**Nature and the Law: In Defense of a Pluriversal, More-than-Human Approach**

How *can* nature be incorporated into the law? How *should* nature be incorporated into the law? Given the increasing number of jurisdictions around the world that have sought to bring nature into the legal frame, the moment is ripe for taking stock of such efforts with an eye towards developing a framework for further instantiation across different contexts. This essay provides such a platform for reflection by discussing three key points of differentiation that have emerged in the rights of nature (RoN) movement—form, mechanism, and orientation. In terms of form, jurisdictions vary according to whether they pursue legal personhood or direct legal rights. As far as mechanisms by which natural entities have their interests regarded, most contexts utilize some form of anthropocentric representation while design-inspired, more-than-human approaches have yet to be adequately explored. Finally, with respect to orientation, the RoN movement is settling into two schools—technocratic and cultural—marked by divergent onto-epistemological foundations. Upon probing these lines of contention, I propose several normative recommendations. I conclude that the success or failure of the proposed “Law and Nature” initiative hinges on its willingness to reject conventional legal thinking in favor of radical departures from modern law.

**1 INTRODUCTION**

The proposal to launch a new approach to law referred to as “Law and Nature” follows in the footsteps of extant reformatory packages designed to address major deficiencies in the way that legal systems interface with the natural environment. Notable predecessors include, *inter alia*, critical environmental law,[[1]](#footnote-1) ecological law,[[2]](#footnote-2) Earth jurisprudence,[[3]](#footnote-3) wild law,[[4]](#footnote-4) and Earth system law.[[5]](#footnote-5) The basis for yet another entrant into this discussion resides in the fact that environmental law has failed to live up to its billing as a means of preventing harm to nature and its inhabitants, especially in terms of existential crises such as climate change, biodiversity loss, and pollution. As evidence, consider the utter failure of the global community to meaningfully curb climate change, creeping species extinction, and ongoing environmental injustices.

However, for some, there is actually nothing wrong with environmental law. Rather, its lackluster performance is a function of the inherent difficulties of enforcement, which remains the main challenge to realizing environmental law’s ambitions.[[6]](#footnote-6) Strengthen the capacity for enforcement, so they say, and environmental law will be better positioned to achieve its potential. But for others, like the contributors to this special issue, matters of enforcement are secondary to fundamentally epistemological, ontological, and practical concerns about environmental law that have made it ill-equipped to tackle the aforementioned existential crises.

 Taking this tension as its starting point, Law and Nature urges deep reconsideration of erstwhile assumptions undergirding environmental law without presupposing how to overcome them. In particular, this approach eschews the hegemony of Cartesian dualism that has long held humans as separate from nature and the atomistic notion of individualism that emerged as a cornerstone of human rights theorizing after the Second World War in favor of a radically holistic, relational perspective. But in so doing, Law and Nature animates pragmatic and normative questions of first-order importance—how *can* nature be incorporated into the law and how *should* nature be incorporated into the law? A potentially fruitful avenue for exploring how law and nature can come into greater contact can be seen in the rights of nature (RoN).[[7]](#footnote-7) More specifically, RoN may be seen as a logical extension of a Law and Nature approach because it: 1) steers society towards more formal recognition of the inherent value of non-human nature; 2) demands an interdisciplinary conversation among anthropologists, biologists, computer scientists, ecologists, lawyers and others as to how nature’s interests can be best observed and protected; and 3) recognizes nature as a viable legal subject while admitting a variety of perspectives on the ontological scope of nature itself.

In this essay, I argue that we can look to the diversity found within the RoN movement, design theory, technology, and Indigenous and non-Western ways of knowing for answers to the important queries listed above. To this end, I propose a novel framework that organizes approaches to protecting the RoN into three categories—form, mechanism, and orientation. The goal here is to canvass current knowledge about the RoN to classify and illuminate the variety of practices contained therein. Ultimately, I surmise that in order for the burgeoning Law and Nature paradigm to signal a productive break from the dysfunction of modern environmental law, it should embrace critical and emancipatory departures from dominant Western legal thinking.

