## 1AC – Kant

#### Human beings cannot reject their ability to be free –

#### First, inescapability – the exercise of practical rationality requires that one regards it as intrinsically good – that justifies a right to freedom.

Wood [Allen W. Wood, (Stanford University, California) "Kantian Ethics" Cambridge University Press, 2007, https://www.cambridge.org/core/books/kantian-ethics/769B8CD9FCC74DB6870189AE1645FAC8, DOA:8-12-2020 // WWBW]//rct st

Kant holds that the most basic act through which people exercise their practical rationality is that of setting an end (G 4:437). To set an end is, analytically, to subject yourself to the hypothetical imperative that you should take the necessary means to the end you have set (G 4:417). This is the claim that you rationally ought to do something whether or not you are at the moment inclined to do it. It represents the action of applying that means as good (G 4:414) – in the sense of “good” that Kant explicates as: what is required by reason independently of inclination (G 4:413). Kant correctly infers that any being which sets itself ends is committed to regarding its end as good in this sense, and also to regarding the goodness of its end as what also makes application of the means good – that is, rationally required independently of any inclination to apply it. The act of setting an end, therefore, must be taken as committing you to represent some other act (the act of applying the means) as good. In doing all this, however, the rational being must also necessarily regard its own rational capacities as authoritative for what is good in general. For it treats these capacities as capable of determining which ends are good, and at the same time as grounding the goodness of the means taken toward those good ends. But to regard one’s capacities in this way is also to take a certain attitude toward oneself as the being that has and exercises those capacities. It is to esteem oneself – and also to esteem the correct exercise of one’s rational capacities in determining what is good both as an end and as a means to it. One’s other capacities, such as those needed to perform the action that is good as a means, are also regarded as good as means. But that capacity through which we can represent the very idea of something as good both as end and as means is not represented merely as the object of a contingent inclination, nor is it represented as good only as a means. It must be esteemed as unconditionally good, as an end in itself. To find this value in oneself is not at all the same as thinking of oneself as a good person. Even those who misuse their rational capacities are committed to esteeming themselves as possessing rational nature. It also does not imply that a more intelligent person (in that sense, more “rational”) is “better” than a less intelligent one. The self-esteem involved in setting an end applies to any being capable of setting an end at all, irrespective of the cleverness or even the morality of the end setting. Kant’s argument supports the conclusion, to which he adheres with admirable consistency throughout his writings, that all rational beings, clever or stupid, even good or evil, have equal (absolute) worth as ends in themselves. For Kantian ethics the rational nature in every person is an end in itself whether the person is morally good or bad.

#### Second, regress – we can always ask why we should follow a theory, so they aren’t binding because they don’t have a starting point. Practical reason solves – When we ask why we should follow reason, we demand a reason, which concedes to the authority of reason itself, so it’s the only thing we can follow.

#### The use of external objects through property rights is necessary for freedom.

Breitenbach 1 (Angela Breitenbach, a professor of philosophy in the Faculty of Philosophy at the University of Cambridge and a Fellow of King’s College, September 2005, accessed on 11-13-2022, PubMed, "Kant goes fishing: Kant and the right to property in environmental resources - PubMed", https://pubmed.ncbi.nlm.nih.gov/16137600/) [some copying errors from the pdf may result in random apostrophes/symbols] [all brackets from the original] //phs st

\*\*\*UPJ = Universal Principle of Justice

2.1. Kant’s conception of justice

In the introduction to the Doctrine of right, Kant distinguishes between that which is innately, or internally, just from that which is derivatively, or externally, just (6:237). There is only one principle concerning that which is innately just. This is the principle of freedom. More specifically, it is the principle of external freedom: a just situation is that in which every human being is externally free, that is, indepen- dent from being constrained by other people’s actions. The actual nature of the human condition, however, is such that the pursuit of external freedom by one inev- itably restricts the pursuit of external freedom by another. As a matter of fact, we do not inhabit an unbounded plane’ on which people could be so dispersed : : : that they would not come into community with one another’ (6:262). One person cannot be unrestrictedly free without undermining the unrestricted freedom of another. Under these conditions, the principle of unrestricted external freedom contradicts it- self: if everyone had unrestricted external freedom, then no one could have such free- dom. The very concept of external freedom for each therefore entails that this freedom must be restricted. And since the principle holds universally for all human beings, external freedom must be restricted in a way that leaves the same freedom for everyone. Thus, Kant claims, [t]his principle of innate freedom already involves the following authorisation innate equality, that is, independence from being bound by others to more than one can in turn bind them(6:237–238). The external free- dom of each is guaranteed only by a restriction of freedom that can hold for every- one. This is precisely the idea of Kant’s Universal Principle of Justice’ (hereafter UPJ): [a]ny action is just if it can coexist with everyone’s freedom in accordance with a universal law’ (6:230)6. Kant’s conception of justice thus follows analytically from the principle of innate freedom’.

