

Nature and Property Rights: Towards a Common Land?

Abstract

In the history of economic thought it is possible to find a view according to which land is a patrimony of all humans (Jean Baptiste-Say, 1803, Karl Marx, 1867, Leon Walras, 1896), or even of all species (John Stuart Mill). This perspective allows the criticism to the institution of private property by the authors referred, including its elimination (Marx, Walras). The present concerns related with environmental and ecological values constitute an opportunity to recover some of those visions and to reflect on the possibility to conceive land as a common good as well as the correlative implications of this conception in terms of property law like, for instance, the inheritance laws and the payments of compensations involved in the restrictions of property rights. The main concepts of Land Ethic (Aldo Leopold, 1949, Bairard Callicot, 1999) constitute also an opportune contribution to this proposal. In fact, the idea of interdependence of all beings expressed in the concept of “biotic community”, the enlargement of the universe of moral consideration to this community, and the necessity to highlight the private owners regarding the “health of land” (its capacity of self-renewal) introduce important aspects to the reflection about land and the economic, social and ethical impacts of the possibility of its appropriation – property rights. The possibility of land’s appropriation should not exclude its conception as a common considering that this denomination concerns the essence and the importance of something to the maintenance of life in a broad sense. A ‘common’ land can be owned through diverse property regimes depending on its specificities and the sustainability of its exploitation regarding different purposes of life support. Therefore, and to sum, the purpose of the paper is the proposal of the conception of land as a ‘common’, and to explore the implications of this conception in terms of the institution of property, considering some important contributions that, within economics and other fields of social and human sciences, inspire and allow the reflection on the issue of ‘our’ common land - *oikos*.