

"No time for utopias"

"Property entails obligations," according to Article 14 of Germany's Basic Law. Sustainability is one of these obligations, says Oldenburg philosopher Tilo Wesche. He advocates giving property rights to nature to end the excessive exploitation of natural resources.

Interview: Ute Kehse



The Whanganui River in New Zealand owns its own resources. People who live along the river may acquire ownership of some of its natural assets, but are obliged to use them sustainably.

There is a lot of discussion about property at the moment, including proposals for the socialisation or even expropriation of property companies. The Collaborative Research Centre "Structural Change of Property", of which you are a member, also focuses on a new concept of property. What is behind the desire to change the current system?

Wesche: In recent decades our understanding of property has narrowed. Property is increasingly understood to mean solely private property. In our Collaborative Research Centre we want to remind people that there are alternative forms of ownership, such as cooperative ownership or public ownership. These alternative forms are increasingly coming under pressure: in Berlin, for example, a large percentage of housing was publicly owned until

the 1960s. Then came several waves of privatisation. Also, public universities are increasingly competing against private universities.

Is private property at the root of problems like social inequality and environmental destruction?

Wesche: I don't think private property per se is the cause. The problem is more the modern property rights, which were introduced at the dawn of the nineteenth century, when the French and American Revolutions ended. A key flaw is that these property rights fail to take account of the fundamental differences between assets and treat all assets as "objects". We lump everything together and treat natural resources in the same way as consumer goods such as clothes, furniture, toothbrushes.

You make the case for seeking alternatives to private property, especially as regards natural assets – you suggest nature itself to be given property rights.

Wesche: Exactly. In their current form, property laws allow me to use and consume natural assets as if they were consumer goods. I believe that natural assets should not be private property. Real estate, for example, should be treated differently from the soil on which it stands, because the soil is a natural asset and provides services such as stability and water storage. If nature belongs to itself, there may be private claims to natural assets, but these assets are always shared property: I can't simply do whatever I want with my land, even though it belongs to me, because it also belongs to nature.

Can you give a concrete example of what this might look like?

Wesche: One example I use for orientation is the Whanganui River in New Zealand. The New Zealand Parliament decided to give this river rights, including property rights. The river also owns its resources – the water, the fish, the plants along its banks, the sand. However, the river is not the sole owner of these resources. Those who live along the river can also acquire ownership of the natural assets, but these rights are limited by the property rights of the river. This results in the obligation to use the river's natural assets sustainably. Property ownership is supposed to protect against the encroachments and interests of others. Nature, as the owner of its resources, also deserves to be protected in this way.

So the idea is that we should give something back to nature when we take something from it – do you have other examples?

Wesche: This idea exists in all cultures and throughout history, whether in Latin America, Africa or Asia. In Christianity there is also the idea that God's creation does not belong to man, but to God. What interests me is how to translate this culturally or religiously informed idea into a secular social order. This is where the philosophical work begins, the search for arguments to justify the creation of such non-human legal entities.

And what was your conclusion?

Wesche: We should look at how we justify our existing property rights. Their normative basis is the rule that those who work to create assets have

property claims to those assets. We find this concept in the history of ideas, from antiquity to Thomas Aquinas in the Middle Ages and John Locke in the early modern period. It also crops up in current debates about unpaid care work or unearned wealth. I simply transfer this idea to nature. Because nature contributes to creating assets through ecosystem services – just as humans do through labour. And for that reason, nature should have the same property rights as humans do.

Couldn't the dilemma of overused ecosystems be solved by economic instruments such as taxes?

Wesche: By granting property rights to nature we go one step further and put up hurdles at different levels. The first is that if natural assets are not solely a human privilege, there can be no more



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free, unrestricted access to nature. We could no longer just go ahead and mine seams of coal or spray pesticides on fields, for example. The second hurdle is to create a compensation mechanism for our use of natural assets. This means, for example, that if soil is sealed and built over as a city grows, an equivalent amount of land must be unsealed elsewhere. If a forest is cleared, an equal amount of land must be reforested elsewhere. A third hurdle arises at the bioeconomic level: a price tag is put on nature. There's nothing unusual about this. If I use someone else's property, I'm prepared to pay for it – for using public transport, for example. And I believe the same should apply to the use of natural assets – that a fee should be paid for the use of property that doesn't belong to us. This fee should then be invested directly in sustainability goals. If you clear a forest and use the timber, for example, you pay a fee that covers the cost of reforestation.

Which piece of nature – locally or in Germany as a whole – should belong to itself in your opinion?

Wesche: The Wadden Sea, of course,

which is under severe threat from resource extraction and rising sea levels. But the green landscapes around Oldenburg are also threatened by global warming and the ensuing droughts. This shows just how urgent it is to provide nature with robust protection that can withstand economic interests. This doesn't mean that we should abandon economic interests altogether, but we need to set limits to the logic of profit maximisation – limits that can really put an end to the excessive exploitation.

Aren't you imagining some sort of utopia?

Wesche: For me, the point is not to present a utopia that is unattainable for us humans, but to start with what already exists. In the face of pressing problems such as climate change, species extinction, global pollution and the depletion of resources, we don't have time to think about utopias that may or may not be achievable at some point. Besides, there are already around 200 rights of nature cases worldwide – in New Zealand, Ecuador, Colombia, as well as in the US, Canada and even

the EU. Last year, for example, the Mar Menor lagoon near Murcia in Spain was granted its own rights. Rights of nature, including property rights, are now well established in legal practice.

So this change in property law would open the way for a sustainable society?

Wesche: That's a good way of putting it: it's the path towards a sustainable society. But ultimately, sustainable property rights, or property rights of nature, are not the goal. I would say that the kind of society we really want would not necessarily need property rights at all.

What do we need property for?

Wesche: The primary function of property is the distribution of assets: we need to distribute resources that are scarce in societies based on the division of labour. Property rights are the medium through which assets are distributed. On the other hand, this means that in societies where there is no division of labour and also no shortage of assets, we don't need property. But I think that is really utopian.

Outlooks

How will ageing change in the coming years?



Prof. Dr Tania Zieschang

Geriatrics

"The way we feel about ageing is constantly changing. For World War II widows born in the 1920s, for example, growing old after a lifetime of looking after children and tending to the elderly meant being looked after oneself at long last. The idea of having to exercise to maintain independence in old age generally met with resistance. Today, doing exercise is considered normal for adults, and the positive effects are well known. Many people are doing more and more to stay fit.

This is great, but it can also lead to frustration when people get older and are confronted with declining physical or mental abilities despite their efforts. They also experience this under different circumstances than previous generations: their children are busy with their jobs, or live far away and are not able to care for them. In view of this dilemma, as well as the shortage of healthcare workers, I am convinced that technical support systems will soon find their way into more and more households. Online shopping using voice commands has long been technically possible, but still needs to be adapted to the needs of older people. Homes will be fitted with sensors that detect things like whether they have got out of bed in the morning, or if they have had a fall, and automatically inform relatives.

One challenge for the field of geriatrics is to reach out to less educated population groups, especially when it comes to offering preventive services. Otherwise, the gap between those who are still fighting fit at 80 and those who feel old at 60 will further widen."