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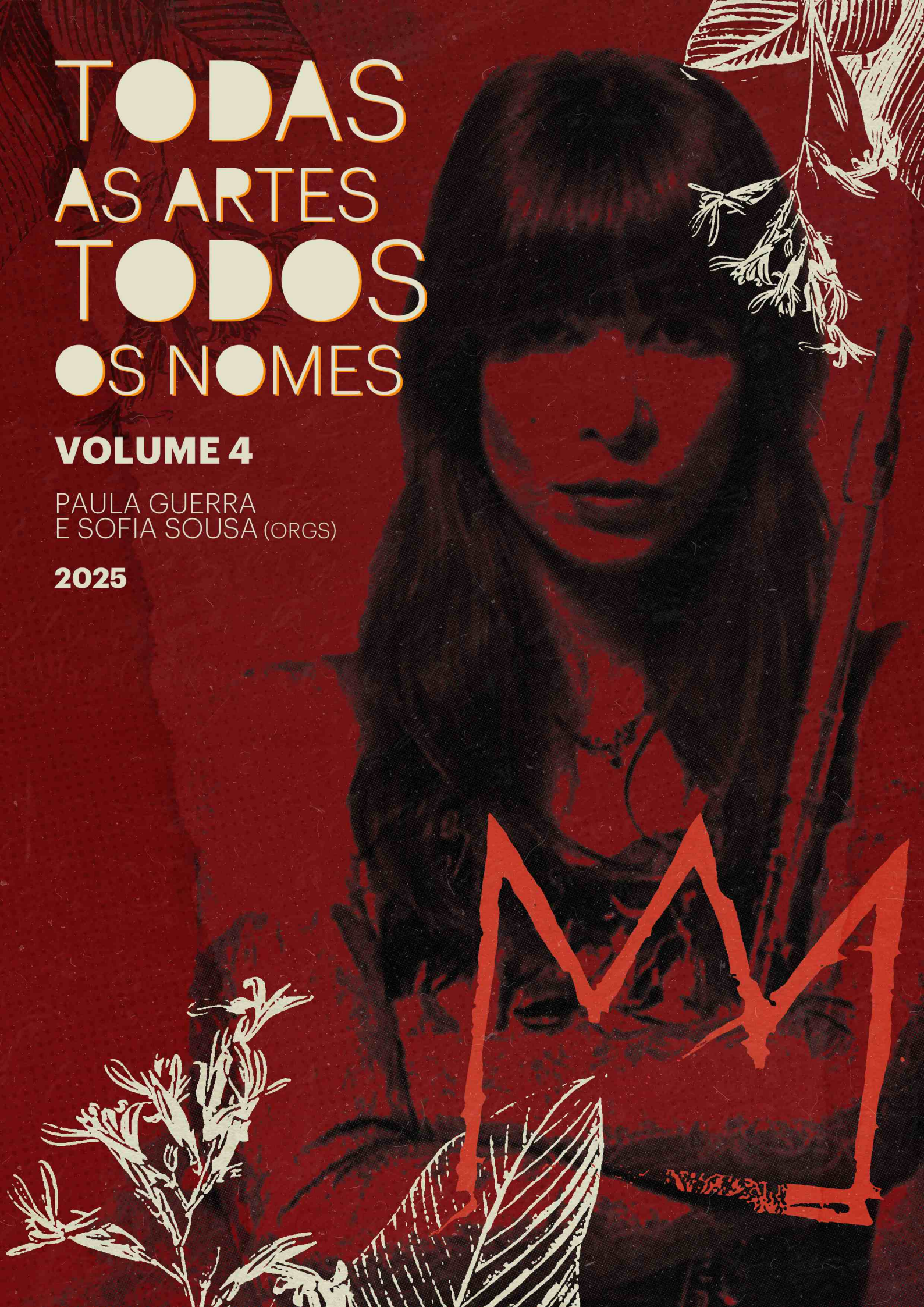

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CAPÍTULO 25

FROM HUMANOCENTRIC TO ECOCENTRIC RIGHTS FOR NATURE: NATURE-PERSON AND SOCIOLOGICAL ARCHETYPES

DOS DIREITOS HUMANOCÊNTRICOS AOS ECOCÊNTRICOS PARA A NATUREZA: NATUREZA-PESSOA E ARQUÉTIPOS SOCIOLÓGICOS

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Abstract

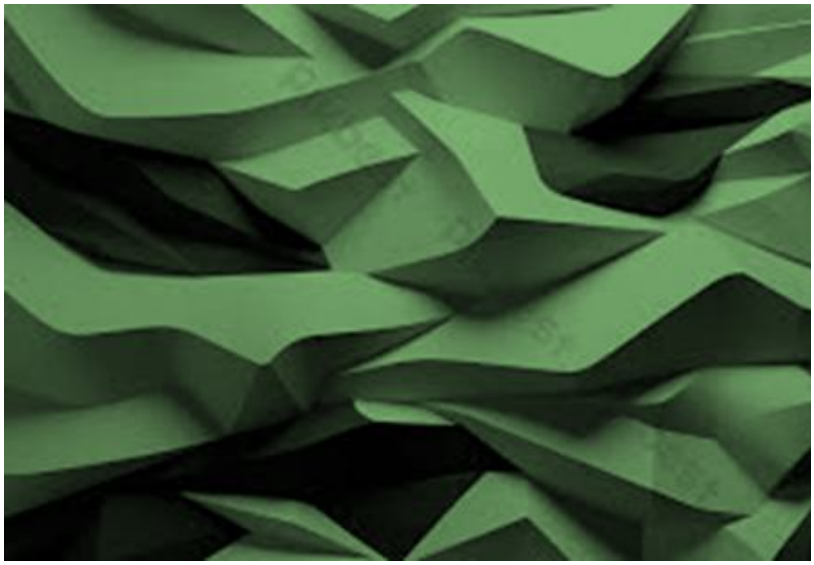
This study addresses the Nature legal subjectivation issue by focusing on the need to spread this idea as arguably an effective way to try to stop the devastating effects of human actions on all spheres of natural landscape, and protect Nature. We outline the debates surrounding the legality of juridical personhood of Nature, or Nature-person, and its consequences which, directly or indirectly, can be expected to help stop further damage to the environment. It also approaches the issue in terms of divisive sociological archetypes of the relationships with Nature existent in our societies.

