

2016 Virtual Dialogue on Harmony with Nature – Theme Earth Jurisprudence

By Patricia Damery – Philosophy/Ethics

1. What would the practice of Philosophy/Ethics look like from an Earth Jurisprudence perspective? How is that different from the way that Philosophy/Ethics is generally practiced now? And, what are the benefits of practicing Philosophy/Ethics from an Earth Jurisprudence perspective?

If the function of law is to reflect our cultural values as citizens of Earth, Earth Jurisprudence necessarily needs laws protecting Nature to help us develop Earth-centered consciousness as we transition from an extractive approach to earth's resources to working collaboratively with Nature. An Earth Jurisprudence perspective in land use would look much like that of Biodynamic farming. "The highest and best use" of the land would be bringing balance as appropriate for that unique piece of land in that particular locale.

When my husband and I applied for Biodynamic certification from the certifying agent, Demeter USA, we received a series of Google Earth pictures of our ranch, each from a higher elevation, until the last image pictured dark blue Earth against the backdrop of luminous, starry space.

Demeter's mandate: to hold these images in our hearts as we develop the individuality of our ranch. We are to re-member our place in the whole: our mountainside, our county, the state of California, and, ultimately, Mother Earth.

Developing individuality means knowing Earth well enough to grow what is appropriate for her soils, her water supply, and her climate. It means supporting the biodiversity of her native plants and animals. We are to aim for self-sufficiency, importing as few inputs as possible. Fertility needs are met by composting manures of animals on the property; in turn, plants on the property feed the animals. Care is taken to use as little fossil fuel as possible. The cycle of life informs an operational discipline.

In Napa County, California, our lands have a unique legal protection, the Napa Valley Agricultural Preserve, established in 1968 by the Board of Supervisors and the Planning Commission. The preserve specifies two categories of agricultural protection: The Ag Preserve (AP) or valley floor lands, and the Ag Watershed (AW), or the fragile hillsides, often forested and with inconsistent or non-existent water supplies. These areas require different land use practices.

Until recently, this protection worked, but Napa's success as a world-class winegrowing region has brought foreign investors and out of town buyers who monetize the beauty of the landscape as a great backdrop to sell wine. Forests and oak woodlands are clear-cut for vineyards.

Climate change and the resulting lack of water in California have pressed the issue of attending to the environment. In an Earth-centered approach, private property rights and economic considerations subordinate to the needs of Nature. The ancient concept of the Commons is being revisited.

2. What promising approaches do you recommend for achieving implementation of an Earth-centered worldview for Philosophy/Ethics? (Note: depending on the discipline, approaches could also be theoretical, although practical approaches should be prioritized).

When land becomes a way to build wealth, we lose our dialogue with Earth. An Earth-centered approach needs systems to protect wild lands, forests, oak woodlands and agricultural lands from economic aspirations and development. Programs that help young farmers lease or lease-to-buy at reasonable prices are critically important for our food supply. Land trusts recognize the importance of preserving land for its own sake.

Biodynamic agriculture is a system that effectively relates to Nature in Earth-centered ways. The farmer or gardener learns to "listen" to his or her plants, animals, land, and farming becomes a dialogue. Interventions are often on a subtle energy level, one in which the vitality of Earth and farmer alike is increased. Biodynamic farms are teaming with a diversity of life that acknowledges the interconnectedness of all: the more life that is present, the more life that can be supported.

Educational environmental programs bring families and children to farms and wild lands and help people develop an eye for Nature and her myriad relationships: pollinators and the plants pollinated, the reflection of health that a pyramid-shaped stick home of a keystone species of pack rat brings to an oak woodland. Children can learn how to plant a garden, and then participate in the magic of composting, entering in the cycle of life. These programs foster love of Nature. Love is key to learning to listen to Nature and her needs. We protect what we love.

To this end, science courses in schools need to be outdoor lab classes in which students learn to observe and interact with the natural world. Classrooms come to our ranch to participate in ranch duties. In Napa County, such programs as Re-oaking the Valley bring awareness of how important our vanishing oak woodlands are and invest the children in protecting and nurturing the oaks they root and plant.

