

Civil liberties - not just for people: a dialogue between the political concepts of the Romantic thinker Adam Müller (1809) and ideas of legal scholar Christopher Stone (1972)

Jens Soentgen

Angaben zur Veröffentlichung / Publication details:

Soentgen, Jens. 2026. "Civil liberties - not just for people: a dialogue between the political concepts of the Romantic thinker Adam Müller (1809) and ideas of legal scholar Christopher Stone (1972)." In *Environmental citizenship: politics, practices, representations*, edited by Linda Hess, Sylvia Mayer, Katja Sarkowsky, and Christoph Straub, 57–68. Heidelberg: Universitätsverlag Winter. <https://doi.org/10.33675/2026-82538733>.

LINDA HESS
SYLVIA MAYER
KATJA SARKOWSKY
CHRISTOPH STRAUB
Editors

Environmental Citizenship

Politics, Practices, Representations

VOLUME 26

PUBLICATIONS OF THE BAVARIAN AMERICAN ACADEMY



Universitätsverlag
WINTER
Heidelberg



PUBLIKATIONEN
DER BAYERISCHEN AMERIKA-AKADEMIE
Band 26

PUBLICATIONS
OF THE BAVARIAN AMERICAN ACADEMY
Volume 26

SERIES EDITOR
Bavarian American Academy



Environmental Citizenship

Politics, Practices, Representations

Edited by

LINDA HESS

SYLVIA MAYER

KATJA SARKOWSKY

CHRISTOPH STRAUB

Universitätsverlag
WINTER
Heidelberg

Bibliografische Information der Deutschen Nationalbibliothek
Die Deutsche Nationalbibliothek verzeichnet diese Publikation
in der Deutschen Nationalbibliografie;
detaillierte bibliografische Daten sind im Internet
über <http://dnb.d-nb.de> abrufbar.

Cover picture:

©NASA Earth Observatory, astronaut photograph ISS067-E-175591, July 4, 2022

The photo depicts the Colorado River, which has obtained “legal personhood”
status by the Colorado River Indian Tribes in November 2025.

ISBN (Hardcover) 978-3-8253-9659-6

Der Verlag behält sich das Text- und Data-Mining nach § 44b UrhG vor,
was hiermit Dritten ohne Zustimmung des Verlages untersagt ist.

Dieses Werk einschließlich aller seiner Teile ist urheberrechtlich geschützt. Jede
Verwertung außerhalb der engen Grenzen des Urheberrechtsgesetzes ist ohne
Zustimmung des Verlages unzulässig und strafbar. Das gilt insbesondere für
Vervielfältigungen, Übersetzungen, Mikroverfilmungen und die Einspeicherung
und Verarbeitung in elektronischen Systemen.

© 2026 Universitätsverlag Winter GmbH Heidelberg
Imprimé en Allemagne · Printed in Germany
Umschlaggestaltung: Klaus Brecht GmbH, Heidelberg
Gesamtherstellung: Memminger MedienCentrum, 87700 Memmingen

Gedruckt auf umweltfreundlichem, chlorfrei gebleichtem
und alterungsbeständigem Papier

Den Verlag erreichen Sie unter:
Universitätsverlag Winter GmbH Heidelberg
Dossenheimer Landstraße 13, D-69121 Heidelberg
www.winter-verlag.de
gpsr@winter-verlag.de

ISBN (PDF): 978-3-8253-8733-4

DOI: <https://doi.org/10.33675/2026-82538733>



Dieses Werk ist lizenziert unter einer
Creative-Commons-Lizenz Namensnennung – Nicht kommerziell – Keine Bearbeitungen

4.0 International Lizenz. Die Bedingungen der Creative-Commons-Lizenz gelten nur für
Originalmaterial. Die Wiederverwendung von Material aus anderen Quellen
(gekennzeichnet mit Quellenangabe) wie z.B. Schaubilder, Abbildungen, Fotos und
Textauszüge erfordert ggf. weitere Nutzungsgenehmigungen durch den jeweiligen
Rechteinhaber.

