

RESPONDING TO THE GREAT WORK: THE ROLE OF EARTH JURISPRUDENCE AND WILD LAW IN THE 21ST CENTURY

Dr. Michelle Maloney and Sister Patricia Siemen***

I. INTRODUCTION

Despite a proliferation of environmental law in the United States and around the world, the health of the natural world continues to deteriorate. In this paper, we will build on the idea that what we need is not more environmental law, but different approaches to managing human relationships with the Earth. We will argue that the burgeoning Earth jurisprudence movement offers a deep philosophical anchor and a range of practical and multi-disciplinary approaches necessary to create law reform and societal change that will better support the natural world and human societies than our current system. We will also suggest that one of the greatest strengths of Earth jurisprudence is its ability to combine a rational critique of some of our oldest western, legal, and governance structures, with a less rational and more emotive call to return to a sacred appreciation of the Earth and the wider Earth Community.

In Section II, we will outline the origins and key elements of the Earth jurisprudence movement and will demonstrate the ways that Earth jurisprudence can be used to offer a cohesive framework within which law, politics, science, economics, ethics, traditional wisdom and human spirituality can be woven together to create a more effective governance approach to nurturing the Earth. In Section III, we will explore some of the ways groups inspired by Earth laws have implemented their work. Next, we will provide an overview of the work being carried out by the Global Alliance for the Rights of Nature, an international network of lawyers and Earth Advocates.¹ Finally, we will focus on the work of the

*Dr. Michelle Maloney is National Convenor of the Australian Earth Laws Alliance (www.earthlaws.org.au) and was a Visiting Scholar and Earth Laws Specialist at the Center for Earth Jurisprudence (www.EarthJuris.org) at the time of writing this paper. She can be contacted at: convenor@earthlaws.org.au

Center for Earth Jurisprudence (CEJ) and the Australian Earth Laws Alliance (AELA) as further examples of the innovative approaches being carried out by advocates for Earth jurisprudence.

II. THE EARTH LAWS MOVEMENT

A. THE ECOLOGICAL CRISIS AND RESPONSES

The ecological crisis brought about by humanity's insatiable consumption of the natural world is now well documented: deforestation, biodiversity loss, air and water pollution, land degradation and the escalating disruption of entire components of the Earth System, such as anthropogenic climate change.² Human influence on the environment have become so significant that some scientists are claiming we have moved into a new geological epoch—the “Anthropocene.”³ Given how well established human impact on the environment is and the direct threat this poses to our own existence, the duty to respond ethically and responsibly by self-regulating our human impacts seems to be an obvious conclusion. Encouragingly, we have seen an incredible effort from people all around the world to find ways to address the current ecological crisis. From the early warnings of scientists such as Rachel Carson's *Silent Spring*⁴ and Paul Ehrlich's *Population Bomb* in the 1960s,⁵ and the increase in environmental awareness in the 1970s that saw the introduction of significant environmental legislation and international agreements,⁶ the past fifty years have seen a proliferation of human efforts to respond to the ecological crisis. But despite these efforts, the natural world continues to deteriorate.

** Sister Pat Siemen, OP, JD is the Director of the Center for Earth Jurisprudence at Barry University School of Law (www.EarthJuris.org).

¹GLOBAL ALLIANCE FOR THE RIGHTS OF NATURE (last visited May 5, 2015), <http://www.therightsofnature.org>.

² CARLOS CORVOLAN ET AL., ECOSYSTEMS AND HUMAN WELL-BEING: SYNTHESIS (José Sarukhán et al. 2005), <http://www.who.int/globalchange/ecosystems/ecosys.pdf>.

³ Paul J. Crutzen & Eugene F. Stoermer, *The Anthropocene*, GLOBAL CHANGE NEWSLETTER, May 2000, at 17, <http://www.igbp.net/download/18.316f18321323470177580001401/NL41.pdf>.

⁴ RACHEL CARSON, *SILENT SPRING* (1962).

⁵ PAUL R. EHRLICH, *THE POPULATION BOMB* (1968).

⁶ U.S. Clean Air Act, 42 U.S.C. §7401 et seq. (1970); U.S. Clean Water Act, 33 U.S.C. §§ 1251-1387.

