

**ANTIGONE IN THE ANTHROPOCENE:
FROM NEOLIBERALISM TO A NEW
CONSERVATION ETHIC**

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OVERVIEW

- NATURE IN THE LAW
 - FROM NATURAL LAW TO POSITIVE LAW
- ANTIGONE IN THE ANTHROPOCENE
 - FROM SOPHOCLES TO ENVIRONMENTAL CHANGE
- FROM NEOLIBERALISM TO A NEW CONSERVATION ETHIC
 - PAYMENTS FOR ECOSYSTEM SERVICES
 - EARTH CHARTER, WILD LAW, BOLIVIA, ETC.

WHERE IS NATURE IN THE LAW?

NATURAL LAW (LEX
NATURALIS)

VS.

POSITIVE LAW (LEX POSITA)



NATURAL LAW IS “AN ELUCIDATION OF AN IDEAL OF LAW
IN ITS FULLEST, OR HIGHEST SENSE” (MARMOR, 2001)

NATURE IN NATURAL LAW

- DIVINE LAW
 - LAW OF THE GODS
 - RELIGIOUS LAW
 - BIOPHILIA AND THE CREATION
 - GENESIS 1:28



NATURE IN NATURAL LAW



- ENLIGHTENMENT
 - NATURE OF THE UNIVERSE
 - UNIVERSAL NATURE
- SCIENTIFIC INQUIRY
 - EMPIRICAL OBSERVATION
 - UNIVERSAL NORMS