The UPJ thus specifies how the external freedom of one person can be reconciled with that of another: the restriction of one person’s freedom is just only if it is uni- versalizable. More generally, an action is just if it leaves all those affected by it free to pursue just actions themselves. It is unjust if those who are affected by it are hin- dered from performing just actions. The concept of a right can now be derived from that of just and unjust action. Consider Kant’s example of a debtor and his creditor (6:232). The former acts unjustly if he does not pay his debt. The latter can there- fore be said to have the right to be paid while the debtor has the corresponding duty to pay. More generally, we have the right that others restrict our external freedom only to an extent which is universalizable. And we have the duty to refrain from non-universalizable restrictions of the external freedom of others. Rights, and du- ties, are therefore universal. What is described as a situation in which the innate freedom of one is reconciled with that of others by a universalizable system of lim- ited restrictions of freedom can also be described as a possible, or consistent, system of rights.

The example of the debtor and his creditor shows a further point: the creditor acts justly if he uses coercion to constrain his debtor to pay the debt. For, Kant argues, any action which counteracts the hindering of an effect’ promotes this effect (6:231). Since resistance to unjust action is resistance to the non-universalizable restriction of external freedom, it promotes external freedom. It is therefore just. Kant concludes that the concept of a right includes the authorisation to use coercion which would counteract coercion preventing exercise of the right (6:232).

Given this account of justice, how does Kant justify rights to property? The right to property in a thing seems to entail the right to exclude others from using the thing. Yet, how could there by a universal right to exclude? A Kantian argument for the right to property would have to show that the reconciliation of the external freedom of one with that of others requires the right to property in external objects. Kant’s argument is extremely complex. A brief outline may help with the detailed investigation that follows.

Kant begins with an analysis of the notion of property. Property, or rightful pos- session’, constitutes a non-physical, purely normative relation. To prove that we have indeed a right to property, it will have to be shown that the lack of a system of property rights is incompatible with the UPJ. Here we encounter a problem. On the one hand, the right to property seems to be a necessary condition for the pur- suit of external freedom. As finite and embodied beings we need to have external objects reliably at our disposal in order to attain our aims. On the other hand, we are, as a matter of fact, under empirical constraint by living on a finite earth. Any claim to property by one compromises the freedom of everyone else by making pos- sible objects of their choice unavailable to them. Both a system including property rights and a system without property rights seems incompatible with the UPJ. How- ever, without a solution to this dilemma, just action is impossible. Kant therefore introduces a permissive law: we obtain the permission to constrain others by exclud- ing them from our possessions. Yet, how does Kant justify this patent violation of the UPJ? Kant rejects the premise, underlying both horns of the dilemma, according to which a property right can be established by a unilateral act. Under actual human conditions property rights are necessary for external freedom. But the UPJ requires that everyone’s freedom be equally secured. If, therefore, there are to be property rights they must be equally valid for all. Consequently, the right to property can be established solely by a universal duty to respect each other’s rights to property. Only a system of property rights thus based on a universal duty is compatible with the UPJ. Finally, the duty to respect others’ property rights entails the duty to secure property rights by means of positive laws. The (provisional) violation of the principle of justice authorised by the permissive law is legitimate because it makes possible the full realisation and securing of a just condition in society. With this general outline in mind, we may venture into the details of Kant’s argument.

2.2. A deduction of the right to property

#### Property rights can’t be unilaterally imposed. A collective will is required to hold everyone under a universal obligation.