B. HISTORY AND ORIGINS OF EARTH JURISPRUDENCE

In 1999, deep ecologist, “geologist,” and Earth scholar Thomas Berry,⁷ proposed in his book *The Great Work: Our Way Into the Future* that the challenge for humanity is to understand the underlying systemic reasons for the ecological crisis and to transform our relationship with the natural world from one of destruction, to one of mutually beneficial support.⁸ Berry suggested that acting ethically and living within Earth’s natural capacities requires that we look to a new jurisprudence, a new way of governing ourselves for the challenges and possibilities of the twenty-first century so as to protect the integrity of Earth systems.⁹

Berry proposed that the primary cause of the ecological crisis is anthropocentrism - a belief by people in the industrialized world that we are somehow separate from, and more important than, the rest of the natural world.¹⁰ Berry argued that this anthropocentric world view underpins all the governance structures of contemporary industrial society: economics, education, religion, law – and has fostered the belief that the natural world is merely a collection of objects for human use.¹¹

Berry laid the foundation for an Earth jurisprudence at a conference held in Arlie, Virginia in 2001, which was attended by deep ecologists, lawyers and Earth advocates. During this conference, Berry said “Earth needs a new jurisprudence,” and the term “Earth jurisprudence” was coined.¹² In the paper he presented at that conference, titled “*The Origin, Differentiation and Role of Rights*,”¹³ Berry built upon: the land ethic articulated by Aldo Leopold,¹⁴ the deep ecology writings of George Sessions and Arne Naess,¹⁵ and the legal pioneering work of Christopher Stone who asked the provocative question in 1975, “Should trees have [legal] standing?”¹⁶ Berry’s original work progressed these

⁷ See CORMAC CULLINAN, *WILD LAW 21* (2011) (noting Berry often described himself as a “geologist” as he studied the Earth rather than theology).

⁸ THOMAS BERRY, *THE GREAT WORK: OUR WAY INTO THE FUTURE* 7 (1999).

⁹ *Id.* at 161.

¹⁰ *Id.* at 182.

¹¹ *Id.* at 4.

¹² CULLINAN, *supra* note 7, at 11.

¹³ *Id.* at 103.

¹⁴ ALDO LEOPOLD, *A SAND COUNTY ALMANAC* 201 (1949).

¹⁵ ARNE NAESS & GEORGE SESSIONS, *FOUNDATION FOR DEEP ECOLOGY* (1985).

¹⁶ CHRISTOPHER STONE, *SHOULD TREES HAVE STANDING? LAW, MORALITY, AND THE ENVIRONMENT* (3d ed. 2010).

ideas by stating that: “[E]very component of the Earth Community has three rights: (1) the right to be; (2) the right to habitat; and (3) the right to fulfil its role in the ever-renewing processes of the Earth Community.”¹⁷ He stated that these rights “originate where existence originates” and “[t]hat which determines existence determines rights.”¹⁸ Thus, existence and the laws of the emerging Universe are the highest laws, and human-made laws need to be in alignment with them.

Earth jurisprudence then, is an emerging theory of law and governance that requires a radical rethinking of humanity’s place in the world, to acknowledge the history and origins of the Universe as a guide and inspiration to humanity and to see our place as one of many interconnected members of the Earth community.¹⁹ Berry and the broader Earth jurisprudence movement acknowledged the inspiration and guidance that indigenous cultures and indigenous wisdom can provide to industrialized societies and the development of Earth jurisprudence.

Responding to Berry’s work, Cormac Cullinan’s *Wild Law: A Manifesto for Earth Justice* is a direct call to shift our legal and governance systems to support the Earth community.²⁰ Wild Laws are laws that express principles of Earth jurisprudence and are derived from the laws of nature. They can be seen as one subset of the broader Earth jurisprudence philosophy; as the ‘legal thread’ that weaves together with so many other aspects of governance – including economics, institutional structures and politics—to give expression to Earth jurisprudence.²¹

Many of the key elements of Earth jurisprudence and eco-centrism have long been debated in environmental philosophy and human ecology, and eco-centrism in the law has been explored by many writers.²² Additionally, many of the critiques directed at contemporary

¹⁷ CULLINAN, *supra* note 7, at 103.

¹⁸ *Id.*

¹⁹ BRIAN SWIMME & THOMAS BERRY, *THE UNIVERSE STORY: FROM PRIMORDIAL FLARING FORTH TO THE ECOZOIC ERA—A CELEBRATION OF THE UNFOLDING COSMOS* (1992).

²⁰ CULLINAN *supra* note 7.

²¹ CULLINAN *supra* note 7.

²² See STONE *supra* note 16; RODERICK FRAZIER NASH, *THE RIGHTS OF NATURE: A HISTORY OF ENVIRONMENTAL ETHICS* (1989); KLAUS BOSSELMANN, *Governing the Global Commons: The Ecocentric Approach to International Environmental Law*, in MICHEL PRIUR & S. DOUMBE-BILLE, *DRIOT DE L’ENVIRONNEMENT ET DEVELOPPEMENT DURABLE* (1994).

or traditional environmental law by Earth jurisprudence have also been articulated by other writers. Traditional Environmental law has been criticized as being embedded in industrial society's pro-growth governance culture, and simply legalizing severe environmental harm, rather than effectively protecting the Earth community.²³ It has also been criticized for being incapable of calculating or 'managing' the cumulative impacts of human activities nor the reality of ecological limits.²⁴

The work of Berry and Cullinan builds on this body of work, but we argue that it also offers something new. In addition to being critical theories that have stimulated a growing body of literature,²⁵ Earth jurisprudence and Wild Law are increasingly becoming practical and constructive tools which are directly inspiring and informing innovative practice by lawyers and activists around the world. Before moving onto an overview of this work, we will first provide an outline of some of the key elements of Earth jurisprudence that are inspiring practical responses from these groups.

