

Introduction to Wild Law

Peter Burdon and Michelle Maloney

Philosophical Roots

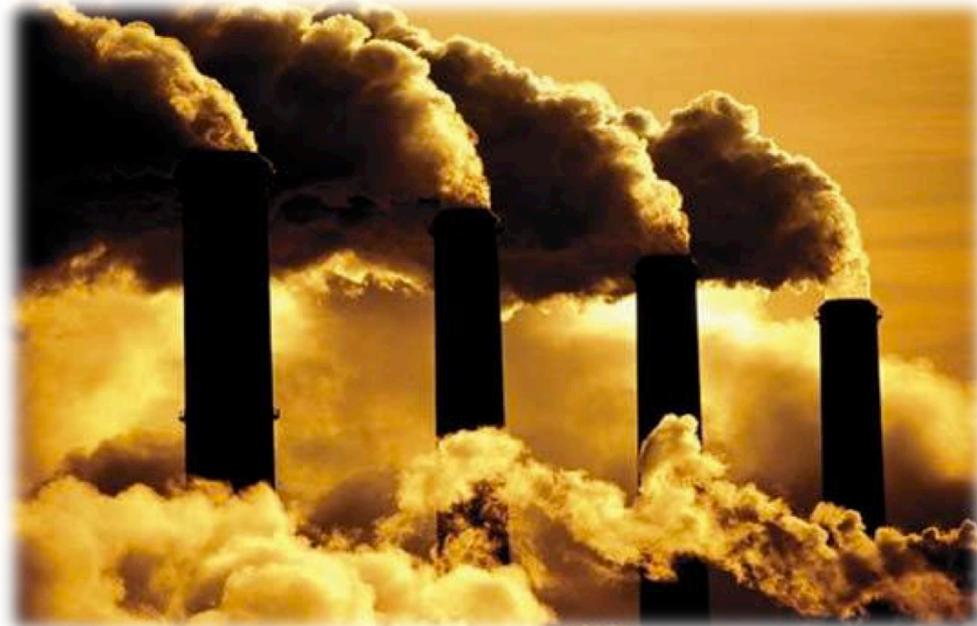
- ▶ Thomas Berry (1914-2009) was the inspiration behind 'Earth Jurisprudence'.
 - ▶ Biographical notes and Contribution;
 - ▶ Cormac Cullinan, *Wild Law: A Manifesto for Earth Justice* (Green Books, 2002);
 - ▶ International network.
- ▶ Earth Jurisprudence, environmental philosophy and ecological law.



Starting Point

- ▶ ‘The present legal system is supporting exploitation rather than protecting the natural world from destruction by the relentless industrial economy.’

Thomas Berry, ‘Legal Conditions for Earth’s Survival’ in Mary-Evelyn Tucker (ed), *Evening Thoughts: Reflections on Earth as Sacred Community* (2006) 107.



Environmental Crisis

▶ Environmental Crisis

- ▶ World Commission On Environment and Development, *Our Common Future* (1987);
- ▶ Union of Concerned Scientists, *Warning to Humanity* (1992);
- ▶ United Nations Millennium Ecosystem Assessment (2005);
- ▶ World Wildlife Fund, *Living Planet Report* (2008).

▶ The Anthropocene

‘Human beings have become a force of nature. It was not so long ago that hurricanes, tornadoes, floods and droughts were accepted as natural disasters. But now we have joined God, powerful enough to influence these events.’

David Suzuki, *The Legacy: An Elder's Vision for our Sustainable Future* (2010) 17



Environmental Crisis and Ethics

“The problem is not a problem of technology. The problem is not a problem of too much carbon dioxide. The problem is not a problem of global warming. The problem is not a problem of waste. All of those things are *symptoms* of the problem. The problem is the way that we are thinking. The problem is fundamentally a cultural problem.”

Thom Hartmann, The 11th Hour: Turn Mankind's Darkest Hour Into Its Finest (Directed by Leonardo DiCaprio, Warner Brothers Pictures, 2007) 00:11:45.



Anthropocentrism

“The Deepest cause of the present devastation is found is a mode of consciousness that has established a radical discontinuity between the human and other modes of being.”