Breitenbach 2 (Angela Breitenbach, a professor of philosophy in the Faculty of Philosophy at the University of Cambridge and a Fellow of King’s College, September 2005, accessed on 11-13-2022, PubMed, "Kant goes fishing: Kant and the right to property in environmental resources - PubMed", https://pubmed.ncbi.nlm.nih.gov/16137600/) [some copying errors from the pdf may result in random apostrophes/symbols] [all brackets from the original] //phs st

Let me turn to the second question. In what way is this violation of the UPJ jus- tified? Does the postulate point towards a situation in which just action is perma- nently possible? The postulate solves the antinomy by rejecting an important assumption underlying both thesis and antithesis: the premise that intelligible posses- sion could be grounded on a unilateral act (6:256). Instead, Kant argues, intelligible possession of an object is constituted by the right to exclude others from using the object, and by the corresponding obligation of others not to interfere with this right. As Kant says in §8,

[w]hen I declare, I will that something external is to be mine, I thereby declare that everyone else is under obligation to refrain from using that object of my choice, an obligation no one would have were it not for this act of mine to establish a right. (6:255)

But rights and obligations can hold only between rational beings. If intelligible pos- session is to be regarded as a relation between persons, however, it cannot be grounded by one person alone. Kant’s thought continues:

[t]his claim [that something external be mine] involves, however, acknowledg- ing that I in turn am under obligation to every other to refrain from using what is externally his; for the obligation here arises from a universal rule (6:255, emphasis added)

The right to property may be suggested by my unilateral act of declaring something to be mine. But it cannot be justified by this act. It is justified by a universal rule. As the argument so far has shown, the rejection of the right to intelligible posses- sion cannot be universalized. This entails, Westphal lays out, that a maxim for action according to which an agent regards others’ intelligible possessions as available re- sources cannot be universalized either.15 The point of having rights to intelligible pos- session is to be able to rely on the availability of certain items of use. Undermining such use would undermine a person’s rational agency. The interference of one with the intelligible possession of another would therefore undermine the external freedom of the latter. Thus, the act of interference with another’s possessions cannot be univer- salized. A commitment to rights to intelligible possession would also commit one to respecting others’ equivalent rights. Kant’s second formulation of the postulate there- fore contains the concept of duty: that is a duty of right to act toward others so that what is external (usable) could also become someone’s’ (6:252). It is this duty that is the universal rule’ grounding the obligation that arises out of property claims. 15 Westphal (2002), pp. 99–101.In this way, the Postulate of Practical Reason makes possible the provisional jus- tification of property rights. Kant’s claim that intelligible possession can be estab- lished only by the collective, general’ will (6:256) can be understood as the claim that a system of property rights is just only if it can be willed by all. A system of property rights must be universalizable. We can now answer our second question. The justification of property rights by means of the postulate is provisional as long as there are no positive laws that determine a specific configuration of property rights and their corresponding obligations. The duty to respect other persons’ posses- sions entails the duty to secure property rights by positive laws by entering into soci- ety with all others. By authorising the provisional violation of the UPJ, the postulate as a lex permissiva presents a solution to the antinomy and points to a full realisation of the UPJ in society. By means of the postulate, Kant has shown how intelligible possession can be reconciled with everyone’s external freedom. This solves the antin- omy and concludes the deduction of intelligible possession.16

3. Kant’s conception of property rights

#### Thus, my standard is consistency with the omnilateral will.

#### That outweighs –

#### First, rights must be derived a priori – a posteriori conceptions of property fail.

Breitenbach 3 (Angela Breitenbach, a professor of philosophy in the Faculty of Philosophy at the University of Cambridge and a Fellow of King’s College, September 2005, accessed on 11-13-2022, PubMed, "Kant goes fishing: Kant and the right to property in environmental resources - PubMed", https://pubmed.ncbi.nlm.nih.gov/16137600/) [some copying errors from the pdf may result in random apostrophes/symbols] [all brackets from the original] //phs st

3.2. The essential characteristics of Kantian property rights

First, from Kant’s justification of property as ultimately grounded on reason, it follows that a system of property rights is defined by its necessary and universal validity. Thus, the justification of property rights is based on universalizability, a direct and necessary requirement of reason. It is independent of any contingent claims. In this respect, Kant’s justification of property rights contrasts sharply with consequentialist justifications. For Hume, for instance, the justification of property rights is based on the claim that a system of property rights makes everyone better off.24 Hume’s account is concerned with the benefit or harm that would result as a consequence of the introduction of property rights. Whether such consequences are beneficial, however, is dependent on the contingent needs and desires of human beings. For Kant, by contrast, non-compliance with a system of property rights is illegitimate not because it would produce disutility. It is illegitimate because it would be impossible for at least some others to act on the same maxim of non- compliance.

