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Democracy, Biodiversity and More than Human Justice Imperatives: Institutional Responses to Crisis

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Abstract: In terms of a human responsibility for the wrongful expulsion of non-human nature from natural habitats through wildfires, global warming, the over-exploitation of lands, seas and biological life, humanity is forced to revisit some fundamental issues of late with regard to the ongoing legitimacy of its claims to the Earth's resources. Can human communities continue to lay claim to remaining essential reserves with little regard for the life situation of non-human others? Should certain principles of distributive and territorial justice, claims of occupancy, freedom of movement, respect, etc., be extended to include non-human nature? In recent months, Europe has begun to explore many of these concerns, noting the trauma experiences of COVID-19 and their interconnection with deepening ecological and health problems as a stimulus to action. This paper notes the relevance of these crisis experiences in moving political debate on the loss of biological diversity forward, prompting a need to extend normative horizons of the common good to include more biologically diverse communities.

Keywords: biodiversity; wrongdoing; thick and thin respect for nature; contact zones; more than human cosmopolitan imperatives; COVID-19; institutional change

1. Introduction

The contribution of a more-than-human critical theory to an analytical reappraisal of the political aspects of “zoe” or the violence inflicted against non-human “bare life” has been extensive (e.g., [Haraway, Donna 2008](#); [Kirksey and Helmreich 2010](#); [Panelli 2010](#)). Amongst other things, this research draws attention to the type of repressive political hierarchies that have marginalized non-human nature's experiences of suffering for centuries. It assesses how the lives and death of planetary species in the Anthropocene age are linked to the destructive tendencies of human social worlds, especially the latter's capacities to initiate planetary-scale transformations of the Earth's biosphere, atmosphere, oceans and lands. Whilst the critical diagnostic component of this research is compelling, in general the tendency has been to not mark these trauma experiences of nature in ways that might allow for the structures and ways of thinking that create them to be transformed. Is change in interpretive positions on nature's value possible and if so, how might these changes be taken up and acted upon, institutionally speaking? Is it possible to extend political democratic reasoning to a consideration of relations with non human nature?

This paper explores the conditions under which a more critical institutional appraisal of ongoing human destructive tendencies emerges. It examines the critical function of crisis experiences, including the COVID-19 global pandemic, in forcing communities to confront the immanence of large-scale ecological disaster and the need to initiate more ethically responsible relations with nature. Today, we are compelled to engage politically with the question of why the planet has now entered into the sixth mass extinction and consider why government has failed in its attempts to control rates of loss of biological diversity. The possibility of continuing with a “politics as usual” in these circumstances is

unthinkable. [Burke \(2019\)](#) points to the necessity of a new global order of ecological governance that consciously extends “a cosmopolitan ethos” beyond the dignity and rights of human beings to that of all components of the biosphere. Priority, he argues, must be given to the “vitality”, “health and survival” of all living entities, including the hydrosphere, lithosphere and atmosphere. To ensure a more effective implementation of environmental protections, Burke advocates an “eco-centric rule of law”, one that can align with human governance systems but in a manner that prioritizes “the fundamental rules of the Earth system of which we are a part” ([Youatt 2017](#)). Precisely how this transformation in governance arrangements might come about and existing systems of legal and environmental policy procedure imaginatively extended (beyond an exploration of their current limitations) is, however, not entirely clear. Rather than criticize what is otherwise a valuable and timely contribution to this debate, this paper considers further some of the factors that trigger a desire for institutional change. In their capacity to provoke awakening to “the very content of the real” conditions of our time ([Marcuse 1999](#)), crisis experiences, including the more recent COVID-19 pandemic, offer important moments of learning.

COVID 19 represents the ultimate “fugitive ethical event” ([Bernstein 2001](#)) in terms of its capacity to interrupt the everyday workings of modern social life and force reflection on those structural conditions that have enabled its emergence. As one of the most deadly products of human interference with nature, this negative captures only a partial dimension of its truth. A fuller representation of its truth requires an awareness of the potentials that resides within it to transcend the perversions that gave rise to it. Critical reflection here provokes a “thinking beyond” current ecological, social and political realities, as a document of institutional failure, into “openness” or a speculative reimagining of what could be on the basis of what presently is ([Adorno 2001](#)). It demands transformation of a world where despair rather than hope sounds loudest and challenges us to think again about how democratic traditions, with their promise of freedom and equality, could be imaginatively rethought to incorporate the more-than-human within the scope of their relevance. In this respect, this paper departs somewhat from the literature noted above by focusing chiefly on the learning possibilities (however fragile) created by encounters with crisis. Critical reflections on crisis experiences provoke a truth telling, where a society reflects on itself, what it is capable of and, on that basis, may actively seek to do things differently. This paper examines how this process unfolds in response to the COVID-19 global pandemic and its noted interconnections with increasing rates of loss of biological diversity. In particular, it considers how declining ecological conditions come to be framed as an index of unacceptable levels of institutional failure and wrongdoing against nature.

