

THE VOICE OF NATURE

ON TRULY HEARING THE VOICES OF NONHUMANS
INSTEAD OF JUST 'GRANTING' THEM RIGHTS

Bachelor's thesis

Philosophy of a Specific Discipline

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Introduction

To limit the discussion to humans, their interests, their subjectivities, and their rights, will appear as strange a few years from now as having denied the right to vote of slaves, poor people, or women.¹ – Bruno Latour

In the past decades, a lot has happened in the area of earth-centred law and politics. Different societal groups have realized that the fight against the destruction of our environment is one that has to be fought on the highest levels of our political organisations. Different strategies in representing current 'environmental needs' have been developed over the years. One of the main strategies which is gaining more support, makes use of legal systems to force organisations and governments to stop polluting and destroying the environment. Both jurists that dedicate their career to adding 'ecocide' to the list of international crimes before the International Criminal Court and the Dutch climate activism group Milieudefensie who appealed to human rights to bring about the landmark court ruling that Shell must drastically reduce its emissions, are examples of such groups.²

Another approach that is part of this 'legal strategy' is the idea of 'granting rights' to natural objects. This approach differs from appealing to human rights, because it tries to make the rights of the natural objects themselves central in the proceedings. Christopher Stone was one of the first jurists to propose this idea and his essay '*Should trees have standing?*' has become highly influential.³ Recently, this Rights of Nature approach gained more public attention after several nonhumans (a term coined by the French philosopher Bruno Latour) were given legal rights in several court cases. For the purpose of this research, this discourse of granting legal rights to natural objects will be referred to as the Rights-approach. This current Rights of Nature movement started in the United States around 2006 and has been growing ever since.

¹ Bruno Latour, *Politics of Nature*, trans. Catherine Porter (Cambridge, Massachusetts: Harvard University Press, 2004), 69.

² Elke van Riel, "Jurist Philippe Sands werkt aan een internationale wet tegen ecocide: 'De vraag is niet óf, maar wanneer die er komt,'" *De Volkskrant*, May 14, 2021, <https://www.volkskrant.nl/nieuws-achtergrond/jurist-philippe-sands-werkt-aan-een-internationale-wet-tegen-ecocide-de-vraag-is-niet-of-maar-wanneer-die-er-komt~bb4a92b3/>.

And: Bard van de Weijer, "Historische uitspraak in klimaatzaak: Shell moet CO2-uitstoot drastisch verminderen," *De Volkskrant*, May 26, 2021, <https://www.volkskrant.nl/nieuws-achtergrond/historische-uitspraak-in-klimaatzaak-shell-moet-co2-uitstoot-drastisch-verminderen~b27cd4be/>.

³ Riel, "Ecocide."

Rights have been granted to several rivers, a mountain, and a forest.⁴ As many as 150 local Rights of Nature ordinances have been issued in the United States, and Ecuador has even added the Rights of Nature to its constitution.⁵ It could, however, be stated that this idea of 'granting rights' implies a human-nature relationship that is not in line with 'power-relations' between humans and nature in the 'real world'. To be in a position to grant something to nature, humankind would have to be superior to nature in one way or another. The receiving of rights implies a dependence on the right-giver. In contrast, when looking at reality it becomes evident that it is actually humankind that is in a dependent position with regard to nature. Natural disasters and the rising sea levels are among the most pressing examples of this. They are the harbingers of the even more serious natural disasters and ecological changes that will be the result of humankind continuing their 'business as usual'. Eventually, the consequences of climate change will make human life as we know it impossible.⁶ The ability of nature to change in a way that makes it impossible for humans to continue their way of living, shows that nature is actually in a position of power over humans.

An alternative idea to the strategy of 'granting rights', is the creation of a Parliament of Things. This idea is proposed by the French (eco-)philosopher Bruno Latour. His central project could be summarized as giving a voice to nonhumans that do not have a voice (yet). The project aspires to politically represent nonhumans, such as for example the North Sea or the Amazon rain forest. This political representation of nature will ensure that the interests of nature are taken into account when creating and enforcing laws, and making other political decisions.⁷ The implementation of this idea into society will be called the Parliament-approach in this paper. This paper will argue that hearing the voice of nature in this way and giving it equal power in political decision-making can be seen as an effective way to create a more sustainable society and thereby adds to solving the environmental problems that humanity might be facing in the long-term.

⁴ Jane Gleeson-White, "It's only natural: the push to give rivers, mountains and forests legal rights," *The Guardian*, April 1, 2018, <https://www.theguardian.com/australia-news/2018/apr/01/its-only-natural-the-push-to-give-rivers-mountains-and-forests-legal-rights>.

⁵ Michelle Maloney, "Building an Alternative Jurisprudence for the Earth: The International Rights of Nature Tribunal," *Vermont Law Review* 41, no. 1 (2016): 134.

⁶ Peter Sloterdijk, "How big is 'big'?" *Collegium International*, February, 2010, <http://www.collegium-international.org/index.php/en/contributions/127-how-big-is-big>.

