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"Private Property Rights, Moral Extensionism and the Wise-Use Movement: A Rawlsian Analysis"

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Efforts to protect endangered species by regulating the use of privately owned lands are routinely resisted by appeal to the private property rights of landowners. Recently, the "wise-use" movement has emerged as a primary representative of these landowners' claims. In addressing the issues raised by the wise-use movement and others like them, legal scholars and philosophers have typically examined the scope of private property rights and the extent to which these rights should influence public policy decisions when weighed against other moral considerations. Whether from an anthropocentric standpoint or from a perspective of moral extensionism, the key question seems to be the extent to which prima facie property rights are overridden by other moral interests, not whether such rights claims can reasonably be appealed to at all in public discussions of environmental justice. I argue, however, that a morally extensionist perspective not only introduces more potential defeaters of prima facie property rights, but actually strips appeals to private property rights of their moral significance. Hence, I argue on Rawlsian grounds that appealing to private property rights in the way that the wise-use movement does is unreasonable in a pluralistic society. In so doing, I show that a Rawlsian perspective may be more congenial to the interests of moral extensionists than is typically thought.
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