

Wild Law

A Manifesto for Earth Justice – A Summary

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Cormac Cullinan argues in his book *Wild Law* that the fact that our species is rapidly destroying our only habitat, Earth, indicates that our governance systems are dysfunctional and need to be completely rethought. Furthermore, the many environmental treaties, laws and policies adopted in recent years have, by and large, failed to slow down, let alone halt or reverse, the destruction of the planet. This, he maintains, is because the legal systems of the dominant cultures and the policies and institutions associated with them, are based on a mechanistic and dualistic understanding of the world, and on various myths, all of which we now know to be false. Myths such as the belief that human society is separate from, and superior to, the natural world, are now 'hard-wired' into most legal and political systems. Consequently, the overall effect of these governance systems is to facilitate and legitimise the ongoing degradation of our planet.

Cullinan explains how we need to change our entire approach to governance so that we can continue life on a liveable planet. He describes how his experiences as an environmental law and policy lawyer and consultant, and his encounters with the eminent American cultural historian and 'geologist' Thomas Berry, convinced him that we must completely rethink our approach to governance and jurisprudence by recognising that human society is situated within a larger system of universal order (which he terms the 'Great Jurisprudence') and that a primary purpose of human governance systems must be to ensure that we live as 'good citizens' of the wider community of life on Earth. *Wild Law* analyses the deficiencies in our current legal systems and the devastating consequences for the wider Earth community. These include the fact that in the eyes of the law, all other members of the Earth community are objects and as such, incapable of having rights. On the other hand, the law recognises artificial entities such as companies as persons and grants them very extensive rights and powers to exploit the Earth community for private gain. Indeed these entities are designed to pursue profit rapaciously even if it means jeopardising the Earth's vital systems that support all living creatures.

Cullinan outlines what a governance system might look like if it were based on the recognition that we humans are merely aspects of a larger system and that in the long term human communities can only flourish by playing a productive role within the wider Earth community. He

reminds us that our cultures have forgotten not only how to live harmoniously within that community, but also that one of the main purposes of human regulatory systems must be to facilitate this. He also explores the thorny issue of recognising the rights of other species and discusses the elements of a new 'Earth jurisprudence' that we would need to inform the transition from our current governance systems to Earth-centric systems of governance. In doing so, *Wild Law* emphasises that making this transition will require us to make fundamental shifts in how we think; to reframe and broaden our ambit of concern (to include the whole Earth community), to engage our hearts as well as minds and to take responsibility for personal transformation.

The logic of the argument presented in *Wild Law* is that because humans are an integral and inseparable part of the Earth system, in the long term human societies can only flourish if they govern themselves in a manner that is consistent with the context of the larger Earth community. This means that a fundamental purpose of governance systems must be to ensure that the pursuit of human well-being does not undermine the integrity of the Earth. Cullinan argues that only by creating a jurisprudence that reflects this reality will we be able to begin a comprehensive transformation of our societies and legal systems. This philosophy or 'Earth jurisprudence' can then be used to guide the development of legal systems that foster human connections to nature, of personal and social practices that respect Earth, and of social structures based on communities, and communities of communities, as found in nature.

However, Cullinan's argument is not based on the application of logic alone. He also argues that we need to re-imbue our governance systems with wisdom and 'soul' and to recognise the sacred dimension of our relationships with the planet. In his view, if we are to recover our lost sense of identity and purpose as particularly gifted members of the Earth community we must become far more skilled in listening to, and in being guided by, both nature and by those cultures that have been more successful in living harmoniously with nature.

As Thomas Berry says in the foreword to *Wild Law*, 'we need legal structures and political establishments that will keep that our way into the future is not through relentless industrial development but through the living forces that brought us into being and are the only forces that can sustain us in the coming centuries'. *Wild Law* is an important and inspiring first step in exploring how we might develop such laws and institutions.

¹ Green Books, Dartington UK, 2003, ISBN 1 903998 35 2, 240 pp, p/b £9.95.