Carsten Herrmann-Pillath

Havings

Steps Towards a New Economic Philosophy of Property and Beyond

campus

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Structural Change of Property

Edited by Silke van Dyk, Tilman Reitz and Hartmut Rosa

Volume 7

Carsten Herrmann-Pillath is Professor and Permanent Fellow at the Max Weber Centre for Advanced Cultural and Social Studies, University of Erfurt and a principal researcher at the COEVOLVERS project.

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STRUCTURAL CHANGE
OF PROPERTY

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Klaus von dem Borne zum Gedenken

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Preface[1]

In the four years preceding the publication of this book, I was one of the principal investigators of the DFG cooperative research center "Structural Change of Property."[2] In its first stage, this center gathered researchers from many disciplines to explore property in rich dimensions: historical, international, sectoral, social, you name it. This type of high-level research project in Germany aims to foster cross-disciplinary cooperation, and after four years, there is a rich harvest. This book is my individual cross-disciplinary contribution to the center, inspired by many other researchers' discussions and research outcomes. My subproject was about China: The role of shareholding cooperatives and hybrid land ownership in shaping social and cultural change in the megacity of Shenzhen. I am grateful to the team that realized this work, facing many difficulties as much of the fieldwork had to be done under the draconian COVID-19 regime in China.[3] However, this book contains only one chapter on this research, even though it inspired my thinking on property.

This book's primary rationale is critical, but it also goes beyond critical reflection in suggesting an entirely new conceptual framework for property research. This claim is trumpeted in the book's title, which features an English neologism: HAVINGS. I present a theory of havings in which the conventional notion of property is only one aspect.

When dealing with the realities in China, researchers cannot avoid noticing the glaring tension between the established notions of property and social practices. China imported the terms of property from the so-called Western

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1 The author used Grammarly Premium for editing grammar and style. AI was not used in writing any content.

2 https://sfb294-eigentum.de/en/

3 https://sfb294-eigentum.de/en/subprojects/hybride-eigentumsordnung-im-staatskapitalismus/. I am indebted to the full-time team members Cheng Jing, Li Ling and Han Xu, the part-time members Song Sisi and Zhao Qian, and the associate SFB fellow Professor Guo Man. Specific contributions came from Professor Pan Liqun, Ren Yuxuan and Peng Ying.

discourses, often even the Western laws: private property, state ownership, collective and communal property, and public property. However, let us look at the phenomenon of "urban villages," originally fast-growing informal settlements built by native farmers and housing primarily migrant workers. The established property categories do not help in understanding how actual powers of using and controlling land are distributed and change through time. To a large degree, these categories are not institutions that determine the behavior of actors like "rules of the game," but tools to justify, legitimate and orchestrate social actions of various groups to get hold of the valuable resource of land. This is where difficulties of cross-disciplinary integration lurk everywhere. For many disciplines, the standard categories of property are given for various reasons. For example, lawyers may take them for granted because Chinese law defines and enforces them, although they also recognize the judiciary's essential role in interpreting these laws. As long as courts are not involved, practices may diverge widely from the law. When a conflict erupts and goes to court, judges often face complex equity issues in dealing with what the litigators may see as legitimate claims. In informal settlements, substantial swathes of urban land are involved, and hence, sensitive political topics such as distributional fairness among different groups are virulent. Researchers may conclude that "real life property" is not the same as in legal theory, which often aligns with economics demanding to overcome practices denounced as detrimental to urban development and income growth. This tension is salient in Shenzhen, but I learned from our sister project on informal settlements in India that the situation is the same: Standard conceptions of property do not help in understanding practices on the ground.[4] This had been argued forcefully in an influential paper by Benjamin Solomon and co-authors, a Mercator Fellow of the SFB,[5] and is further developed by Varun Patil, who emphasizes the importance of political processes in factually determining people's powers in controlling land and its use.[6] One of the PIs, the anthropologist and sociologist Martin Fuchs, stressed that a critical issue in cross-disciplinary research on property is that other disciplines often project the settled terminologies and institutions of advanced industrial nations of the so-called "West" on non-Western societies. This is certainly true for economics and sociology, as they mainly concentrate on those societies, Germany, Europe, or the United States.