Civil Liberties – Not Just for People: A Dialogue between the Political Concepts of the Romantic Thinker Adam Müller (1809) and Ideas of Legal Scholar Christopher Stone (1972)

Jens Soentgen

Environmental citizenship not only raises the question of how citizens can and should assume responsibility for preserving and protecting their environment; it also challenges us to consider the extent to which non-human actors, typically viewed as just part of the environment in need of protection, can or should be granted certain civil rights. Inspired by a seminal work published in 1972 by American legal scholar Christopher Stone titled “Should Trees Have Standing?”, such questions have sparked global discussions (Kment and Bader; Kramm). Recently, there have recently been several instances of non-human entities being granted civil rights: In 2017, New Zealand granted personhood status to the Wanganui River, and in the fall of 2022 the Mar Menor lagoon near Murcia, Spain, was accorded legal standing.

In the following discussion I will demonstrate that the idea of assigning rights not only to people but also to so-called things – which, according to traditional legal concepts, can at best be owned as property but do not possess rights themselves – was already articulated during the Romantic period. This notion can be found in the works of Adam Müller, arguably the most prominent political thinker of the Romantic era (Liese 85-110). However, Müller is not only of interest as a precursor to modern thought; he also serves as an inspiration through his philosophical, rather than technical, approach. At the core of his ideas lies a novel concept of freedom. Müller advocates for a notion of freedom that includes the “counter-freedom” (*Gegenfreiheit*, 1809: 187) not only of other humans but also of non-human entities, such as fields or family estates.

Aiming to bring Adam Müller and Christopher Stone into conversation, I will first discuss Müller’s ideas on the philosophy of law before summarizing the key points of Christopher Stone’s classic essay. By subsequently comparing their approaches, I aim to illustrate the relevance of Müller’s concepts for the debates taking place today.

Adam Müllers' Conception of Freedom

Adam Müller, the most important political thinker in the era of romanticism,¹ was born in 1779 as the son of a Prussian tax official and died in 1829, relatively lonely but ennobled. Müller studied political science in Göttingen and then worked briefly in the Prussian administration. His friendship with the Austrian diplomat Friedrich Gentz, one of the organizers of the Congress of Vienna and who held Müller in the highest esteem, was decisive for his entire life. Gentz opened the doors to aristocratic society for Müller, to which he would otherwise have had no access due to his civic, non-noble origins. Gentz also encouraged the writing of the text that would become famous under the title *Elemente der Staatskunst* ("Elements of Statecraft").² Adam Müller was the discoverer of Heinrich von Kleist, with whom he published a famous romantic art journal, the *Phöbus*. In 1811, he moved to Vienna and was appointed Austrian Consul General in Leipzig by Metternich in 1815. In 1826, he was ennobled and awarded the title Knight of Nittersdorf (Schulz 41-44).

Müller's main work, *Elemente der Staatskunst*, originates from lectures he gave in the Confederation of the Rhine State of Saxony. These lectures were entitled *Über das Ganze der Staatswissenschaft* ("On Political Science as a Whole"). At the time, Müller was active in Dresden Romantic circles. While he presented himself in this book as a defender of nobility, advocates, and a corporate state (Kluckhohn 91), his thinking cannot be classified as merely reactionary. In the first volume of his work, Müller presents an astute critique of modernity that remains relevant today while proposing inspiring alternatives. Although some aspects of his critique of modernity were influenced by Edmund Burke, whose *Reflections on the Revolution in France* (1790) were translated and commented on by Müller's close friend Friedrich Gentz (Burke), Müller's innovative ideas on the relationship between humans and so-called objects are original and not derived from Burke (Braune 210). These ideas include, notably, the concept of recognizing objects as bearers of rights. In the Roman legal tradition, which Müller criticizes, natural objects are either owned property or unowned with only the owner having legal personhood while the object has no rights. For Müller, the distinction between persons and objects is not absolute. Objects such as fields or family estates possess their own personality that should be respected in a legal sense. This notion of extended 'environmental citizenship' will be briefly outlined. I will then compare it to the established discourse in jurisprudence on the granting of rights to entities like rivers.

According to Müller, freedom is "the first of all the possessions of the citizen," and in particular "the freedom to assert one's power and one's peculiar nature, to grow, to bestir oneself, to argue" (1809: 187). A core aspect of Müller's conception

¹ I try to avoid the notion "political romanticism," as it has been used as a polemical catchphrase (see Schmitt).