2. New Contexts of Discovery of Nature’s Value

One of the most important crisis experiences of our time is the growing loss of biodiversity globally. According to the findings of a scientific study commissioned by the World Wide Fund for Nature (WWF) in 2020, an estimated 142 million mammals, 180 million birds and 2.5 billion reptiles were killed or displaced during Australia’s devastating bushfires between 2019 and 2020, making this the largest wildlife disaster in modern history ([World Wildlife Fund 2020](#)). Without immediate cooperative efforts to lower emissions levels and stabilize rates of global warming, experts believe wildfires will burn with ever-greater degrees of intensity in the years ahead ([Union of Concerned Scientists 2020](#)). Some of the primary victims of wildfires, decreasing biodiversity, the destruction of natural habitats, etc., include species responsible for the pollination of more than 75% of food crops globally ([United Nations Food and Agriculture Organization 2018](#)). Whilst indispensable to ecological wellbeing ([Brondizio et al. 2019](#)), rarely has this nature been formulated as a relevant subject of moral political respect before now. The ongoing degradation of this nature has been so basic to our thinking, its formulation as a subject “wronged” by human activity and thereby, deserving of justice remains strange to many. Broadly, the understanding, until relatively recently, was that this nature lacked an independent status beyond its human use or property value. Seldom was this perspective subject

to serious challenge, even if occasionally the necessity of constraint was recognized to protect the interests of those who come after (i.e., human populations).

However, as encounters with wildfires, melting ice, storm surges and land degradation become a regular feature of contemporary life, the suffering of this nature is rendered more visible (e.g., a staggering 60% drop in global wildlife populations over the last forty years due to the over-exploitation of land and sea resources) (Brondizio et al. 2019). In response, publics are forced to reconsider the validity of many more traditional normative assumptions about a nature upon which we depend for our survival. Ideas of distributive and territorial justice (e.g., sufficiency, equality, the difference principle) are reassessed in terms of the legitimacy of non-human species' freedoms to occupy, roam unhindered and flourish in territories it has dwelled for centuries. If so, can "no wrongdoing constraints" be legitimately imposed on human populations who co-occupy these territories? The more recent life transforming effects of COVID-19 have brought many of these questions into sharp focus with international agencies openly declaring humanity's mistreatment of nature the real source of this virus (World Health Organization 2020), thereby inducing an important diagnostic moment in political reflections on these issues. The following analysis examines the conditions under which responses to COVID-19 and a critical loss of essential biological diversity, prove to be an important motivational resource for the advancement of a project of learning and institutional change. The analysis will focus chiefly on the EU and its efforts of late to work through various reasons why relations with non-human nature must change and principles of justice considered more in terms of their relevance to multispecies communities. At this critical point in the advancement of the Anthropocene, society moves to new conditions of understanding major threats to nature's wellbeing. Moral political reasoning begins to feed off new contexts of discovery of nature's demise as evidence of serious deficiencies in normative commitments to principles of responsibility, respect, justice and equality. One such new context of discovery has been the recent COVID-19 global pandemic. Experiences of disturbance prove especially profound in this instance, given the virility of this virus and its capacity to disrupt the daily operations of peoples everywhere. In so doing, COVID-19 provokes a need to reconstruct this crisis experience as a substantiated negation of traditional understandings of nature as 'for us', so to speak. Furthermore, the realization is that this crisis was not provoked by relations external to this society but, rather, those that are internal to its basic operations.

The question then is what particular aspects of this crisis provoke learning and how does this learning manifest itself? Crisis-led learning begins with a change in the perceptual responsiveness of publics to information emerging from the living environment that all is not well. In particular, the "felt qualities" of ecological disturbance experiences such as those that arise when the air we breathe is construed as contaminated with a dangerous "other" that potentially threatens our existence. The presence of this other disturbs the "spontaneous freedom" through which human subjects routinely project themselves onto the external natural world without limit (Levinas 1969). When COVID-19 makes the power of its destructive potential known in this way, it impresses upon our being a heightened consciousness of human existence as a bounded, limited thing and that of a nature that surrounds us as more powerful. This awareness has the effect of draining the authority of previously unreflective assumptions that this world belongs to a humanity entitled to make use of its non-human components as it sees fit. In that, disturbance experiences invoked by COVID-19 bring a sobering clarity to bear on some fundamental issues. In particular, the illegitimacy of humanity's presumed right to use nature as it pleases. Coming face to face with a pandemic that started "in nature", in the suffering of wildlife at the hands of human agents, can be an arresting experience. However, the disruptive aspects of these experiences can also be an important tool for change, especially the terms of their capacity to unravel the unity of many taken for granted assumptions about the constancy of nature's flourishing. Once the un-grounding effects of COVID-19 are rationalized as indicators of a more comprehensive breakdown in the "metabolic interaction[s] between man and the earth" (Marx 1976), opportunities are created for a critical reappraisal of humanity's destructive potential. Changes occurring in the background conditions that support reflective inquiry in this instance trigger

new patterns of interpretive inquiry. By way of illustration, the discussion below examines how the felt qualities of COVID-19 disturbances feed into the thinking of the EU in its exploration of the interrelationship between institutional inertia and the growing risk of environmental disaster.

3. Political Communication on the Loss of Biological Diversity and COVID-19: From Agency to Process

Penned in the midst of this pandemic, the EU's Biodiversity Strategy 2030 reflects a significant change in thinking on the part of the EU on the degradation of ecosystems. From the very first pages of this report, it is clear how the experience of COVID-19 has forced the EU to confront some basic truths regarding relations with nature and the "reasons for" this pandemic:

The EU has legal frameworks, strategies and action plans to protect nature and restore habitats and species. But protection has been incomplete, restoration has been small-scale, and the implementation and enforcement of legislation has been insufficient . . . Global efforts are needed and the EU itself needs to do more. ([European Commission 2020](#))