C. ELEMENTS OF EARTH JURISPRUDENCE

As already noted, in *The Great Work* Thomas Berry suggested that our laws, religious traditions, educational institutions and economic systems needed to reflect and protect the biophysical realities of the Earth community. Earth jurisprudence can be used to advocate for a legal system with a number of critical elements.

First, under Earth jurisprudence the Universe is the primary lawgiver. In contrast to the current western legal system in which human laws are the highest authority for human society (and implicitly for all other life forms and ecological systems), under Earth jurisprudence the laws of the Universe, the 'Great Jurisprudence' or "Great Law," provide the fundamental parameters of the Earth Community, which human societies for a part of.²⁶ Thus, Earth

²³ THOMAS LINZEY, BE THE CHANGE: HOW TO GET WHAT YOU WANT IN YOUR COMMUNITY 22 (2010).

²⁴ Joseph Guth, *Law for the Ecological Age*, 9 VT. J. ENVTL. L. 431 (2008).

²⁵ CULLINAN *supra* note 7; PETER BURDON, EXPLORING WILD LAW: THE PHILOSOPHY OF EARTH JURISPRUDENCE (2011); MICHELLE MALONEY & PETER BURDON, WILD LAW IN PRACTICE (2014).

²⁶ Peter Burdon, *The Great Jurisprudence*, in BURDON, *supra* note 25.

jurisprudence can be used to explicitly advocate for human societies living within the rules or limits of the natural world.

Second, under Earth jurisprudence the Earth is an interconnected community so Earth Jurisprudence can be used to argue for a relationship based existence between humanity and the rest of the Earth Community. In contrast, under the current western legal system, relationships are only created between people and people and corporations through constructs like property law, but all other aspects of the natural world are exploited.²⁷ Under Earth Jurisprudence, the natural world is framed as a community and greater constraints on humanity's actions are imposed than under our current legal system. By claiming that "the primary concern of the human community must be the preservation of the comprehensive community," Berry argued for a human world that would work to ensure that all members of the Earth Community can thrive and continue their evolutionary journey.²⁸

Third, many advocates of Earth Jurisprudence have argued that the Earth Community and all the beings that constitute it have "rights" including: (1) the right to exist; (2) to habitat or a place to be; and (3) to participate in the evolution of the Earth Community.²⁹ Berry argued that "nature's rights should be the central issue in any . . . discussion of the legal context of our society."³⁰ This view contrasts with the current western legal system, which grants rights only to humans and selected human constructs such as corporations. Granting rights to nature is a radical rethinking of the role of our anthropocentric legal system, and yet the idea appears to be taking hold in many jurisdictions. This is discussed in the second part of this paper.

Berry distinguished the rights of nature from other legal rights when he said they are "analogous,"³¹ which meant the rights of nature

²⁷ CULLINAN *supra* note 7; Nicole Graham, *Landscape: Property, Environment and Law*, 23 J. ENVTL. L. 160 (2011).

²⁸ BERRY, *supra* note 8, at 580

²⁹ Thomas Berry, *Rights of the Earth: We Need a New Legal Framework Which Recognises the Rights of All Living Beings*, 214 RESURGENCE & ECOLOGIST (2002) [hereinafter *Rights of the Earth*].

³⁰ BERRY, *supra* note 8, at 80.

³¹ CENTER FOR HUMANS & NATURE: EXPANDING OUR NATURAL & CIVIC IMAGINATION (last visited May 5, 2015), <http://www.humansandnature.org/> (Thomas Berry said this to one of the author's, Patricia Siemen, in a private conversation at his home in Greensboro, North Carolina in 2006. He also said in "A Conversation with Thomas Berry," "Everything has rights. How could everything have rights? Well, it's an analogy. A tree needs tree rights. A bird needs bird rights. . . . To say that something is exists is true, but not the same.").

are already existent without human law because they are created by the very act of the Universe bringing forth its evolutionary processes. These rights of nature come from the same source as human rights: the Universe itself.³² Therefore it is the work of Earth jurisprudence to develop and advocate for cultural, legal, and even spiritual change that recognizes and provides protection and legal consideration for these already existing.

