

Earth Jurisprudence -

Reconnecting with the laws and lore of the Earth

Academic Roundup



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"The exploitation of Earth is currently maintained by environmental laws. As morals are changing, so should our legislation."

- Jamie Murray

Earth Jurisprudence and Rights of Nature in the Academic World

21st September 2017

Dear <<First Name>>,

This week we have something slightly different for you. Instead of news, events and reading we have poured through journals of law, philosophy, politics and more over the last few years and come up with a selection of articles which approach Earth Jurisprudence, Rights of Nature and related themes. The academic world is by no means the be-all and end-all of thinking, writing and action on Earth Jurisprudence, in fact, Earth Jurisprudence is a philosophy often refreshingly practiced and preached away from traditional academic institutions. However, there is still much of interest swirling around in the waters of academic journals, and we thought it would be a useful service to provide a summary and list of what is being said up in the ivory towers!

Below there is a selection of our favourite quotes, theses and authors, but the full set of summaries and quotes can be accessed on [this PDF](#).

Rights of Nature, State Control and Constitutions

A recurring point in the literature, unsurprisingly, is the rights of nature provisions in the Bolivian and Ecuadorian constitutions. Lalander, for example, examines the tension between rights of nature and support of state control of the environment in both of the constitutions. He writes that "The new constitutional rights of nature and the Indigenous peoples have evolved into a kind of straitjacket for the national governments and environmental activists claim that these rights in practice frequently are ignored."

Another interesting article is by Babock, who explores the possibility of rights of nature in the U.S. constitution. With nature being as embattled and assailed as it is, she considers that "Theories of personhood, which support granting corporations legal status and constitutional rights, might be transferable to nature."

Law, Nature and the Sacred

As much as Rights of Nature is often what tickles academic fancies, there are also those who explore the connections and disconnections between humans, non-humans and spirituality. Howe is adamant that what is fundamental, above environmental law, is law and policy which brings people into connection with nature whilst Latta takes a critical look at the bringing into law and policy of concepts such as Sumak Kawsay - how this can be cynical politicking to advance narrow interests.

National Experiences

Some academics focus their work on a specific jurisdiction. Ratiba looks critically at the type of 'development' peddled in South Africa, but suggests that indigenous communities in South Africa are particularly well-placed to draw strength from Earth Jurisprudence and the ecocentric legal movements around the world. He writes that "cultural communities in South Africa stand to benefit from the properly construed and rich earth jurisprudence arising out of the courtroom experiences of some of the cultural communities identified elsewhere in the world."

Strick turns his attention to New Zealand and the Treaty of Waitangi - its strengths and deficiencies. He gives voice to the context of the treaty as a Maori struggle for self-determination and, in light of this, how it is in many ways disappointingly lacklustre. Whilst he gives voice to the interest in the legal personhood aspect, this must be seen in the context of what the Maori had been seeking - full self-determination and communal rights in relation to the river.

For the list of all eighteen articles, more quotes and sources, you can look through [this PDF](#).

Several of the articles are open-source and, if not, you can expect more analysis and summaries from us in the future!

Working together, to strengthen the African Earth Jurisprudence movement



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