

Wild Law 2007–8

## A Wild Law wild weekend – 10 principles of Earth Jurisprudence learning and networking

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'I've never had so much fun earning my CPD points!' was the feedback from the 2007 Wild Law weekend workshop.<sup>2</sup> Reviewing the assumptions underlying our current jurisprudence in order to tackle climate change might at first seem an unlikely topic to generate such excitement. On the contrary – the event unleashed a wave of creativity, connectedness and motivation.

Renowned philosopher Thomas Berry has said that the 'Great Work' of our time is for humans to establish a benign presence on the planet.<sup>3</sup> Earth Jurisprudence involves challenging the assumptions upon which our current governance systems are based and replacing them with a world-view that is life sustaining. *Wild Law* is the title of a book by environmental lawyer Cormac Cullinan in which he looks at the implications for our legal system of this paradigm shift.<sup>4</sup>

In September 2007 a group of 45 people gathered in the Peak District for the third UK residential workshop on understanding and applying Wild Law. As facilitator of the workshop, I have been reflecting on the lessons that can be learned about how to design such events to make them as effective and enjoyable as possible.

### 1. Create community first – relationship before task

In any workshop there is a balance between working on the task and building relationships. In professional settings, people very often dive into the task and formal content of the event without taking the time to get to know each other as human beings. This may appear more time efficient but leads to a shallower level of engagement and ultimately less effective work on the task.

At the workshop we spent the first session getting to know each other – names, background, expectations,

nationalities – and this built the trust and connections which formed the foundation for the rest of the weekend.

One of our presenters, Brian Goodwin, explained to us the concept of 'entanglement', which comes from physics. Briefly, this is a phenomenon where two entities (eg particles) are in relationship. When one is moved a long distance away, a connection remains between them such that a change in one leads to an instantaneous change in the other. This happens faster than the speed of light. The same phenomenon can also happen with groups; once a connection has been formed, even when the group has dispersed physically there is an energetic connection between all members that continues to influence and support them.

### 2. Work with the personal as well as the theoretical and professional

When people come to a workshop which deals in radical ideas in their professional capacity, it is easy for them simply to focus on abstract concepts and how they relate to their work life. This is limited and leads to a less satisfying experience. It is important to encourage participants to:

- connect the ideas and themes to their own lives and values
- define what they want from the experience rather than simply being passive recipients
- talk from their experience as well as about ideas
- be in the present as well as the past and the future.

Ideas need to be grounded in personal experience and reflection if they are to become embodied; otherwise, an 'indigestion' of ideas occurs.

One simple exercise is to take a moment to focus on how we want to *be* in a situation, rather than what we want to *do*. I asked the group at the start of the weekend to think of a quality of being they wanted to embody during the weekend. Words such as 'strong', 'curious', 'open', 'playful' and 'centred' were named.<sup>5</sup> This immediately opened up new pathways of experience, as participants connected with themselves in a different way

1 Elizabeth@elizabethrivers.co.uk. United Kingdom Environmental Law Association (UKELA) Wild Law workshop 'Wild law: a response to climate change' 21–23 September 2007.

2 'A Wild Law response to Climate Change' UKELA Gaia Foundation and Environmental Law Foundation workshop held in the Peak District 21–23 September 2007.

3 T Berry *The Great Work: Our Way into the Future* (Bell Tower New York 1999).

4 C Cullinan *Wild Law: a Manifesto for Earth Justice* (Green Books Dartington UK 2003).

5 'Create and Be' exercise from SKAI Associates Ltd www.skai.co.uk.

to normal and shared different aspects of themselves, accelerating the process of getting to know each other.

### 3. Take inspiration from pioneers in the field

Include contributors to the event who can enthuse, stimulate and inspire. This gives courage (the root meaning of 'encouragement') to the participants and expands their vision of what is possible. We were extremely fortunate to have four world class speakers.

