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Per Bauhn and Thomas Malm

Can anything be good for the climate?

“What’s good for the climate is good for you,” declares the World Wildlife Fund for Nature on its Swedish website.¹ According to Greenpeace Sweden, we should skip the ham and meatballs on the Christmas table and replace them with plant-based alternatives: “It’s both healthier and better for the climate.”² The Director General of the Swedish Food Agency adds that we should “waste less food and save the climate”.³ But what does it mean that something is “good for the climate” or that we can “save” the climate? The Church of Sweden has decided to include “the rights of nature” in its teaching,⁴ and in the *Riksdag* (the Swedish Parliament) the Green Party has motioned that these rights should be included in the Form of Government.⁵ But how could nature act as a legal subject? By attributing personal characteristics and rights to the climate or to nature, one risks both anchoring environmental commitment in fictions and undermining trust in the concept of rights itself.

The philosopher Hans Vaihinger argued in the book *Die Philosophie des Als Ob* (1911) that in order to make complex events comprehensible we often resort to assumptions that are not necessarily sustainable in themselves, but which we handle “as if” they were true. In nature documentaries on TV, for example, it is not infrequently claimed that male birds display a magnificent plumage in order to promote the spread of their genes. Of course, birds don’t have a whiff of genetics, but we describe them “as if” they had an intention that corresponds to the actual outcome of the mating game.

Correspondingly, it is repeatedly claimed that various human activities are good or bad for the climate, “as if” the climate was some kind of organism that could have or lack well-being. But the climate is not an organism for which anything can be good or bad. That the climate gets warmer or colder could be good or bad for humans, but throughout the ages, periods

¹The World Wildlife Fund for Nature, “You can do this”. <https://www.wwf.se/klimat/det-har-kan-du-gora/>

²Greenpeace, “5 tips on what you can do for the climate”. <https://www.greenpeace.org/sweden/nyheter/1949/5-tips-pa-vad-du-kan-gora-for-klimatet/>

³<https://www.livsmedelsverket.se/om-oss/press/nyheter/debattartiklar/slang-mindre-mat-och-radda-klimatet>

⁴Minutes of the church meeting 2019-11-20.

<https://www.svenskakyrkan.se/filer/Beslut%20%135%20Studera%20klimatfr%20och%20naturens%20rattigheter.pdf>

⁵Motion 2019/20:3306 by Rebecka LeMoine et al. (MP). <https://data.riksdagen.se/fil/AC0D8601-DD86-4B86-889B-C77E4F11BBDA>

of cold and warm climate have come and gone without the climate itself being happy or unhappy about it.

In the same way, claims about nature as a subject of rights testifies to a desire to argue “as if” nature were a living person and not a collective term for the fauna, flora, landforms and other things that surround us and of which we are a part. The motive underlying this humanization of climate and nature is of course a desire to benefit from the status we usually attribute to human individuals and human rights. Nonetheless, it will also involve engaging oneself in a kind of *conceptual voodoo*.

The human ecologist Alf Hornborg has pointed out that the ambition to abandon anthropocentrism easily leads to anthropomorphism and fetishism.⁶ From having put man at the centre of the world, we instead see nature in a humanized or even magical way, as a bearer of an ability to reward or punish. Here the natural merges with the supernatural. That “nature is kicking back after humanity’s millennia of oppression and exploitation is hardly surprising”, according to journalist Sylvia Balac, who concludes that “the climate disasters we are experiencing and will experience are examples of that”.⁷

Entities such as Nature and Climate are thus assigned agency, that is, they are seen as having a capacity for purposive behaviour. What seems to be happening here is that certain human beings project their own goals and intentions onto nature, turning nature into an agent and themselves into the servants of that agent, making their own goals of nature conservation, “green” lifestyles, rejection of consumerism, and so on, appear as the commands of nature. We could call this projection the *agential fallacy*, because it is based on a mistake about who is really the agent here. It is also in connection with this fallacy that it is argued that national parks, rivers and mountains should be seen as holders of rights, analogous to those possessed by human agents.⁸

This form of conceptual voodoo has gained practitioners also among highly qualified researchers and internationally influential organizations. Among the messages that are now being preached by so-called eco-pedagogues on a supposedly scientific basis we find ideas

⁶Alf Hornborg, “Objects don’t have desires: Toward an anthropology of technology beyond anthropomorphism”, *American Anthropologist* 123: 4 (pp. 753–766), 2021.

