

Reclaiming Our Place In Nature Through Law And Culture

By Grant Wilson

Timekeeping, Then and Now

Until relatively recently, the human conception of time was based upon the natural rhythms of Nature. The shape of time was not linear but rather circular, spiraled, triangular, or branched – a tree growing from the past into a multiplicity of futures.[1] Time could be internal – a remembrance of “long ago” or a past life – or external, measured by a new moon, the first snow, a migrating bird, or the ebb and flow of a river.

Western society has since lost this deeper connection to time, abandoning Nature’s guiding forces for human-constructed hours, minutes, and seconds as the organizing rhythms of labor and activity. When governed by these linear metrics, time often fosters anxiety rather than connectivity or personal spiritual growth. Of course, modern clocks provide many important services by establishing predictability in an immensely complex and fast-paced world. But our collective abandonment of interconnectivity with Nature’s timekeepers has resulted in the forfeiture of such a relationship with Nature itself.

Timekeeping, it should be noted, is not the only way in which we have separated ourselves from Nature. Our language achieves a similar end: dualisms such as development versus wilderness, humans versus animals, subjects (us) versus objects (them), etcetera, create false philosophical dichotomies. Language expresses not only separation, but also human domination and exceptionalism: describing Nature as ours and naming animals based on their Western “discoverers,” for example, promote an anthropocentric worldview.

The language of our laws separates us, as well. Humans possess rights, while the rest of the natural world does not. Whereas Nature was once perceived as living—even sacred – it is now treated as our property to commodify as we see fit. Humans are part of Nature, but most of us seem to have forgotten it.

How did we get here? Let us review.

An Illusion of Separation Develops

The illusion of separation between humans and Nature began about 11,000 years ago, when the first agriculture-based societies emerged. From 800 to 300 BCE, philosophers and religions began to champion human superiority and dominion over Nature. Scientists like Francis Bacon (1561-1626) and philosophers like René Descartes (1596–1650) popularized their conceptions of Earth as a machine or giant clock that was possible to control and exploit as long as we pulled the right levers.

Midway through the eighteenth century, the Industrial Revolution catalyzed the development of an economic system that viewed Nature as a form of natural capital rather than a life source. New economic paradigms encouraged industry to incessantly exploit nature to fuel monetary growth without limits. Modern democracy and human rights also emerged during this period, but focused on the well-being of individuals rather than that of what Thomas Berry called the “Earth Community”. In accordance with the dominant systems of law and economics, society came to presume the separation of humans and Nature rather than their interdependence.

The next period, from post-World War II through the present, is sometimes called the “Great Acceleration.” Measures of human growth and impact such as population, GDP, water and energy use, ocean acidification, and forest loss began to increase nearly exponentially during this time. [2] Now, neoliberal economic policy has commodified nearly all aspects of life, including air, water, forests, countless plant and animal species, food, education, health care, and personal data, among others. Corporations are dominating powers, exploiting Nature to the maximum extent allowable by law. Consumerism is a way of life.

The resulting effects on Nature’s health and protection are nothing short of cataclysmic. We have lost 68 percent of vertebrate animal populations over the last 50 years.[3] Nearly one in six species faces extinction due to climate change.[4] We have lost 46 percent of all trees in human history,[5] as well as 20 percent of the Amazon in the last 50 years alone. We destroyed half of the world’s coral reefs in the last 30 years, and are well on our way to a world without any coral reefs at all.[6] Do not forget that humans are also part of Nature, and seven million of us die each year due to air pollution,[7] including 100,000 annually in the United States.

Simply put, this is a global emergency.

Realigning with Nature, Part I: Legal Reform

Reclaiming our deep relationship with Nature through legal and cultural reform is critical to solving the ecological crisis. Today, governments across the world are beginning to recognize natural entities as “persons” with basic fundamental rights. This movement began when Ecuador recognized the Rights of Nature in its 2008 Constitution, and now spans some 12 countries through a combination of national and local legislation, landmark court decisions at the highest levels, treaty agreements, and other legal developments. Unlike modern environmental laws, which have the negative goal of “less degradation,” Rights of Nature laws seek to guarantee Nature’s right both to maintenance and restoration. It is a worldview that has been held by Indigenous peoples for millennia.

Globally, Rights of Nature efforts currently place a particular emphasis on rivers (e.g., the Whanganui River in New Zealand, the Atrato River and others in Colombia, the Klamath and Snake Rivers in the United States, and all rivers in Bangladesh). Some of these rivers have designated legal guardians to enforce their rights, while others have rights-based protections that can be enforced by anyone. Although implementation is mixed, ecosystems are beginning to fight for their rights and assert their voices in governance through a global movement that will only build over time.

In 2020, Earth Law Center and International Rivers co-launched the Universal Declaration of the Rights of Rivers, an initiative to outline the basic rights to which all rivers should be entitled (see www.rightsofrivers.org) and serve as a legislative starting point for governments that wish to establish the rights of rivers. Already, governments in France, Mexico, Nigeria, the United States, and elsewhere are drafting laws based on its text.