- Cormac Cullinan: author of *Wild Law* and thought leader in this field. He is a stimulating and engaging speaker who is constantly assimilating new ideas and progressing the field. His presentations are accessible and satisfying to newcomers and experts alike.
- Andrew Kimbrell: public interest attorney and the brains and energy behind what the *New York Times* called 'the most important environmental law case in legal history', *Mass. v EPA*.<sup>6</sup> He combines an impressive legal career with a profound understanding of depth psychology, both delivered with a sense of humour that would guarantee him a career in stand-up comedy if he ever decided to give up law!
- Peter Roderick: activist lawyer specialising in pioneering climate change litigation. Formerly the in-house lawyer for Friends of the Earth, he brought a UK and European perspective to the discussions.
- Brian Goodwin: cutting-edge scientist who teaches holistic science and Gaia Theory at Schumacher College in Devon. Brian brought a spiritual perspective to the event and a way of explaining complex scientific concepts that was both relevant and accessible.

The speakers balanced theoretical input with sharing their experience as practitioners in law, science, philosophy, psychology and spirituality. The pioneering example that each of them set was inspiring: indeed, the word most used in feedback about the weekend was 'inspirational'.

### 4. Choose a venue that creates connection with the biosphere

Most conventional conferences and workshops take place in air-conditioned, artificially-lit buildings located in cities. Like a McDonald's franchise, they provide consistency and predictability. However, the bland, homogenised atmosphere of such places can be deadening and keeps us separate from each other and from the natural world. They are part of the 'homosphere' and perpetuate the 'illusion of independence' which is part of our collective trance as a society. The 'homosphere' is the artificial, technology-dominated environment in which we spend most of our time in the modern world. Our immersion in such environments allows us to forget that we are dependent on the natural world for our basic life support systems.

When designing a Wild Law event, a venue that creates a sense of connectedness with the biosphere is very important and should take precedence over state-of-the-art facilities. We held the event in a children's activity centre (an old country house in 25 acres of grounds) in the Peak District National Park in Derbyshire. We had pleasing architecture, easy access to nature and walks, were surrounded by greenery and tranquillity, had simple accommodation (shared rooms and bathroom facilities), grounds to camp in for those who preferred to camp, and simple but wholesome food.

In a simpler venue it can come as a shock at first to have to share a room. After a while, I adjusted and started to appreciate the simplicity of the facilities. For me, sharing a room brings back memories of younger days, of school trips and student travels, and a sense of community and adventure.

When setting up working space within the venue, the room layout or 'psychogeography' is very important. Circles or semicircles are ideal. Straight rows of chairs reinforce passivity and deference to authority, rather than coming together and participating as equals.

### 5. Facilitate direct learning from nature

It is vital to spend a substantial proportion of time outside. Walking in nature gives people a chance to integrate and digest the ideas they have heard, strengthen connections with the rest of the group and connect with nature. Walking in a group offers a gentle way to get to know people – it is easy to drift in and out of conversations without awkwardness as well as spend time alone if you want to.

As well as facilitating social interaction, it is important to make interventions that bring people more deeply into contact with themselves and with nature; otherwise social interaction will tend to dominate. Some exercises that facilitate this are:

- walking slowly, physically spread out and in silence
- sensory awareness exercises: tuning into the five senses in turn
- specific exercises relating to nature eg choosing a particular tree and imagining a dialogue with it.

### 6. Encourage multi-disciplinary groups

Ideas about Wild Law and Earth Jurisprudence are not the sole preserve of lawyers. It is essential for multi-disciplinary groups to participate in these events. Part of the reason for our current crisis is over-specialisation and silo thinking. The legal system does not recognise any higher authority than itself; it does not recognise that there are environmental limits within which it has to function (described as the 'Great Jurisprudence' by Cormac Cullinan in *Wild Law*). It is very useful to have scientists, and particularly ecologists, who can articulate this perspective. It is also useful to have input from a range of other disciplines and roles such as psychotherapists, activists and educators.

<sup>6</sup> *Massachusetts et al. v. EPA et al.* – U.S.–, 127 S. Ct. 1438 (2007).

## 7. Embrace difference

One of the features of the workshops we have organised so far is the incredible diversity of the group, which has arisen spontaneously without any conscious shaping. Features have been:

- an almost equal gender balance
- a range of ages from students in their early 20s to 'elders' in their 70s
- a range of nationalities: the last workshop had representatives from South Africa, Kenya, Ghana, Italy, Sweden and the USA, most of whom had come especially for the event
- a wide range of disciplines and within law, many different types of lawyers (private practice, academics, regulatory agencies, solicitors, barristers, trainees and students).