² All translations in the following text are my own.

of freedom is that although freedom can be attributed to the individual, it can only truly exist in contexts where others are also free. Thus, he writes:

In order for a force to express itself and be effective, it must be counteracted by some other force [...]. Freedom without counter-freedom [*Gegenfreiheit*] is nothing. Why do people campaign against monopolies and privileges? – Because individuals are granted freedoms that are denied to others; because freedoms are handed out that are not actually freedoms, because the counter-freedom of the others is missing, which is absolutely necessary in order to bring the freedom of the individual citizen to effectiveness and development. (187)

He summarizes his basic idea as follows: “Freedom without the counter-freedom of others can produce no effect; therefore, it is an unproductive, consequently dead freedom, consequently nothing” (ibid.).³

Müller argues that by granting everyone equal freedom, a state not only promotes the happiness of its citizens but also boosts its overall productivity. Here and throughout his work, he refers to the Scottish economist Adam Smith, whose work he repeatedly praises while integrating it into a broader framework. Smith had argued that in a largely deregulated economy, which prevents monopolies and fosters competition, the highest quality of products is ensured; in the same liberal vein, Müller claims that in a free state where everyone has the same right to argue for their issues and their views, and where competition of ideas is not only possible but encouraged, the best laws are produced. Importantly, Müller extends his thinking beyond his era as he broadens the scope of entities whose “counter-freedom” must be considered. It is not only the living contemporaries who should be free; Müller explicitly mentions future generations and even the preceding ones in his considerations:

But the absent [...] past and future generations, whom the carelessness of the present could overlook first and foremost [...] must be remembered. If you do not grant them the freedom and life which, in the nature of things, belongs to them; if you privilege the present generation with freedom above all past and future generations: you have [...] established a new tyranny for the old [...]. (1809: 214)

He exclaims: “So long! If freedom is to be restored at all, it must be restored in general; every individual nature, which belongs to the whole of the state, must be able to stir, argue and defend itself in its own way” (213). Considering that the rights of future generations are a central issue in today’s sustainability debate, Müller was a true visionary. His crucial point thus ties in with the recent philosophical discussions on sustainability and freedom (Meyer 20-25).

³ See, very similar, Hegel 1944: 39.

However, Müller takes an even more radical stance. He extends the circle of those whose “counter-freedom” should be respected not only backward and forward through successive generations; he explicitly criticizes legal traditions in which objects do not possess any rights, arguing that it is wrong to think that “[a]s long as personal relationships with neighbouring people are spared, things are left to the absolute control of man” (1809: 217). To him, it is possible, to “make lively alliances” with objects, “to quarrel or to get along” (225) with them, just as we do with humans: “Therefore, the relationship between humans and objects is by no means a one-sided, despotic one, but a mutual, republican one” (ibid.). To him, objects also have “their own nature, their freedom, their rights” (227), which we have to respect. German philosopher Friedrich Schelling wrote in his famous *Freiheitsschrift*: “Only those who have tasted freedom can feel the desire to make everything analogous to it, to spread it across the entire universe” (Schelling 421). Whether Müller was aware of Schelling’s work is not certain, but likely. Certainly, though, Schelling’s quote serves as a suitable heading for Müller’s conception of freedom as freedom for everyone and everything, paving the way to a new political philosophy.

Freedom Rights Also for ‘Objects’

Müller lived long before concepts such as the ‘environment’ or ‘ecology’ had emerged, yet he was far more radical regarding crucial issues than most contemporary sustainability scholars. Notably, he advocated for nothing less than a fundamental revision of our legal system. In his writings, Müller uses the term of the ‘thing,’ distinguishing things from persons in a legal sense. In contemporary discourse, the ‘thing’ would refer to non-human beings and objects or the more-than-human world. According to Müller, things are considered subject to our will, especially when regarded as property, and it is precisely this notion that he criticizes:

Man [...] is, of course, incessantly limited in his relations to persons: he cannot do as he would like; he must submit; he must incessantly spare people because they are his equals: But for this pressure, which he has to endure in all personal relationships, he can hold himself harmless in insensitive, dead objects; here he is for the most part unrestricted, and master of being and not-being. (1809: 217)

He then briefly summarizes his analysis as follows: “Man’s rather unconditional despotism over his own property is, according to common opinion, the main expression of his so-called freedom” (ibid.).