Responsibility for inaction, it is thought, must be borne collectively by states, business communities, generations, and the EU itself. All are thought to have historically worked towards the realization of common goals and participated with intentionality in harmful actions, thereby implicating them in collective guilt for ecological wrongdoing. Sentiments of collective responsibility for ecological wrongdoing are thereby extended across space and time and used to consciously reconsider the normative status of a nature upon which we depend for "the food we eat", "the water we drink" and "the air we breathe".¹ A nature, it adds, which is as important for our mental and physical wellbeing as it is for our "society's ability to cope with global change, health threats and disasters" ([European Commission 2020](#)). By engaging with the implications of more-than-human species entanglements and reassessing how these encounters relate to wider, more historically embedded realities (e.g., the emergence of the Anthropocene, the Capitalocene, colonial histories, etc.), the EU finds itself unable to escape certain decolonial imperatives. It is forced to think again about colonial legacies that are continuously renewed (i.e., the colonization of territories and their resources, as well as economic and political worlds) through the everyday workings of the Anthropocene. The aim is to consciously turn away from traditional imperialistic modes of interaction with nature and focus instead on finding more respectful ways of securing Europe's "green recovery". Unlike a previous emphasis on protecting "ecosystem services that underpin our economy" ([European Commission 2011](#)), the EU's newer biodiversity strategy acknowledges the importance of formulating the question of risk through a more distinctly multispecies lens. Nature here is interpreted less as a "service" (implying a use value and normative status of no independent significance) and more as a community comprised of "companion species" who encounter one another in spaces traditionally marked by coercion, exploitation and neglect (i.e., contact zones) ([Wilson 2008](#)).²

With a clear shift in focus towards planetary "co-presence", the realization is that protecting biodiversity means acknowledging the role of multispecies agents in finding "solutions" to "looming existential threats" ([United Nations International Day for Biological Diversity 2020](#)). In a similar fashion, the UN's 2020 International Pollinator Initiative aims to strengthen awareness of our "dependency" on pollinators in "solving problems related to the global food supply" and loss of biodiversity ([United Nations World Bee Day 2020](#)). Political attention moves to the importance of "contact zones" ([Haraway,](#)

¹ Protecting the common good requires all members of a community to fulfill relational obligations to safeguard the interests they have in common. Common interest here includes those aspects of nature which are key to ensuring the continuity of planetary life, such as clean water, air, natural habitats, etc.

² Wilson extends the relevance of Haraway's idea of the contact zone as a critical tool of analysis of "the space of imperial encounter" and uneven power relations between human and non-human nature. Wilson shares with [Haraway, Donna \(2008, p. 219\)](#) the view that "transformative things in life happen in contact zones" where companion species encounter each other in conditions shaped by "shifting forms of power".

[Donna 2008](#)) where interactions between species (including humans) are continuously renegotiated. As the transformative elements of planetary life have always occurred in inter-species contact zones, the understanding is that an effective sustainable development programme must introduce change here. Such a task compels a radically new ethics of environmental care, one that recognizes how the interconnections between ecological break down, lost biodiversity and multi-species suffering “respect no boundaries” ([United Nations 2020a](#)). Yet the political will internationally to address these issues is still lacking, according to United Nations Secretary-General, Antonio Guterres. Against a backdrop of unprecedented ecological crisis, what is explored is a societal order moving ever closer to the edge of collapse. The contribution of insects, birds, plants, forests bees, various microorganisms and wildlife more generally to collective wellbeing is openly acknowledged, as is an avoidable human destruction of this nature ([United Nations World Wildlife Day 2020](#)):

Earth is home to countless species of fauna and flora—too many to even attempt counting. Historically, we have depended on the constant interplay and inter-linkages between all elements of the biosphere for all our needs: the air we breathe, the food we eat, the energy we use, and the materials we need for all purposes. However, unsustainable human activities and overexploitation of the species and natural resources are imperiling the world’s biodiversity. Nearly a quarter of all species are presently at risk of going extinct in the coming decades.

Forests (home to more than 80% of terrestrial species of animals, plants and insects on Earth ([United Nations Strategic Plan for Forests 2017](#)) and rivers traditionally have not been formulated as “wronged” by human activities but as knowledge of their contribution to biological diversity and climate change mitigation grows, so too does the need to acknowledge wrongdoing and bring this “nature back into our lives” in a responsible and conscientious manner:

The recent COVID-19 pandemic makes the need to protect and restore nature all the more urgent. The pandemic is raising awareness of the links between our own health and the health of ecosystems. It is demonstrating the need for sustainable supply chains and consumption patterns that do not exceed planetary boundaries. This reflects the fact that the risk of emergence and spread of infectious diseases increases as nature is destroyed. Protecting and restoring biodiversity and well-functioning ecosystems is therefore key to boost our resilience. ([European Commission 2020](#))

However, a stated intention to learn from experiences of COVID-19 does not necessarily mean that learning will actually occur. To bring nature “back” into everyday life requires the EU to confront some difficult truths, including the fact that its engagement in many practices (e.g., the clearing land for agriculture, mining and further commercial development) makes meeting basic needs increasingly difficult for much of planetary life. Great efforts traditionally have been made to hide from public view the face of suffering that transpires in factory farms, slaughterhouses, mining sites and animal laboratories. With COVID-19, however, the violent underbelly of this modern production order is dangerously exposed. The need to unearth “the reasons for” this pandemic brings unwanted attention to the stark violence of capitalism’s asymmetrical meetings with non human nature and exposes many critical silences that previously were denied. [Sundberg \(2014\)](#) explains how traditionally this violence was sustained through a planetary imaginary that was highly successful in its capacity to contain expressions of moral outrage at the extent of its destruction. Even if unintended, COVID-19 expands the reach of justice principles into new registers and scales. A more critical discourse opens up, forcing a greater awareness of this violence into the public arena and triggering a new debate on its ethics. Increasingly, the realization is that the contact zones where human and non-human planetary life meet are fraught with unacceptable levels of danger, destruction, and violent oppression ([Wilcox and Rutherford 2018](#); [Philo and Wilbert 2000](#)). As these contact zones move to the fore of public consciousness as sites of wrongdoing, pressure on government mounts to regulate relations within these spaces and promote greater awareness of their importance.