Following this notion of rights emerging from existence, is a fourth and critical element of Earth jurisprudence – the idea of Earth Democracy. Many advocates for the Rights of Nature embed these rights within a framework of “Earth Democracy.” Earth Democracy has been defined as an attempt to fuse eco-centric ethics with deeper forms of human democracy and public participation.³³ It promotes the idea that all human and non-human life forms are borne of Earth, and as evolutionary companions, we all have a right to exist, thrive and evolve. In terms of *human* relationships, Earth Democracy is a concept that examines power, privilege and inequity, and rejects them in favor of the idea that all people have the right to their own self-determination, particularly when it comes to Earth stewardship within their local communities. It is important to recognize that under an Earth jurisprudence approach, human rights are an interdependent and correlative subset of Earth rights; humanity cannot be healthy and secure if Earth is veering towards depletion and over-extraction.³⁴

Finally, it can be argued that under Earth Jurisprudence and Wild Law, there is a greater call for creativity and soul in our legal system in a variety of ways. For example, Berry and Cullinan have suggested that our understandings of “law” should be broadened so that we learn from indigenous and traditional knowledge systems, which would allow for greater pluralism in the legal structures we inherited from Europe. Under Wild Law arguments for greater engagement by western law with systems thinking and modern understandings of science, to reflect a deeper, richer understanding of the Earth Community can be made.

³² *Id.*

³³ Peter Burdon, *Wild Law and the Project of Earth Democracy*, in MALONEY & BURDON, *supra* note 25.

³⁴ ADRIAN DOMINICAN SISTERS (last visited May 5, 2015), <http://adriandominicans.pegcentral.com/> (providing a video of a personal Interview with Dr. Vandana Shiva, “Earth Laws – False Separation, False Superiority” at Navdanya Biodiversity Center, Dehradun, India, February 7, 2015).

Further, pursuant to Wild Law, challenges to members of the legal profession to embrace eco-centrism as a personal, individual ethic to inform and enrich daily practice, and to ensure our legal systems prioritize the health of the Earth Community can also be made.³⁵

In sum, Earth jurisprudence and Wild Law can be used together to offer a critique of existing law and governance, a substantive new foundation for Earth-centered legal approaches, and calls for doing law and governance differently. We would argue that Earth jurisprudence is a well needed antidote for the threats facing our fragile planet in the twenty-first century.

But how do we change the current system and move towards an Earth jurisprudence of human governance? Fortunately there are a multitude of people, community organizations and indigenous leaders who are doing their Great Work and leading through example. The Earth laws and Earth democracy movement is being embraced by people from all cultures, countries and professions, and this multi-cultural and multi-disciplinary response to Earth jurisprudence is one of its most powerful strengths. We need people from all walks of life to engage in the work of creating new, Earth-centered laws and governance systems. And as Cormac Cullinan suggests, we need lawyers in particular who will take on the challenges that we face because we “must bring our whole selves to the party,” by going beyond our rational legal skills to embrace and channel our compassion, spirit and love for the Earth that exists within us all.³⁶

III. RESPONSES TO THE GREAT WORK

The ideas articulated by Berry and Cullinan offered an important critique of and contribution to legal thinking and responses to the ecological crisis. These ideas have been strengthened even further by the expanding range of organizations and groups who are working to implement the ideas of Earth jurisprudence and Wild Law. In this section, we will provide a selected overview of the complex mix of strategies and approaches that groups around the world are taking, to implement Earth jurisprudence. By doing so, we will be able to highlight a number of key responses to Berry’s call to carry out the

³⁵ Liz Rivers, *How to Become a Wild Lawyer*, 18 ENVTL. L. & MGMT. 28 (2006); Brendan Sydes, *The Challenges of Putting Wild Law into Practice*, in MALONEY & BURDON, *supra* note 25.

³⁶ CULLINAN, *supra* note 7, at 7.

“Great Work.” In particular, we will focus on: (1) building a rights of nature movement internationally and domestically; (2) rights of nature legislation and advocacy; (3) expanding legal education to consider the Earth Community: the work of the Center for Earth Jurisprudence the expansion of legal education to critique existing environmental law; (4) challenging culture and building Earth centered governance: the work of the Australian Earth Laws Alliance.

A. BUILDING A RIGHTS OF NATURE MOVEMENT INTERNATIONALLY AND DOMESTICALLY

A useful way to highlight the breadth of work being carried out to implement Earth jurisprudence is to start with the ground breaking work of the international network of lawyers and Earth advocates who created the Global Alliance for the Rights of Nature (Global Alliance).³⁷ The Global Alliance was created at the World People’s Congress for Climate Change and the Rights of Mother Earth in Cochabamba, Bolivia in 2010.³⁸ It is a network of more than seventy organizations from around the world, including indigenous and non-indigenous groups from around the world. This network’s diverse membership highlights the range of people and organizations who are committed to implementing Earth centered governance: from the protection of the law of the seed by Navdanya in India,³⁹ to the promotion of Earth jurisprudence and indigenous knowledge systems by London based Gaia Foundation.⁴⁰

This growing network of Earth advocates has created two important initiatives that are challenging the anthropocentrism of existing law and governance. The first is the Universal Declaration for the Rights of Mother Earth (UDRME), which is a declaration that asserts the rights of

³⁷ See GLOBAL ALLIANCE FOR THE RIGHTS OF NATURE (last visited May 4, 2015), <http://therightsofnature.org/> (providing further information about the Global Alliance for the Rights of Nature).