Keywords: Nature subjectivation, Nature-person, humanocentrism, ecocentrism, anti-capitalism, sociological archetypes.

Resumo

Este estudo aborda a questão da sujeitificação jurídica da Natureza, concentrando-se na necessidade de difundir essa ideia como uma forma eficaz de tentar impedir os efeitos devastadores das ações humanas em todas as esferas da paisagem Natural e proteger a Natureza. Descrevemos os debates em torno da legalidade da personalidade jurídica da Natureza, ou pessoa-Natureza, e suas consequências que, direta ou indiretamente, podem ajudar a impedir mais danos ao meio ambiente. Também abordamos a questão em termos de arquétipos sociológicos divisivos das relações com a Natureza existentes em nossas sociedades.

Palavras-chave: Sujeitificação da natureza, Natureza-pessoa, humanocentrismo, ecocentrismo, anticapitalismo, arquétipos sociológicos.



1. Introduction

The Industrial Revolution is a milestone in human history, one that accelerated the process of human exploration of natural riches (Strand *et al.*, 2023). The Human-Nature split has never been so evident as in the actual era, that might be characterised as one of human domination over the planet. Such a resolutely humanocentric (in opposition to non-human) orientation has legitimised human unrestricted behaviour. Capitalist development seriously affects the capacity of Nature to restore its vital cycles, adding a new dimension to the polymorphic social injustice, which is ecological injustice (Santos, 2023). Different from previous geological eras, the present agent of change fortunately has the capacity of self-awareness and conscious transformation (Strand *et al.*, 2023). Humanocentrism is the cause and consequence of a privileged position of humanity vis-à-vis the rest of the planet and it determines the way modern law constructs, categorises, orders and "protects nature, primarily for the benefit of people and not for the sake of nature itself" (Kotzé & Calzadilla, 2017, p.3).

In order to ensure as much capital accumulation as possible, the capitalist system has introduced a situation of unequal powers based upon technological superiority, among others, in an operation mode designated as dronification of power by the sociologist Boaventura de Sousa Santos (2023). As a response, environmental awareness has gradually become institutionalised as the process of conservation of the environment, the first institutional response to the destruction of Nature (Strand *et al.*, 2023); but the problem was that, according to Euro-American jurisprudence, the law made by and for human persons does not protect non-legal persons like rivers (Edirisinghe and Suchet-Pearson, 2024), and environmental laws and rights have remained resolutely humanocentric (Kotzé & Calzadilla, 2017). The utilitarian view of Nature looks upon it as an appropriate means of satisfying human necessities, different from a view which considers human beings as part of a network of interdependent relations within the natural landscape (Ramos, 2023). In recent years, the rights-based approach to environmental protection has gained ground (Kotzé & Calzadilla, 2017). More and more, academics and environmental activists are using the legal status of Nature, or Nature as a person, as a new line of argumentation while bringing cases before courts (Kennedy, 2023).

2. North-and-West and South-and-East

Legal reformism, which is the idea of introducing legal reforms to bring social change, has been a Euro-American construct until World War II, when it branched out to other continents (Santos, 2023). When it comes to showcase the quality of living which represents a specific society, there has always been a dissonance between rich and poor, North and South, West and East, genders, races, and ethnic groups. In this text, we use the expressions Euro-America or "North-and-West" instead of "West", and non-Euro-America or "South-and-East" instead of "East", with the purpose of a clear differentiation between racial-ethnic, geopolitical and sociocultural categories constructed along the West-East and North-South dichotomies. Our account is based on a clear distinction between "West" (which includes both North-West and South-West), and "North-and-West" (which does not include Africa\ and Latin America, the South-West area). In accordance with this outlook, we stress that the expression 'West' refers only to Euro-America for it has little or nothing to do with Latin America and African epistemologies.

As an example, when we say Western philosophers, no African thinker is on the list. This attention to terminological details will serve not only to show that the appropriation of lands and peoples outside European territories during and after colonialism has been shaped by the domination of North-and-West modes of imposing divisive frameworks of societies but also to stress the reaction and resistance by South-and-East as dominated nations and peoples. It is this terminological change that will help redefine the role of the Southern and Eastern epistemologies within the framework of Euro-American dominance. The relationship between the dominant civilisation (Euro-America) and the other civilisations (non-Euro-America) is inevitably one of confrontation between a materialistic view and an ecological view of existence. In terms of geography the point of conflict might be simplistically put as having the North-and-West on one side and the South-and-East on the other. This analysis may also touch upon insufficiently examined currents of social and ecological justice that continue to be updated and expanded to broader viewpoints.