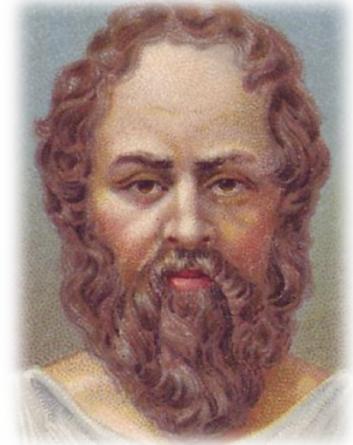
Thomas Berry, *The Great Work* (1999) 4.

Elements:

- ▶ Human beings are the central fact of the universe.
- ▶ Final aim and end of the universe.
- ▶ The earth exists to satisfy human needs and desires.

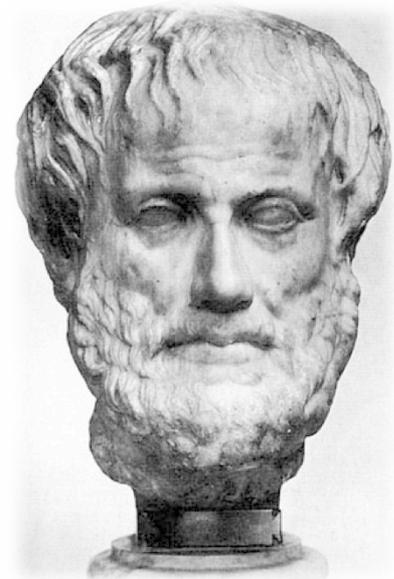


Historical Examples



‘I am a man who loves learning, and trees and open spaces can't teach me a thing, whereas men in town do.’

Socrates (470-399 B.C.)



‘Plants exist for the sake of animals, the brute beasts for the sake of man - domestic animals for his use and food, wild ones for food and others accessories of life, such as clothing and various tools. Since nature makes nothing purposeless or in vain, it is undeniably true that she has made all animals for the sake of man.’

Aristotle (384-322 B.C.)



Historical Examples

‘Be fruitful and increase in number; fill the earth and subdue it. Rule over the fish of the sea and the birds of the air and over every living creature that moves on the ground.’

Genesis 1:27-31



“My only earthly wish is to stretch the deplorably narrow limits of man's dominion over the universe to their promised bounds...putting [nature] on the rack and extracting her secrets...storming her strongholds and castles. I come in very truth leading you to nature with all her children to blind her to your service and make her your slave...”

Francis Bacon (1561-1626)



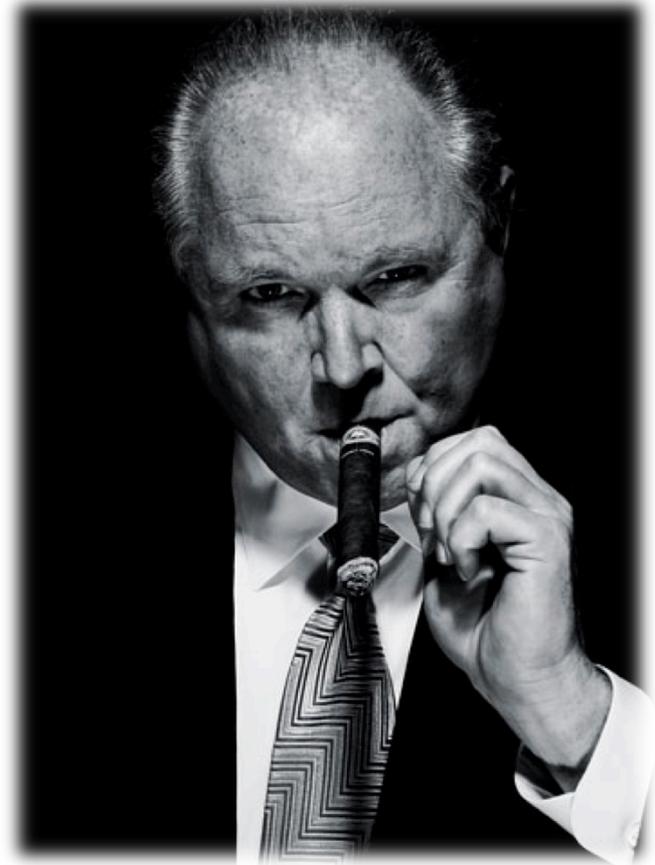
Modern Example

‘If the owl can’t adapt to the superiority of humans, screw it...if a spotted owl can’t adapt, does the Earth really need that particular species so much that hardship to human beings is worth enduring in the process of saving it?’