NATURE IN NATURAL LAW



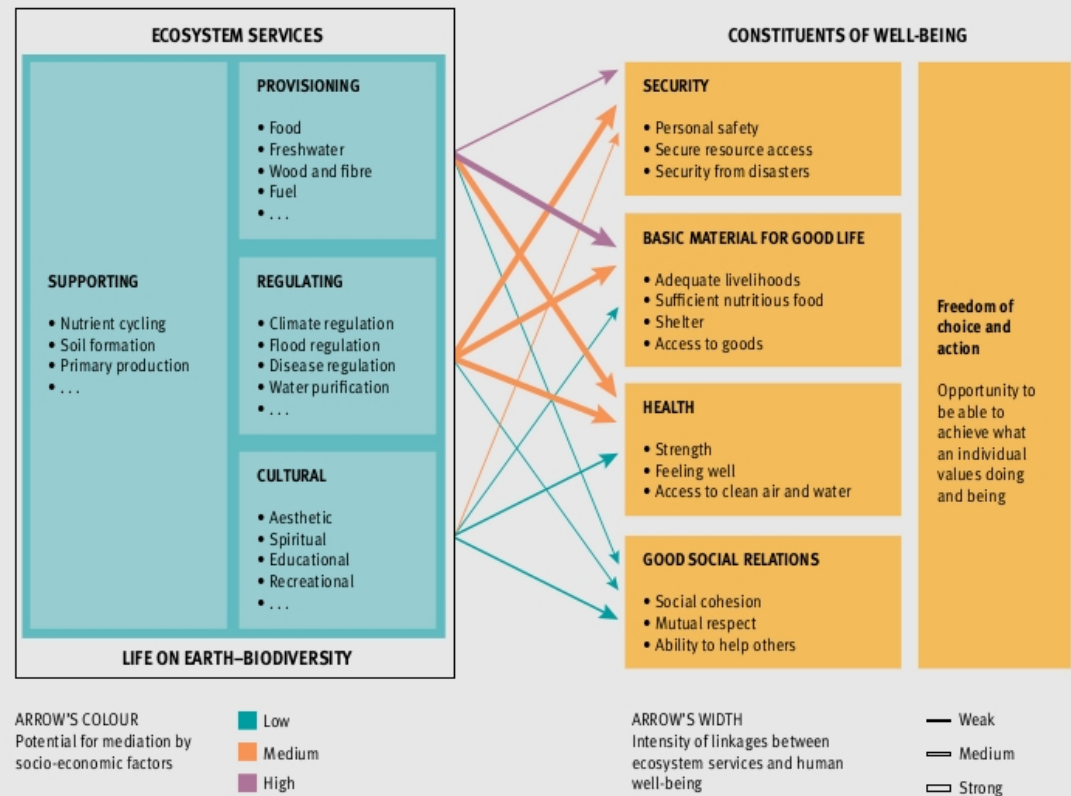
ANTHROPOCOSMIC NATURALISM

- ORGANIC HOLISM: NATURE AS A
“SELF-GENERATING,
INTERRELATED UNIVERSE”
- MOTHER NATURE
- GAIA THEORY

NATURE IN NATURAL LAW

- NEW NATURAL LAW
- HUMAN GOODS AND ENDS
- HUMAN SECURITY AND WELL-BEING

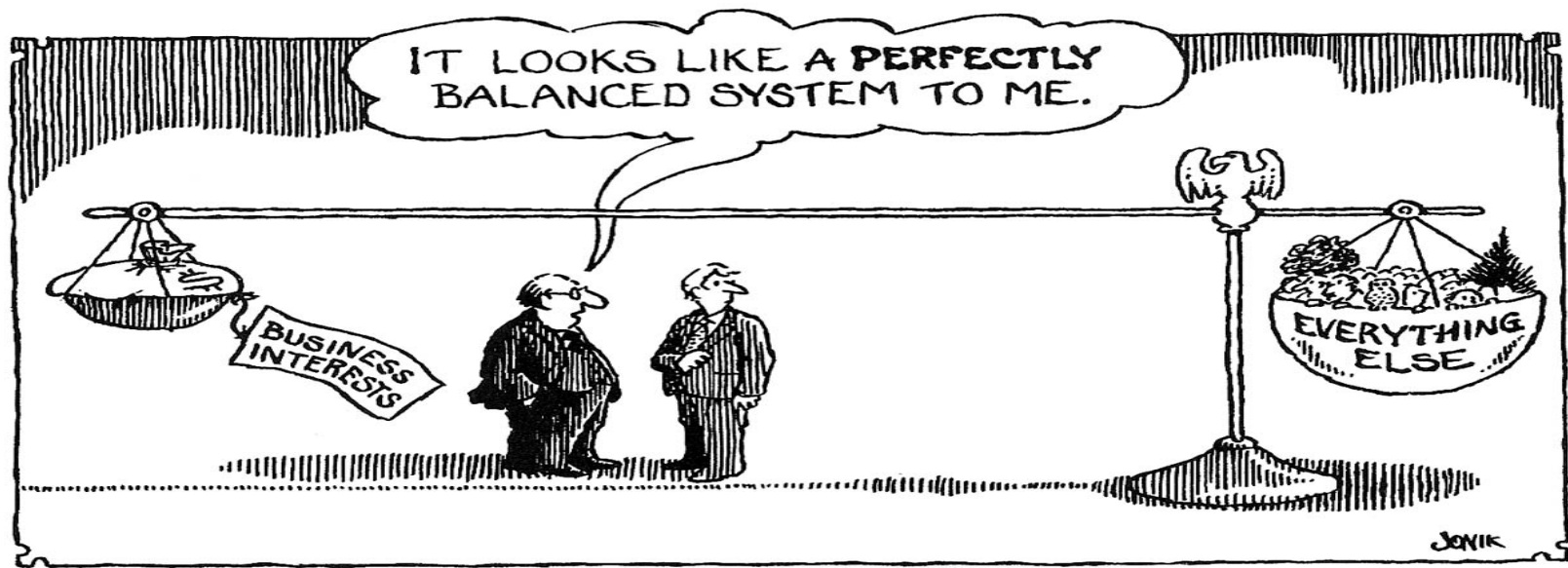
Figure 5.8 Relationships between biodiversity, ecosystem services and human well-being