3. Extending legal personhood to Nature

Kurki (2022) discerns two rationales behind movements seeking to extend legal personhood to Nature: 'instrumental' and 'symbolic'.

1. The instrumental rationale sees legal personhood as a tool for its ultimate goal which is environmental protection; it would thus allow natural entities to better compete with other rights holders on an equal constitutional basis, and it would be served by either direct (legal personhood attributed directly to Nature) or indirect (legal personhood allocated to Nature via human rights) arrangements.

2. The symbolic rationale, citing Whanganui River as example, relates primarily to direct arrangements.

In most countries, Nature protection occurs indirectly only by legal means, for example when soil exploration impacts human lives, as Nature has no standing in court.

Ecuador

North-and-Western models have shaped the dominant notions of law, legal system and constitutional power. The concept of granting Nature juridical personality emerges in the opposite direction of dichotomous frameworks. The pre-colonial proto-nativism of indigenous population presents a tendency to disrupt such monopoly on the norm of law. Ecuador is the source of the first original idea that has revolutionised mindsets as well as the text of its Constitution: the subjectivation of Nature, that is, Nature officially recognised as a legal person with subjective rights enforceable by legal agents, as per articles 71 to 74 of the 2008 Constitution of Ecuador (Kersten, 2017). It follows as a legacy of autochthonous populations who, by this, now find an expression of their cultural values into the text of the law (Duțu, 2022). By recognising the right of Nature to exist and maintain its vital cycles, this development has enabled landowners and environmentalists to bring cases to court in order to protect natural entities (Kennedy, 2023). In addition to it, the constitutional provision places on companies the burden to prove in the court of law that their exploratory activities do not harm the targeted biome (Dearing, 2024). "Even if the rights of nature have not managed to redirect Ecuador's economic development path for now, at least they move the dialogue forward, which in turn could spark further juridical and political reforms" (Kotzé & Calzadilla, 2017, p.33).

New Zealand

According to Kennedy (2023), the Treaty of Waitangi was signed in 1840 between the British Crown and the Maori people in order to preserve the Maori right to their land and resources. As part of the settlement, the Te Urewera park (2014) and the Whanganui River (2017) were recognised as entities with their own rights, although not with all the same rights of a human person. Consequently, two boards have been created to manage the biomes, featuring representation from both government and local populations; there is an expectation that reframing Nature like that will yield better outcomes than what is already provided by the existing protection laws (Kennedy, 2023). This study is meant to contribute to debates on Nature's legal standing, as well as over related links between the human and non-human sphere, as well as humans with a voice and humans without a voice.

4. Objectives

The only laws humans are meant to create are those that obey natural laws; therefore, Nature should be treated juridically as subject and not as object, redefining the duties the humankind owes to Nature (Ramos, 2023). Although the Constitution of Ecuador is a ground-breaking document as it is the first and still the only constitutional text to provide constitutional rights of Nature, there are questions about the compatibility of the constitutional rhetoric and reality as far as rights of Nature are concerned (Kotzé & Calzadilla, 2017). The constitutional rights of, and not for, Nature in Ecuador shed light on the ecocentric rights orientation, in contrast with the humanocentric ontology of rights that justifies human entitlement to a Cartesian-like mastery of Nature (Kotzé & Calzadilla, 2017). In 2022, to cite another example, Mar Menor saltwater lagoon in Spain became the first ecosystem in Europe to be granted a legal status (Kennedy, 2023). The framework of actions related to the protection of Nature cannot justifiably be reduced to just an element of the human rights, namely the right to a favourable environment focused only on humans being granted the benefit of a good environment. This reasoning allows non-human entities to be owned as objects and used to advance human projects, without concern about their protection, depriving them of independence and intrinsic worth, leaving them thus open to exploitation and destruction (Kotzé & Calzadilla, 2017).

Moreover, the extractivist model of development has intensified internal colonialism as local communities have been expelled from their long-occupied territories targeted for their natural riches (Santos 2023). The concept of relational values helps to bridge the gap between the idea of Nature protection for the sake of humans and the protection of Nature for its intrinsic values. Environmental constitutionalism, that is, the constitutionalisation of environmental laws, has improved "governance regimes and has made a positive contribution to the outcomes that environmental law and governance seek to achieve" (Kotzé & Calzadilla, 2017, p.2). Nature's values go beyond market values (Strand et al. 2023), and Nature-person as a holder of rights is not just a source of capital anymore, but an entity with its inherent value respected (Strand *et al.,* 2023).

We are proposing the idea of considering the whole set of Nature as a legal person by principle, and not only by laws regarding specific biomes in specific countries, and we intend to make a point through examples of legal actions in the name of Nature. This approach integrates an exercise of citizenship and social justice, especially if we consider how powerful groups related to industrial agriculture and extractivism have been officially granted lands, thereby forcefully inflicting horrendous suffering on unprivileged groups evicted from these lands (Santos, 2023). We also intend to show that the debate over legal personhood is not restricted to non-human actors, but also present within human societies. Human segregation has been present throughout history, of ethnicity, race, colour, gender, groups, origins, or social hierarchies. Such divisions are accentuated by the neoliberal democracy, which leads the way to an exponential growth of social inequality (Santos, 2023). There are tense links between the three principles of modern social regulation: the state, the market, and the community, and the question is whether the Westphalian principle of state could be refounded, or even replaced, by a new form of world government, or at least by a paradigm change of eliminating the influence of large corporations' interest over government apparatuses and policymaking (Santos, 2023). In this sense environmental laws could play an additional role of not just protecting Nature but also representing it.