Rush Limbaugh, cited in Dale Jamieson, *Ethics and the Environment: An Introduction* (2008) 181-82.

See also ‘Exposing Religious Fundamentalism in the US’

<http://english.aljazeera.net/indepth/opinion/2011/09/2011948160923228.html>



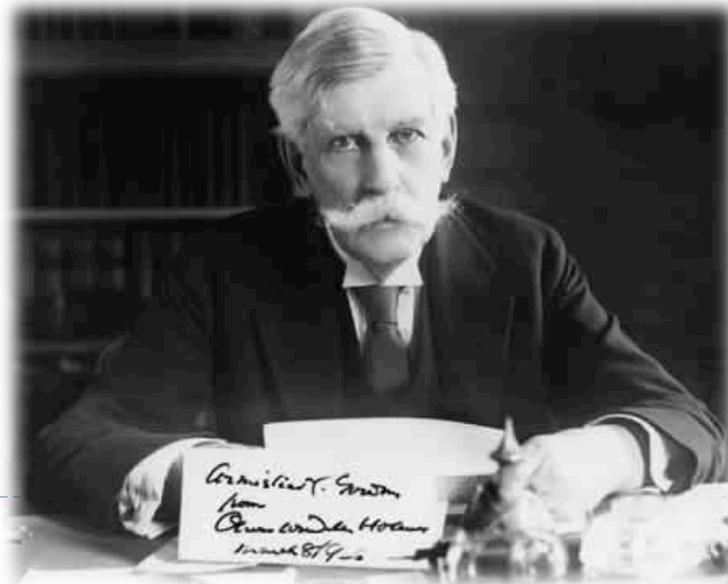
The Relationship Between Law and Culture

- ▶ Law as Culture

- ▶ The Magic Mirror:

‘This abstraction called Law is a magic mirror, [wherein] we see reflected, not only our own lives, but the lives of all men that have been!’

Oliver Wendell Holmes, *The Speeches of Oliver Wendell Holmes* (1891) 17.



Connection to Nature

“Even to think we are separated from nature is somehow a thinking disorder...[y]ou can't be separated from nature. Why we think that way is the interesting thing.”

*James Hillman, The 11th Hour: Turn Mankind's Darkest Hour Into Its Finest
(Directed by Leonardo DiCaprio, Warner Brothers Pictures, 2007) 00:26:15.*

Key Question:

How can law, as an evolving social institution shift to recognise the modern world view?



Transition: Earth Community

- ▶ **Earth community**
 - ▶ Human beings exist as one interconnected part of a broader community that includes both living and nonliving entities.
 - ▶ The Earth is a community of subjects and not a collection of objects.
- ▶ **The Common Good**



The Great Work



‘The Great Work now is to carry out the transition from a period of human devastation of the Earth to a period when humans would be present to the planet in a mutually beneficial manner.

Thomas Berry, *The Great Work* (1999) 3.





Australian Wild Law Alliance

- ▶ AWLA's mission is to:
- ▶ i. To support research, education, promotional and activist work that enables the understanding, theoretical development and practical application of Earth jurisprudence and wild law in Australia.
- ▶ ii. To collaborate with other groups and individuals on law reform initiatives that promote ecocentric approaches to law, regulation and governance.
- ▶ iii. To create partnerships with other organisations in Australia and overseas, who are working to promote and implement Earth jurisprudence and wild law.
- ▶ iv. To operate as a central point for interested groups and individuals in Australia to access information about Earth jurisprudence and wild law from around the world.





Brett Harvey Photography