Change in this regard is partly a matter of increasing commitments to already established principles of efficiency, truth, right and respect and partly a matter of acknowledging the importance of new contexts of discovery of nature's demise as a stimulus to corrective action. Experiences of devastating loss of life draw attention to the limitations of a blindly human-focused approach to environmental protection and related policy concerns. What were previously separate EU policy discourses on disease control, biodiversity, climate change and territorial borders are now brought together and considered in terms of their relevance to the management of areas where the lives of humans and other species regularly intersect (i.e., contact zones). Connecting what were previously "disconnected" aspects of institutional thinking proves to be one of the most important learning outcomes of COVID-19 for the EU. The latter commits to establishing a range of new trans-European policy measures, including a nature network that will oversee the protection of "ecological corridors" that cross over state territorial borders (covering land and sea) and enable species migration in the interests of preventing genetic isolation or food insecurity amongst members of vital eco-systems. It calls for the establishment of a series of biodiversity partnerships that will address issues relating the health, migration and future flourishing of all climate affected communities, including those of a non-human kind. This change in policy orientation is significant, especially the way it opens up policy on migration and border control to a broader range of concerns beyond the anthropocentric or the priorities of specific geopolitical borders (e.g., wildlife mobilities). However, it is also significant in terms of the way it formulates the protection of the life journey of non-human species as a "bare liberty" (Stilz 2013), one that warrants certain minimum claims of occupancy against human others.

In this way, connections are forged between justice claims that span territories, species and issues whose overlap has remained largely institutionally latent until now. There is an attempt to purposively reimagine categories of ecological agent and concede to the relevance of questions of justice to multispecies living (in terms of a distributive justice, the realization of larger freedoms of movement, autonomy, etc. and in some instances, the rights status of non human nature). New directions in EU policy on biodiversity, or that of the UN on sustainable development, reflect many changes occurring in the background conditions of reflective inquiry on nature's wellbeing, including changes to legal discourse and public health priorities. Two assumptions can be made about the relevance of more-than-human justice relations to this change in policy orientation: (1) the realization is that humans are inescapably "entangled" with nonhuman agents and, therefore, policy for the future must reflect more fully the implications of these entanglements (European Commission 2020). Natural resource protection must be pursued in the interests of the "original community of the land" (Kant 1965) or the idea that before any particular human acquisition of property, the earth is a common possession of all species. (2) Deteriorations in local conditions and specific geo-historical contexts of environmental destruction must be understood in terms of their interconnections with larger, multi-scalar sites of change (e.g., the advancement of the Anthropocene, rising global temperatures, the expansion of capitalism, the mass displacement of human *and* non-human populations, etc.).

As consciousness of these issues grows, prospects for the development of a range of newer policy tools aimed at fostering a political ethos of respect for nature also grows. They encourage an extension of justice ideals in ways that previously were thought to be "unthinkable". For instance, moves recently to formulate forests and rivers as legitimate subjects of rights protection signal an important change in legal as well as social expectations that the wellbeing of this nature will be prioritized. The most significant influence on policy thinking in recent times, however, has been the COVID-19 global pandemic and the reflections it has triggered on those background conditions that have enabled its emergence (i.e., ongoing practices of eco brutality). Dare we say then that COVID-19 has hidden emancipatory effects (Beck 2015) brought to light by the meaning-making practices evoked by institutional translations of its societal significance? Underlining these changes is the realization that the communities of risk created by COVID-19 and related problems are inherently cosmopolitan. They extend across territories, species, and generations. Justice, therefore, cannot be specified in terms of the interests of a few (e.g., intra-human justice), especially as problems of disease control,

wildfires, crop failure, food and water shortages reverberate across multiple contexts, actively shaping the material circumstances of many. From new contexts of discovery of nature's demise come clear shifts in understandings of environmental bads as necessitating far-reaching institutional reform.

Moral perception in this instance is not, as Jaeggi (2018) notes, "an unmediated gestalt switch" that transports us from one evaluative position (e.g., that certain environmental practices are a necessary part of the modern development process) to another (that these same practices are seriously problematic). Rather, changes occurring in moral perceptions of deepening ecological problems are attributable to a series of steady transformations occurring in the background conditions that support critical reflective inquiry on these issues. The image of a major oil spill at sea, or a scorched forest and its displaced wildlife inhabitants can stimulate ethical subjectivity on the significance of these developments, the other-than-us status or their victims or the fact that the value of lost resources cannot be fully captured by what they give to human populations alone (e.g., the loss of wildlife habitats, sources of rare flora and fauna, etc.). In this way, disruptions to the lives of human and non-human subjects can be a catalyst for the emergence of more critically reflective ethical sensibilities on nature's value. Similarly, the crisis episodes sparked by COVID-19 have the power to reshape moral evaluations of relations of wrongdoing. To understand how these disturbance experiences impact upon moral reasoning, it is necessary to look at developments occurring in what Dewey (Garrison 1996) refers to as the qualitative context of thought inquiry. Routine interactions with the environment usually occur in a manner that does not provoke deep reflection. However, when the "normal" course of these interactions is disturbed, a state of uncertainty emerges. The starting point of this experience is a disruption in the material components of human-environment exchanges. Some kind of obstacle in the situation makes the flow of everyday interactions more difficult. For instance, due to the spread of a deadly virus or an episode of severe flooding or prolonged drought. Noted deteriorations in everyday conditions act as an impelling force, creating ends or consequences that connect intimately with affectivities and desires embedded deep in the subject inspiring a need to investigate obstacles in the situation and find solutions to the same. During this reflection process, there is an inductive testing of established beliefs on the wellbeing of nature against empirical evidence of its decline. The context of reflection is refined by means of discriminations that prioritize some incoming data to which a priori concepts and knowledge categories of normal and abnormal, good and bad are applied, thereby allowing identified problems in the living environment (e.g., higher than normal levels of disease contagion, air pollution, poor crop yields, etc.) to move from being mere impressions to being formulated as statable concerns. As disturbance experiences grow more frequent and intense, they provoke a questioning of the validity of established knowledge and modes of engaging with nature. Expressions of anger or dismay at mounting evidence of irreversible eco-destruction induce a change in moral position. The failure to control rates of resource depletion or mass displacement are formulated as the product of relations of wrongdoing, a blatant violation of bare liberties and minimum standards of environmental care.