⁷Sylvia Balac, “Det är åter dags för rättornas hämnd – och vi förtjänar den” [“It’s time again for the rats’ revenge – and we deserve it”], *Aftonbladet*, 2019-07-19. <https://www.aftonbladet.se/nojesbladet/a/qLVKAz/det-ar-ater-dags-for-rattornas-hamnd--och-vi-fortjanar-den>

⁸For criticism of such arguments, see Thomas Malm, “Teleologins återkomst – eller Vill gräsmattor verkligen bli vattnade?” [“The return of teleology – or Do lawns really want to be watered?”], *Folkvett* 4/2018 (pp. 7–34); Thomas Malm, “Bör nationalparker tillerkännas mänskliga rättigheter?” [“Should national parks be granted human rights?”], *Sans* 9 (3), 2019 (pp. 52–59); Per Bauhn, *Leva fritt och leva väl* [Living freely and living well], Stockholm: Fri Tanke, 2020, pp. 205–212; Per Bauhn, *Animal Suffering, Human Rights, and the Virtue of Justice*, New York, NY: Palgrave Macmillan, 2023.

such as that diversity is intelligent, that trees are compassionate beings, that instead of explaining the world we should “sing it”, that we should listen to the voices of the “more-than-human” and that it is only when nature becomes a legal subject that the necessary global sustainability changes can be implemented.⁹

In 2020, Lund University’s staff magazine reported on researchers’ collaboration with artists at the *Moderna Museet* (the Museum of Modern Art) in Malmö.¹⁰ The aim was “to raise new ways for humans to live together with nature – without impoverishing it”. So far this sounds commendable, but after a few lines it emerged that one of the planned seminars was entitled “Listen to the trees, speak to the flowers”. A Swiss artist, Ursula Biemann, had in a film documentary invited the Kichwa people in the Ecuadorian rainforest to speak in accordance with the aforementioned slogan. According to the Kichwa, it was forbidden to enter certain forest areas because they were considered the abode of creatures that preserved the ecological balance. As this had not in the past prevented mining and oil companies from operating in those sacred areas, it had been written into the country’s constitution that nature has rights against encroachment.

In the same article it was also mentioned that the ecologist and environmental activist Pella Thiel was working to get the UN to draw up a declaration of the rights of nature. It was remarkable, she thought, that indigenous people “thank nature every day” and added that the rest of us should do the same. But who or what could recognize such expressions of gratitude – or resent a lack of gratitude? The answer is, most certainly, only other human beings.

Paradoxically, hardly any of the indigenous cultures that traditionally have been associated with a caring approach to nature has had a word in their own language corresponding to “nature”. Nor did we have any such word in Swedish until the Latin word *natura* – originally meaning “birth” – was introduced for scientific purposes at a time when urbanization had begun to make the countryside with its forests and meadows appear a foreign land, a field of study rather than a field to cultivate, so to speak. Of course, indigenous people have knowledge of ecological contexts, just as they have faith in spirits, earth goddesses and other higher beings, but they have not had the need to use a specific concept to distinguish nature from other things in the universe. Nature has simply been their entire lifeworld. The fact that they would have an ancient conception of the “rights of nature” also rhymes badly with pre-historical as well as

⁹For these and other examples, see Nikolas Berg, Ingrid Berg and Martin Hultman, *Naturens rättigheter* [*Nature’s rights*], Malmö: Roos & Tegnér, 2019.