**2 THE STATE OF KNOWLEDGE ON THE RIGHTS OF NATURE**

Before articulating competing pathways to enacting the RoN, it may help to first review the state of theoretical and empirical knowledge on the subject. To begin, scholarship on the RoN has matured to the point that several central debates can be identified. First, experts have questioned whether the RoN concept successfully overcomes the anthropocentric status of (mainly Western) law, which tends to privilege individual humans over non-human entities and the larger systems in which all are embedded. Some argue that it signals a post-human turn in how we conceive of rights[[8]](#footnote-8) and environmental law,[[9]](#footnote-9) whereas others contend that RoN only reify the hegemonic Western legal paradigm it seeks to disrupt.[[10]](#footnote-10) Second, there is disagreement among legal theorists as to whether nature is a subject capable of possessing legal rights. Some find that natural entities do constitute legitimate rights-bearers,[[11]](#footnote-11) while others maintain that nature cannot qualify as a legal person and is thus not eligible for legal rights.[[12]](#footnote-12)

Third, there exists a discrepancy as to whether the RoN is ecocentric, meaning it values the whole of the environment at once instead of assigning ethical weight to individual beings in nature. Some believe it is accurate to say that the RoN adopt this perspective,[[13]](#footnote-13) while others determine the claim to be false since nature’s rights often appear alongside the rights of other entities.[[14]](#footnote-14) Fourth, given their alleged spiritual origins and the Indigenous activism that contributed substantially to the codification of RoN, there is some dispute over whether the resulting legal entitlements accurately pay tribute to Indigenous worldviews. Some claim that Indigenous cosmovisions fundamentally informed the content of RoN provisions,[[15]](#footnote-15) whereas critics charge that RoN contort Indigenous ideas to fit Western institutional molds.[[16]](#footnote-16) Finally, as alluded to above, there is an ongoing discussion about whether the RoN present a viable instrument useful for protecting the environment. Some have shown that such rights realize progressive gains towards improving the environment by creating new norms and punishing violators,[[17]](#footnote-17) while others promote alternative strategies such as specifying duties,[[18]](#footnote-18) pursuing stronger rights for environmental organizations,[[19]](#footnote-19) and empowering First Nations peoples.[[20]](#footnote-20)

Relative to theoretical contributions, empirical work on the RoN is fairly new and underdeveloped. Yet, what research does exist helps offers an initial view on the distribution and efficacy of these rights. While small-N studies offer comparative analyses of court cases, legislative acts, or municipal ordinances involving the RoN, medium- and large-N studies help to identify broader trends in the movement in terms of how such rights have emerged and the extent of their effectiveness. Such sources of evidence speak to the diverse ways in which RoN have become entrenched in jurisdictions at varying levels of governance. Here I briefly review some relevant scholarly efforts before elaborating on the framework that constitutes the main theoretical contribution of this essay.

 In terms of works examining a few judicial or governmental decisions regarding the RoN on a comparative basis, several commonalities have been identified. First, courts around the world often interpret an environmental entity as either a legal person or a rights-bearing subject.[[21]](#footnote-21) Second, the sources of legal reasoning employed in RoN cases usually evince a blend of domestic law, international law, and Indigenous or religious perspectives.[[22]](#footnote-22) Third, at least within Ecuador, courts have progressively established rules and procedures governing the specific rights of a range of natural entities, countering the charge that RoN are “merely symbolic and unimplemented.”[[23]](#footnote-23)

 With respect to scholarship that analyzes a larger set of cases or events, additional nuances about the proliferation and implementation of RoN begin to emerge. First, the vast majority of RoN initiatives come in the form of court rulings and local laws, whereas Indigenous law remains a far less common source for such rights. Next, nearly all efforts to recognize the RoN view nature as a whole as the main rights-bearing entity (as opposed to specific types of natural entities or animals). In addition, generally, speaking, there are three distinct ontological perspectives grounding the RoN—legal personhood (i.e., treating nature as a person before the law), properties (i.e., possessing human-like qualities), and relations (i.e., being enmeshed in interdependent relationships).[[24]](#footnote-24) Finally, the models of legal representation serving on behalf of nature fall into two categories—public guardianship (i.e., where any person or legal entity can take action to protect nature’s rights) and appointed legal guardianship (i.e., where an officially sanctioned individual or organization acts indirectly or directly in the interest of environmental bodies).[[25]](#footnote-25)

 This brief overview of recent literature highlights some of the most important debates, patterns, and sources of variation regarding the theory and practice of the RoN. Next, I summarize what I believe to be some of the most crucial points of departure for approaches to the RoN. They range from previously acknowledged to implicitly accounted for to insufficiently discussed by experts working on this subject. I describe each of these discriminating factors in detail below, providing indicative examples and explaining the practical significance of their differences along the way.