This entails, furthermore, that a property system on Kant’s account is univer- sally valid for all rational beings. It can be justified only by a general will. The concept of the general will may be associated with contractualist conceptions of rights.25 Kant’s interpretation of the general will, however, differs significantly from such interpretations. The latter appeals to actual or hypothetical agreements between different individual wills. This agreement is not necessarily justified by practical reason but may be based on certain assumptions that are accepted as reasonable among the agreeing individuals.26 For Kant, by contrast, the endorse- ment of a system of property rights by the general will means that the system can be universalized without generating a contradiction. As O’Neill27 points out, this difference between the Kantian and the contractualist positions entails a difference in their scope. While the contractualist justification is restricted to human beings within a specific bounded society, Kant justifies principles for a system of prop- erty that can universally hold for all rational beings.

Second, a right on Kant’s account can only ever concern a relation between rational beings. A Kantian property right is therefore a triadic relation between per- sons with regard to a thing. It is the relation between (i) a person with the right to the exclusive use of an object, (ii) other subjects with the correlating duty not to interfere with that right and (iii) the object over which the right ranges. The right to property is thus the right to use, and exclude others from using, a thing. This understanding of the right to property contrasts with conceptions of property rights as dyadic relations between a subject and an object. Locke, for example, regards the entitlement to an object as established by a primitive, unilateral act on the part of the original owner (or by just transfer of justly appropriated items).28 One person’s labour on an object can directly create a right to that object. For Kant, however, it is absurd to think of an obligation of a person to things or the reverse (6:260). Property rights on a Kantian account cannot be grounded in an empirical relation between the owner and the object, such as the imposition of labour.29 When first acquisition is in question, developing land is nothing more than an external sign of taking possession, for which many other signs that cost less effort can be substituted. (6:265) An empirical relation thus could never justify intelligible, but merely physical possession.

Breitenbach 4 (Angela Breitenbach, a professor of philosophy in the Faculty of Philosophy at the University of Cambridge and a Fellow of King’s College, September 2005, accessed on 11-13-2022, PubMed, "Kant goes fishing: Kant and the right to property in environmental resources - PubMed", https://pubmed.ncbi.nlm.nih.gov/16137600/) [some copying errors from the pdf may result in random apostrophes/symbols] [all brackets from the original] //phs st

In §1 of the first chapter of the Doctrine of right, Kant analyses the notion of prop- erty, or rightful possession, of external objects. He states that [t]hat is rightfully mine : : : with which I am so connected that another’s use of it without my consent would wrong me’ (6:245). In what, then, does this connection between me and the object consist? The connection might be thought to be merely physical. As long as I was physically connected with the object it would be rightfully mine. It would follow ana- lytically that using the object in my possession without my consent would directly interfere with my external freedom. The interference would thus wrong me. I could, for example, be holding an apple or standing on a piece of land. If someone wanted to use the apple or the land without my consent, she would have to employ physical force. She would have to snatch the apple from my hand or push me off the land. Her use of physical force would constrain my freedom to act.

This merely physical connection between me and the object, however, does not do the job required for the general definition of rightful possession. Once another per- son takes physical possession of the object I have claimed to be mine, the connection between me and the object is severed. According to the actual possession criterion of property, I can then no longer claim the object to be rightfully mine. But the objects I want to call my own are not necessarily in physical connection with me. I want to claim the apple mine, even if I left it on the table in the kitchen. Kant infers that it would be self-contradictory to say that I have something external as my own if the concept of possession could not have different meanings (6:245). He thus distin- guishes the physical possession of external objects from intelligible, or merely right- ful possession. And he concludes that [s]omething external would be mine only if I may assume that I could be wronged by another’s use of a thing even though I am not in [physical] possession of it (6:245). The notion of property, according to Kant, goes beyond the concept of physical possession. It is the notion of intelligible possession, that is, possession of an object without holding it’ (6:246).7

As Kant points out in §5, the foregoing is only a nominal definition’ of the con- cept of property. In order to prove that there can be a universal right to property, a real definition’ is required (6:248–249).8 As I have shown, only the right to physical possession follows analytically from the UPJ. The right to a merely intelligible pos- session, however, is a synthetic proposition: the proscription of interfering with this latter kind of possession does not follow analytically from innate freedom. The ques- tion of how to prove the right to property resolves itself, therefore, into the question: how is a synthetic a priori proposition about right possible?’ (6:249).9 A real defini- tion of the notion of property needs to give an argument for the synthetic justifica- tion of intelligible possession. It needs to provide a deduction’ of the concept of intelligible possession (6:249).