When used to direct moral reflection towards transformative action and draw attention to issues of responsibility and duties of care, feelings of anger or shame can perform positive motivational functions (Hobbs 2020). Both shame and anger are essential preconditions for the shattering of a humanist sense of entitlement to use nature as we please and in that, play an important role in enabling a wider process of critical reflection and ethical transformation to occur. Anger and shame for ecological wrongdoing can evoke new thinking on the actions needed to rectify environmental wrongs, especially when the 'kinetic dimensions' (Chakravarti 2014) of these emotions spark the energies needed to secure a stronger commitment to long-term behavioral change. If denunciations of a human destruction of nature are to be directed towards more collective strategic ends, then moral outrage must be channeled into goals serving normative ends. For example, when anger reinvigorates ideals of responsibility, freedom, rights, or duties of care in ways that speak to the immediacy of problems to hand and to a wider order of reason. In this way, emotional reactions to evidence of escalating environmental destruction translate elements of "ineffably vague qualitative situations" (Dewey 1984) into signals of larger, observable, and normatively relevant problems. The qualitative unity of local scenes of

environmental destruction and those that are more territorially dispersed comes to be cognitively understood in terms of a common foundation in stable patterns of human wrongdoing.

The COVID-19 pandemic proves deeply disturbing in terms of what it reveals about the limits of human progress. However, in that, new moral and political insights are also generated, especially on questions of responsibility, institutional failure, species vulnerability and inequality. Underlying the seemingly “sudden” nature of these changes in perspective are a series of more gradual transformations, where the validity of harmful modes of relating to “disposable” nature is finally overpowered by the culmination of forces of destruction. As UN Secretary General Guterres notes, COVID-19 is a tragedy “but it has also created a generational opportunity [...] to build back a more equal and sustainable world” (United Nations 2020a). Changes occurring in moral perspectives on nature, such as those observed above, are largely attributable to changes occurring in the background conditions of reflective thought inquiry. When those background conditions reach a point of crisis, relations with nature can appear in a different light. For Piaget, attention to developments occurring in background conditions is essential as these developments represent the most important experientially grounded mechanism for progressing from older to newer conditions of understanding a given reality (e.g., nature’s wellbeing) (Bormanaki and Khoshhal 2017). This paper notes the significance of greater reflective attention being accorded to the background conditions contributing to the COVID-19 crisis currently and further, how this process enables the formation of new conditions of understanding the dire consequences of long histories of domination, inequality and imperial contact with nature. As Guterres comments, “COVID-19 is shining a spotlight on injustice”. “It has laid bare risks we have ignored for decades: inadequate health systems, gaps in social protection, structural inequalities, environmental degradation, the climate crisis” (United Nations 2020b) and in that, encourages more kaleidoscopic thinking about various, interrelated injustices.

Whilst emerging insights on the state of nature remain fundamentally anthropocentric (e.g., understandings of ecologically damaged life today are still mediated through a human consciousness), they are noticeably less driven by an ethic of human supremacy. Historically, relations with nature may have been instrumentalized in ways that have since proven to be deeply problematic (for instance, the over-exploitation of land and sea has resulted in a 60% drop in the global wildlife population in the last 40 years alone (European Commission 2020)). However, as reflective beings affected by these relations in ways that are complex and far-reaching, we are also capable of initiating more responsible relations with nature, especially when confronted with situations of crisis. As we are still only in the early stages of processing the significance of COVID-19, it is difficult to determine at this point whether the “anthropological shock” (Beck 2015) induced by this global pandemic, or even that inspired more generally by global warming and climate destruction will, in time, invoke a wholesale disassociation from practices of environmental harm. At a minimum, there is a greater recognition today, both socially and politically, of the fact that our existence depends entirely on our capacity to protect the integrity of the Earth’s ecosystems. Nature, therefore, cannot continue to be treated merely as a backdrop to human endeavors (Van Dooren Thom and Münster 2016).