**3 A FRAMEWORK FOR APPROACHES TO THE RIGHTS OF NATURE**

The novel framework proposed here was arrived at inductively through an examination of extant RoN scholarship. It represents what I find to be the most prominent cleavages in theorizing about the RoN. The three resulting categories are presented below and arranged from the most widely discussed (i.e., form) to the least explicitly engaged in the literature (i.e., orientation). As such, while the framework is not intended to exhaustively cover all intellectual disputes in RoN theorizing, it offers a survey of some of the key longstanding and nascent tensions associated with the topic. Finally, it should be noted that the interactions between these categories are complex and not strictly either/or. For instance, one might conceive of an approach to RoN that involves legal rights (i.e., form) represented through non-anthropocentric means like bird migratory routes (i.e., mechanism) that are captured using animal tracking devices and machine learning techniques (i.e., orientation). That is, there is substantial opportunity for variation across categories; the potential range of permutations is not exclusive.

**3.1 Form**

The RoN movement generally consists of two types of legal mechanisms intended to protect the environment—1) legal personhood of nature, and 2) legal rights for nature.[[26]](#footnote-26) The former merely permits nature to be considered a person under the law, with attendant rights yet undefined, whereas the latter explicitly extends specific rights to nature, often without designating nature a legal person. According to the Eco Jurisprudence Monitor, legal RoN outnumber legal personhood of nature initiatives around the world on a 5.5:1 basis.[[27]](#footnote-27)

As examples, consider the approaches taken by New Zealand and Ecuador. In New Zealand, the Te Urewera National Park was designated a legal person as part of a settlement over a treaty dispute between the Maōri and the national government.[[28]](#footnote-28) The resulting legislative framework, the Te Urewera Act (2014), states: “Te Urewera is a legal entity and has all the rights, powers, duties, and liabilities of a legal person.”[[29]](#footnote-29) In Ecuador, Chapter 7 of the country’s 2008 Constitution enumerates direct legal rights possessed by nature. Article 71, for instance, reads: “Nature, or Pacha Mama, where life is reproduced and occurs, has the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes.”[[30]](#footnote-30)

According to Western legal theory, legal personhood logically precedes the ascription of certain legal rights.[[31]](#footnote-31) That is, one needs to be a legal person in order to enjoy the benefit of legal rights and the burden of legal duties. Under this approach, “legal personality is nothing more than the formal capacity[] to bear a legal right and so to participate in legal relations.”[[32]](#footnote-32) Corporate personhood in the United States follows such a sequence; in the absence of this legal status, firms would lack the capacity to engage in market activities.[[33]](#footnote-33) While legal personhood has been criticized on ethical grounds for its record of ontological exclusion,[[34]](#footnote-34) it is clearly possible to grant legal rights to a nonhuman entity without first declaring it a legal person, as the example from Ecuador above illustrates. Whether doing so runs afoul of accepted legal theory remains contested in the literature, however.[[35]](#footnote-35)

The form that a RoN initiative takes holds implications for its effectiveness as a means of protecting the environment, although the difference observed between the two main types remains unsettled due to a lack of empirical evidence. At a fundamental level, the extension of legal personhood in and of itself does not inherently produce environmentally beneficial outcomes. It merely permits nature to be recognized as a legal entity capable of legal relations. However, the content of nature’s associated rights under this arrangement is opaque. By contrast, granting legal rights directly to nature renders explicit the kinds of entitlements to which the environment is owed. Still, express enumeration of nature’s rights does not necessarily translate to tangible results on the ground, as the strength of these guarantees varies in accordance with the bindingness of the legal source where they are promulgated and the specificity of enacting laws and policies that indicate who the responsible parties are, what penalties exist for violations, what resources may be provided to those representing nature’s interests, etc.

At the moment, the best available proxy for the comparative efficacy of forms of RoN initiatives lies in assessing their acceptance and durability. As of 2022, 76% of legal personhood efforts gained official approval compared with 79% of those promoting legal rights, while nearly 24% of the former were either rejected or overturned compared to 21% of the latter.[[36]](#footnote-36) That is to say, both legal personhood and legal rights for nature enjoy similar rates of success, operationalized both in terms of becoming instantiated in governing systems and avoiding rejection or being rolled back. Clearly more work needs to be done to analyze whether one form is more likely than another to obtain the kinds of results desired by environmental advocates, however.