Despite variations in age and experience we related very much as equals. I enjoyed the energy that the younger people brought, balanced by the 'elder' energy of participants at the other end of the age range. I also recognise that the next generation needs to be encouraged and supported and that it knows things that my generation does not – for example how to use social networking sites such as Facebook to maximum effect! Each generation has its own tasks and its own wisdom.

## 8. Reinvent existing formats

As part of the event, we decided to hold a mock trial using Wild Law principles. The topic chosen was the conflict between preserving orang-utan habitat in the Borneo rainforest and logging the forest to grow palm oil for biofuels. The trial centred on a dispute between those protecting the forest for the orang-utans and the loggers. Cormac Cullinan drafted an imaginary constitution for Malaysia incorporating Wild Law principles which could be referred to by the advocates for each party. This was performed for the group as a piece of theatre with role players acting as lawyers, clients, expert witnesses, and a judge. The audience became the jury. It worked brilliantly both as a piece of theatre and as a learning tool. As a disillusioned former litigator turned mediator, I had reservations about whether the adversarial legal process could ever really be compatible with Wild Law principles. I was pleasantly surprised that when it is possible to draw on a wider range of principles, a much richer dialogue ensues.

We can be proud of the fact that we may have staged the world's first Wild Law trial. Enacting this, even as a role play, brings us one step closer to the day when such principles become legitimate and embedded in our system.

## 9. Experiment with different formats and methodologies

For Wild Law to take root, our existing legal structures and processes need to be reinvented, and the mock trial was one example of how that may be possible. As well as changing our existing structures I believe it is vital that

we create and co-opt new ones, drawing on cutting-edge developments in psychology. We were fortunate to have at the weekend a practitioner of environmental constellations, Zita Cox.<sup>7</sup> Constellations are a creative tool that allows us to observe our place in nature and our systemic relationship to other living things. This creates empathy, shared understanding and solutions. Zita Cox ran a constellation on the same topic as the mock trial and participants took on the roles of lawyer, orang-utans, rainforest, indigenous peoples, logging company and even the palm oil plant! The focus of the constellation was to allow the lawyer acting for the orang-utans to have a direct dialogue with them in order to take instructions. This enabled us all (both participants and those watching) to access an intuitive felt wisdom about the situation. I was struck by how during the course of the process the advocate shifted from his adversarial role to become a facilitator between the logger on one side and the orang-utans/forest/indigenous people on the other.

Such processes need to be experienced rather than described in order to be understood fully. However, at the moment law excludes emotions, intuition and sensory experience – all of which are rich sources of knowing and inspiration. We need to broaden our range of inputs and methodologies, and bring different parts of ourselves to the process. The constellation method allows us to draw on and integrate many different ways of knowing, rather than being restricted to the narrow, rational zone that is defined as 'relevance' by our current legal system.

Another technique to experiment with is the 'Council of All Beings', developed by Joanna Macy and John Seed of the deep ecology movement.<sup>8</sup> This is a method of using ritual to access wisdom about a particular issue which is used worldwide by activists.

## 10. Have fun!

Andrew Kimbrell talked about the dangers of people involved in environmental activism becoming 'diseased altruists'. If we devote all our attention to promoting a cause and do not pay attention to our inner life, our intimate relationships, our interests and taking time out for rejuvenation, we are at risk of becoming imbalanced and ineffective and often repelling those we seek to influence rather than attracting them.

We were stimulated and had fun as well with dancing and discussions.

## Conclusion

We are told not to put new wine into old skins. The progress of the Earth Jurisprudence movement depends on groups of motivated people coming together and being inspired to take effective action. It is vital that such events are designed and facilitated in a way that reflects the spirit and principles of Earth Jurisprudence.

<sup>7</sup> [www.environmentalconstellations.com](http://www.environmentalconstellations.com).

<sup>8</sup> <http://www.rainforestinfo.org.au/deep-eco/coab.htm>.