By contrast, Müller adopts a radical approach by rejecting the binary difference between persons and objects. For him, there is rather a continuous spectrum between the two, i.e., objects are by no means inanimate; on the contrary, they are alive and become more useful the more alive they are: “The more real characteristics of life

things bear, the more important they are for civil society. One of the first of these characteristics is productivity” (225). A field, he explains, is valuable as long as its productivity keeps pace with human productivity.

For Müller, a thing is not only alive but also has personality, and all the more so the more alive they are (226-27). Similarly, in Romantic art, trees but also fields, rocks and entire landscapes were painted in a way that their personality, their peculiar essence, could be experienced intuitively (Schawelka 120-39).

But if things are to be thought of as persons, how are we supposed to treat them? According to Müller, it is wrong to treat things as dead and without rights, as subject only to the arbitrariness of the owner. It is wrong if “an individual wants to set aside the living character of property and squander capital and interest in foolish arbitrariness [in order] to produce a great effect for the moment” (1809: 229). Rather, we must see that we live only from interest, while the capital is conserved in its integrity. His integration of economic thinking with an analysis of political freedom is unparalleled in romanticism. Müller develops ideas for a dialogical approach to things that recognize their freedom, through which he not only preserves their uniqueness and vitality but makes them the starting point of production.

He writes: “This relation of man to things, or to capital, which produces a living interest, is the true relation of man to things; and thus property is conceptualized when it is considered in motion. All in all, what the individual man disposes of on this earth is a usufruct of a great capital, common to all mankind and all generations, which should not and cannot be touched” (1809: 226). Whether capital *cannot* be touched seems doubtful nowadays; that it *must not* be touched, however, has become common sense. Incidentally, the metaphor of capital ‘that must not be touched’ is here used in the same manner as in contemporary sustainability philosophies. According to such philosophies, the essence of sustainability lies in using natural capital in a way that preserves its substance (Ott 2010: 170, 2016: 190-95). In comparison, Hegel’s *Philosophy of Right* reveals the radical difference between Müller’s doctrine of property and the prevalent approaches to property in his time. In Hegel’s view, property is conceptualized as a dead object in the literal sense, entirely subject to the owner’s control. Thus, Hegel notes in abbreviated formulations: “Man master of everything in nature – only through him existence as freedom” (2000: 98). Explicitly he states: “The person has the right to put his will onto every thing, which is thereby his own, for his substantial purpose, since it does not have one in itself” (106). Hegel believes that *all* things – and also all things of living nature – are absolutely subject to man; he concedes an “absolute right of appropriation of man to all things” (ibid.). He explicitly rejects systems of thought that grant rights to animals. Hegel’s position aligns closely with that of the Code Napoléon, which states in §544 that property is the right to dispose of a thing as absolutely as conceivable, provided no laws are violated (100).

Müller, on the other hand, advocates for a sensitive approach to property. To him, possession is not a “spasmodic grip” and nobody is truly the absolute master of a thing (1967: 261). Thus, he offers a novel ideal for possessing and handling ‘objects’

in which the relation to property is based on respect. State properties in particular must be treated with highest esteem and even awe (*Ehrfurcht*, 1809: 238), because “the transient individual is only a usufructuary of it, and is by no means allowed to do as he pleases with that part of the great national capital which he can overlook and reach from his point of view” (228). He even asks us to take care of our possessions in a manner that “is just as tender as that with his wife in marriage!” (ibid.).

In a short essay titled “The Poetic Possession,” probably inspired by Novalis (Kluckhohn 67, fn 1) and published originally in the *Phöbus* in July 1808, Müller explains his idea on how to treat ‘objects’ in the following way: “Your love for every good in the world rests in the fact that you seek the love of such good in return and that it is granted to you in ever greater measure. You will not force anything, not even the poorest, least thing; but you will gain it through courtship [Werben], and that is the meaning of the beautiful word acquire [erwerben]” (1967: 261-62).

Just as modern sustainability philosophies criticize instances of natural capital being depleted, Müller criticizes any waste that reduces capital (1809: 226).

