ‘absentee owners’ to ensure business practices do not harm the environment. Finally, cooperatives also seem to have engendered a greater sense of social solidarity and community, as workers belong to and participate in stable associations of people with common interests and a shared economic identity.

4.5 Land law and the duty not to harm

Although all of the reforms described above had ecological benefits, more direct and immediate legal and political action was needed to adequately confront the ecological crisis. The difficulty here was the enduring influence of the neoliberal conception of property, which resisted state regulation in the economy. It was a remarkably simple question, however, which gave rise to a radically new approach: Do property owners have the right to use land in ecologically unsustainable ways? Although the response came dangerously late, lawmakers eventually answered that question in the negative. Let us consider the general line of argument.

To question whether a person or entity possesses a property right to engage in a particular activity is to acknowledge, as we must, that property rights are not absolute but in some sense always limited. Outdated imagery aside, ownership does not and cannot entail the right to ‘do as one pleases’ with the property one owns, for that would be plainly self-defeating. It would allow others to use their property in ways that harmed one’s own property or indeed oneself, and thus even the most hard-nosed libertarians have always accepted that the ownership of property necessarily entails a ‘duty not to harm’. As Hohfeld explained long ago, this ‘duty not to harm’ places limits on the ‘right to use’.

One important consequence of this is that state regulation which prevents ‘harmful use’ cannot be considered a violation of property rights, because property holders simply do not have the right to harm others or the property of others. In other words, such preventative action would not be ‘taking’ anything that owners ever held (or properly held), from which it follows that in such

circumstances no right to compensation could arise. What this means, also, is that regulation of the property system which prevents ‘harmful use’ should not be understood to be *changing* the prior regime, but only *maintaining and enforcing* the ‘rightful scope’ of the prior regime in which the duty not to harm was always recognised.

This blurs the distinction between ‘property’ and ‘regulation’. Regulation is normally conceived of as something that *interferes* with property rights. But when the state intervenes in the property system to stop ‘harmful use’, then such intervention is not so much the *regulation* of property as it is the *maintenance* or *protection* of property. And this more accurate reframing of the issue has been of rhetorical significance to ecological reformers, especially in the first quarter of this century when ‘regulation’ was such a dirty word.

In the midst of the ecological crisis, when nothing less than Nature’s life-support systems were at risk of collapsing, lawmakers realised that they needed to pay much more attention to the duty of property holders not to cause ‘harm’. Exactly what constitutes harm, at any given time, is indeterminate and often contentious, of course, but that just means that it is a concept that must be defined democratically, for the common good. As one pioneering legal ecologist at the turn of the century noted: ‘Harm ... is an elastic, vague concept that we can define in whatever way we deem wise. ... By redefining harm we can [for example] challenge and end land uses we don’t want.’⁵ This theorist added, however, with an air of caution, that ‘government wields breathtaking power when it can define harm however it sees fit.’⁶ That was (and remains) true, but as Nature was being degraded as never before there were far greater risks in the government not doing enough to enforce the ‘duty not to harm’ than there were in it doing too much.

As the problems of overconsumption, loss of biodiversity, and climate change intensified, the meaning of the ‘duty not to harm’ inevitably expanded, narrowing the rightful scope of property rights. By intervening in the property system to enforce this ‘duty not to harm’, the state was not actually *changing* the prior regime, properly understood, but only *maintaining* the ‘rightful scope’ of the prior regime in which the duty not to harm was always recognised. Accordingly, such preventative action or maintenance was not ‘taking’ anything that owners ever held (or properly held), from which it followed that in such circumstances no right to compensation could arise.

⁵ Eric Freyfogle, *On private property: Finding common ground on the ownership of land* (2007): 115.

⁶ *Ibid.*

To provide a famous, ground-breaking example of this approach, we need only note the case of Australia, which, in 2025, was the first nation to pass legislation to the effect that coal mining and the logging of old-growth forests were no longer acceptable uses of land, and would be faded out (with minor exceptions). Unsurprisingly, powerful economic agents at this time cried out piously about the alleged violation of their property rights; all the more so when they received little or no compensation. But slave owners once cried out in the same vein, and their claims to compensation were also properly ignored. In short, once lawmakers decided that property law had been wrong to protect certain use rights, and that no such rights did or should exist, it was considered contradictory to grant compensation as if the property rights did exist after all. As the preamble to the Australian *Land Ethics (Amendment) Act 2025* still reads: ‘The government does not accept for compensation purposes the very baseline that regulatory protection recognises as wrongful.’⁷

4.6 *Inheritance and bequest*

Another key feature in the transition from growth capitalism to the politics of Entropia was the revolutionary reforms that took place in relation to the laws of inheritance and bequest. A few words will suffice to convey the essence of these changes and their salutary effects.