The briefing part of the series ´Narratives for change´, published by the EEA (Strand *et al.*, 2023) calls upon a societal transformation through holistically understanding humans' deep interconnection with all ecosystems. Indigenous cosmovisions may have the potential to infiltrate North-Western neoliberal notions and transform the uniquely profit oriented framework into a good-for-all way of thinking. The emotional tinder lit by this discussion is expected to have the potential of fueling larger and more substantive debates and disputes surrounding both conservation and exploration of Nature, as well as the sides of neoliberal industrial capitalism and anti-capitalism.

5. Methodology

Within the lawfare, or the strategic use of legal proceedings to hinder opposition, of the long history of modern law (Santos, 2023), law itself has been used as an instrument to legitimise actions of the dominant social groups, even before the time of European colonial expansion. Euro-humanocentric laws and their embedded juridical constructs of rights, based mostly on instrumentalist rationality and property-owning humans, have been and still are perfect tools to create an environment of human entitlement in face of Nature that justifies and legitimises the claims to natural resources as a right of human development (Kotzé & Calzadilla, 2017). Nevertheless, law is a dynamic social construct, and there is a perception of a change in the point of view that people are something distinctive from Nature (Ramos, 2023), and Nature is only an object or a good, with no subjective rights (Kersten, 2017). Recognition of rights for

Nature carries much symbolic weight and presents a challenge to humanocentric mindsets also in its being an attempt to accommodate non-North-Western worldviews (Kurki, 2022).

In this sense, the 2008 Ecuadorian Constitution is a turning point, "from a juridical anthropocentric orientation to an ecocentric position. It is the first, and remains the only, constitution in the world to recognize enforceable rights of nature" (Kotzé & Calzadilla, 2017, p.4). There is a good amount of debate about what kind of concepts should be applied in trying to understand Nature-person, and about the role of theory itself in the operations of Nature-subject-of-law.

We discuss the meaning of legal personhood within the human social construct, followed by the expansion of this concept to incorporate non-human actors. It is meaningful to ascertain how the perceptions of Nature contained in indigenous customary law and code of values could supplement and enhance the recent environmental legal protection framework (Edirisinghe & Suchet-Pearson, 2024). This development, recently arrived in Europe, provoked questions, dilemmas and resistance, since it goes against the foundations of the eurocentric view of the world over all other beings, biologic or nonbiologic, in the context of being part of a set and in favour of a more inclusive and integrative framework (Duțu, 2022). To exemplify the importance of Nature as a legal figure we use some cases of legal battles, where the argumentation of the legal status of Nature has been used to solve issues related to environmental pollution, improper disposal of industrial waste, or as an impediment to the presumed unstoppable neoliberal extractivist framework cynically disguised as green capitalism (Santos, 2023).

A person

Euro-American jurisprudence or philosophy of law divides legal persons into natural and artificial/legal/juristic, humans being the only ones categorised as natural persons (Edirisinghe & Suchet-Pearson, 2024). A person is differentiated from a thing by being a basic unit and a subject of rights and duties; therefore, a thing could only be owned, possessed or used by legal subjects (Kurki, 2022). The question is whether being a legal person or not is a necessary condition in order to hold rights and duties (Edirisinghe & Suchet-Pearson, 2024). It is up to the judiciary to determine which entities can be legal persons, but theoretically anything can become a legal person, even invisible, intangible and fictitious entities like corporations; so that legal personhood and being a subject of legal rights and/or duties have the same meaning, as well as legal subject or person: this is the 'orthodox' view of legal personhood (Kurki, 2022).

A legal person is actually a social construct that constantly changes according to each moment of a society. Law operates in articulation/confrontation mode that changes over time following specific contexts, in particular if we consider the legal reformism as a social emancipatory possibility of law (Santos, 2023). As an example of this assumption, Dearing (2024) gives us the Dred Scott v. Sandford court decision in 1857, declaring African Americans not legal persons, never to hold standing in a court of law: under the dominance of the North-Western economic and political powers, citizenship was naturally reserved only to the sphere of the white race.

Kurki (2022) carries out his detailed investigation into the matter and envisages two legal personhood models: direct and indirect. In the Whanganui River example, the first model grants legal rights to the river directly, while the indirect model sets up legal persons to

administer rivers. In Australia, for instance, the Victorian Environmental Water Holder has been set up to improve the values and health of Victoria's aquatic ecosystems.

Normally, “legal persons can hold claim-rights and be legally wronged”, points out Kurki (2022, p.526), which is possible to natural entities only as legal fiction, and the reason why they can only enjoy indirect legal personhood, unless for symbolic reasons. He adds that natural entities do not need to become a legal person to enjoy environmental protection. Following what Kurki terms as ‘orthodox view’, “one is a legal person if, and only if, one holds at least one legal right and/or duty” (Kurki, 2022, p.538); but he challenges that by distinguishing the fact of being a legal person from holding or not legal rights/duties. Therefore, he interprets the Nature legal personhood arrangement in two basic understandings:

> 1. Passive: like Nature, infants, and non-human animals, a collectively with specified joint interests represented by an administrator of the legal platform tasked with carrying out the purpose of the entity;
>
> 2. Active: the natural entity itself administers its legal platform and bears duties. Kurki (2022) points out that active legal personhood for natural entities is implausible; by the contrary, indirect passive legal personhood arrangements of natural entities actually serve to impose various obligations on human beings, although he questions whether it is really the natural entity that is wronged if the duty is breached.