Although the sudden disposal of capital can produce an immense feeling of freedom, this is only the freedom of a despot who disregards the “counter-freedoms” of others. Hence, Müller argues that it is wrong to act solely according to one’s own wishes without considering future generations and respecting the legacy of previous generations. Such a state is *not* a kingdom of freedom, but rather, as he writes, a new tyranny, and in such a state, “the present generation [is being privileged] with freedom above all past and future generations” (1809: 96).

Müller offers an elaborate model for his approach to property, using the example of family estates. The owner of such an estate had a usufructuary right but was required to keep the entire estate intact and was prohibited from selling, altering, or demolishing it at will. These family estates were subject to a special legal concept known as *fideicommiss*, which was abolished in Europe in the nineteenth century, as it was seen as an impediment to economic development. According to Müller, these estates should be managed in a way that respects and preserves their inherent characteristics. Müller does not view the medieval relationship to property as something outdated that needs to be overcome; on the contrary, he identifies positive aspects in it, which aligns with his perspective on the relationship between people and objects. The feudal system of the Middle Ages supported the idea that the relationship to property was primarily one of usufruct (Braune 211). Müller says:

Man is destined, the legislators of the Middle Ages seem to say, to produce, together with his property, order and wealth into infinity; therefore a single human life is not sufficient for this, consequently [...] in the relation of the individual person to the object connected with it, [...] the law must set its accent on this object, and only ensure that the life of the mortal owner is linked to his ancestors and descendants as closely and intimately as possible. (1809: 238)

This approach is not only evident in the institution of the *fideicommiss* but also in the long-established institution of the commons. Jacob Grimm, a law historian, studied these commons and their traditional regulations within old German law (1-97). In the late nineteenth century, his work was continued by constitutional lawyer and legal historian Otto von Gierke who, using historical methods, identified which regulations in long-standing village communities prevented the overuse of forests and pastures. Gierke was also interested in the way pastures, forests or fishing grounds – or, in today’s terms, ecological resources – were managed to ensure that future generations could still benefit from their common property (Gierke 247).

To curb the overuse of certain goods, measures such as prohibiting their export were implemented; what was extracted from the commons should only be used within the community (Gierke 234). Centralized distribution by the community was another method (244), alongside systematic monitoring to ensure that everyone adhered to the agreements made (245). Besides these lesser-known historical studies, the works of the recently-deceased political scientist and Nobel Prize winner Elinor Ostrom are more established in contemporary discourse (Ostrom 2015). In an international empirical study, Ostrom demonstrated that commons (like fields, forests or fish grounds) are not necessarily doomed to overuse when they are given opportunities to regenerate themselves. This – and only this – allows them to maintain their quality over the long term, sometimes for centuries.

Rights Not Just for People

Despite being aware that granting rights to objects is based on traditional German law, Müller certainly did not study this law in detail. Consequently, his overall argument is systematic rather than historical. His fundamental point is that it is wrong to set up an absolute opposition between persons and things. He explicitly teaches that objects possess personality (or agency, in today’s terms), and therefore we do not only have rights over them but also duties towards them:

Every property grows and develops under our eyes like a living person; it is by no means subject to our unconditional and unrestricted arbitrariness, it has its own nature, its freedom, its right – which we must respect if we want to use it, if we want to produce something through the union with it, harvests, interest or even just the lightest enjoyment of life. (1809: 227)

The respect that Müller demands is more than a clever adaptation. Emphasizing their vitality, Müller not only attributes personality but also rights – specifically rights of freedom – to so-called things based on their personality, and declares them subjects of law: “Every thing,” he writes, “has its peculiarity, its personality, which it asserts and with which it asserts its peculiar freedom; from the common free striving of all these individuals, a general mutual agreement and comparison develops, and in this

infinite contracting of persons among themselves, and of persons with things, the idea of law grows” (230). And: “[T]he smallest household goods serve the whole [...] but it also rules again in its place as a small person: its peculiarity wants to be respected, wants to be protected” (234). His aim is to recall the “reciprocity of all relationships in life” in explicit reference to medieval legal thinking (236).

In doing so, he boldly goes beyond the philosophical discourse of his time, exploring areas that have only recently emerged in current debates (Kersten 2020: 87-120). He does not offer animism or a relapse into fantasies of unity; rather, he is concerned with the need to respect and recognize the autonomy and independence of the non-human sphere as well as its *freedom* when we are interacting with it.