**3.2 Mechanism**

One of the chief challenges intrinsic to protecting the rights of non-humans like nature involves finding a way to identify and represent their interests in human institutions. In theory, there are two different approaches that could be pursued. First, a descriptively anthropocentric[[37]](#footnote-37) option might entail humans charged with knowing the status of and speaking on behalf of nature. The idea here is that since nature cannot articulate its needs or know when its rights have been infringed upon, we will need human surrogates designated to convey these issues in a manner intelligible to human decision-makers. To reiterate from above, we might further subdivide nature’s legal representatives into two categories.[[38]](#footnote-38) Public guardians include all those individuals or collectives empowered by law to protect nature through public action (i.e., *actio popularis*), as seen in Ecuador, where according to the Constitution “all persons, communities, peoples and nations can call upon public authorities to enforce rights of nature.”[[39]](#footnote-39) Appointed guardians include legal bodies or organizations explicitly created to represent the interests of nature, such as the Te Urewera Board in New Zealand (which oversees management of Te Urewera, a legal person). Second, a non-anthropocentric approach would require somehow determining the interests of nature on its own accord and providing a means by which nature could express its will in proceedings where its rights are concerned. For instance, a trial could be conducted in the natural setting itself where the state of the environment could be perceived directly by judges or an Indigenous person who possesses kinship relations with the natural entity in question could channel knowledge about its condition through a ceremony.

 Perhaps unsurprisingly, scholarship on the RoN has primarily advanced anthropocentric solutions instead of non-anthropocentric ones (even taking into account efforts masquerading as the latter that actually fall into the former category). This tendency has arguably stifled the development of less legalistic and more innovative avenues for protecting nature. For instance, some contend that the guardianship model adopted by several RoN initiatives “extend[s] participation opportunities to the non-human world,” thus serving as an antidote to the anthropocentrism common to environmental law.[[40]](#footnote-40) But others have challenged this perspective, arguing that such indirect legal mechanisms rely on a “fiction…that the nonhumans can authorize and take responsibility for their representatives.”[[41]](#footnote-41) This fiction suggests that what really matters in terms of representing the interests of nature is whether “the human audience of such claims accept them as valuable contributions to an ongoing process of representative democracy.”[[42]](#footnote-42) This rebuttal provides an interesting intervention because it emphasizes the importance of those judging representative claims about the interests of nature, as opposed to the content of those claims (since non-humans are not presently able to determine their validity). Therefore, perhaps the kind of legal mechanism chosen to advance nature’s rights is less important than whether judges and juries buy the assertions made my humans on nature’s behalf.

 The non-anthropocentric approach takes the conversation about RoN in an entirely different direction, one less wedded to the constraints of Western legal systems and thus more open to a wider range of representative possibilities. I argue that productive proposals in this vein can be found in design theory, specifically design thinking and more-than-human design (MTHD). Under a design thinking perspective that begins with identifying a problem instead of pursuing an objective,[[43]](#footnote-43) the focus shifts from figuring out how to protect nature through existing legal avenues (i.e., *de jure*) to determining nature’s needs and developing ways to satisfy them (i.e., *de facto*). Instead of legalizing rights for nature, by utilizing design thinking we might wind up with creative solutions that amount to “regulation by design,”[[44]](#footnote-44) solving the problem of environmental degradation without relying on the very systems of law have that failed to prevent it. Any prospective fixes would emerge from iterative processes that draw on insights about nature’s unmet needs, observations from a variety of stakeholders, and empathy towards all who interact with and comprise nature.

MTHD recognizes the urgency of addressing challenges intrinsic to the Anthropocene and seeks to upend the hegemonic human-centered orientation of design.[[45]](#footnote-45) Crucially, it calls into question hegemonic Western tropes derived from Enlightenment thinkers like René Descartes and Immanuel Kant, such as the “familiar binaries of human and nonhuman, culture and nature, and human and animal”[[46]](#footnote-46) while honoring “the merits of relationalist worldviews pioneered by Indigenous and First Nations peoples.”[[47]](#footnote-47) As a post-anthropocentric approach to design, it invites non-humans to collaborate in the creation of new imaginaries and new worlds by including the perspectives of such entities during the design process and treating them like clients, not mere objects or obstacles to the fulfillment of human needs. If we look beyond the agency of human actors and towards the affordances[[48]](#footnote-48) of more-than-human entities (along with the relations among them), exciting new possibilities for action emerge along with a wider range of design opportunities.[[49]](#footnote-49)