¹⁰Jenny Loftrup, “Konstnärer och forskare söker ny etik för människa och natur” [“Artists and researchers seek new ethics for man and nature”], *LUM* 1/2020, pp. 12–13.

historic evidence telling about species extinction and destructive exploitation of land and animals at the hands of indigenous populations.¹¹ The self-romanticizing image of being “Nature’s friends” promoted by their representatives brings to mind Rousseau’s idea of “noble savages”, conveniently updated with certificates of also being climate friendly.

Here it can be noted that Bolivia has asked the UN to endorse a universal declaration on the rights of “Mother Earth”. According to this, Mother Earth is “a living being” with “inherent rights” that apply “without any distinction whatsoever to organic and inorganic beings”, all of whom have “the right to a place and to perform their role in Mother Earth for its harmonious functioning”.¹²

The earth is undeniably a prerequisite for human (and other) life, but that does not make the earth itself a living being. Talk about “inorganic beings” is self-contradictory – a *being* is something alive and therefore organic. And of course there are life forms whose functioning can hardly be seen as generally “harmonious”; think, for instance, of the millions of people who are infected by malaria parasites, or think of reindeer warble flies, causing pain to the reindeer and uveitis and glaucoma to humans. The harmony argument ignores the conflicts that are built into nature, where the lives of members of some species depend on the death of members of some other species. Nature is “red in tooth and claw” as Tennyson wrote and cares nothing for morality, rights or duties. Nature does not proclaim, nor does it respect any rights conventions. Such conventions are created by humans. They can of course be extended beyond the human sphere, but then it is because humans have decided to do so, and usually because something in nature has appealed to human emotions – the “Angel Land experience”, if you will.¹³

There are certainly cases where animals are ascribed legal rights, but the legally possible is not necessarily the same as what is reasonable or morally desirable. When an Ecuadorian court in 2011 allowed sharks to become plaintiffs in a lawsuit over illegal fishing,¹⁴ it made no more sense than the prosecution in 1992 of a goat in Tanzania for grazing on a private lawn.¹⁵ The sharks won their case, but the poor goat got four days in jail. A similarly bizarre case involves a ram that in 2022 was sentenced to three years of imprisonment in South

¹¹ See, for instance, Paul S. Martin, *Twilight of the Mammoths*, Oakland, CA: University of California Press, 2007, and Kjeld Hansen, *A Farewell to Greenland’s Wildlife*, Klippinge: Baeredygtighed 2002.

¹² Berg et al., *Naturens rättigheter*, p. 55.

¹³ “Angel Land” refers to the lyrics of a Swedish song, “Änglamark”, composed and written by the poet and singer Evert Taube (1890–1976).

¹⁴ Berg et al., *Naturens rättigheter*, p. 48.

¹⁵ Jan Bondeson, *The Feejee Mermaid and Other Essays in Natural and Unnatural History*, Ithaca, NY: Cornell University Press, 1999, p. 159.

Sudan for having headbutted a woman to death.¹⁶ Probably this was never the intended meaning of the principle that “No one is above the law”.

Environmental law specialist David R. Boyd has argued that nature and individual ecosystems should be seen as legal subjects by analogy with what applies to companies.¹⁷ The basic idea is that an extended recognition of legal entities can change the world for the better, but the only thing that seems certain is that the job market for lawyers will be expanding. The rights argument is also voiced by the environmentalist activist Pella Thiel. “Do we really mean that companies, but not lakes, have rights?” she asks rhetorically in the preface to the book *Naturens rättigheter* (*Nature’s rights*).¹⁸ So why shouldn’t we answer this question in the affirmative? Well, large companies are not themselves subjects, but they have boards whose members are. However, the WWF apparently shared Thiel’s views and appointed her in 2019 one of the “Environmental Heroes of the Year”, arguing that she spread “the message about the self-evident rights of nature”.¹⁹

These “self-evident” rights have been further outlined by Thiel in an article in *Sveriges Natur*.²⁰ That the Whanganui River among New Zealand’s Maori “is perceived as part of oneself, reflects a cultural sensitivity to the more-than-human, where it is possible to listen to what a river says”. That sensitivity has for the most part been lost in the West, according to Thiel, who goes on to argue that we should strive to “understand ourselves as parts of a living whole and hear what nature says, beyond the measurable.”