#### Third, consequences fail –

#### (A) Induction Fails – You only know induction works because past experiences have told you it has, but that is in itself a form of induction, so you use induction to prove induction – that’s circular.

#### (B) Is-Ought Gap – experience in the phenomenal world only tells us what is, not what ought to be. But it’s impossible to derive an ought from descriptive premises, so there needs to be additional a priori premises within the noumenal world to make a moral theory.

#### (C) The Darwinian Dilemma – if evolution has shaped our moral beliefs, that means that moral truths are at best contingent – if we had just evolved differently, we would have different moral beliefs – our beliefs are not necessarily true but are conditioned on our circumstances. Evolutionary pressures favor survival, not moral correctness, meaning our aversion to pain is entirely biological. If evolution fails, we have to reject naturalist frameworks

#### Affirm –

#### The environment is a precondition to property rights.

Breitenbach 5 (Angela Breitenbach, a professor of philosophy in the Faculty of Philosophy at the University of Cambridge and a Fellow of King’s College, September 2005, accessed on 11-13-2022, PubMed, "Kant goes fishing: Kant and the right to property in environmental resources - PubMed", https://pubmed.ncbi.nlm.nih.gov/16137600/) [some copying errors from the pdf may result in random apostrophes/symbols] [all brackets from the original] //phs st

4.3. Kantian property rights in fisheries

My analysis of Kant’s conception has shown that any system of rights must, according to Kant, be universalizable. This requirement, it seems, entails that a sys- tem of property rights in fisheries must not lead to the destruction of the fishery. Fisheries are renewable, yet depletable, resources (1 and 2). An institution of prop- erty rights in a renewable resource that leads to the destruction of the resource cannot be universalized. Consider a maxim according to which a renewable resource is to be under a system of property rights which leads to the destruction of the resource. Consider now the universalization of this maxim. If everyone acted on the maxim, then all property regimes in renewable resources would lead to the destruction of the resource. But without renewable resources, there could be no property rights in renewable resources. Hence, no one could act on the maxim according to which a renewable resource is to be under a system of property rights which leads to the destruction of the resource. The maxim is not universalizable.

A possible system of property rights in fisheries, according to Kant, must not lead to the destruction of the fishery.

This claim may seem puzzling. It seems that an equivalent argument could be con- strued for systems of property rights in fish, rather than whole fisheries. Consider the maxim on which a fish is to be under a system of property rights which leads to the consumption, and hence destruction, of the fish. If everyone acted on this maxim, then all systems of property rights in fish would lead to the destruction of the fish. There would be no fish and therefore no system of property rights in fish. Hence, no one could act on the maxim according to which a fish is under a system of prop- erty rights that would lead to the destruction of the fish. This maxim, too, is not uni- versalizable. Consequently, a system of property rights which would lead to the consumption of fish is unjust on Kant’s account. But this is absurd. Surely, Kant cannot deny that I may consume a fish I own. The justification for property rights was precisely that they are necessary for the exercise of external freedom. Yet, if I could not even secure my survival by eating my own food, what would be the point of property rights at all?

The second argument contains a mistake. Kant classifies as maxims only general principles that agents adopt. The maxim to be tested in the second case would be the principle according to which an item of food is to be under a system of prop- erty rights that leads to the consumption of the food. This maxim can be univer- salized. Even if everyone acted on it, and consumed the items of food they owned, there would be more items to replace the ones consumed. This second case is, how- ever, dependent on the first. A necessary condition for there being replacements for the consumed items of food is that there are renewable resources for such items. As long as systems of property rights in renewable resources do not lead to the destruction of the resource, systems of property rights in items of food may well lead to the consumption of the food. In particular, as long as fisheries are not exploited in a way that leads to their destruction, all justly owned fish may also be consumed.

Kant’s account entails, we can conclude, that a possible system of property rights in fisheries must not lead to the destruction of the fishery.41 To express the same idea in positive terms, a system of property rights in fisheries has to be a regime that can last. In order for its principles to be law-like, it has to hold not merely across per- sons—as expressed by the claim that it has to be willable by all. It has to hold also across time. Kant’s universalizability claim thus extends not only to persons living at present, but also to those that will live in the future.