³⁸ See WORLD PEOPLE’S CONFERENCE ON CLIMATE CHANGE AND THE RIGHTS OF MOTHER EARTH (last visited May 4, 2015), <https://pwccc.wordpress.com/> (providing additional information about the Conference).

³⁹ See NAVDANYA (last visited June 15, 2015) <http://www.navdanya.org/> (providing more information about Navdanya).

⁴⁰ See THE GAIA FOUNDATION (last visited June 15, 2015), <http://www.gaiafoundation.org/> (providing additional information about the Gaia Foundation).

all of the Earth community to exist, thrive and evolve.⁴¹ This Declaration is not presently recognized in formal international law but it represents the agreed values of thousands upon thousands of members of civil society. It has been estimated that over 35,000 people from more than 100 countries attended the People's Congress and played a part in drafting the Declaration.⁴² The Declaration was submitted to the United Nations (UN) shortly after the meeting in Cochabamba and was formally considered at the April 2011 UN Dialogue on Harmony with Nature. It was featured prominently at the June 2012 UN Conference on Sustainable Development (Rio + 20) and the Final Declaration of the Rio+ 20 People's Summit called on "governments and people of the world to adopt and implement the UNDRME." While the final UN Rio + 20 consensus document did not reference the UDRME, it did refer to the recognition of "rights of nature" in the governing system of some of its member states.⁴³

The second development is the creation of the International Rights of Nature Tribunal. The Tribunal is comprised of lawyers and ethical leaders from indigenous and non-indigenous communities around the world.⁴⁴ The objective of the Tribunal is to hear cases regarding alleged violations of the rights of nature and make recommendations about appropriate remedies and restoration. The Tribunal was created to respond to concerns by members of the Global Alliance that State-sanctioned laws were not only ignoring the atrocities being inflicted on the natural world, but were in fact facilitating them. The cases, decisions and overall jurisprudence that emerges from the Tribunal's sessions will play an important role in highlighting environmental

⁴¹ See CULLINAN, *supra* note 7, at 192-195 (containing a copy of the Universal Declaration for the Rights of Mother Earth); see also WORLD PEOPLE'S CONFERENCE ON CLIMATE CHANGE AND THE RIGHTS OF MOTHER EARTH, *supra* note 38.

⁴² See *People's Conference on Climate Change and the Rights of Mother Earth*, GLOBAL ALLIANCE FOR THE RIGHTS OF NATURE (last visited June 15, 2015), <http://therightsofnature.org/cochabamba-rights/> (noting that the authors were advised about the number of participants in private discussions with people who attended the Conference, and this number of participants has also been reported by the Global Alliance for the Rights of Nature).

⁴³ Linda Sheehan, *Natures Rule of Law Through Rights of Waterways*, CHRISTINA VOIGT, *RULE OF LAW FOR NATURE: NEW DIMENSIONS AND IDEAS IN ENVIRONMENTAL LAW* 230 (2013).

⁴⁴ See GLOBAL ALLIANCE FOR THE RIGHTS OF NATURE, *supra* note 37 (the Global Alliance for the Rights of Nature website contains additional information about the International Tribunal for the Rights of Nature, please visit the Global Alliance for the Rights of Nature website).

destruction and educating people about the potential of Earth jurisprudence and the Rights of Nature.⁴⁵

B. RIGHTS OF NATURE LEGISLATION AND ADVOCACY

The work of the Global Alliance, and the drafting of the UDRME, owes an important debt to the work of several groups who pioneered Rights of Nature law making. Formed in 2001, the Community Environmental Legal Defense Fund (CELDF) is responsible for assisting more than 150 communities in the USA to pass local ordinances that assert community self-determination and the rights of nature.⁴⁶ Rights of nature legislation was also passed in Bolivia in 2010⁴⁷ and perhaps most famously of all, civil society advocates and indigenous elders were instrumental in inserting Rights of Nature provisions into the Ecuadorian Constitution when it was revised in 2008.⁴⁸ Both the Ecuadorian Constitution, and Ecuador's first successful Rights of Nature case (the Vilcabamba Case), have offer important real-world examples of how the rights of nature can be legislated into modern legal systems, and interpreted by modern courts.⁴⁹

In 2010, the Earth Law Center was created in California and it has played a direct role in shaping the UN Dialogues on Harmony with Nature and the creation of local California ordinances that advocate for

⁴⁵ See Michelle Maloney, *Finally Being Heard: The Great Barrier Reef and the International Rights of Nature Tribunal*, 3 GRIFFITH J. L. & HUMAN DIGNITY 3 (2014) (providing additional details about the objectives and work of the Tribunal).