We need our Native American peoples and indigenous peoples world wide, to participate in all land use decisions and public education on land use. In California, the State Water Board includes Native American members who advocate for the restoration of riparian corridors along rivers as a way to replenish aquifers and insure continued quality water supply. Many of these peoples are rooted in Earth-centered dialogue, a numinous, intelligent, heartfelt way of knowing one's place in the whole. Some retain memory of how the land was managed before white man arrived, knowledge we desperately need.

Groups like Women for Future Generations (Future First) advocate for legal standing for rivers, streams, aquifers and oceans, granting guardianship so Nature has representation in the courts. Nature needs a lawyer!

3. What key problems or obstacles do you see as impeding the implementation of an Earth-centered worldview in Philosophy/Ethics?

In the last two hundred years, we have moved from an Earth-centered worldview to one that bows before so-called rationality and economic progress. The older instinctive, intuitive ways of listening to Earth, which involve heart, are seen as "primitive" or outdated, and often are denigrated. There is a dearth of knowledge on what these older, Earth-centered ways are, although there is also an increasing urgency to recover them.

As a result, the priorities of production and economic gain are seldom questioned when making land use decisions, decisions that serve an increasingly small percentage of wealthy individuals. Fewer people are able to own homes or to rent in the places they work due to low wages and high housing costs. Young farmers cannot afford escalating land prices. Alarmingly, uninformed citizens often vote against their own interests.

We need campaign funding reform on every level, including local government, and, concurrently, we need a more informed voting public. In Napa County the powerful Wine and Hospitality Industries have bought our elected supervisors through campaign donations; the supervisors, in turn, appoint the planning commissioners. Land use issues are decided in large part parcel-by-parcel, permit-by-permit. The cumulative impact on Earth, the community, and the Commons, is not considered. To make a decision which threatens these economically powerful groups too often is political suicide.

The Wine Industry is poised to spend \$500,000 to defeat the Water, Forest, and Oak Woodland Protection Initiative on the November 2016 ballot. The Initiative is Earth-centered, placing mandatory protections on forests and oak woodlands in our Ag Watershed lands. Fighting for the Initiative requires large groups of citizens, many not wealthy, to donate time and money to the cause. The silver lining, however, is that it awakens sleeping segments of the voting public, offering them a voice in what needs to be a democratic process.

4. What are the top recommendations for priority, near-term action to move Philosophy/Ethics toward an Earth Jurisprudence approach? What are the specific, longer-term priorities for action? (Note: give 3 to 10 priorities for action).

1. Underscore that Nature has rights! Revise County General Plans to designate that the highest and best use of the land to be protection and restoration of the natural environment, its biodiversity, and the watersheds. Agriculture is to be in balance with the needs of Nature.
2. Limit farming and production by available water. Require dry farming in areas in which this is possible. Until the French blind tasting, 85% of Napa County's grapes were dry farmed. Then economics pushed production by irrigation and the use of various agricultural chemicals. Such exploitive practices deplete vines' vitality and contaminate water. Conventional grape growers replant vines about every 20 years, just as they are coming into another stage of maturation. Old vines dry farmed have deeper roots and hold sequestered carbon much longer. They also make superior wines.
3. Include members of Native American groups whose knowledge of management of a particular locale is still intact, to participate in all study and actions groups that address environmental and agricultural interests. Native people's approach to the land is naturally one of Earth Jurisprudence, and we have a lot to learn from them.
4. Educate people about the Commons, an old concept that has roots in Roman and English law. Consider the cumulative impact of any decision or policy on the community and the commons, transcending private property rights.
5. Use the precautionary principle in approving the use of any agricultural or other chemical for home or commercial use. Ban all chemicals that have any suggestion of deleterious effects on health, water, and on the environment. Teach methods of land management that involve cooperation with Nature through building healthy soils and plants, versus dominion-over methods involving extermination of pests and artificial fertilizers that push growth but further deplete soils.

6. Limit campaign funding by any individual or group to \$2000, with full disclosure of sources of funding.
7. Promote action based on love of Earth, versus economic gain; Gross National Happiness versus Gross National Product.