Major controversies surround the issue within legal scholarship but also within the political and socioeconomic discourses since, by its own nature, law is a field at the intersection of politics and the legal system. The fighting issue at the heart of this question is not the legality or not of granting juridical personality for Nature, but to work on this possibility as a tool to increase awareness and respect for Nature. Nevertheless, monocultural conceptions of law, social regulation and emancipation must be interrogated by other sources of sociolegal thinking (Santos, 2023).

Objections

The acknowledgement of juridical personality for ecosystems is not exempt of criticisms. The conceptual language of legal personality is assumed to distort the relation between humans and other members of the community identified by the Earth jurisprudence and ecology. It humanises the ecosystems in a way to produce a disconnection between human laws and the laws that govern Nature, reproducing the problems traditionally attributed to the conventional environmental laws. There is also the allegation that the condition of juridical personality implies not only rights, but also duties and responsibilities, in equality with humans. Of course it is absurd to put Nature accountable for floods or sea level rises, as manifestations of climate changes classified as natural phenomena (Ramos, 2023). There are those who defend the idea that the environment must be protected, not as a rights holder, but rather for it to be able to contribute to the people in order to provide adequate conditions for them to develop their lives (Ramos, 2023).

Edirisinghe and Suchet-Pearson (2024) expose the situation that opposes legalists and realists:

> The Legalist school adopts a more flexible perspective, considering a broader range of entities eligible for legal personhood. On the other hand, the Realist school adopts a more restrictive viewpoint, limiting legal personhood only to those entities who possess specific predetermined characteristics. (Edirisinghe & Suchet-Pearson, 2024, p.224)

Moreover, Kurki (2022) conditions the eligibility of a legal person to be held responsible "whether it can exercise legal competences; and whether it can hold claim-rights and can therefore be wronged. Natural entities, such as rivers, are not capable of any of these things, and therefore cannot be legal persons." (Kurki, 2022, p.551)

Since in a neoliberal growth-without-limits paradigm it is always justifiable to advance the economic growth agenda (Kotzé & Calzadilla, 2017), the effectiveness of legal subjectivation of Nature has also been questioned. As an example, in 2019, the High Court of Bangladesh recognised the Turag River, and along with it all the other rivers in the country, as living entities with legal rights, requiring the government to take action in order to protect them. However, notwithstanding the efforts by the National River Conservation Commission, many of the rivers are still polluted due to dumping of industrial and human waste (Kennedy, 2023). The situation is aggravated by the notion that the principle of State surrenders to the market in charge of organising social relations outside and inside the state (Santos, 2023). The challenge faced by the Ecuadorian Constitution is being a conflicted text at odds with itself, in a struggle between ecocentric rights of Nature directly opposing humancentric claims similarly constitutionally entrenched and legitimised (Kotzé & Calzadilla, 2017). The hitherto inability of the courts to mediate the humanocentrism vs ecocentrism conflict created by the Constitution plays out in practice; as in other Latin American countries the neoliberal logic of development keeps its drive of mining and oil exploration justified by the necessity to achieve social justice and poverty alleviation (Kotzé & Calzadilla, 2017).

6. Results

In recent times, the humanocentrism, or actually Euro-American-centrism, of environmental law justifies ecological ravaging, the enclosure of the commons and dispossession of peasants and indigenous peoples, perpetuates corporate neoliberalism and neocolonialism, deepening inter- and intra-species hierarchies (Kotzé & Calzadilla, 2017). The current socioeconomic system has prospered by establishing patterns of exploiting other species and fellow human beings (Strand *et al.*, 2023), for these are not subjects of law, but objects of official and unofficial discourses on human rights (Santos, 2023). Therefore, human societies ought to be governed in alignment with the concerns of those left behind, humans and non-humans, respecting the planetary carrying capacity (Strand *et al.*, 2023) so that the reach of law be extended beyond the established legal framework in order to embrace cultural diversity, indigenous ontologies and ecophilosophical perspectives (Edirisinghe & Suchet-Pearson, 2024). Colonialism and postcolonialism have led to a homogenisation of law, compelling jurisdictions to prioritise, adopt and implement the coloniser's concepts and principles, clearly overshadowing local legal and moral values and traditions. It is qualified as a "monstrosity" by Santos (2023), this almost incommensurable power difference between the oppressors and the oppressed which are those living on the side of colonial

sociability, who cannot give up resistance. In fact, natives have appropriated a specific kind of understanding of law from the dominant concept of legal personhood, to allow them to situate Nature in their traditional all-together and not-only-for-human conditions of existence. Nature has usually been framed within our legal system enjoying a legal status as a normative reflex of human rights, although with no legal status of its own. In this traditional concept, Nature is protected indirectly only when its destruction affects human subjects' rights to life and physical integrity (Kersten, 2017). There must be a clear distinction between the rights of the environment and the rights of humans for a healthy environment to exist; the first, adding a more integrative perception, and the latter keeping its humanocentric approach (Duțu, 2022). In this sense, Nature as a person has had an enormous impact upon political, legal and social spheres, and the notion of citizenship has been amplified to include non-human agents as subjects of law.