Source: UNEP/GRID-Arendal 2005

NATURE IN POSITIVE LAW

DESTRUCTION POLLUTION EXTRACTION EFFICIENT USE HEALTH SUSTAINABILITY WILD LAW



NATURE IN POSITIVE LAW

WILD LAW

- EARTH LAW AND GREAT JURISPRUDENCE
- “WILD” NATURE
- TO MAINTAIN OR RESTORE THE INTEGRITY OF ECOLOGICAL COMMUNITIES AND EARTH SYSTEMS
- E.G., EARTH CHARTER, WORLD CHARTER FOR NATURE, UNIVERSAL DECLARATION ON THE RIGHTS OF MOTHER EARTH

NATURE IN POSITIVE LAW

ANTHROPOCENTRIC ENVIRONMENTAL LAW

- PROTECTION OF THE ENVIRONMENT FOR:
 - HUMAN HEALTH AND WELL-BEING
 - PRESENT AND FUTURE GENERATIONS (OF HUMANS)
 - ENJOYMENT OF BASIC HUMAN RIGHTS
 - HUMAN DEVELOPMENT
- “ADEQUATE PROTECTION”
 - SUFFICIENT FOR (HUMAN GOODS/ENDS)
- E.G., STOCKHOLM DECLARATION, STATE CONSTITUTIONS

NATURE IN POSITIVE LAW

NEOLIBERAL ENVIRONMENTAL LAW

- NATURE = RESOURCE
NATIONAL PROPRIETY
COMMODITY
SERVICE
- VALUABLE WHEN CAPTURED OR APPROPRIATED
- E.G., LAWS/REGS GOVERNING RESOURCE EXTRACTION, TRADE/SALE, PAYMENTS OR ECOSYSTEM SERVICES



ANTIGONE IN THE ANTHROPOCENE

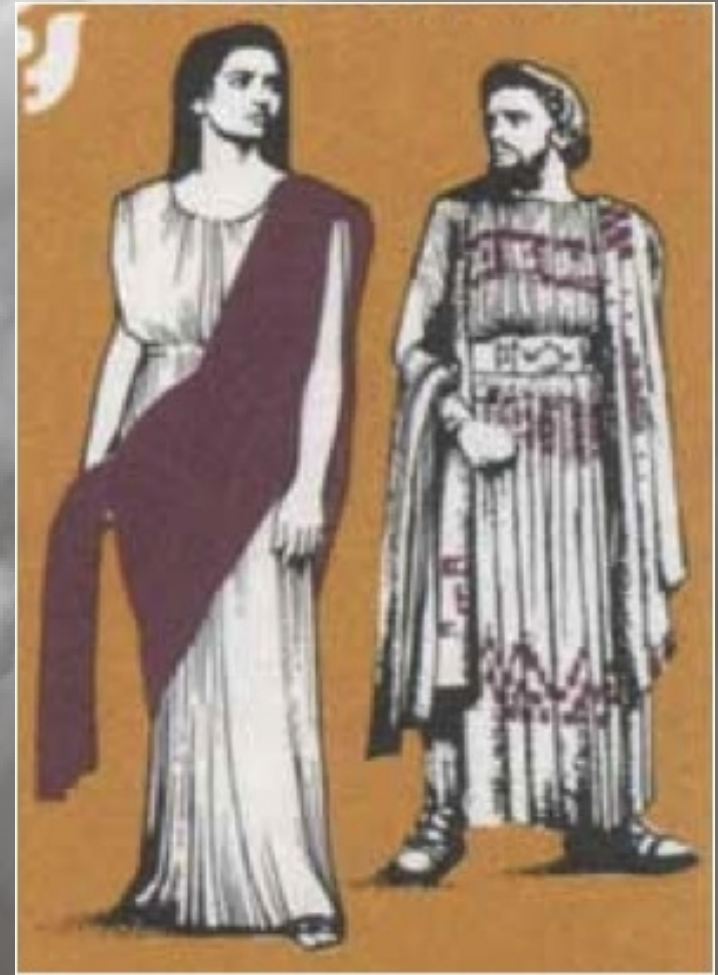
PROBLEM OF MISINTERPRETATION?