4 https://sfb294-eigentum.de/en/subprojects/urbane-eigentumsordnungen-und-die-transformation-von-burgerschaft/

5 Solomon, Conover, and Shizgal 2017.

6 Patil 2024; Patil and Fuchs 2024.

Indeed, anthropologists attacked and rejected the standard terminology early, especially in the context of research on post-socialist transformation societies where the standard framework was actively transferred, such as in programs of "privatization."[7] Some authors opted for the "bundle of rights" view introduced by Hohfeldt.[8] However, it remains unclear how we can refer to these rights terminologically: Economists tend to interpret them as "property rights," along the lines of *usus*, *fructus* and *abusus* known from Roman law. As in the economic theory of commons, these rights may have the same status as conventional property, even "private," such as concerning alienation. This has also attracted anthropological critiques, pointing toward the fundamentally different nature of such rights in Indigenous societies, even if we refer to commons.[9] The question of our language of property is on the table.

Since I had done research in Shenzhen years before the SFB started,[10] I was sensitized to these issues and began considering alternative concepts. Max Weber obtained a crucial role. Max Weber does not concentrate on property but on "appropriation." The latter is undoubtedly a key concept in many projects of the SFB, for instance, the question of appropriation of specific resources such as the wind in renewable energies[11] or the appropriation of the female reproductive organs in various approaches to alternative technologies of human reproduction;[12] however, what Weber had already developed was a dynamic and action-based view on appropriation. He was already aware that even opening access to resources to others can be a form of appropriation, which stays in tension with the simple opposition between "private property" and open access to public property.[13] Therefore, I took the initiative to establish a working group on Max Weber, and researchers from different disciplines joined in various stages of their careers: Lydia von der Weth, Dirk Schuck, Verena Wolf and Markus Vinzent. Over two years, we read and discussed Weber's contributions, and I received inspiration for writing the first chapter of this book. Thank you, Max Weber team!

One important lesson from reading Weber is that we cannot analyze property independently from the economic system of which it is a part, particularly how property relates to money and finance. In the SFB, several projects reveal this close

7 Hann 2007, Turner 2017.

8 Benda-Beckmann, Benda-Beckmann, and Wiber 2006.

9 Wagner and Talakai 2007.

10 Herrmann-Pillath, Guo, and Feng 2021.

11 https://sfb294-eigentum.de/en/subprojects/windernte-und-warmeklau-als-indikatoren-neuer-eigentumsordnungen/

12 https://sfb294-eigentum.de/en/subprojects/eigentum-am-menschlichen-korper-im-kontext-transnationaler-reproduktionsokonomien/

13 This is salient today in the digital economy; https://sfb294-eigentum.de/de/teilprojekte/geistiges-eigentum/

relationship, such as the role of housing assetization.[14] For Weber, private property is a specific form of property that is critical for capitalist calculation. Most SFB members would tend to agree, but the implication is less obvious when it comes to debating so-called "alternatives to property:" Similar kinds of property may have very different social and political consequences in different economic systems and, specifically, how these organize finance. However, our fetters of language partly block the view of such interdependencies. Writing as an economist trained in the German traditions of institutional economics or, better, evoking the Weberian concept of order, "economics of order" (*Ordnungstheorie*), I know this fact well. The classical 20th-century German economists mostly believed that private property only has beneficial social outcomes if embedded in a specific economic order that establishes a "firewall" between property and power, both financial and political. This demonstrates the primacy of order over property.[15]

However, I learned that achieving analytical and theoretical progress is difficult as long as we stay within our established frames of talking property. So, the idea for this book was borne. In our research on Shenzhen, already referring to Weber's concept of appropriation, we introduced the term "ownership" to refer to a form of property that does not allow for alienation and is relational.[16] That was premature, even though I later learned that some anthropologists had moved in the same direction.[17] However, I also learned that disciplines differ widely in interpreting this term: Ownership is often seen as the most potent form of Blackstonian property in legal studies and institutional economics.