But how could Müller’s assumptions of such explicit rights and the freedom of non-human entities be productively integrated into debates on our modern nation-state constitutions? He does not offer any insights into this. We will therefore put Müller on hold and turn to contemporary discussions on the philosophy of law (Kramm).

Rights for Non-human Beings: The Ideas of Christopher Stone

Several countries, such as India, Colombia, New Zealand and Ecuador, now grant rights to natural beings, e.g., rivers; certain animals have recognized rights in Argentina and the USA (Kersten 2020: 105). Ecuador’s constitution grants all ecological nature the status of a legal subject. In New Zealand, first a forest and then a river were granted rights (Kment and Bader 199-220; Kramm 49-54). The German constitution, which currently places little emphasis on ecology, might also develop further in this respect. At any rate, the discussion is underway.

These recent developments are not based on Müller’s works. While there is no direct link between them, Müller’s relevance to this exact line of legal thought is arguably quite significant. Neither Christopher Stone nor his followers knew much, if anything, about Adam Müller. Instead, the contemporary discussions about the rights of nature refer to the American legal scholar Stone, who died in 2021. In 1972, Stone published an essay on the question: “Should Trees Have Standing?” In the essay, which initially went unnoticed, Stone argues within the framework of US and Anglo-Saxon common law. His line of thought is much more legalistic and technical compared to Adam Müller in 1809, even if Stone occasionally adopts a philosophical style.

In any case, the technical rather than philosophical character of Stone’s arguments proves more useful in practice. He explicitly spells out the implications if natural objects enjoy legal status, using the example of a polluted brook. Stone points out that according to current global conventions, the brook itself does not have any rights, whereas people directly affected by the pollution, such as anglers, can take legal action. In this system, however, only a very limited amount of the actual ecological damage can be targeted by legal action. In Stone’s example, no more than

a few fishermen would need to be compensated for their lost catch, which is a tiny fraction of the damage caused. Stone also refutes several common objections. He emphasizes: “Thus, to say that the environment should have rights is not to say that it should have every right we can imagine, or even the same body of rights as human beings have. Nor is it to say that everything in the environment should have the same rights as every other thing in the environment” (4).

Stone addresses questions of practice as well, such as who would then take legal action and represent these nonhuman beings in court. Here, he suggests that environmental organizations could adopt the role of “guardians” (10). He further addresses the potential objection that filing a lawsuit on behalf of natural objects is arbitrary, explaining: “We make decisions on behalf of, and in the purported interest of, others every day; these ‘others’ are often creatures whose wants are far less verifiable, and even far more metaphysical in conception, than the wants of rivers, trees, and land” (11). Stone refers here to so-called legal entities such as foundations or companies which do actually have rights (and duties) in modern legal systems of the West.

Stone repeatedly argues that assigning rights to nature would protect the environment and ecology significantly better than established approaches are able to. He specifically mentions anthropocentric environmental ethics, even when they consider the rights of future generations. He writes: “Every well-working legal-economic system should be structured as to confront each of us with the full costs that our activities are imposing on society” (13). For Stone, suing for damages is just one part of his concept; he also implies that the environment can be an economic actor (16-17). Payments imposed as part of legal proceedings can be paid into a fund, which in turn benefits the environment.

As I have illustrated, Stone’s argument is primarily *technical*. He explores various practical possibilities of granting legal status to non-human entities, focusing on bodies of water more so than trees despite the essay’s title. Stone’s pragmatic approach has made his ideas enormously effective. Nevertheless, Stone also delves into broader philosophical questions, revealing a tendency of his argument quite similar to that of Adam Müller.

Stone strives for a new relationship with nature and wishes “to be able to get away from the view that Nature is a collection of useful but senseless objects” (28). He suggests that this new relationship is “deeply involved in the development of our abilities to love – or, if that is putting it too strongly, to be able to reach a heightened awareness of our own, and others’, capacities in their mutual interplay” (*ibid.*).

At this rather philosophical juncture, the parallels to Adam Müller’s line of thought become very tangible. In this context, Stone further points out that granting rights to Black Americans was a triumph of law, even though it cannot be justified purely on the basis of “a utilitarian calculus” (24). However, the law is much fairer now, and for this non-utilitarian reason, according to Stone, natural beings should be granted rights.