ANTIGONE IN THE ANTHROPOCENE

ANTIGONE VS. KING KREON

A CONFLICT OF LEGAL
INTERPRETATION



ANTIGONE IN THE ANTHROPOCENE



“THE SONS OF OIDIPOUS: THAT ETEOKLES, GREATEST IN GLORY WITH HIS SPEAR, WHO DIED IN BATTLE FOR THIS CITY, WE WILL BURY...; BUT HIS BROTHER BY BLOOD – I’M SPEAKING NOW OF POLYNEIKES – AN EXILE WHO CAME BACK, WHO WANTED TO SET FIRE TO HIS FATHERLAND AND TO THE GODS OF HIS OWN PEOPLE AND BURN EVERYTHING DOWN FROM HIGH TO LOW, WHO WANTED TO DEVOUR THE BLOOD HE SHARED WITH HIS OWN KIN, AND TO ENSLAVE THE OTHERS – THIS MAN!: FOR HIM...NO ONE IS PERMITTED TO HONOR HIM WITH BURIAL OR FUNERAL GIFTS...”

ANTIGONE IN THE ANTHROPOCENE



“IT WAS NOT ZEUS WHO MADE THAT PROCLAMATION TO ME; NOR WAS IT JUSTICE, WHO RESIDES IN THE SAME HOUSE WITH THE GODS BELOW THE EARTH, WHO PUT IN PLACE FOR MEN SUCH LAWS AS YOURS. NOR DID I THINK YOUR PROCLAMATION SO STRONG THAT YOU, A MORTAL, COULD OVERRULE THE LAWS OF THE GODS, THAT ARE UNWRITTEN AND UNFAILING. FOR THOSE LAWS LIVE NOT NOW OR YESTERDAY BUT ALWAYS, AND NO ONE KNOWS HOW LONG AGO THEY APPEARED.”