As a (literally) concrete example, instead of centering building design exclusively on the needs of potential human occupants, a more-than-human approach would consider how birds, insects, and plants currently interact with the land where the building will be erected and accommodate those interests accordingly (i.e., by creating outdoor breezeways and building around trees instead of uprooting them). Innovations along the lines envisioned by MTHD in the context of nature include the use of “ecosystemas”[[50]](#footnote-50) or “personas”[[51]](#footnote-51) as representative archetypes of non-human communities, recording the interactions among non-humans in experimental settings,[[52]](#footnote-52) and tracking nonhuman activity in real world contexts.[[53]](#footnote-53) With respect to advancing the RoN, a MTHD perspective would make use of these kind of tools to capture and prioritize nature’s interests in the process of design. Adopting this outlook would produce alternative solutions like wildlife crossings that encourage the free movement of animals[[54]](#footnote-54) while limiting harm to the integrity of the local ecosystem.[[55]](#footnote-55)

Of course, the non-anthropocentric position is not impervious to criticism. Humans are still the initiators (or mediators, in the case of Indigenous folks with strong kinship ties to nature) of processes intended to find ways to incorporate nature into human institutions. This makes the stance *anthropogenic* at best. Further, while design thinking and MTHD make important post-anthropocentric strides, they improve the ethical outlook for future projects while remaining unable to attend to ongoing and past ecological injustices for which design seems particularly ill-suited to remediate. But even if we concede these objections, we might still prefer non-anthropocentric mechanisms to anthropocentric variants for ethical reasons, arriving at the reflexive middle ground of “ostensive humanism”[[56]](#footnote-56) that admits the role that humans must play in redressing ecological devastation while simultaneously observing that these responsible beings are fundamentally inseparable from nature.

**3.3 Orientation**

A third source of differentiation between approaches to RoN concerns their overall purpose and the means through which actors pursue their respective ultimate aims. This emergent bifurcation falls into two categories—technocratic and cultural. For those in the former camp, the goal of RoN is to obtain verifiable improvements in environmental quality through the technification of environmental management. Here, rights perform an instrumental role by facilitating the extension of technology into the environmental domain. For advocates of the technocratic perspective, technology offers a way of overcoming the enforcement problem identified by critics of RoN by increasing environmental monitoring, scientifically determining and validating specific rights of natural entities, and detecting violations in real-time through the accumulation of Big Data. This perspective involves as much a *scientization* of the RoN as it does a *legalization* of Earth system sciences. An example of the technocratic approach can be seen in the 2021 *Los Cedros* case, in which Ecuador’s Constitutional Court, in order to understand the kinds of rights at issue with respect to a forest ecosystem, relied substantially on the testimony of scientists, concepts like biological species, and scientifically-informed norms like the precautionary principle.[[57]](#footnote-57) An even more thoroughly technocratic proposal recommends granting “environmental copyrights” to numerical ocean models whose moral rights might be considered violated when the integrity of the ocean ecosystem exceeds formally determined planetary boundaries.[[58]](#footnote-58)

For those in the latter group, the purpose of RoN is to restore Indigenous sovereignty over occupied and mismanaged lands and waters. Here, RoN work in service of advancing biocultural rights. As a major point of departure from the technocratic view, advocates of the cultural perspective assume that improvements in environmental quality will flow from the restoration of Indigenous authority over ancestral resources.[[59]](#footnote-59) However, such outcomes are of secondary importance compared to the main objective—wresting control of nature from the hands of colonial oppressors. Philosophically, the cultural view seeks to liberate environmental law from its Western strictures, celebrating alternative onto-epistemologies and empowering Indigenous peoples through a thoroughly pluralist re-conceptualization of the notion of law itself.[[60]](#footnote-60) For instance, in 2018 the White Earth Band of Ojibwe of the Chippewa Nation passed a resolution recognizing the rights of manoomin (wild rice), an act urged by the ways in which industrial agriculture posed a real threat to this culturally significant food staple. In so doing, the tribe reaffirmed its sovereignty and the supremacy of its own laws above what it considered insufficiently protective laws at other levels of governance.[[61]](#footnote-61) This ordinance later served as the basis for a lawsuit by the White Earth Band against the Minnesota Department of Natural Resources for issuing a permit that would redirect billions of gallons of water away that directly feed manoomin beds.[[62]](#footnote-62)