⁴⁶ See COMMUNITY ENVIRONMENTAL LEGAL DEFENSE FUND (LAST VISITED JUNE 15, 2015), <http://www.celdf.org/> (Providing further information about the Community Environmental Legal Defense Fund (CELDF)).

⁴⁷ John Vidal, *Bolivia enshrines natural world's rights with equal rights for Mother Earth*, THE GUARDIAN, Apr. 10, 2011, <http://www.theguardian.com/environment/2011/apr/10/bolivia-enshrines-natural-worlds-rights>.

⁴⁸ See *La Constitución de la República del Ecuador de 2008*, POLITICAL DATABASE OF THE AMERICAS (last visited Jun. 15, 2015), <http://pdba.georgetown.edu/Constitutions/Ecuador/english08.html>.

⁴⁹ See THE GAIA FOUNDATION, *supra* note 40 (providing additional information about the Gaia Foundation).

rights of nature.⁵⁰ Other organizations in the United States that have advocated for community and nature's rights include: Movement Rights,⁵¹ the Women's Earth and Climate Action Network,⁵² and the Bay Area Rights of Nature Alliance.⁵³ In Europe, there is currently a European Citizens Initiative to introduce a Rights of Nature Directive into EU law. This is supported by many groups who are advocating for the rights of nature at their local level.⁵⁴

It should also be noted that other legal developments – separate from the philosophical origins of the Rights of Nature movement— are taking place around the world which strengthen the call for Earth jurisprudence and the recognition of the Rights of Nature. In New Zealand, Maori iwi (tribes) have been successful in negotiating agreements with the New Zealand Government under the Treaty of Waitangi⁵⁵ that have, for the first time, granted legal rights to ecosystems. Under this process, the New Zealand Government has acknowledged the Whanganui River as “a legal entity with standing in its own right” and the legal interests of the river will now be managed by representatives from the Whanganui iwi and the Crown.⁵⁶ The

⁵⁰ See SANTA MONICA CITY COUNCIL (last visited June 15, 2015), <http://www.smgov.net/departments/council/> (providing more information about the ELC's role in creating the Santa Monica ordinance for community rights, adopted in April 2013 during the March 12, 2013 meeting); EARTH LAW CENTER (last visited June 15, 2015), www.earthlaw.org.

⁵¹ See *Movement Rights: Rights and real democracy. Empowering communities to write new rules.*, (last visited June 15, 2015), <http://www.movementrightrights.org/aboutus.html> (providing additional information about Movement Rights).

⁵² WOMEN'S EARTH & CLIMATE ACTION NETWORK (last visited June 15, 2015), <http://wecaninternational.org/> (providing further information about WECAN).

⁵³ *Bay Area Rights of Nature Alliance*, FACEBOOK (last visited June 15, 2015), <https://www.facebook.com/bayarearightsofnaturealliance?fref=ts> (providing more information about the Bay Area Rights of Nature Alliance).

⁵⁴ *European Citizens Initiative for the Rights of Nature*, INTERNATIONAL CENTRE FOR WHOLISTIC LAW (last visited June 15, 2015), <http://www.wholistic-law.org/european-citizens-intiative-for-the-righs-of-nature/> (providing additional information about the ECI).

⁵⁵ OFFICE OF TREATY SETTLEMENTS (last visited June 15, 2015), <http://www.ots.govt.nz/> (providing further information about the New Zealand Treaty of Waitangi).

⁵⁶ *Whanganui IWI and The Crown: Record of Understanding in relation to Whanganui River Settlement*, (last visited June 15, 2015), <http://nz01.terabyte.co.nz/ots/DocumentLibrary%5CWhanganuiRiverROU.pdf> (providing a copy of the Record of Understanding for the Whanganui River).

governance of the Te Urewera Forest has also been the subject of negotiations between Maori iwi and the Crown, and in 2014 the Forest was removed from the National Parks system and recognized as an independent legal entity, with its own rights and governance structure.⁵⁷

C. EXPANDING LEGAL EDUCATION TO CONSIDER THE EARTH
COMMUNITY: THE WORK OF THE CENTER FOR EARTH JURISPRUDENCE

In addition to the Rights of Nature law-making responses, other organizations have been working to advocate for Earth laws and to educate the next generation of lawyers about Earth jurisprudence. In 2006, the Center for Earth Jurisprudence (CEJ) became the first initiative sponsored by a Law School that educates from an Earth jurisprudence framework.⁵⁸ The mission of the CEJ is to advance the moral, cultural and legal considerations that foster legal protection of natural communities.

Thomas Berry's cosmological framework⁵⁹ has influenced the design and content of the Earth jurisprudence curriculum offered at the Barry University Dwayne O' Andreas School of Law. Through courses such as Principles of Earth Jurisprudence, Earth and Environmental Justice, and Environmental Ethics, students explore ways laws can and should be used to protect the balance of humanity as an integral part of nature. Students learn strategies for creating legal reform and applying current legal tools that can further an Earth jurisprudence approach. CEJ is a core contributing partner in Barry's Center for Advanced Study of Environmental and Earth including the Environmental and Earth Law Certificate Program, the Barry Faculty Environmental Responsibility Committee, and advisor to the Earth and Environmental Law Journal.