7. The Ecuadorian and Spanish experiences as one point of light

La Loja case

In March 2011, the Provincial Court of Loja in Ecuador settled a constitutional procedure lodged against the government of Loja on behalf of Vilcabamba River: the plaintiffs argued that the widening of a road next to the river violated the rights of Nature, as the excavation materials from the construction had been dumped into the river. Therefore, the Court ordered the government to comply with all its environmental obligations. It was the first successful lawsuit based on the rights of Nature; however, to date, the government has been slow to act in accordance with the decision. Nevertheless, it has been demonstrated that constitutional protection procedures are a suitable and effective way to stop environmental harm by applying the prevention principle and stressing that in the case of a conflict between two collective interests, the environment is of greater importance (Kotzé & Calzadilla, 2017).

Los Cedros case

In 2021, the Ecuadorian Constitutional Court revoked mining permits in Los Cedros, a large forest area in the Andean mountains, because those permits violated the rights of the forest itself and of local residents as well. It was a significant step with ramifications for the future; on the other hand, this case highlights a common objection: environmental matters usually confront human interests that can also serve as a basis for legal standing (Kennedy, 2023). What constitutes a big issue is that the Constitution exacerbates both a normative and ethical conflict between humanocentrism and ecocentrism at the highest juridical level, conflict materialised by government sanctioned economic development endeavours where the Ecuadorian courts are expected to "be called upon to clarify constitutional tensions and ambiguities; yet its jurisprudence to date suggests that the judiciary has been unable to fully develop and enforce the rights of Nature" (Kotzé & Calzadilla, 2017, p.27) for it demonstrated

in both cases that when natural resources are seen in the developmentist framework the political and socio-economic gains are more visible than future environmental costs they imply.

The Mar Menor case

In 2022, the Spanish Parliament approved a law in favour of Mar Menor, a salty water lake situated in the Mediterranean Sea that had been granted juridical personality, a significant and historic achievement in the context of European Union which has already impacted upon other lawsuits, such as Loara in France and Nordic Sea in Holland (Duțu, 2022). Presumably, this is the most complete text regarding Nature protection based upon its legal personhood (Ramos, 2023) and a remarkable case because it marks the fact that the idea of granting juridical personality for Nature is taking root in Europe, not being circumscribed to ex-colonies with autochthonous populations (Duțu, 2022).

8. Comments of results

This study does not specifically scrutinise whether natural entities can hold rights or not but approaches different views surrounding the theme. The Mar Menor case, for instance, brings about the question of if it has been the best formula to reverse its ecological situation, or if the effective application of existing mechanisms could solely obtain the same results. What is new and important is that many European countries are beginning to acknowledge that fact that recognising legal personhood of rivers is a valid way to harmonise North-and-Western legal systems with more pluralistic legal frameworks; by consequence, if possession of rights is a criterion for obtaining legal personhood, it is arguable that rivers can be recognised as legal persons (Edirisinghe & Suchet-Pearson, 2024). The regulatory reluctance to embrace more ecocentric orientations serves only to deepen the tensions between humans and non-humans within the environmental rights domain (Kotzá & Calzadilla, 2017).

It is not intended herein to give a sketch of the massive system of cruelties and responsibilities that constituted the rule by the settlers and colonists, but to stress that the only effective counteraction by the ruled is the legal subjectivation of Nature. This accomplishment has been a highly insightful and ingenuous application of indigenous approach to the white man law, a way of reverse-engineering the Euro-American imposition of justice and code of law over colonised and enslaved populations. Despite its questioned efficacy, it succeeds in providing a starting point until an ecological constitutional state turns into reality (Kotzé & Calzadilla, 2017).

Santos (2023) points out that the dronification of power has one of its most visible social domains in corporate media. By promoting international understanding during this age of media dominance, the quality of arts and culture turns into a persuasive and powerful force of any nation (Grossmann, 2003). It is only by embracing a broad range of mindsets and better ways of relating to Nature that we can move towards a more sustainable future (Strand *et al.*, 2023). Long legal battles carried out by the indigenous have helped create a cultural imaginary which in turn contributed to give rise to a sense of proto-nativism even amongst non-indigenous audiences. Takao (2003) points out that the flow of information is not even present in this globalised civil society, since it is the responsibility of the media to serve as an early warning system, and an articulation between law and progressive, transformative social actions is needed (Santos, 2023). The Ecuadorian concept should work like a micro-history of individuals and communities reaching out to large-scale societal forces of macro-history (Santos, 2023) intended to impact upon them developmentist framework and to provoke

dramatic structural change at the core of the socio-economic grounds that give support to contemporary societies even at the cost of general impoverishment but with more social justice. More intellectually serious than the legality issue is the problem that the public opinion is being excluded from the debates, notably by the mass media.

9. Sociological archetypes

One of the defining features of the discourse about Nature as a person is the theme of gender, race and ethnicity. The question is whether dualist or opposite sociological archetypes are playing a role to redefine fighting sides within human-human and human-Nature contests. Geographical fragmentation follows the trend of socio-political divisions and of a sharp rise in the politicisation of territoriality, ethnicity and gender issues in all parts of the world. A more equitable wealth distribution correlates directly with better inter- and intra-species relations. Sociological archetypes define the lines of division within human societies where the andro-hunter and femina-shelter archetypes seem to keep opposite attitudes and viewpoints related to Nature (see Fig.1), especially when it comes to the confrontation between androcentrists and ecofeminists (Plumwood, 1991). To put it another way, the so-called humanocentric could be more specifically termed as Euromancentrism or Euroandrocentrism for this male-hunter archetype being the dominant drive along history to mould and constitute this globally capitalised human society as it is presented now. From Nature-object to Nature-person, the hurdles for this transition go through the hard convergence of oppositional binaries of all sociological archetypes.