Granting legal rights to Nature could become society’s next major rights-based milestone as part of a larger movement toward the implementation of “Earth law” (like “human rights law” but for the planet). But while many believe that establishing the Rights of Nature is an essential piece of the solution to the ecological crisis, legal reform is only half of the picture. Establishing a deeper cultural relationship with Nature is equally important.

Realigning with Nature, Part II: Cultural Reform

Rights-based movements create cultural change, and vice versa. Consider gay marriage as a recent example. In the landmark civil rights case *Obergefell v. Hodges* (2015), the U.S. Supreme Court finally ruled that the right of same-sex couples to marry is constitutionally protected. Although the courts had for decades permitted discrimination on the basis of sexual orientation, the court acknowledged that the scope of rights-holders can expand: “If rights were defined by who exercised them in the past, then received practices could serve as their own continued justification and new groups could not invoke rights once denied.”

The Obergefell case and other landmark gay rights victories in the 2010s resulted in what advocates called a “transformative cultural change”, although they acknowledged that significant progress was still needed toward equal rights in other areas outside of marriage.[8] Once taboo to the general public, gay marriage has now become “the new normal.” In 2001, only 35 percent of Americans supported same-sex marriage, whereas in 2020 some 67 percent of Americans support it – a strong majority.[9]

A myriad of cultural changes grew symbiotically alongside legal victories for gay rights: TV shows, movies, songs, books, and even comic book characters such as Archie, who died in 2014 when he took a bullet for a gay friend, Kevin Keller, during an assassination attempt.[10] Landmarks, monuments, cultural sites, and even holidays have also emerged, including six designated landmarks in New York City and the designation of “Gay Pride Day” in the United States, the last Sunday in June. These have all helped to build cultural awareness of gay rights and, in turn, bolstered gay rights legal victories.

As with gay rights, cultural change can support the legal movement towards ecocentric law and the Rights of Nature. For example, we can reinvent our language so that we no longer describe Nature as our “property” or a “resource,” but rather refer to Nature as persons, family members, kin, or co-inhabitants of the planet. We can create artwork, monuments, and statues recognizing historic moments in the Rights of Nature movement – such as the Yurok Tribe’s recent designation of the Klamath River as having rights. Movies, songs, TV shows, books, and other cultural influencers will all normalize the societal goal of living in harmony with Nature, galvanizing a cultural shift that will help fuel subsequent legal victories.

This essay began with a review of timekeeping. It too can become part of the cultural movement towards ecocentrism. Specifically, we can normalize new standards of time that recognize our deep relationship with the natural world. Experimental philosopher, artist, and writer Jonathon Keats has collaborated with the Anchorage Museum to create Alaska River Time, which uses the natural flow of a river as a timekeeping standard. There is currently a proposal to make Alaska River Time an official standard of time in Alaska. Other states, such as Georgia and Colorado, and other countries, such as Switzerland and Austria, are considering similar initiatives.

Here is how the Alaska River Time works: The speed of a clock increases or decreases based on the flow of a network of rivers. The clock speeds up when river flows are greatest, such as during spring runoff, then will slow nearly to a halt during low-flow periods, such as late-summer when much of the snowmelt has been depleted. Alaska River Time will average out to standard time at first, but as climate change alters rainfall and weather patterns, the two timekeeping standards will begin to diverge.

Alaska River Time advances the cultural shift towards harmonizing with Nature. It calibrates our own sense of place and time with the natural flow of a river. It is a reminder that the natural world is indifferent to human-created time and operates at its own, natural pace. It challenges us to shift our focus from anthropocentric systems – such as time keeping – to the rhythms of Nature. Alaska River Time also makes society aware of the conditions of local rivers, something that is rarely considered during our day to day lives.

Alaska River Time is only one example of many societal advancements towards ecocentrism. Curridabat, Costa Rica, has granted citizenship to pollinators. Governments in Colombia, New Zealand, and elsewhere have established guardianship bodies to give Nature a voice in society. At San José State University, Jonathon Keats is working with biologists, political scientists and software designers on a polling system that has the potential to enfranchise animals and plants in political decision-making processes. As early as kindergarten, children are starting to learn about deep ecology, Rights of Nature, and other ecological concepts that encourage a deeper relationship with Nature. And this is only the beginning.

If we are to save Nature from its precipitous decline, we need two movements: a legal revolution and a cultural revolution. The legal revolution involves harmonizing our laws with the laws of the Earth. Worldwide, a growing body of “Earth lawyers” are working towards this goal with an emphasis on the Rights of Nature. Led by artists, philosophers, writers, filmmakers, and other creatives, the cultural revolution requires acknowledging that humans are part of Nature, not separate from it, through initiatives that illuminate a deeper understanding of our place in the natural world. Together, we can reshape the future of our planet.

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Footnotes

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