Hence, two kinds of work were necessary. First, clarify the fundamental meanings of property, and then construct a new language of property that would liberate the understanding of these meanings from the constraints of current terminological usages. For the first work, my cooperation with Frédéric Basso (at LSE, not an SFB member) proved invaluable: Our book on embodiment and political economy already contains a chapter in which we approach property from an embodiment perspective.[18] Fred also showed me the capstone that was not yet included there but is now included in the current book: Sartre's view on *faire*, *avoir* and *être* as the three fundamental modes of human existence.[19] Sartre's inspiration shows the importance of foundational work on property, primarily done in philosophy.

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14 https://sfb294-eigentum.de/en/subprojects/das-habitat-als-pfand/

15 Unfortunately, this insight has been widely marginalized in modern economic and political thought, as Walter Oswalt has forcefully demonstrated in his critique of modern economic liberalism; Oswalt 2024.

16 Cheng, Herrmann-Pillath, and Li 2022.

17 For example, Brightman, Fausto, and Grotti 2016.

18 Basso and Herrmann-Pillath 2024.

19 Sartre 2017.

Two philosophical contributions by SFB members were highly significant for my work: Jakob Blumenfeld's book on German idealism[20] for the argument in Chapter 3 and Tilo Wesche's work on the Rights of Nature in Chapter 5.[21] Hegel had shaped my thinking for years, culminating in a book on a Neohegelian approach to institutions.[22] Therefore, Blumenfeld's argument was fully compatible with my thinking, and I could sketch a Hegelian view on property that goes beyond standard views that mainly focus on the "Philosophy of Right" and that overlook the deeper phenomenological roots of Hegelian property (Hegel also influenced Sartre). Hegel invented the German term for "private property," so we gain much insight when Blumenfeld shows that German idealism, in general, derives property from the need to create a peaceful and flourishing community. Contrary to the anglophone tradition, property is not an individual's natural and pre-social right. To put it paradoxically, private property is public: This tradition is mostly neglected in the Anglophone literature on property and has continued in the previously mentioned views of German economists of the last decades of the 20th century, though gradually fading out in following the Anglophone mainstream.

Against this background, Wesche's argument becomes even more significant: Rights to Nature should not be derived from ecocentric ethics and worldviews but as rights to property of nature that systematically follow from the existing legal and institutional framework: a revolution from within. In the same way, as we recognize women's property today and reject gender-based dispossession reigning in many societies, past and present, we may recognize other beings' property in the future, an argument also well-known in animal rights literature. Again, the problem with property is less seen in isolation but with its embedding of ideological, social, and political frames. This means that, eventually, a radical political transformation is necessary. At this point, my work in Chapter 5 could also build on the cooperation in the COEVOLVERS project, where I am one of the PIs, exploring the utopia of a multi-species body politic.[23]

Western colonialism has forced these property frames on the world as we know it today, and they are rooted in European antiquity. The SFB diagnosed and explored this fundamental fact in several projects.[24] These results highlight the need and difficulties of moving beyond these frames terminologically. The current attempts often lead to a terminological mess, most apparent in the in-

20 Blumenfeld 2024.

21 Wesche 2023.

22 Herrmann-Pillath and Boldyrev 2014.

23 Horizon Europe project 101084220: "Coevolutionary approach to unlock the transformative potential of nature-based solutions for more inclusive and resilient communities". I am grateful to Simo Sarkki and Juha Hiedanpää for inspiring collaboration on ecocentric democracy.