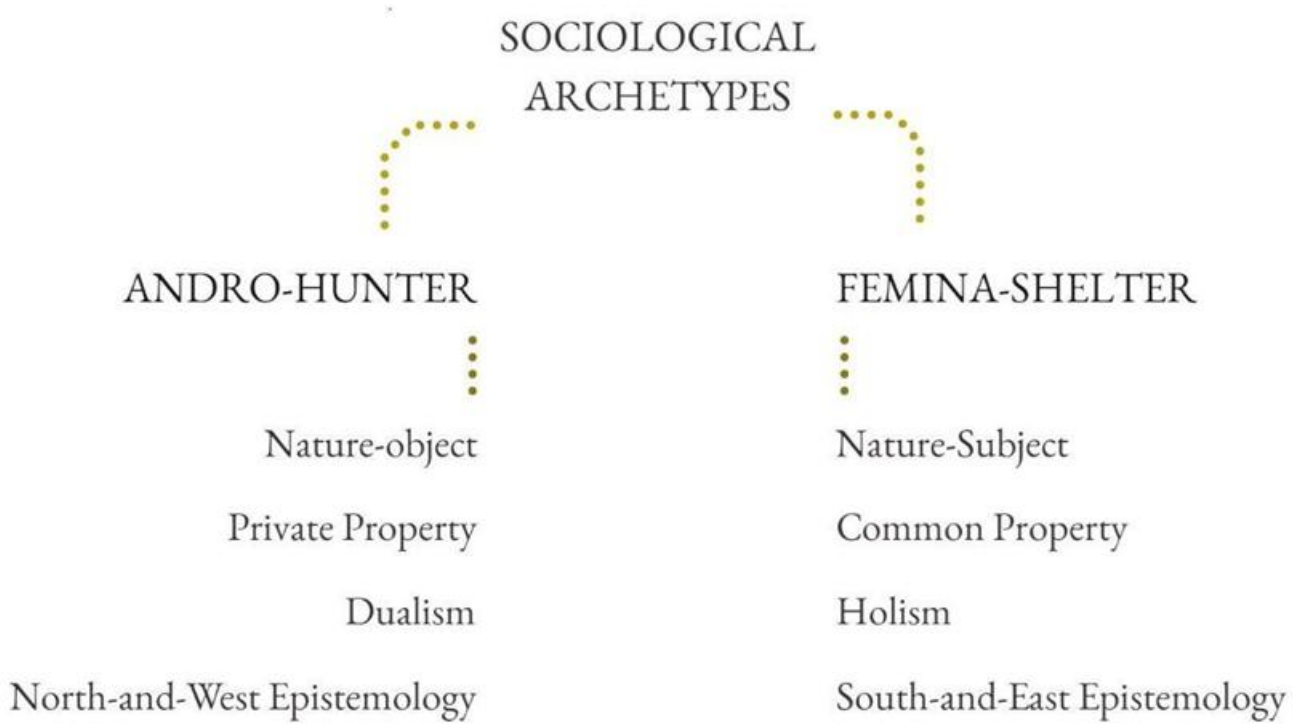


Figure 1: **Sociological Archetypes**
Source: the author, 2023

To sum up, this juridical approach consists of associating indigenous notions to the Euro-American fashion of universal category of law. It can be qualified as indigenousness or South-and-Easternness as an auxiliary supplement to North-and-Western scholarship.

10. Closing remarks

From Nature-centred human rights to humanocentred non-humans' rights

History measures achievements by peoples and nations, not by their wealth, strength or free-market forces, but by their cultural legacy and quality of their civilisation (Grossmann, 2003). The notion that there is an urgent need to reframe the relationships between humans and Nature is clear (Strand *et al.,* 2023) as well as to reframe the form of sociability based upon differences, inequalities and discrimination, characterised as social fascism by Santos (2023). A whole wealth of new ideas, and new concepts as well as historical perspectives along with granting legal rights for Nature ought to be extended to all countries and not be restricted to those that have advanced in this matter, thus expanding the rules also to international courts, as it involves human and non-humans' rights. Nature-person seems to indirectly address many human issues like overconsumption, inequality, power asymmetries, vested interests and short-termism, questioning mindsets that underpin our societies, economies and institutions (Strand *et al.,* 2023). Nature institutionalisation shall take place at all levels of law of rights; also and mainly in the mindset of humans. This is clearly seen in the emergence of before invisible and subaltern human citizens who voice their viewpoints now through Nature. It is the only perspective coming from epistemologies of the South-and-East to the moral crisis of human species determined by archetypical binaries: the Euroman model of male-hunter archetype and the ecological conscience of femina-shelter archetype, as illustrated above.