In Germany, Stone's ideas have been adopted by the Munich legal scholar Jens Kersten, amongst others. Kersten advocates for a long overdue ecological liberalism that considers natural rights essential, calling for animals, plants, landscapes, air, water and the climate to be granted legal subject status. This is easily feasible, as several non-human legal entities can already act as legal subjects. Specifically, his ecological liberalism could include a right to bodily integrity and life, a right to freedom of movement, equality and inviolability of the ecological home for ecological subjects. It is even "possible in principle for ecological subjects to claim economic freedoms for themselves, i.e. in particular the freedom from occupation (Art. 20a in conjunction with Art. 12 para. 1 GG) and the guarantee of property (Art. 20a in conjunction with Art. 14 para. 1 GG)" (Kersten 2020: 112). In a more detailed argument, Kersten suggests extending the Basic Law for the Federal Republic of Germany so that basic rights (for example freedom of movement, inviolability of the home, right of petition etc.) are granted not only to humans and domestic legal persons, as per Article 19 of the Basic Law, but also to "ecological persons" (100). It is then conceivable that, for instance, those profiting from commercializing images of certain animal species would have to pay a portion of the profits into a fund benefiting these animals. This way, a share of the millions earned by a movie such as *Rio* (2011), starring a pair of Spix's parrots (*Cyanopsitta spixii*), could be allocated to a fund financing conservation projects for this extremely rare bird species, similar to how celebrities are paid a fee in case one of their photos is used commercially.

Back to the Romantics

The idea of legally conceiving non-human beings not only as things but also as persons is much more technically developed today than Müller or any other Romantic could have envisioned. Christopher Stone's conception, developed independently of Müller, is now widely discussed in political science and jurisprudence, sometimes critically. A frequent objection is that an ecological modification of property law might prove more useful in conserving nature effectively. Nonetheless, it is worth revisiting Müller's text as it addresses a dimension that extends beyond the legal sphere.

Müller underlines that respecting the counter-freedom of so-called things could also enhance *human* freedom, at least in his line of thought. If non-human animate beings, which the law still refers to as 'things,' enjoy more freedom and have their independence, vitality, and indeed their personality, respected, then we also strengthen our own vitality and ultimately our own freedom. At first glance, this may appear counter-intuitive since environmental consciousness is often associated with restricting freedom. However, Müller's argument is convincing: Freedom based on despotism, even if it is despotism against non-human beings and all beings not allied with humans, is not real freedom. In this respect, Müller was correct, and this could

refresh our self-image and our perception of the world. Müller suggests we should not see ourselves as an absolute ego, but as a link in an unbroken chain, providing a perspective that can transform our view of the world. While it is, admittedly, not the intimacy of a personal relationship that links us to trees, streams and earth, these are not merely dead objects to be managed and used; they are living gifts passed down from one generation to the next, and we should interact creatively instead of despotically with them.

Consequently, revisiting Müller can prove to be stimulating and beneficial – not only to discover a precursor to current thought, including those on environmental citizenship, but also because his insights are still valuable and relevant today. His ideas are based on a new conception of freedom. Some scholars have recently expressed the need to re-evaluate or even reinvent our notion of freedom in the light of the ecological crisis (Charbonnier 2021: 259-64). In this endeavor, Müller’s concepts might help.⁴