24 For a stimulating collection of papers, see Bianchi Mancini et al. 2024.

flation of the meanings of "commons," reaching from local to global, Indigenous to open source, and many other uses. I contributed to that mess, too,[25] and felt a sense of urgency in clarifying terms. This book is my effort to do so. In referring to modes of having and modes of havings, the new conceptual framework builds on linguistic universals.[26] These universals combine with a rich variety of practices in which alienability and forms of alienation via money-mediated social interactions play a critical role.

I hope the new terminology will receive critical acknowledgement, although I do not expect much to change with the established frames firmly entrenched in our societies. The language of havings is an attempt to create a scientific terminology that enables cross-disciplinary research on what we know as property while avoiding the many pitfalls of the established language, which is only apparently unified across the respective single-disciplinary discourses.

25 Herrmann-Pillath 2023.
26 Aikhenvald 2012.

Introduction: Beyond property

Je suis ce que j'ai.
Jean Paul Sartre, L'être et le néant[1]

When the anthropologist Luiz Costa presents his ethnographic account of ownership and kinship among the Kanamari in Western Amazonia,[2] he insists that for an adequate understanding and description of their practices and ways of life, it is necessary to use the native language words. Translations inevitably distort meanings. This is certainly true for any words that might appear semantically close to "property," hence describing a human relationship with an object that legitimately excludes others. His report is part of a fascinating collection of papers on Amazonian natives, and the authors agreed on using the term "ownership" in the introduction specified as "altering ownership"[3] for the phenomena they are exploring. However, the term ownership is not free from conceptual bias, too, as in influential English uses, the term refers to the strongest "Blackstonian" form of property, undoubtedly different from what the authors have in mind.[4]

The Kanamari raise pets, often the offspring of killed prey. They incapacitate the animals by pulling out teeth and claws, which frequently is enough to kill them. The surviving animals are trained to eat human food, including meat of their species, which is often pre-chewed by humans, primarily women, who then feed the animal. The feeding establishes a relationship of mastery between the human and the pet: The human is the pet's owner. Feeding is not just meeting a need but also creating one, hence a dependency relationship. The pet exclusively relates to the human owner. Costa shows how such feeding relationships permeate Kanamari life, merging the notions of ownership and kinship, as in the primordial relationship between mother and child. These relationships are seen as deeply embodied: Costa uses the term "body-owner" instead of "owner." The pet becomes part of the human body through feeding and vice versa. However, the relationship is asymmetric since the body-owner is the locus of agency relative to

1 Sartre 2017, 774.
2 Costa 2016.
3 Brightman, Fausto, and Grotti 2016.
4 Honoré 1961.

the owned, like the mother in relation to the child. This asymmetry also applies to the relationship between chief and followers, which is established in commensality. Commensality enacts kinship. Chiefs are the body-owners of the garden, which marks the village's location, and they allocate plots to households. There is a clear distinction between the communal garden and the household plots. Ownership is fundamental in the Kanamari worldview, as it grounds in spiritual conceptions of life where predation is omnipresent, with the Jaguar as the supreme body-owner of all life. Feeding is the human transformation of predation while maintaining the mastery of ownership. Commensality creates community via the symmetry of feeding.

Costa's study is one example of numerous anthropological contributions showing that possessive relationships are a universal feature of being human. However, they still have distinct qualities across human societies that do not allow for the generalization of the notions of property prevailing in so-called "Western" modernity. In the Amazonian examples, nurturing is a critical element of possession, raising questions about common distinctions between "care" and appropriative relationships: Care appears as mastery over the other and appropriates via embodying the other. Hence, we notice that Western biases in conceptualizing property also affect views that dissent from the mainstream.[5] A glaring example is the debate about the commons, where anthropologists have argued that the dominant property paradigm still shapes this notion and fails to grasp the nature of possessive relationships in non-Western societies.[6]

Property is a central economic institution and a topic of many theoretical controversies, often profoundly impacting society and politics.[7] Political revolutions frequently put property at their center, aiming at uprooting the distribution of wealth and power in society. Property is also at the core of the current climate challenge to society, as it is the institutional form that shapes how most humans access and use natural resources.[8] Therefore, a clear theoretical view of property is indispensable. However, this view is not ready because the complexity of property in economic life transcends the simplicity of theoretical concepts by far, often leading to severe misjudgments with practical impact. A famous example is