Opposition to the laws of inheritance and bequest was as old as the laws themselves. Allowing huge concentrations of wealth to be passed down a family line, from generation to generation, was often criticised for being an inequitable relic of feudalism that somehow survived the transition to capitalism. The overthrow of feudalism was driven, after all, by distaste for the arbitrary birthright privileges (of wealth, status, and power) that were bestowed upon the ‘nobility’. Simultaneously, one of the bedrock principles of political liberalism which shaped the post-feudal world was a commitment to ‘equality of opportunity’, that is, to the belief that success in life should be based as far as possible on merit, not accident, chance, or caste. Yet, despite entrenching arbitrary privileges and keeping concentrations of wealth intact for reasons other than merit, the laws of inheritance and bequest endured for hundreds of years after the transition to capitalism, almost as if they were essential to a private property system.

⁷ For an early defence of this position, see Margaret Radin, *Reinterpreting Property* (1993).

But essential they are not. Private property is a concept that has many conceptions. According to one persistent conception (useful though incomplete), property is a ‘bundle of rights’. What is clear is that the ‘bundle of rights’ can be reconfigured, sometimes significantly, while remaining a private property system, and over the last century private property has indeed been significantly reconfigured. In various ways (discussed below), the right to bequeath one’s property upon death has been disaggregated from the bundle of rights associated with property ownership. And when that right goes, so too does any alleged right of potential beneficiaries to inherit property. The politics of Entropia have shown not only that there can be private property systems that do not recognise the right to bequeath or inherit property, but also that such revised systems better accord with the arguments (based on freedom, justice, utility, security, and so on) used to justify private property in the first place.

Nevertheless, despite the conceptual possibility and normative attractiveness of a private property system that does not recognise the rights of inheritance and bequest, reconfiguring the ‘bundle of rights’ in that manner required political tact. Rather than an outright abolition of those inheritance and bequest laws, in most jurisdictions it proved to be politically more attractive to gradually increase inheritance taxes and gift taxes. In fact, even today, bequest and inheritance are still technically recognised in most of the advanced economies, where allowances are properly made for dependents (children, parents, and grandparents who are in need of support), as well as certain other exceptions (such as limited gifts to charities). But beyond providing for the essential needs of dependents, which is very limited in our age of the Basic Income, and other minor exceptions, a citizen’s property upon death is generally taxed in excess of 90%. This effectively (though not technically) disaggregates the right of bequest from the bundle of rights associated with ownership. It is perhaps surprising that only in England, where the roots of feudalism were deepest, have inheritance and bequest been abolished outright. In that jurisdiction, a citizen’s property upon death is now distributed by the Justice Tribunal, which was established in 2042. It is a system that has acquired wide support. Whether other jurisdictions eventually follow the English example remains to be seen.

Whether through taxation or outright abolition, disaggregating inheritance and bequest from the institution of private property has been a landmark achievement on the path to Entropia. Not only has it contributed greatly to the democratic ideals of equality of opportunity in life and a broad-based distribution of wealth, it also provided (and still provides) states around the world with the public

resources necessary to adequately confront the ecological crisis and adapt to climate change. In fact, many political parties, particularly in Western Europe, campaigned for the reform of inheritance and bequest laws on the very basis that the bulk of the new tax revenues would be directed toward environmental initiatives. Indeed, it would be fair to say that the transition to clean and renewable energy systems that we saw over the first half of this century was funded, to a large extent, by the proceeds of the property and tax reforms related to inheritance and bequest.

4.7. *Working hours*

The reforms outlined above represent the most significant structural changes that occurred over the last century to Western-style property systems. Before concluding our review of the paradigm shift, it is important to note one final revolutionary reform, this time in labour law, which is considered central to the politics of Entropia.