4. What Might a ‘More than Human’ Justice Framework Look Like?

The discussion above notes how respect for nature is articulated in more distinctly political terms in response to the growing regularity of experiences of ecological and public health crises. In particular, the idea that respect for nature cannot be defined solely as a personal ethical choice but rather must be actualized also as a collectively coordinated moral-political duty. Individuals or countries acting alone cannot hope to challenge those large-scale structural forces that accelerate rates of environmental destruction and threaten planetary wellbeing (Beck 2006). A politically relevant non-domination of nature requires a major shift in collective political action and moral evaluations of nature’s worth. Implementing change in this regard is likely to encounter significant resistance, economically, politically and culturally. However, moves towards more respectful relations are gaining some momentum. For instance, recent efforts to apply principled limits on a human use of nature by extending legal

personhood to aspects of non human nature in several legal settings. For many years now, eco-critical research has drawn attention to the need to rethink the coordinates of justice along “more-than-human” lines (Panelli and Tipa 2007). In particular, the importance of considering how questions of inequality, domination, and disrespect affect multispecies lives and how human encounters with earth others are not encounters with “resources” per se but with a life process that is intricately entangled with that of many others. Nature, therefore, cannot be viewed only in terms of its contribution to the energy, protein and more general practical needs of humanity alone (Burke 2019). To do so is to affirm the ongoing overexploitation, devaluation and ultimate endangerment of all of nature, including humanity. More recently, Cooke (2020) has emphasized the ethically problematic nature of this thinking and calls for a critical analysis of what is fundamentally wrong with contemporary everyday relations with nature. Of urgent necessity, Cooke argues, is the activation of social conditions that would enable humans to live ethically less anthropocentric lives. Whilst this paper embraces many of the insights of the research noted above (e.g., its emphasis on multispecies entanglements, the moral invisibility of non human suffering, ecological imperialism, the importance of an imaginative rethinking of the politics of the Anthropocene, etc.), it adds a need to consider more fully how these ideas might work in practice. What might the political foundations of a more-than-human justice framework actually look like moving forward? What existing tools (principles and democratic procedures) could potentially be drawn upon to reorient long-standing institutional arrangements and foster a more appropriate ethical framework for the realization of a “transformative politics of the Anthropocene” (Cooke 2020)?

To be “transformative”, a new ethical frame, arguably, does not have to reject all aspects of a liberal democratic regime. Many of the latter’s more traditional elements continue to be of relevance to this task. For instance, that insisting constraint is exercised over the power of individuals and groups in their capacity to affect negatively the wellbeing of others. A new ethical relationship with nature asks us to bring a more discriminating sensibility to bear on the pursuit of our own wellbeing and combine this with a greater responsiveness to the wellbeing of non-human others. A principle of autonomy also bears some relevance. Granting political subjecthood to components of non human nature means acknowledging its potential unfolds in a manner that exceeds the purpose of humans. In other words, acknowledging that non-human nature’s existence is governed by a telos (Krause 2020) that is not, in any fundamental way, for anything else. Serving human interests clearly has not advanced the freedoms and wellbeing of nature. For such reasons, eco-critical scholars argue, non human nature must also be seen as deserving of political moral consideration in its own right. Recent efforts on the part of the EU to move institutional protections of nature forward are a positive development in this regard. However, it remains somewhat unclear how its various proposals will fit with existing institutional arrangements? As it is currently conceived, political respect for persons is one the most important elements of the EU’s democratic project. As a political principle, respect for persons provides an essential justification for the structural limitation of power through mechanisms such as political representation and rights protections. According to this model, political power is legitimate only when it protects the wellbeing of those subject to it and answers to their concerns. As a political ethos, liberalism also orients citizens in their relations with others, generating responsiveness to and respect for others. If political respect for persons is supplemented with institutional mechanisms that formally constrain how human power is exercised over non-human others, a liberal principle of respect may hold out significant potential for a greater realization of the normative force of nature’s independent political and legal standing. As much as respect for persons protects against the abuse of power over other humans, so too a political ethos of respect for nature could be internalized by citizens as a constraint on the abuse of power over nature and motivate greater responsiveness to the need for a strict limit to be imposed on ecological wrongdoing. Not only is respect an essential component of the political framework of an integrated cosmopolitan Europe, political respect is also enshrined in the constitutions of individual states as part of the shared political ethos of their citizens. Its extension to non-human entities would therefore require a somewhat imaginative reformulation of the relevance of this principle to ethical political relations with nature, as well as wider definitions

of democratic solidarity. The fact that farm animals, woodlands and wildlife, for example, cannot protest their mistreatment at the hands of humans does not take from the need to formulate this nature as deserving of respect and requiring representation in the form of human guardianship (Habermas 1978). The latter does not set humans apart from wider nature in terms of a capacity to rationalize human superiority but to explore instead how the being of non human others should be valued in terms of its complexity, beauty and planetary contribution. Europe draws on a distinctly cosmopolitan imagination when exploring these issues, connecting a principle of respect with a political framework that recognizes the autonomy and interconnectedness of members of biologically diverse communities.

Second, a “transformative politics of the Anthropocene” can also build on a rich variety of existing cultural traditions that extend respect to nature and affirm its “more than merely instrumental” standing. For some, nature’s remainder is best defined by ideas of creation, the notion that nature embodies divine meaning and purpose. For others, it is nature’s aesthetic qualities, its beauty and sublimity, which is most likely to generate respect. Still others document how planetary life exceeds its being-for-us in rational, scientific terms, a fact that is thought to require no further explanation. Many components of nature that are conventionally seen as inanimate, including mountains and lakes, in truth, are composed of multiple complex communities of living matter interacting with abiotic elements. As the line between biotic and abiotic nature is permeable, respecting nature requires that moral consideration be extended to both aspects of its being. Whilst the logic of this reasoning makes good practical sense from a rational scientific point of view, it also makes sense from the perspective of many indigenous cultural representations of nature. According to Aboriginal creation stories, for instance, water, land and people are inseparable (an idea that runs contrary to government efforts to legally separate water from land to create a market-based water management regime). Water, especially, underpins Aboriginal kinship connection in birth, life and death. It possesses a spiritual quality and evokes a series of cultural responsibilities (Barber and Rumley 2003). In relation to the Gunanurang, Ord River in Australia, for instance, indigenous communities believe their rights and interests in the river’s waters and neighboring land were created in the Ngarangani or Dreaming (Barber and Rumley 2003). Similarly, the traditional worldview of the Sami people in the Arctic is that all elements of this world are connected. All living things and natural phenomena, including rocks, mountains and rivers, have a connection to one another. Human norms and values must take into consideration these connections and the interests of a multitude of beings, including animals, plants and, importantly, the spirit of natural objects (McAvoy 2006). In New Zealand, the Maori people view themselves as one with the natural world. The people, sea, lands, forests and all living creatures are part of the same family. Any prospering from the fruits of the sea, land, or rivers must be reciprocated with respect and care. Karakia (blessings) are spoken before fish are taken from the sea or wood from the forests. According to Salmon (2000), indigenous cultural models of nature share many common elements, especially a view of nature and humanity as part of one extended ecological family. Kin or relatives include all natural components of the ecosystem and all are affected and can affect the lives of those that surround them (a “kincetric ecology” perspective). It is perhaps important to bear in mind examples of when practices have not fully supported these cultural idealizations of nature’s value. The research of Towns and Daughterty (1994), for instance, suggests that indigenous community settlements have also contributed to a decline in the quality of ecosystems (through the removal of shrub cover and the introduction of “mammalian predators”) although not on a scale equivalent to that inspired by western industrial development.