The unavoidable globalisation trend can be used to create a new culture based on neglected but not forgotten transcendental values. The distinctive feature of New Zealand away from ecomanagement is that natural entities are active legal persons, so that, in concrete terms, we want a movement propelled by these Nature-person forces to reinforce the will of the majority of planetary legal persons, purported to stop high-speed economic growth with drastic power reduction of large investments led and profited by few. Juridical personality follows the framework of laws of Nature where all beings, living or not, are submitted to the same sciences of Nature. By the same token, it is high time for us to consider the construction of a mechanism that could interrupt the ongoing humanogenic process of this geological era and planetary crucial moment. Criminalising those who disrespect or are killing Nature-person is a stance that must be considered and applied. The implications of

this Nature reconfiguration are clearest when considering the characteristics of the relentless and abusive soil exploratory industrial mindset. The capitalist-humanocentrism vs. anticapitalist-ecocentrism debate is more than ever heated.

In sum, now a political body, Nature-person seeks to reappropriate its own territoriality lost mainly along and after the modern era. It does require a shift in thinking about how humans/non-humans relations can be healed and improved. A humanodecentralisation is demanded, along with an uprooting of market capitalism, at the same time as an ecocentralistion along with radical anticapitalist stances to achieve it. Santos (2023) proposes four action-principles, as follows: decommodifying, decolonising, democratising, and depatriarchalising, for he calls upon an interruption of the matrix of the modern state. A real civilisational shock, or a confrontation between the epistemologies of the North and South, West and East. An actual evolution from humanocentrism to universal ecocentrism would involve the discontinuation of the historically configured Nature-culture dichotomy as both humanity and Naturity result from essential qualities of sharing and compassion, intersubjectivity instead of solipsism.

By practice of an innate virtue of humaneness or Natureness, manifested outwardly while living gregariously in community, this innate feeling is the starting point for the cultivation of these qualities, harmonising human nature with Nature through an all-elements integrative framework.

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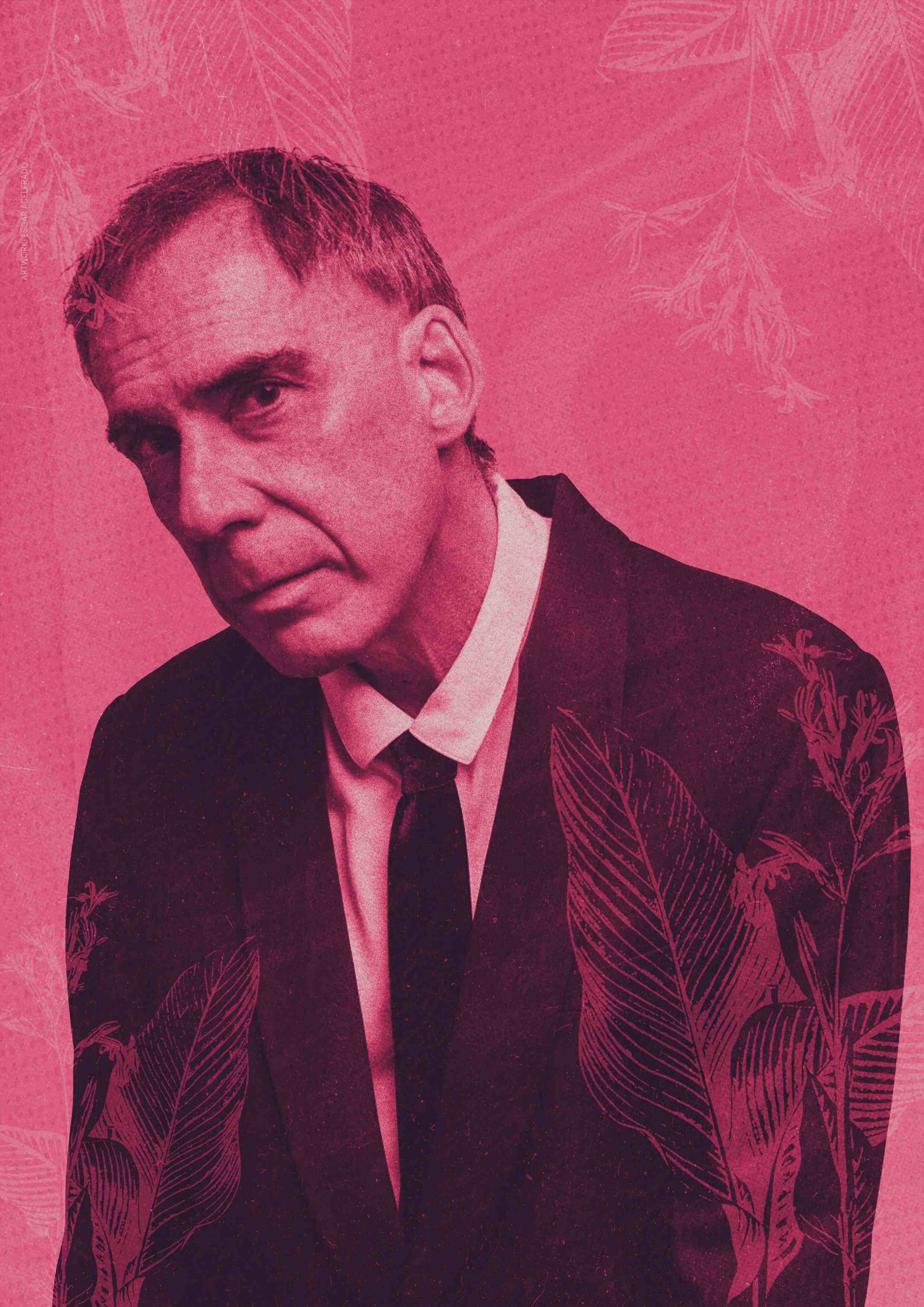
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