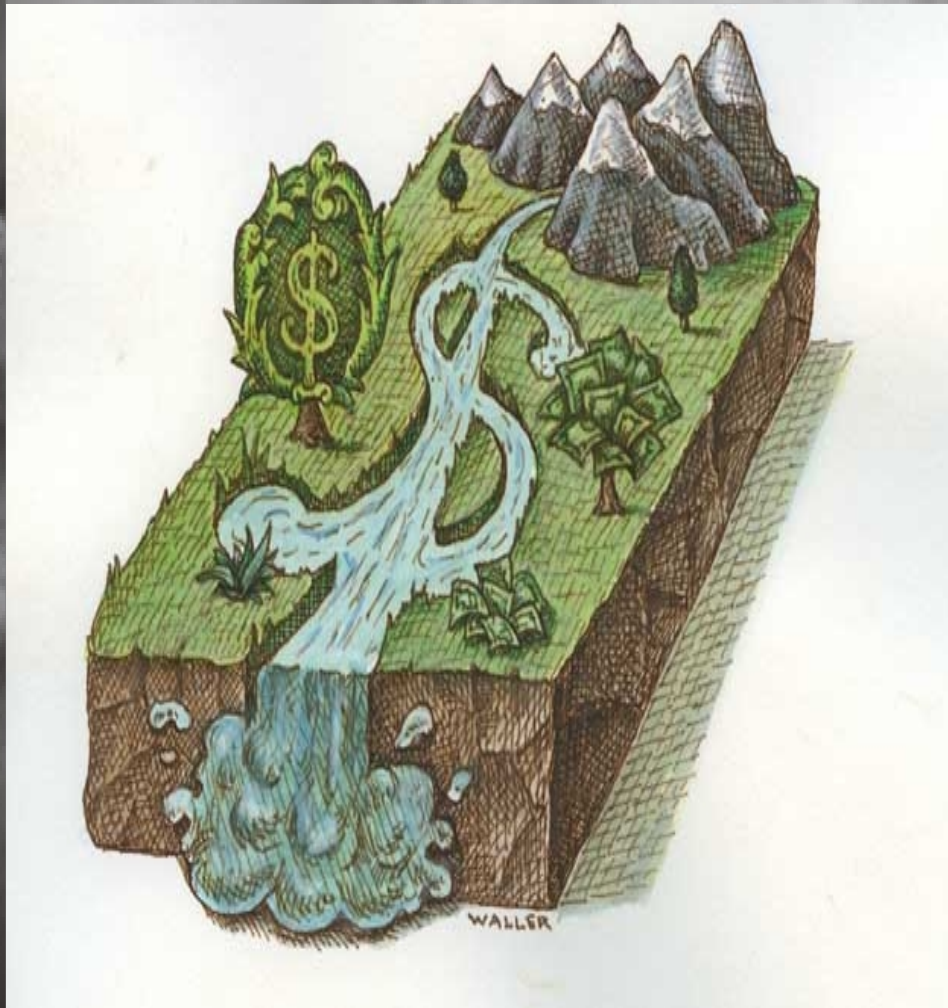
ANTIGONE IN THE ANTHROPOCENE



CONFLICT OF INTERPRETATION:
HOW TO PROPERLY HONOR THE
GODS – BURIAL OR NO
BURIAL?

CONFLICT OF LAWS:
A RULER'S PROMISE
VS.
A RIGHT TO BURIAL

ANTIGONE IN THE ANTHROPOCENE



PAYMENTS FOR ECOSYSTEM
SERVICES

FUNDING CONSERVATION?

OR JUST ANOTHER NATURAL
COMMODITY FOR
SALE/TRADE?

ANTIGONE IN THE ANTHROPOCENE



ANTIGONE IN THE ANTHROPOCENE

INTRAGENERATIONAL JUSTICE



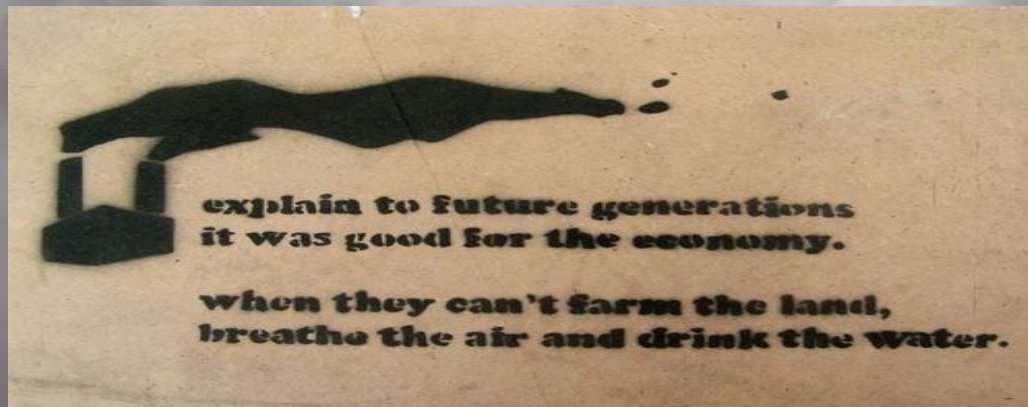
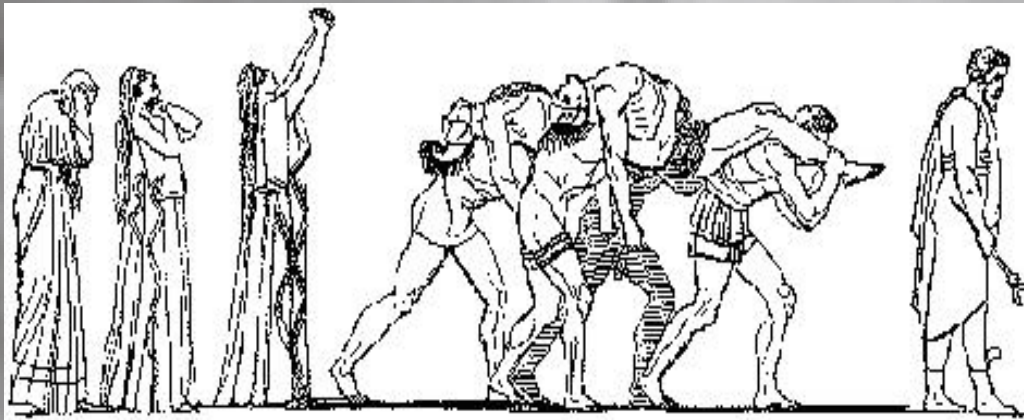
Did you know?