Even allowing for divergences from prescribed practice, the examples noted above give some sense of the richness of various cultural representations of nature’s ethical remainder (i.e., its value beyond human use value). Indeed, the continuity of interest in alternative, traditional non instrumental understandings of nature’s value, together with a growing body of eco-critical research and eco-political activism across the world, offer an important reference point for a potentially transformative, more reflexive institutional engagement with the needs and long-term welfare of a natural order in danger of collapse. The sum of these recognitions may in time come to be seen as offering sufficient justification

for the drafting of an additional set of normative principles outlining the basis of a minimal moral and political of respect for nature. Minimalism (Walzer 1994) here would not signify a morality that demonstrates no more than a weak commitment to respecting the needs of an endangered ecological order. Rather, minimalism is understood as encompassing the interests of diverse overlapping communities (human and non-human). Universal principles of political respect for nature would clarify what demands each community could legitimately make on others in terms of restrictions on state jurisdiction over biodiversity, the need to demonstrate a real commitment to more-than-human sustainable development goals and honor the terms of environmental legislation.

In what political context might these issues best be resolved? For statist, the international stage is not the most relevant space to resolve these matters but, rather, the “thick” context of state sovereignty. It seems indisputable that domestic state contexts of justice are marked by a degree of institutionalized social and political cooperation that is not equaled on the international stage and further, that this specialization calls for a particular consideration of these contexts when thinking about how a more-than-human justice framework might be implemented. On the other hand, it seems equally clear that in the contemporary world accelerating rates of loss of biodiversity, pollution, mass displacement, global warming, etc., do not recognize state borders and acquire a distinctly global relevance which makes attempts to limit justice concerns on these matter to state settings seem increasingly unreasonable. The severity of current ecological problems necessitates a globally coordinated response and an accompanying set of guidelines on what is minimally expected of each community to preserve a safe environment for all. One could argue that the EU’s more recent proposals in favor of the establishment of ecological corridors across sea and land borders is a positive move in this direction, if only at the EU level presently. A minimal, transnationally relevant political respect for nature, however, requires further imaginative initiatives, as well as a strong commitment on the part of all to their realization. The addition of a transnational order of political representation is essential to address what are increasingly interrelated problems (spanning peoples, regions, generations and species) (Skillington 2017, 2019). A central motivation for embracing new initiatives at this level is the need to act to address expanding threats to the safety of all. However, it is the “full blooded morality” (Walzer 1994) of each culture’s own peculiar social, political and cultural context that will determine whether a more-than-human justice framework will gain ground institutionally in the future.³

How universal normative principles of respect for nature might fit with “thicker” accounts of nature’s value (i.e., those emerging from memories of a common life or set of practices peculiar to specific grounded cultural settings) will require further investigation. For these purposes, a deliberative forum would be beneficial, one that allows for an exchange of ideas on how the peculiar natural features of differing regional contexts offers practical solutions to a range of problems, including more frequent wildfires, storm surges, intense heat, drought conditions, etc. Indeed, such a forum may prove to be an essential platform for the exploration of how issues of justice can be defined in less anthropocentric terms and eco-imperialist tendencies (in terms of the overexploitation of nature) challenged. A deliberative forum of this nature would encourage diverse community representatives to account for experiences of disrespect and work cooperatively towards the resolution of substantive issues of justice. The “facts of pluralism” (Rawls 1999), or the multiple cultures and traditions of relating to nature offer a rich knowledge source that can be called upon strategically to inform a new plan of action for the future. Though differing parties have distinct histories and cultural representations of nature’s value, they also have common experiences, including common experiences of climate crisis and a shared understanding of those basic security needs that are beyond reasonable normative disagreement. From these commonalities, a minimal internationally relevant political respect for nature can be forged, one that “leaves room for thickness elsewhere” (Walzer 1994) but in this setting,

³ As Walzer (1994) clarifies, in moral discourse, thinness and intensity go together. With thickness comes “qualification, compromise, complexity and disagreement” whilst thinness holds out the possibility of abstracting from specific settings and viewing what is common to all.

offers the crucibles out of which a consensus can be forged on what collective actions are needed to secure the preservation of minimum thresholds of global biodiversity and planetary wellbeing. It is perhaps important to clarify at this stage that this exercise is not about fetishizing nature as untouchable, especially a nature upon which communities everywhere depend for food, water and shelter. Exercising respect for nature whilst making sustainable use of it means accepting principled constraints on its usage and attending, to the best of our abilities, to the well-being of all species, including that of our own. Realizing political respect for nature should not compete with efforts to meet basic human rights but, rather, should be focused on the importance of interrupting the human dynamics of nature's destruction. Respect for nature and human rights can be mutually supportive. Amongst other things, persons with human rights are better positioned to practice political respect for nature when these rights empower them politically, economically, and socially to insist upon greater levels of environmental protection and ensure sustainable development measures are fully implemented. Even when nature is the direct object of political and legal protection, the latter also indirectly protects the interests of people by contributing to the preservation of a clean and healthy natural environment.