Over the last century working hours in the West have dramatically decreased, representing a culture-wide exchange of money for time. This was partly due to cultural changes in attitudes to consumption (i.e., the less one consumes the less one needs to work to support one's lifestyle), but it was also facilitated by structural changes. Economic theory posits that actors in an economy should be free to maximise their happiness (or 'utility') by selling as much or as little of their time (or 'labour-power') as they want. Under growth capitalism, however, there were structural biases that functioned to promote over-work (i.e., working hours that were not 'optimal' or 'utility maximising'), such as laws which treated the 40-hour work week as 'standard' and which excluded part-time workers from many of the non-pecuniary benefits enjoyed by those who work full-time. The effect of these structural biases was essentially to force many people to work longer hours than they wanted or needed to, which gave rise to cultures that tended to overconsume resources and under-consume leisure. This led to higher GDP per capita, of course, but often at the cost of quality of life, and the planet.

During the 21st century, led by Western European nations, many jurisdictions first introduced the 35-hour work week, then the 28-hour work week, and in places even the 21-hour work week. In a progressive response to pressures arising from the GFC, the US state of Utah, for example, shifted to a four-day work week for all public employees. Almost immediately it was reported that the resulting pattern of work reduction led to 'significant environmental benefits, with reduced transport and energy costs'. Furthermore, the

extra day off also led to a ‘dramatic increase in community volunteering’. Many governments around the world have shown leadership in this regard, by down-shifting most government positions to a reduced work week and by providing tax incentives to private employers which do the same.

As well as reducing the standard work week, labour laws have also been broadly reformed to better protect those in part-time employment and those who wish to job-share. In many places these policies have gone a long way to eliminating unemployment (because labour is systematically spread); furthermore, the increase in leisure has resulted in many other social and ecological benefits, including healthier and happier populations with more time to pursue their private passions and enjoy their civic responsibilities, and with lower ecological footprints (because they are consuming and travelling less).

Those who complained that these work policies would not maximise GDP per capita were obviously missing the point. The point of an economy is to efficiently promote quality of life, and if a smaller economy promotes quality of life by providing increased leisure but less money for its participants, then a smaller economy is the most economically rational option to choose. In a word, this is the rationality of degrowth.

4.8 Miscellaneous

There is much more to be written, of course, about the nature of our new, sufficiency-based civilisation and its economic and political structures. Volumes of work, for example, could be written on how we managed the debt ‘jubilee’ or how our new, community-run banking and financing systems work, which provide no-interest credit to enterprises that clearly serve the common good. It would be worthwhile, on another occasion, to recount in more detail how we reduced our military expenditure as our foreign aid increased; or how we restructured our food and transport systems; abolished advertising in public spaces; introduced resource caps; and conducted education campaigns about simple living and the value of increased self-sufficiency. But for now, this author must tend to his garden.

5. Conclusion: The Law of Progressive Simplification

According to Arnold Toynbee’s ‘Law of Progressive Simplification’, as a civilisation evolves it will come to transfer increasing

increments of energy and attention from the material (energy, money, possessions, etc.) to the non-material side of life (relationships, contemplation, community, art, and so on). If we accept this aspect of Toynbee's conception of history, which posits simplicity of living as the peak of civilisation, then ours has ultimately been a century of progress. As Toynbee and others predicted, nature compelled us to revert to a stable state on the material plane and thus we found ourselves forced to turn to the realm of the spirit to satisfy our hunger for infinity. As the dust settles upon the path we have travelled this century, we look back and gain a new prospect of the world and our place in it. When placed in the context of history, the changes we have seen have surely been as great as the transition from feudalism to capitalism.

If there is one lesson that humanity will take from this difficult century, it will be that legal and political reforms in property relations which slow or even have a negative impact on growth, and which thereby lower 'standard of living' (measured by per capita income), can actually increase 'quality of life' (measured by subjective wellbeing). Put otherwise, the lesson is that lower productivity is a small price to pay for unprecedented wellbeing, the advancement of distributive justice, and enhanced ecological conditions. Looking back we see how easy it would have been to avoid so much suffering and destruction had we only realised this earlier, or, rather, had we only acted earlier upon what we knew very well.

Of course, despite huge advances, our world today is far from perfect. Global poverty has not been eradicated and it is probably too early to claim that the ecological crisis is over. In particular, we will still need to adapt as the climate changes further, and the countless tonnes of carbon deposited in the atmosphere by earlier generations may still have unforeseeable impacts on global ecosystems. But genuine and significant progress has unquestionably been made. Far from signifying the end of history, however, it is clear that this moment in time, like every moment, is simply the beginning of the future. And that is the challenge which confronts us, which has always confronted us.