5 A case in point is the magistral book by Widerquist and MacCall 2021. They organize the entire anthropological evidence to refute the mainstream view of property and cast the falsifying data in the same language, such as common or public property. Although I am sympathetic with their critique, this approach stays in the mainstream in failing to recognize the nature of genuinely different ways of relating to things and people. The critical issue is how "private property" and "property" relate, and what are the minimal features of "property."

6 For the case of Oceania, see Wagner and Talakai 2007.

7 van Dyk, Reitz, and Rosa 2023.

8 Wesche 2023.

Hardin's "Tragedy of the Commons," which informed many efforts to install private property of natural resources but was refuted by Elinor Ostrom's research on real-world commons.[9] She showed that the actual workings of property are determined by complex social, cultural and political factors and, hence, cannot be reduced to abstract theoretical principles that only highlight aspects such as economic efficiency. Property, in the sense of Mauss, is a "total" social phenomenon, and limiting the view on a specific scientific discipline such as economics is like the proverbial blind men touching only one part of the elephant, thus ending up with partial and grossly misleading views.

Until today, the economic view of property is shaped by the idea that scarce resources are best allocated via markets, and markets require clear property rights assignments to reduce transaction costs. This idea has been extended to a teleological view of institutional change, suggesting that with scarcity becoming increasingly salient, such as resulting from population growth, property will evolve towards a regime of more differentiated and unequivocally assigned property rights.[10] For example, many economists recommend clarifying property rights and installing markets if water becomes scarce. Such recommendations are not universally accepted since critics are concerned about the distributional impacts of markets and issues of human rights regarding basic needs. However, overviewing historical developments, the economic notion of institutional progress driven by efficiency seems to accord with the evidence, but with a Polanyian twist: We do indeed diagnose a global diffusion of a particular formation of property, but this is also, if not predominantly, driven by the diffusion of specific ideas about property, and not necessarily by the convergence of economic determinants of institutions. In Marxian terms, the intellectual superstructure was at least as significant for the diffusion as the material substructure.

This diffusion was mainly driven by the forceful transplantation of European legal concepts and laws to the colonies, resulting minimally in a legal pluralism of local customs and the laws of the colonizers.[11] Moreover, adopting variants of European law was also seen as a critical element in efforts to modernize countries that escaped colonization, such as Japan, or even countries undergoing decolonization, which mainly substituted the colonizers' law with national laws informed by the same legal teachings. Property is shaped primarily by civil and common law, and these have defined the models for law-making all over the globe. These are mainly the versions of 19th-century nation-states. In the early period

9 Ostrom 2015.

10 A classical statement of this is Douglass North's (1981, 1990) work in earlier stages of his intellectual development.

11 Acemoglu, Johnson, and Robinson 2001.

of colonization, other trajectories were still possible, such as the transfer of feudal law in the French colonies.[12] But today, the European models prevail in many countries. Apart from customary law, one of the most developed alternatives is Islamic law. Even in the case of China, where property defines its nature as a socialist state, the civil law mainly follows the European models, after earlier receptions in Republican China that were informed by Japanese transplantations of German civil law.

For the argument in this book, one observation is essential: This process of outward colonization of the globe legitimized by European notions of property was accompanied by the internal colonization of local communities in Europe by the emerging modern nation states, epitomized in the struggle over the commons.[13] Even earlier, Roman conceptions of property evolved in the provinces of the Empire, driven by powerful interests in exploiting these lands to accumulate wealth in the Italian heartland appropriated by the Roman elites. Hence, we cannot understand modern forms of property without relating property to the outwardly and inwardly colonizing state and recognizing the tension between the state and local communities.