⁷ Bruno Latour, "The Parliament of Things," lecture, *Radbound Reflects*, November 25, 2020, video, 02:53, <https://www.youtube.com/watch?v=zZF9gbQ7iCs>.

The central thesis that will be advocated for is that *the act of granting rights to nonhumans does not contribute to the representation of nonhumans and their voices in the most effective way and that an alternative, more reality-based approach, such as the Parliament of Things, is needed in order to combat the climate crisis in the long-term.*

In order to substantiate this thesis, the first chapter shall critically assess the implications and lines of thought behind both the Rights-approach and the Parliament-approach. An analysis will be provided of the views that these theories (implicitly) contain concerning the relationship between humans and nature. After introducing both ideas, a next step is taken by investigating the differences between these two approaches. In chapter two, the main argument that the Parliament of Things is a more reality-based representation of the hierarchy between human and nature than the method of 'granting rights' to natural objects will be presented and substantiated. The next chapter will then add the related claim that the human-nature relationship that follows from the Parliament-approach is more promising with regard to mitigating the environmental crisis than the human-nature relationship that is implied by the Rights-approach, because it causes the protection of nature's 'inherent value' on nature's own terms. The last and fourth chapter will start by pointing out the importance of the idea of 'hearing nature's voice' in changing societies approach into a more nature-based, sustainable direction. The arguments in the third and fourth chapter can be seen as a further expansion of the main argument that the Parliament-approach creates a more reality-based representation of nonhumans than the Rights-approach. Subsequently, the presented different extent to which the Parliament-approach aims to represent nonhumans and their voices will be used to advocate for a change of the public discourse towards implementing this approach in society instead of focussing on the Rights-approach. Finally, the conclusion will give a short overview of all the arguments that together have led to the central thesis.

The final goal of this underlying research is adding to the debate on the most effective ways of protecting nature and trying to limit the effects of the ongoing environmental crisis. By pointing out the benefits of the Parliament-approach over the Rights-approach, this paper wants to add to a public shift into the direction of ensuring actual political representation of nonhumans instead of just granting them rights within the current political and legal framework. The political representation of nonhumans will lead to the societal changes that are needed to create public support for far-reaching climate measures. Therefore, it is an

important step into the direction of actually countering the environmental crisis in the long-term.

Chapter I: The difference between the Rights-approach and the Parliament-approach

This chapter will start by looking into the ideas that constitute the Rights-approach. Thereafter, Latour's ontological views that form the basis of his Parliament-approach will be explicated concisely to form a basis for the subsequent explanation of his idea of the Parliament of Things. Finally, the chapter will lay a foundation for the argumentation in the following chapters by discussing the three most important differences between the Rights-approach and the Parliament-approach.

1.1 The idea behind the Rights of Nature approach

Both Bruno Latour and ecocide law advocate Phillippe Sande mention the juridical essay *'Should trees have standing?'* by Christopher Stone as an important inspiration for their work.⁸ In this essay Stone points out that, at that moment in time, no natural objects could be seen as the holders of rights. Natural objects are treated by the law in similar way as slaves used to be treated, as property that can be used at will in order to make profit. Protection of nature was only done to protect human's profit and enjoyment of nature.⁹ Stone then continues his argument by stating that this legal position of natural objects should change in order to bring the costs to the environment itself into law cases. This could be an improvement of the current situation that only takes losses to the environment into account if these losses cause a loss of profit for humans.¹⁰ The new approach suggested by Stone, is that of guardianship. In this approach, humans that are 'friends' of certain natural objects should be able to apply for guardianship over those objects when they are in need of protection. The proposed guardians that advocate for the needs of natural objects, could be seen as guardians of unborn generations.¹¹

The current global movement that fights for the granting of rights to natural objects, tries to change the situation in which nature is treated only as human property. Changing the status of nonhumans from being solely an object to being a subject in law is seen as an

⁸ Latour, lecture, 11:17.

And: Riel, "Ecocide."

⁹ Christopher Stone, "Should trees have standing?: Toward legal rights for natural objects," *Southern California Law Review* 45 (1972): 454-463.

¹⁰ Stone, "Standing," 463.

¹¹ Stone, "Standing," 464-475.

important step for the successful protection of nature. This approach and the contemporary worldwide rights-of-nature movement grew from a small first project of the Community Legal Defense Fund in the United States.¹²

The project of making the rights of nature legally recognized can be seen as part of the theory of Earth jurisprudence. Scholar Thomas Berry advocates for this theory, which suggests that humankind should rethink its position in the world. A next step is to change the anthropocentric view in which nature and its objects are mainly seen as something that humans can use.¹³ Nature should be respected as having a value in itself. The Rights-approach aims to achieve legal recognition of nature's 'inherent value'. Within Earth Jurisprudence, it is argued that all life forms and components of the planet have rights. These rights include the right to exist, the right to have a habitat, and the right to take part in the evolution of all beings on earth. Berry states that these Rights of Nature should have a central position in all discussions on the legal context of society. One of the main goals of this approach is improving the balance between natural objects and humans.