5. Conclusions

This paper began by considering whether current political formulations of the “why” of the global crisis in biological diversity and the COVID-19 pandemic prompt a greater willingness on the part of the EU to embrace the possibility of institutional change. It noted how crisis is seen as necessitating a significant change in reasoning about the normative status of a nature upon which humanity depends for its long-term survival. New ambitious proposals aimed at protecting cross-border “ecological corridors” and fostering the development of “biodiversity partnerships” that protect multispecies communities, arguably, support these claims ([European Commission 2020](#)). It may be that the more progressive dimensions of the European Commission's thinking on this front are chiefly the result of the distance it enjoys from the specific power interests that dominate environmental discourse within member state contexts ([Nita 2019](#)).⁴ Invariably, distance grants room for reflection on the limitations of current policy and allows the Commission to engage more readily with wider conceptual developments and ethical debates arising within the broader field of environmental research, including that on the discrepancies that prevail between international political rhetoric on sustainable development goals or “formally adopted environmental objectives” and what is happening on the ground ([Bugge 2013](#)). A public commitment to learn from crisis does not necessarily mean that long-term institutional change will occur in practice, especially if the changes required to meet biodiversity targets and sustainable development goals demand a level of change in policy practice and ideological commitment that are perceived by a majority to be too great. The gap between communicative and structural power may grow even wider in this instance, leading to what Miller refers to as “blocked learning” ([Miller 2002](#)).⁵ Nonetheless, the type of reasoned analysis of current ecological, social and political challenges put forward by the EU is an important precondition for political praxis. Similarly, developments occurring in legal settings, including moves to extend an independent legal status to components of non-human nature are a crucial stimulus to ethical legal and public debate on the practical concerns

⁴ Nita (2029) who assesses how support for environmental impact assessments varies considerably across political state contexts, depending on political, economic and cultural orientation. Using a bibliometric analysis of papers published in the journal *Environmental Impact Assessment Review*, Nita offers an interesting overview of topics most regularly investigated and discussed by the international environmental research community since 2014. Nita's research notes the significance of political regime, legal regulations and country location in determining openness to innovative ideas and new research collaborations on environmental impact assessment.

⁵ What frequently blocks learning, according to [Miller \(2002\)](#), is the desire for whatever is learned not to place certain underlining antagonisms into question (e.g., the link between loss of biodiversity and the preference for large scale intensive farming). The idea is that certain modes of practice are unchangeable. Blocked learning thus arises when certain relations between power and communication prevail (see also [Skillington 2020](#)), leading new ideas and proposals to be systematically distorted by vested interests keen to ensure their non-application.

raised when assigning a stronger normative status to nature (e.g., see the decision of the Constitutional Court of Colombia (2016) declaring the Rio Atrato a legal person. Similarly, that of the High Court of Uttarakhand, a northern Indian state, in March 2017 in relation to the Ganga and Yamuna Rivers, as well as their tributaries) (Skillington 2018). For instance, how will the independent legal personhood of nature (i.e., the right to sue or be sued) be represented and how will the legal rights of nature differ from *human* rights in legal frameworks moving forward? How will tensions between the need to protect human rights and those newly accorded to non-human nature be resolved fairly?

Whilst new developments raise many difficult questions, broadly speaking, they encourage a much-needed grounded debate on what a more-than-human justice framework requires. Undoubtedly, we are witnessing fundamental ecological changes at present but, equally, one could argue we are also witnessing the beginnings of a major shift in institutional reasoning on the normative status of nature. Traditional liberal democratic ideas and cosmopolitan models of belonging are under pressure to accommodate new imperatives (a change in understanding of relevant subjects of justice, legal personhood, those entitled to political representation and respect). These changes are tremendously challenging and are not likely to occur without a degree of resistance, especially from those committed to maintaining a predominantly state legal jurisdiction over biodiversity and views of nature as an infinitely exploitable resource (Burke 2019). Still, it is important to bear in mind that these challenges are not insurmountable, if accorded sufficient attention and fair representation. There was a time when capitalism and human rights did not exist. Human rights may still be imperfectly realized and the “existing contradiction” (Hegel 1975) of capitalism and democracy may seem more pronounced now than ever but such contradiction has always driven movements for change, just as they do today. The transformations required to actualize institutional respect for nature are as wide as they are deep but they remain possible. Actions that imperil our world, especially the over-exploitation of natural resources, are human-made and therefore can be unmade. The increasingly physical moment of ecological destruction “tells our knowledge that this suffering ought not to be, that things should be different” (Adorno 1973). Acting on this truth is essential if we are to move towards better future outcomes. The challenges we face in trying to stabilize the wellbeing of eco-systems are significant but the realization, increasingly, is that solutions to these challenges reside “in nature”, not beyond it, or in spite of it (European Commission 2020). Building effective “partnerships” to realize sustainable development goals means building more than human partnerships, in recognition of the active contribution of non-human agents to ecological wellbeing. Only when justice is defined in these terms can modernity’s democratic potentials embrace the possibility of something better than what prevails today.

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