CEJ offers a vision of integrative Earth laws through its teaching, legal conferences, nature immersions and collaboration with local, state

⁵⁷ See Catherine Iorns Mallaganes, *Maori Cultural Rights in Aotearoa New Zealand: Protecting the Cosmology that Protects the Environment*, WIDENER L.J. (forthcoming 2014) (providing an excellent overview of the developments in New Zealand).

⁵⁸ The Center for Earth Jurisprudence was founded in 2006 as a joint initiative of both Barry University School of Law and St. Thomas University School of Law. In 2010 it became sponsored solely by the Barry School of Law.

⁵⁹ CULLINAN, *supra* note 7, at 103.

and international cultural, indigenous, and legal change organizations which advocate for legal responses that are eco-centric and demonstrate respect for nature. At the core of CEJ's mission is the objective of empowering law students and stakeholders to engage law and governance differently, keeping in mind the cosmological, ecological, biological and integral spiritual connection between humanity and the larger Earth community. CEJ has a unique role to play in promoting Earth laws as it is rooted in a Catholic and Dominican religious tradition that respects the natural world as part of creation and teaches a duty to protect it.⁶⁰ Both the moral and legal voice that CEJ offers contributes to legitimizing governance systems that protect the common good and the good of the commons for generations to come.

D. CHALLENGING CULTURE AND BUILDING EARTH CENTERED
GOVERNANCE: THE WORK OF THE AUSTRALIAN EARTH LAWS ALLIANCE

Earth jurisprudence has also taken root in Australia, as evidenced by the creation of the Australian Earth Laws Alliance (AELA) in 2011. The AELA was created by a dedicated team of lawyers inspired by the cosmological framework of Thomas Berry and Cormac Cullinan's "Wild Law." AELA's mission is to promote the understanding and practical implementation of Earth jurisprudence and Wild Law in Australia.

Since its creation, AELA has grown to become a multi-disciplinary network of professionals – including lawyers, scientists, policy makers, economists, artists and community development practitioners – who are committed to building Earth centered governance, and who do so through research, education, community building projects and Earth advocacy. AELA operates on a member-participation model, and is managed to ensure that it offers an organic, evolving response to the interests of Earth advocates who connect with its work. It also aims to be an energetic embodiment of Cullinan's call to 'bring our whole selves to the party', in that it invites people from different disciplines, cultural world views and institutions and spaces, to work together on

⁶⁰ *Seven Themes of Catholic Social Teaching*, UNITED STATES CONFERENCE OF CATHOLIC BISHOPS (last visited May 9, 2015), <https://www.usccb.org/>; *Our Mission and Vision*, ADRIAN DOMINICAN SISTERS (last visited May 9, 2015), <https://www.adriandominicans.org>.

rewarding, creative and soulful initiatives, imagining and creating an Earth centered governance system for Australia.

AELA's response to Berry's "Great Work" is expressed through five interlinked core themes of work.⁶¹ The first theme is "creating cultural change" by empowering people to understand and critique the causes of the current ecological crisis and providing information about Earth centered law, governance and ethics. This work is carried out via education programs,⁶² connecting with the arts⁶³ and incorporating cross-cultural world views and knowledge. AELA's education focus includes community and adult education and since late 2011, AELA has conducted two major academic conferences for environmental lawyers, and more than 80 workshops and public lectures around Australia, connecting with local communities, academic networks and the legal profession. AELA has also been invited to work in partnership with others to develop a new national "Earth Education" initiative which will see Earth jurisprudence and Earth ethics as a core module for adult education and courses accredited by universities in Australia.

The second core theme of AELA's work is "reconnecting with what matters," which refers to strengthening the connections between law and governance and other disciplines and ways of knowing, such as: science, ethics, indigenous knowledge and eco-spirituality. AELA's primary science-law project is called "Governance for Ecological Limits"⁶⁴ and a new indigenous partnerships project called "Future Dreaming,"⁶⁵ focuses on building cross-cultural projects and innovative projects for Earth centered governance. AELA's "Exploring Eco-spirituality" program aims to stimulate connections to the Earth through

⁶¹ *What we do – Australia*, AUSTRALIAN EARTH LAWS ALLIANCE (last visited June 15, 2015), <http://www.earthlaws.org.au/what-we-do-australia/>.

⁶² *Education – Workshops and Events*, AUSTRALIAN EARTH LAWS ALLIANCE (last visited June, 15, 2015), <http://www.earthlaws.org.au/what-we-do-australia/education-workshops-and-events/>.