In the modern debates about property, this question is salient in what appears to be a relatively narrow topic: the fight of Indigenous people to regain and protect claims of their homelands against the hegemonic societies. In these debates, we learn that Indigenous claims cannot be adequately translated into the language of hegemonic law, even though native lawyers must do it to prevail in disputes and convince political actors.[14] However, reference to Indigeneity is misleading while truly inspiring: All kinds of local communities confronting an intruding state and its modern law may count as "indigenous," such as the communities in early modern rural France. Indigeneity refers to the difference between local people and a colonizing power, eventually transforming into an independent state like the USA or Brazil. This is important, but it is not far enough since we must recognize the phenomenon of internal colonization. This can refer to minorities in states that were never colonized in the past but also to local communities in the broader sense that may follow practices of property that do not accord with the hegemonic law, such as in a country like Indonesia, where modern state law, Islamic law and various local customary laws coexist. One legal domain where this is most salient is the family and inheritance, especially regarding gender. In countries such as In-

12 Greer 2017.
13 de Moor 2018.
14 McNeil 2017.

dia, local practices often prevail over formal civil law, visible in widespread and blatant violations of women's rights.[15]

I take such observations as inspiration to raise a theoretical question. We face a global convergence of legal and economic conceptions of property, driven by expert epistemic communities, business interests, and state elites pursuing modernization projects. On the other hand, we also know that other conceptions of property are being marginalized. What if those marginalized conceptions show us that something essential is missing in our modern ideas of property, a white spot that calls for theoretical extraction and systematization? What if these other ideas may show us new solutions to our challenges today? What if "they" are right, and "we" have been wrong for centuries, if not millennia?

In other words, I aim to de-colonize property, literally and metaphorically. Property is a concept that is almost by necessity shaped by hegemonic interests, even in the sense that critics are drawn into the orbit of their ideas. For example, potential intellectual property owners certainly will endorse ideas about this type of property. In the 19th century, the emerging capitalist elites favored the new private property concepts enshrined in the civil laws. Unfortunately, critics were drawn into a position that mainly defined itself as the negative, resulting in modern conceptions of state ownership and other forms of public ownership. These alternative ideas often undergirded internal colonization, too, harming local communities like capitalist colonization.

In economics, the semantic space of property is spanned by the notions of state ownership, collective or communal property, public property and private property. This list hides the diversity and richness of property in human history and fails to highlight essential components.[16] The distinctions are shaped by the legal setting of modern states, which could only be taken for granted in a quasi-Hegelian view that these represent a climax of institutional development. I take a radically different position: Even the notion of property as such is deeply problematic as it carries the burden of European history since Roman times. Via translations, it became part of many languages, and indeed all hegemonic ones. This is a global intellectual if not spiritual, colonization. I use the term "spiritual" here since property is indeed shaped by ideas that are by no means grounded in "science" but are primarily religious in origin.[17] If we confront property with Indigenous spirituality, the latter may seem easy to surrender, facing claims for science as in economics. However, the latter claims are spiritual, too, for example, regard-

15 Rao 2008.

16 This fact is mainly pointed out by anthropologists, for example Turner 2017.

17 Vinzent 2024. For lively illustrations, see the vignettes in Kimmerer 2020.

ing the negation of animals as property holders and reclaiming "soul" and personhood only for humans.[18]

How can we throw off the intellectual ballast of two millennia speaking "property"? We must change our language. This book introduces an English neologism: "havings." This is in formal analogy to "belongings," derived from "to belong." Indeed, "to have" and "to belong" are closely related, as what I have, belongs to me. However, the verb "to have" has a much broader meaning than only referring to linguistic terms of possession. In introducing the neologism "havings," I highlight these aspects exclusively. Many languages use verbs like "to have" that express possessive relationship, such as in Chinese "you," (which is then further specified in bisyllabic words, such as "zhanyou") or "ter" in Portuguese that shows the same broader meanings as "to have." Another frequent construct is using "to be" with a noun, such as in Russian where "I have" translates as "u menja est'", with "est'" "to be." Similarly, in Japanese, the construction is used "watashi ni XXX ga aru," with "arimasu" meaning "exist." In sum, across human languages we observe a close relationship between "having" and "being" in the sense that "having" extends further than mere "property" and also includes strong forms of identifying a feature with an individual, such as saying, "I have a long nose," and similarly, expressing a form of co-existence as a close association between an individual and an object.[19]