To make one thing clear, both of these perspectives view RoN as a positive development that holds great promise for addressing major issues like climate change, biodiversity loss, and pollution. However, they diverge in important ways that are worth articulating. First, they possess different epistemological commitments. Technocrats argue that the RoN can be clarified through the introduction of Western scientific methods and data, whereas culturalists urge greater respect for Indigenous laws and ways of knowing, not empirical measurement. Second, they elevate different kinds of actors in the process of adjudicating RoN cases. Technocrats give pride of place to scientists, whom they view as the arbiters of truth capable of rendering nature’s state intelligible to Western legal systems, whereas culturalists highlight the role of Indigenous peoples in conveying nature’s interests by virtue of their closeness to and care for the environment. Third, they vary in terms of the degree of change to existing legal systems deemed necessary to address environmental challenges. Technocrats elect to operate within the confines of the current system, while culturalists seek to open the system up to alternative sources of knowledge and governance.

**3.4 Synthesis**

This section has presented three key (and at times underappreciated) themes observed across the burgeoning RoN movement. While different *forms* have been a fixture of the RoN since the onset of their legalization, less attention has focused on the *mechanisms* by which nature’s interests are determined and the onto-epistemological *orientations* undergirding the purpose and implementation of such guarantees. These categories, along with their competing approaches and representative examples, are summarized in the table below.

**Table 1**. Framework for differentiating approaches to the rights of nature

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Form** | **Mechanism** | **Orientation** |
|  | *Legal Personhood* | *Legal Rights* | *Anthropo-centric* | *Non-anthropocentric* | *Techno-cratic* | *Cultural* |
| Example | Te Urewera Act | Ecuadorian Constitution | Te Urewera Board | More-than-Human Design | Los Cedros Case | Rights of Manoomin Resolution |

Developing optimal RoN strategies will require additional scrutiny and analysis of the approaches listed above. First, more context-sensitive, rigorous research will need to be performed in order to assess whether legal personhood or legal rights are better suited to yield the desired outcomes. This may require the use of small- and medium-N methods like qualitative comparative analysis[[63]](#footnote-63) until a critical mass of cases befitting large-N statistical analysis arrives. Second, advocates and policymakers will need to experiment with alternative platforms for identifying nature’s interests and finding avenues for nature to meaningfully participate in decision-making processes affecting those interests. Crucially, we should remain open to testing a variety of options, such as using artificial intelligence to decode animal communication[[64]](#footnote-64) and conducting environmental assessments on the basis of Indigenous and local knowledge.[[65]](#footnote-65) Finally, the extent to which the adjudication of RoN concerns are pursued through technocratic or cultural means will likely involve substantial negotiation between relevant parties (or kin) in order to maximize the potential effectiveness and/or cultural appropriateness of efforts to realize this nascent “legal revolution”[[66]](#footnote-66) in practice.

**4 RECOMMENDATIONS**

The preceding section focused primarily on addressing the first question motivating this study—*can* nature be incorporated into the law? Experiences observed around the world seem to suggest a response in the affirmative (theoretical objections notwithstanding). That is, as a matter of positive law, it appears possible to situate nature within the frameworks of existing legal systems by expanding legal constructs, establishing ways to represent nature’s interests, and adopting contextually appropriate epistemologies. In this penultimate section, I hazard a tentative answer to the second question—how *should* nature be incorporated into the law? This latter query necessarily invites a more normative reflection than does the former. However, the point here is not so much to win an argument on the strength of my normative convictions. Rather, the goal is to present a set of normative issues that must be attended to if the RoN project is to meet the challenge of confronting the concerns that inspired its genesis. Supporters of the RoN who nevertheless disagree with the points made below will need to explain how their position does not undercut the coherence of the movement, a result that would imperil its legitimacy and promise. I organize these normative issues into three categories—scope, method, and function—which move beyond descriptive characterizations of RoN (i.e., form, mechanism, and orientation) and towards addressing how and why RoN should be implemented to achieve the intended goals of Law and Nature. My position with respect to these areas is informed by ethical obligations urged in writings on Anthropocene, such as the need to Indigenize/decolonize law,[[67]](#footnote-67) adopt pluriversal methodologies,[[68]](#footnote-68) eliminate anthropocentrism,[[69]](#footnote-69) and pursue multispecies justice.[[70]](#footnote-70)