⁶³ *Earth Arts*, AUSTRALIAN EARTH LAWS ALLIANCE (last visited June 15, 2015), <http://www.earthlaws.org.au/current-projects/earth-arts/>.

⁶⁴ *Ecological Limits*, AUSTRALIAN EARTH LAWS ALLIANCE (last visited June 15, 2015), <http://www.earthlaws.org.au/current-projects/ecological-limits/>.

⁶⁵ *Future Dreaming*, AUSTRALIAN EARTH LAWS ALLIANCE (last visited June 15, 2015), <http://www.earthlaws.org.au/current-projects/future-dreaming/>.

heart and spirit to enrich and inform professional and societal Earth ethics.⁶⁶

The third core theme is “building community” so that mutually enhancing relationships can be made between people, organizations and communities, to nurture the growth of Earth jurisprudence. Work in this space includes fostering networks such as the Environmental Justice Network⁶⁷ and by offering direct legal and governance support to community groups who wish to create Earth friendly governance structures.⁶⁸

The fourth area of AELA’s work is about creating alternatives and showing how Earth centered law and governance can work, which includes: co-hosting projects such as the Wild Law Judgment Project;⁶⁹ participating in international advocacy projects such as the International Tribunal for the Rights of Nature;⁷⁰ and supporting the development of local scale, alternative economic and governance systems, through its creation of the Australian Sharing Law Handbook.⁷¹

The fifth and final area of AELA’s work is “transforming law and governance.” This centers on working with others to promote new laws and governance systems, including: exploring the potential in Australia, of asserting “community and nature’s rights in local law making”⁷²; building Sharing Law in Australia and working with other

⁶⁶ *Exploring Ecospirituality*, AUSTRALIAN EARTH LAWS ALLIANCE (last visited June 15, 2015), <http://www.earthlaws.org.au/events/exploring-ecospirituality-2014/>.

⁶⁷ *Environmental Justice Network Australia*, AUSTRALIAN EARTH LAWS ALLIANCE (last visited June 15, 2015), <http://www.earthlaws.org.au/environmental-justice-network-australia/>.

⁶⁸ *Supporting Earth Friendly Organizations*, AUSTRALIAN EARTH LAWS ALLIANCE (last visited June 15, 2015), <http://www.earthlaws.org.au/what-we-do-australia/earth-friendly-orgs/>.

⁶⁹ *Wild Law Judgment Project*, AUSTRALIAN EARTH LAWS ALLIANCE (last visited June 15, 2015), <http://www.earthlaws.org.au/events/wild-law-judgment-project/>

⁷⁰ *See International Tribunal for the Rights of Nature*, AUSTRALIAN EARTH LAWS ALLIANCE (last visited June 15, 2015), <http://www.earthlaws.org.au/world-ethics-tribunal-for-the-rights-of-nature-and-mother-earth/> (providing an overview of AELA’s involvement in the International Rights of Nature Tribunal).

⁷¹ *See Australian Handbook for Sharing Law and Earth Friendly Governance*, AUSTRALIAN EARTH LAWS ALLIANCE (last visited June 15, 2015), <http://www.earthlaws.org.au/australian-handbook-for-sharing-law-and-earth-friendly-governance/> (providing additional information about the Australian Handbook for Sharing Law and Earth Friendly Governance).

⁷² *See Asserting Community and Nature’s Rights*, AUSTRALIAN EARTH LAWS ALLIANCE (last visited June 15, 2015), <http://www.earthlaws.org.au/what-we-do-australia/asserting-community-and-natures-rights/>.

environmental law groups in Australia to advocate for Earth centered law reform.

AELA now has a national network of almost 2000 people connected by a shared interest in systemic change of our legal and governance systems and is managing an exciting mix of programs that will further promote the understanding and practical shift towards Earth jurisprudence in Australia.

IV. CONCLUSION

We have argued that Earth jurisprudence offers an inspiring theoretical and practical framework for lawyers and others to create the cultural and legal change necessary to respond to the ecological crisis. We have mapped out the key elements of Earth jurisprudence and provided a brief overview of some of the organizations using Earth laws as the primary inspiration and guide for their work.

In conclusion, we would argue that the multi-disciplinary, pluralistic nature of Earth jurisprudence and Wild Law offers a well needed antidote to the narrow, human centered formulation of law that currently dominates industrialized nations. It engages with our rational capacity for critical thinking by helping us to critique and analyze our current institutional, regulatory and decision making structures and reshape them to “fit” within the biophysical realities of the Earth system. It also invites us to engage personally with the Universe Story, to reconnect with the Earth Community and to find our place in the world. By doing so, Earth jurisprudence connects humanity’s rational concern for the state of the Earth with something deeper and more powerful – our innate connection with, and love of, our home planet and our “evolutionary companions.” We believe that tapping into this powerful connection that humans have with their home, is the catalyst we need to implement the societal changes necessary for us to respond to “The Great Work” and create a harmonious relationship with the Earth community.