262 million people were affected by climate disasters in 2004, more than 98 per cent of them in developing countries



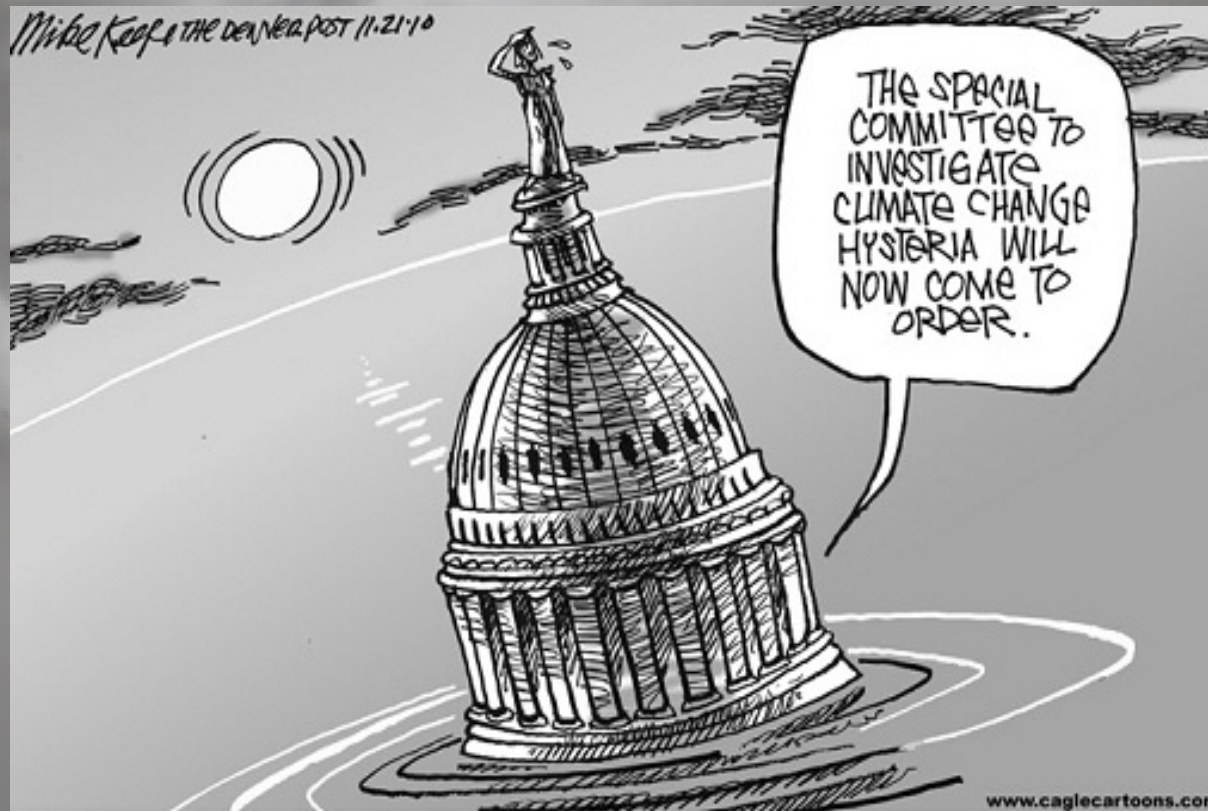
ANTIGONE IN THE ANTHROPOCENE

INTERGENERATIONAL JUSTICE



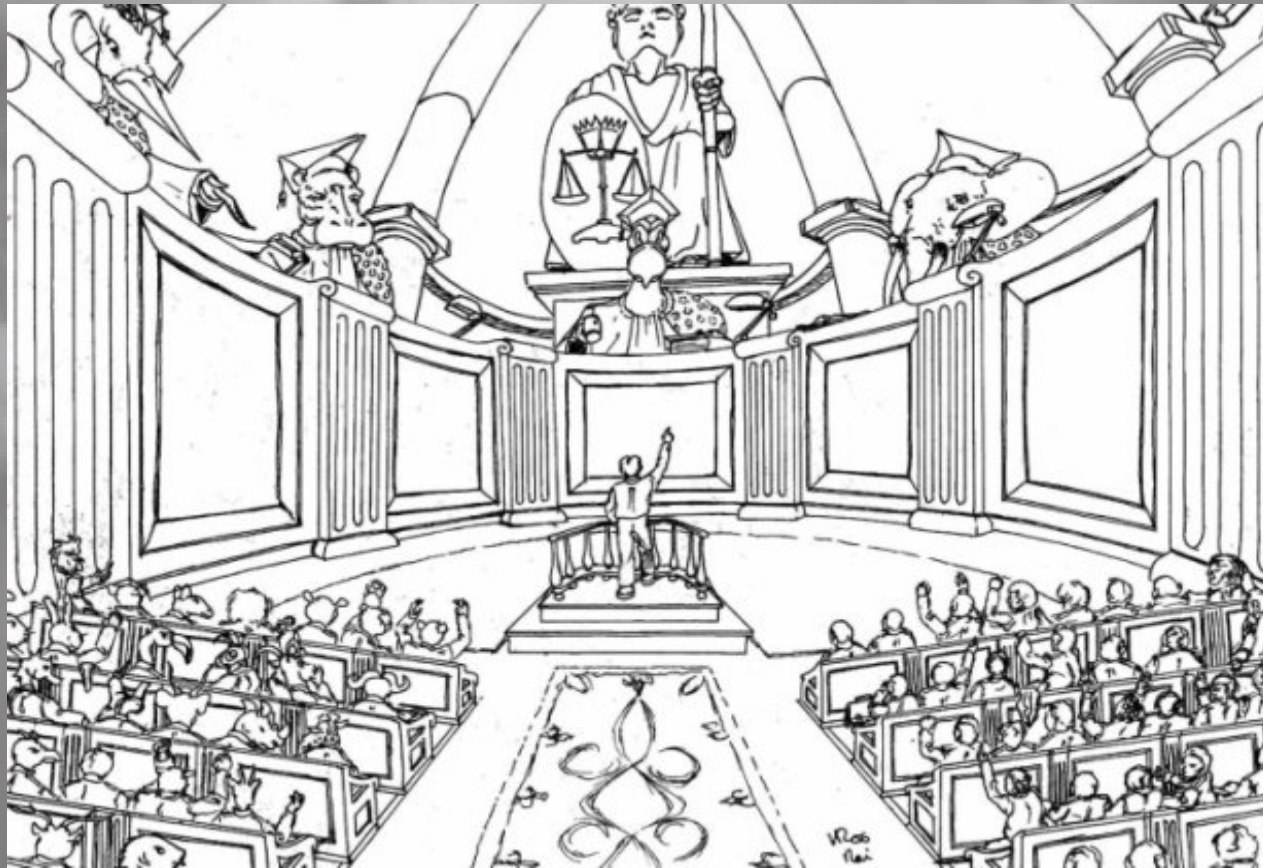
ANTIGONE IN THE ANTHROPOCENE

THE CHORUS



FROM NEOLIBERALISM TO A NEW CONSERVATION ETHIC

NATURAL JUSTICE: AN EPOCH SHIFT



FROM NEOLIBERALISM TO A NEW CONSERVATION ETHIC

A FEW GUIDING PRINCIPLES....

- PRINCIPLE OF RESILIENCE
- PRINCIPLE OF BIOMIMICRY
- ANTHROPOCOSMIC LEGAL PLURALISM
- PRINCIPLES OF (TRANSBOUNDARY) PEACE AND
COOPERATION
- PRINCIPLE OF INTERDEPENDENCE

CHALLENGES

- TRANSLATING PHILOSOPHY/THEORY/ETHIC INTO ENFORCEABLE REGULATIONS
- APPLICATION OF WILD LAW IN A POST-WILD WORLD
- HOLOCENE SYSTEMS, INSTITUTIONS, EDUCATION, ETC.



THANK YOU!