First, in terms of *scope*, what is the proper geographic scale at which RoN should be enacted? While there is certainly an argument to be made that nature as a subject of rights should be conceived as a global entity in need of protection at the international level, as some social movements have,[[71]](#footnote-71) doing so might cut against how various Indigenous groups and non-Western societies construe the environment and their relationship with it. For instance, the Maōri have a unique cultural association with the Whanganui River ecosystem of Aotearoa New Zealand,[[72]](#footnote-72) which is not necessarily applicable to all riverine systems around the world. As such, it would be inappropriate to export the Maōri worldview and its distinctive take on the status of nature to environments far removed from the group’s ancestral homeland. Therefore, in order to properly respect the special relationships that Indigenous and First Nations peoples have with nature, the RoN should be implemented at scales commensurate with the geographic contours found in Indigenous ontologies.

Second, regarding *method*, how should law be (re)conceptualized where the more-than-human world is concerned? I argue that our goal here should be to elevate the moral (and thus legal) status of nature while respecting cultural differences across jurisdictional landscapes. Epistemologically speaking, fostering this kind of transformation requires casting aside the hegemonic, universalizing notion of a “One-World World”[[73]](#footnote-73) and replacing it with a “pluriversal politics”[[74]](#footnote-74) that honors diversity of thought and being. Consider the “grammar of animacy” found in the Potawatomi language, in which all members of the animate world—from animals to humans to nature—are described using similar verbs.[[75]](#footnote-75) This lexical practice eliminates the Western legal conceit that treats non-humans as objects instead of subjects. Next, we must transition from perceiving law as a language for articulating rules that “impose duties” or “confer powers”[[76]](#footnote-76) to reimagining law as a “way of life”[[77]](#footnote-77) that treats natural entities both as law and as “law-producing selves”.[[78]](#footnote-78) The practical implication of such a paradigm shift is that instead of making cosmetic adjustments to law using conventional legal technologies (i.e., judicial standing, legal rights, etc.) so that the system becomes more hospitable to treating nature as an entity capable of legal relations, we can adopt more radically inclusive ontologies from the outset. For example, under current interpretations of modern law we need merely adapt existing constructs (i.e., *in loco parentis*) in ways that render nature’s interests intelligible to hermeneutically insular legal systems. But if we reconceptualize law itself and adhere to a pluriversal account of it, we open ourselves to bold new legal imaginaries, such as “listening-with”[[79]](#footnote-79) the more-than-human world, a methodology that includes (but is not limited to) artistic performance, shamanistic practices, and learning from insentient nature.[[80]](#footnote-80) If we take seriously our objective to find better ways to ensure nature is not an afterthought but a priority, more than mere property or a mute legal vessel, we have an ethical obligation to open ourselves up to the possibilities that inhere in the worldviews of cultures historically maligned by modern law.

 Third, with respect to *function*, how should law address the moral consequences of its anthropocentric outlook? As many have forcefully contended before me, the individualistic, human-centered foundation undergirding Western legal systems has created the structural conditions responsible for ongoing environmental destruction.[[81]](#footnote-81) In order to change course and move towards a more just future, I argue that law needs to be equipped to dethrone humans from their place atop the moral hierarchy. Practically speaking, this would require law to function in such a way that more-than-human interests would have to be considered (at least) on par with those of humans, and that in situations in which they conflict, it must be possible for the former to take precedence over the latter. As an example, in *Tennessee Valley Authority v. Hill*,[[82]](#footnote-82) conservationists filed suit to enjoin a major dam project that they argued would jeopardize the habitat of an endangered species of fish, the snail darter, which enjoyed protection under the 1973 Endangered Species Act. The U.S. Supreme Court ultimately held that because construction of the dam could lead to the extinction of the snail darter, it should not be permitted to continue. What is significant about this case is not merely that law existed to safeguard animal species at risk of elimination, but also that human actors demonstrated a willingness to faithfully execute legislation to the detriment of human interests (i.e., building infrastructure to foster economic development). Although it is not the objective here to offer a comprehensive plan for (re)making law more responsive to the needs of nature at the (potential) expense of human desires, suffice it to say that replacing law’s anthropocentric edifice with a more ontologically equitable one is an ethically necessary endeavor given our knowledge about the range of intergenerational, intragenerational, and multispecies injustices promoted by the current legal order.