Whether a property regime can last, however, depends on its concrete circum- stances. The same is true for no-property regimes. When fishermen are scarce, their fishing technology relatively inefficient and fish still abundant, open access regimes remain stable. Each fisherman can use the fishery without depleting it. Under these conditions, open access regimes can be universalized and are justified on Kant’s account. When the population of fishermen becomes denser, their fishing gear more efficient and fish a scarce resource open access regimes lead to the destruction of the fish stock. In these circumstances, they are not universalizable. They are not justified on Kant’s account. Some property rights become necessary. But which ones?

The minimalist conception of the right to property justified by Kant is the right to exclusive use of an object. Given premise (3), a property institution for fisheries can be stable over time only if the right to use the fishery is limited. It follows that just use must be restricted to a moderate level which leaves the fishery to yield a stable catch every year. The limit to just use of the fishery by one fisher- man, however, depends on the total number of fishermen using the fishery. If more fish, each must fish less. Yet, given premise (4), it is difficult for fishermen to restrict the catch. Some measures regulating the use of the fishery are needed (6). If these measures are to have any authority, it seems to follow that fishermen have no right to continued use of the fishery in cases in which they do not act according to the regulations. They have no right against expropriation. Further- more, following from premise (5), it is difficult to determine whether regulations have been violated. Violation is less likely, however, if fishermen take collective action to restrict the catch (7). Within the framework of certain basic regulations, fishermen need to decide collectively on, and enforce, a course of action designed to limit the total catch. They need to have an incentive for establishing a self- policing system. It follows that property rights in fisheries need to combine in the same right-holders the right to limited use of the fishery and the right to man- age the fishery, again limited to management which maintains the fishery as a renewable resource.

What about the other rights mentioned by Honore ́ that may be included in a property regime? It is obvious that no right to destroy, waste or completely consume the fish stock can be justified. The right to capital therefore cannot be implied in property regimes for fisheries. Nothing speaks, however, against including in the property regime the right to income from the resource, as long as this right is again restricted to cohere with the limited rights to use the fishery.

#### That justifies conservation. Property rights claims don’t apply – property is not just in relation to the owner, but others – 3 warrants.

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3.4. Implications for Kantian property rights in environmental resources

The defining characteristics of Kant’s conception of property rights make it, it seems, particularly relevant for determining property rights in environmental resources at a time when the exploitation of such resources presents a serious envi- ronmental threat. First of all, Kant asks the fundamental but general question of how it is that we can have property rights in external objects at all. His answer does not specify which particular property systems are justified. Kant merely defines the conditions necessary for a just system of property rights. The question of whether a property system is just is therefore always tied to a description of the circumstances in which the system is to hold: a property system is justified only if it is universaliz- able in the given circumstances. But circumstances change. It follows that, on Kant’s account, a property system may be just in one set of circumstances, but unjust in an- other. Property rights are not immutable entitlements. One property regime may not be good for all times and occasions.

As Kant, secondly, characterises the right to property as a triadic relation be- tween persons with regard to a thing, the relevant circumstances are defined by three types of consideration: those related to the right-holder, the duty-bearer and the object owned. Considerations merely concerning just acquisition, for example, are insufficient for the determination of just ownership. On Kant’s ac- count, whether a property regime is just depends on more than considerations relating to the owner. The effect a particular use may have on non-owners as well as on the object used is relevant, too. This characterisation of property rights has major implications when dealing with environmental resources. When technology develops, resources may be exploited in a different way and to a different degree. When population becomes denser and resources scarcer, the use of a resource that previously had no significant effect on others may now prevent them from using the resource themselves. Property regimes in environmental resources on the Kantian account will thus have to be adjusted when resources face overexploitation.

Thirdly, many environmental problems can only be solved on a global level. Prop- erty regimes for environmental resources are inadequate if they are respected by members of some but not of other societies. The legitimacy of property rights on a Kantian account, however, is not grounded on what a given society may conven- tionally consider just, or on what counts as reasonable for people in a given society. Kant’s account does not justify property rights for some people on considerations which are not acceptable by others. Kantian property rights are universally and nec- essarily valid for all people on the planet.

It seems, then, that Kant’s conception of the right to property proves especially relevant for property rights in environmental resources which are threatened by overexploitation. In the following section, I illustrate this result by means of a con- crete example: that of the marine fisheries. As the oceans are very hard to control, the case of the marine fisheries seems particularly difficult for the purpose of our discussion. In order to be realistic about the development of Kantian property rights, however, it seems important to concentrate on such a demanding example. I shall first give a rough description of the fisheries case in order then to work out the distinctive empirical premises that underlie it. These premises will constitute the defining circumstances for which a property system is to be justified on Kant’s account.