Now the Maori cultural sensitivity in particular can be questioned. In any case, it did certainly not include the peaceful Moriori people of the Chatham Islands whom Maori warriors massacred and enslaved in 1835. The Maori have subsequently defended the assault with reference to their own warrior culture.²¹ But even apart from the romanticization of indigenous peoples, the argument about rights to lakes, rivers, mountains and similar natural phenomena is mystifying rather than clarifying.

Rights are something that agents claim by virtue of having goals which they value and which they want to see successfully realized. To achieve this, they must have access to such

¹⁶ “Sheep sentenced to three years in jail for killing a woman in Africa”, *NDTV*, May 24, 2022.

<https://www.ndtv.com/offbeat/sheep-sentenced-to-three-years-in-jail-for-killing-a-woman-in-africa-3003935>

¹⁷David R. Boyd, *The Rights of Nature*, Toronto: ECW Press, 2017.

¹⁸Berg et al., *Naturens rättigheter*, p. 7.

¹⁹ “WWF utser Greta Thunberg, Magnus Carlson och Pella Thiel till Årets Miljöhjältar” [“WWF appoints Greta Thunberg, Magnus Carlson and Pella Thiel as Environmental Heroes of the Year”].

<https://www.wwf.se/presstellade/wwf-utser-greta-thunberg-magnus-carlson-och-pella-thiel-till-arets-miljohjaltar-3435485/>

²⁰Pella Thiel, “Jämlikt möte med naturen” [“Equal encounter with nature”], *Sveriges Natur*, 2/2019.

<https://www.sverigesnatur.org/opinion/jamlikt-mote-med-naturen/>

²¹Brian Barry, *Culture and Equality*, Cambridge: Polity Press, 2001, pp. 253–254.

things as life, liberty, health and knowledge. Likewise, they must avoid things such as threats, coercion, violence, deception, manipulation and other things that might prevent goal realization. Such necessary goods of agency become the objects of agents' rights claims, since agents, by definition, want to realize their goals successfully. Hence, all agents must, *qua* agents, both claim rights and recognize duties regarding other agents' rights to the necessary goods of agency. However, rights claims are only made by human agents; they are not made outside the human realm.

A cat standing guard in front of the hole where a mouse is hiding certainly has a goal, but cannot be blamed for violating the mouse's rights when it captures and kills its prey. Questions of "rights" do not arise in the world of non-human animals – there only those imperatives apply that follow from the animals' species specific instincts: to eat or be eaten, to hunt or be hunted.

And when we then move to the world of potatoes and carrots, not to mention the world of rivers, mountains, and lakes, there is not even a purposive instinct to be found. Humans can certainly attribute value to nature, animals and vegetation based on human criteria – that they are good for our health, that they are beautiful to look at, that we can learn something from them and so on. But all these are values that nature, animals and plants have *for us*, as means to something *we* want to achieve or have. If we start ascribing rights to these entities themselves, we engage in conceptual voodoo – we make them into our images and expect them to interact with us. However, this would only become a kind of puppet show. When the river, the wetland or the climate has to assert its rights in court, we can be certain that it is a human being who sits there and pleads their case before other humans who then must be convinced with arguments that only humans can invent and understand. And it cannot be any other way. Instead of trying at all costs to escape the human perspective and replace it with fictional agents, we would do better to refine this perspective, highlighting the beauty of mountains and lakes, cheetahs and toucans. In this way, we can indeed care for nature – not as an independent organism with rights, but as the environment that makes human life both possible and pleasurable.

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