Works Cited

- Braune, Frieda. *Edmund Burke in Deutschland: Ein Beitrag zur Geschichte des historisch-politischen Denkens*. Carl Winters Universitätsbuchhandlung, 1917.
- Burke, Edmund. *Betrachtungen über die französische Revolution: Erster Theil: Nach dem Englischen des Herrn Burke neu-bearbeitet, mit einer Einleitung, Anmerkungen, politischen Abhandlungen, und einem critischen Verzeichniß der in England über diese Revolution erschienenen Schriften von Friedrich Gentz*. Friedrich Vieweg, 1793.
- Code Napoléon: Édition Originale et Seule Officielle*. Imprimerie Impériale, 1808.
- Charbonnier, Pierre. *Affluence and Freedom: An Environmental History of Political Ideas*. Polity, 2021.
- Gierke, Otto von. *Das Deutsche Genossenschaftsrecht: Geschichte des deutschen Körperschaftsbegriffs*. 2. Wissenschaftliche Buchgesellschaft, 1954 (1873).
- Grimm, Jacob. *Deutsche Rechtsalterthümer*. 4th edition. Ed. Andreas Heusler and Rudolf Hübner. Dieterich’sche Verlagsbuchhandlung Theodor Weicher, 1899.
- Hegel, Georg Wilhelm Friedrich. *Vorlesungen über die Philosophie der Weltgeschichte: 1. Band: Einleitung: Die Vernunft in der Geschichte*. Ed. Georg Lasson. Felix Meiner, 1944.
- . *Grundlinien der Philosophie des Rechts*. Suhrkamp, 2000.
- Kersten, Jens. “Die Rechte der Natur und die Verfassungsfrage des Anthropozän.” *Umwelt und Gesundheit*. Ed. Jens Soentgen, Ulrich M. Gassner, Julia von Hayek, and Alexandra Manzei. Nomos, 2020. 87-120.

⁴ I would like to thank Linda Heß, Sylvia Mayer, Katja Sarkowsky, and Christoph Straub for their valuable critical comments, which helped to improve the text, and Nicholas Schoch for the linguistic revision.

- . *Das ökologische Grundgesetz*. C.H. Beck, 2022.
- Kluckhohn, Paul. *Persönlichkeit und Gemeinschaft: Studien zur Staatsauffassung der Deutschen Romantik*. Max Niemeyer, 1925.
- Kment, Martin, and Katharina Bader. "The Rights of Nature in New Zealand: The Future of German Environmental Law?" *New Zealand Journal of Environmental Law* 26 (2022): 199-220.
- Kramm, Matthias. *Rechte für Flüsse, Berge und Wälder: Eine neue Perspektive für den Naturschutz?* Oekom, 2023.
- Meyer, Kira. "Nachhaltigkeit: Nur eine Frage der Gerechtigkeit?" *der blaue reiter* 48 (2021): 20-25.
- Müller, Adam H. *Die Elemente der Staatskunst: Öffentliche Vorlesungen, vor seiner Durchlaucht dem Prinzen Bernhard von Sachsen-Weimar und einer Versammlung von Staatsmännern und Diplomaten im Winter von 1808 auf 1809, zu Dresden, gehalten. Erster Teil*. J. D. Sander, 1809.
- . "Der poetische Besitz." *Kritische / ästhetische und philosophische Schriften*. 2nd critical edition. Ed. Walter Schroeder and Werner Siebert. Luchterhand, 1967 (1809). 261-62.
- Liese, Lea. "Romantik und Restauration: Konservative Gemeinschaftsentwürfe in der Übergangszeit (Adam Müller und Clemens Brentano)." *Romantisierung von Politik: Historische Konstellationen und Gegenwartsanalysen*. Ed. Sandra Kerschbaumer and Matthias Löwe. Brill Schöningh, 2022. 85-110.
- Ostrom, Elinor. *Governing the Commons: The Evolution of Institutions for Collective Action*. Cambridge University Press, 2015.
- Ott, Konrad. *Umweltethik zur Einführung*. Junius, 2010
- . "Starke Nachhaltigkeit." *Handbuch Umweltethik*. Ed. Konrad Ott, Jan Dierks, and Lieske Voget-Kleschin. J.B. Metzler, 2016. 190-95.
- Schawelka, Karl. *Quasi una Musica: Untersuchungen zum Ideal des Musikalischen in der Malerei ab 1800*. Mäander, 1993.
- Schelling, Friedrich. "Philosophische Untersuchung über das Wesen der menschlichen Freyheit und die damit zusammenhängenden Gegenstände." *Philosophische Schriften*. Vol 1 (= all). Ed. Friedrich W. J. Schelling. Philipp Krüll, 1809. 397-511.
- Schmitt, Carl. *Political Romanticism*. Transaction, 2011.
- Schulz, Gerhard. *Die deutsche Literatur zwischen französischer Revolution und Restauration, zweiter Teil: das Zeitalter der napoleonischen Kriege und der Restauration 1806-1830*. Beck'sche Verlagsbuchhandlung, 1989.
- Stone, Christopher D. *Should Trees Have Standing? Law, Morality, and the Environment*. Oxford University Press, 2010.