The approach to "havings" developed in this book takes these fundamental linguistic patterns as the point of departure as they reflect the universality of possessive relationships in human forms of life.[20] In doing so, in this introduction, I refer to one philosophical position explicitly, Sartre's account of possession, since this grounds the claim of universality in the ontology of being human (we will discuss in Chapter 5 whether this extends beyond humans).[21] Sartre distinguishes between three fundamental modes of human being: doing *faire*, having *avoir* and being *être*. He regards doing as being reducible to having, since we mostly need to have something to do something and do something to create what we have. Sartre distinguishes neatly between the ontological relationship of having and the rights to have, that is, property. The latter only serves to create legitimacy of having, resolve conflicts, and hence regulate social relationships that affect having. However, Sartre cannot avoid using terms such as possession or even property since there is no noun corresponding to *avoir*, similar to the situation in English. Let

18 Deckha 2021.

19 Aikhenvald 2012.

20 To be crystal clear: I distinguish this view radically from otherwise related views, which, however, deny property as "private property" being a universal feature, for instance, Widerquist and McCall 2021. This is definitively true, but I claim the universality of havings and regard private property as a specific institutional form that became hegemonial in capitalism.

21 Sartre 2017, 754 ff.

me continue to use the term "possession" here even though "havings" would be the proper term in my argument.

What does it mean that possession is ontological? This is not the place to delve into the intricacies of Sartre's philosophical reasoning. I restate his argument in plain words and add cursory observations on how we can make sense of it in terms of contemporary human sciences. Sartre claims that having is the necessary form of being because the human individual is always deficient in transcending her current status which is also untransparent (in the sense of non-thetic) to consciousness. Being (as for-itself) is a project (often written *pro-jet*, hence a projection) in which the individual enacts what is radical freedom of choice facing an open and indeterministic future.[22] Choice is radically free because the world as a totality of possibilities is underdetermined and must be fixed by acting. This differs in principle from the notion of freedom that informs economics. In economics, individuals know their preferences and face constraints (which may be uncertain in the probabilistic sense); they are free to choose which actions contribute to fulfilling their needs. In Sartre's view, the constraints are not objectively given but are determined by free choice in turn (his famous examples include the rock, which I might see either as an obstacle or an opportunity to climb and achieve a grander view). The constraints are part of the project of being which is freely chosen. Further, having an object is not simply controlling a resource to meet one's preferences. By having an object, subject and object form one unity of being, a Hegelian totality. For the individual, being requires creating a relationship with an object that is both different from the subject and also a part of it. Evidently, this view is deeply influenced by Hegelian expressivism, yet eschewing the reference to spirit (for Sartre, the human is God): In the relationship of having, the individual projects herself on the world and, at the same time, becomes herself.

Accordingly, Sartre's notion of appropriation is much wider than the common view of property. His example of skiing illustrates this point. A slope would be destroyed if we tread on it. When skiing, we glide over it and appropriate it as an independent object, preserving its shape. Our appropriation is enacted via our own bodily movements, and the gliding creates the unity of slope and individual. Obviously, this does not imply that the slope becomes the property of the human. Economists would point out that the slope is a club good, and if too many people would use it, destruction looms. Hence, rights of access must be established and enforced. However, this argument does not invalidate Sartre's point: Using is not simply a functional relationship but ontological. Accordingly, using has the

22 This fundamental orientation towards the future in even the simplest actions, like raising a bottle to drink, is also highlighted in modern cognitive sciences and philosophy of mind; Clark 2023.