 This section sketched a tentative answer to the question of how nature should be incorporated into the law. Dividing the response into three parts—scope, method, and function—I leaned on normative insights gleaned from scholars who have treated the Anthropocene as a critical juncture worthy of serious deliberation about how to imagine and realize a just, more-than-human future. Drawing from these ethical arguments, I proposed right-sizing legal-ontological boundaries of nature in accordance with Indigenous geographies, reconceptualizing law by adopting a pluriversal perspective, and dislodging humans from the center of law’s universe. Implementing these recommendations necessarily requires first acknowledging and then dismantling hegemonic positions that have committed epistemic violence against non-Western cultures. In the Anthropocene, it is no longer morally excusable to assert that Western ways of thinking are inherently superior to Indigenous and non-Western “ways of worlding.”[[83]](#footnote-83) As deeply uncomfortable as it might be for some, the proposal suggested here also invites introspection and humility, a moment to consider not just whether but how law has fallen short and where we go from here. Collaboration and empowerment are two promising strategies.[[84]](#footnote-84) But above all, we need to cultivate a gracious space that celebrates and seeks to advance radical departures from modern law.

 At the same time, we should be careful to avoid cultural appropriation, essentialism, and exoticism. I am not suggesting here that societies without a discernible Indigenous heritage simply and unproblematically graft the ideas of traditional societies onto their respective corpus of law. Doing so risks tokenizing marginalized groups and engaging, ironically, in an epistemic form of colonialism. Above all, the manner in which nature should integrate with the law should be ethically defensible and contextually appropriate. This means celebrating the spirit of Indigenous and non-Western worldviews while finding ways to make nature’s inclusion in sociotechnical institutions authentically autochthonous. For instance, in jurisdictions without a strong Indigenous presence, efforts should be undertaken to prioritize the histories and lived experiences of the most vulnerable, those closest to the land and sea. These can be smallholder farmers, fishermen and women, and those living in and among mountains and rivers. No one is better positioned to respect nature than those who have a direct stake in its survival and thriving.

**5 CONCLUSION**

The proposal for a Law and Nature movement offers an opportunity to not only revisit environmental law’s shortcomings and examine existing reformatory initiatives intended to improve upon it, but also to think more broadly about what law is and what it should be. This essay sought to invigorate the idea of Law and Nature through an analysis of the RoN. Upon reviewing the state of knowledge on this subject, I discussed whether nature can find a place in the law and how this accommodation might be achieved. Examining the empirical realities and underexplored potentialities of the RoN, I revealed its diversity in form (legal personhood vs. direct rights), mechanisms (anthropocentric representation vs. more-than-human approaches), and orientation (technocratic vs. cultural). Next, I complemented the typological exercise with a normative assessment of how to best proceed with bringing nature into the fold of the law. Here I recommended a governance scope that respects the cartography of Indigenous worldviews, a pluriversal method amenable to reconceptualizing law and the ways in which non-human entities interface with it, and an ontological function that shuns human chauvinism in favor of radical equality. These suggestions offer a path through which Law and Nature might emerge as a novel program capable of addressing the moral and practical deficiencies of law in general and environmental law in particular.

Undoubtedly, tensions may arise in the process of translating the above recommendations into concrete actions. But that is precisely the point. Law is in dire need of technical disruption and ethical rejuvenation; the center cannot hold. The temporal imminence of ecological collapse and the slow violence of multispecies injustice counsel against remaining on a steady diet of modest adjustment and incremental change. Law and Nature would do well to usher in a new wave of legal thinking that learns from the mistakes of the past and present in order to build a more just future. Adopting a pluriversal, more-than-human approach would signal a productive move in this direction, one that emphasizes cultural respect and ontological inclusivity. In the Anthropocene, both humans and non-humans alike exist in a state of constant vulnerability.[[85]](#footnote-85) This common frailty and exposure unites all beings; it is time our institutions reflect this reality. In closing, I turn to the inspiring and optimistic words of Indigenous scholars: “The journey will be long. We need to fortify one another as we travel, and walk mindfully to find the good path forward for all of us…We flourish only when all of our kin flourish.”[[86]](#footnote-86)

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