1.2 Latour's ontology

Before the idea of the Parliament of Things can be expound, Latour's underlying ontological views will briefly be explicated. Latour points out that the idea of 'matters of fact' was invented in the 17th century. From that moment on, the things or matters of fact were only able to 'speak for themselves' through science.¹⁴ For political reasons, humans and nonhumans, also known as subjects and objects, have been separated and only humans have been given formal agency after this division.¹⁵ Latour does not agree with this separation and advocates for the view that nonhumans have agency in a similar way that humans do and should therefore not be treated as merely passive objects. In line with this agency-argument, humans and nonhumans should be treated more 'symmetrical' by society and its institutions.¹⁶ According to Latour, the division of humans and nonhumans creates a situation that wrongly presents nature as something fixed. On top of that it creates a clear distinction between nature and culture.¹⁷ As the contemporary

¹² Gleeson-White, "Rights."

¹³ Maloney, "Nature Tribunal," 131-132.

¹⁴ Bruno Latour, "An attempt at a 'Compositionist Manifesto,'" *New Literary History*, no. 41 (2010): 475-476.

¹⁵ Latour, "Manifesto," 483.

¹⁶ Scott Lash, *Another Modernity, A Different Rationality* (Oxford: Blackwell, 1999), 2-4.

¹⁷ Latour, "Manifesto," 477-478.

German philosopher Peter Sloterdijk points out, the idea of nature as an 'all-absorbent domain outside us' turns out to be an illusion. Nature is not indifferent to human activity.¹⁸ Sloterdijk describes how 'backdrop ontology', the view that 'nature is nothing more than 'the scenery behind human operations', has lost its credibility.¹⁹ Nature cannot be seen as a mere background anymore, now that it proves to be heavily influenced by human activity. Latour writes that nature is an assemblage that is composed and will be recomposed in every new situation. This means that science has to be disputable in the way that politics is disputable.²⁰ Scientific facts have to become issues, topics of discussion. Instead of taking a certain unity or agreement for granted, all pieces that together form the common world have to be composed together again. The much-needed closure of actually coming to a decision is still achieved by this new method, but it is now achieved by a long and rather complex process of composition and compromise. The increased disputability adds to 'establishing the continuity of all entities', human and nonhumans, that together form our common world.²¹ The proposed Parliament of Things would create a space in which this process of dispute, of composition, and compromise can take place.

1.3 The idea behind The Parliament of Things

In line with his ontological findings, Bruno Latour proposed the novel idea that nature has its own voice and that we need to make sure to hear that voice in our democracy. His central goal could be summarized as giving a voice to nonhumans that cannot speak.²² An institution in which this would be possible is one that is made up of representatives of both human and nonhuman.²³ To reach this goal, the three important public players, politics, science, and the bureaucracy that mediates between these two, have to be connected in a new, non-hierarchical way. Researchers have to become politicians that represent the needs and interests of things. By things, all nonhumans that are part of nature are meant.²⁴ Latour advocates for the idea that nonhumans have agency and are therefore able to mediate and to judge. On top of that, they

¹⁸ Sloterdijk, "Big."

¹⁹ Peter Sloterdijk, *The Anthropocene: A Process-State at the Edge of Geohistory?*, trans. Anna-Sophie Springer (Berlin: Revolver Publishing, 2014), 334-335.

²⁰ Latour, "Manifesto," 477-478.

²¹ Latour, "Manifesto," 477-484.

²² Peter-Paul Verbeek, "Mini-lecture about Bruno Latour and the Parliament of Things," mini-lecture, *DesignLab/PhilosophyLab University of Twente*, May 12, 2020, video, 2:13, <https://www.youtube.com/watch?v=9YXOB8Kt9Gg>.

²³ Lash, *Another Modernity*, 3.

²⁴ Bruno Latour, *Het Parlement van de Dingen*, trans. Willem Visser & Boom uitgevers (Amsterdam: Boom Uitgevers, 2020), 8-11.

have responsibilities and rights.²⁵ We have been placing nature outside of society for way too long, but now the ecological crisis shows us how interconnected nature and society actually are.²⁶ The Parliament of Things does not create something new, it just creates a more formal, visible form for the relationships that informally already exist. In order to create this parliament, both science and politics have to be reviewed. Once established, the representatives of both humans and nonhumans would formally work together when making political decisions.

In this parliament, things have political representatives and have access to the democratic debate and the legal system.²⁷ Representatives of both humans and nonhumans come together in one space. The parliamentary apparatus is formed by a combination of politics, science, and governance. This parliamentary apparatus has the task of guarding the political discussions and the finding of compromises between the groups in the parliament. On top of that, it settles disputes around the quality of representation and the validity of certain mandates by critically investigating the relationship between what the represented want to say on the one hand and what their representatives say on the other hand.²⁸ The method of this new parliament is radically different from the old, conventional one. Both 'learning by doing' and 'trial and error' are important concepts in the proceedings. Important changes in the system are tested on a small scale before being implemented on a larger scale. Evaluation of the process takes on a more important role and controversies in science will be involved in discussions.²⁹

Latour's idea to reform the relationship between politics, science and governance to create the Parliament of Things is more complicated and more all-encompassing than outlined above. But the important point, for the purpose of this research, is that as a result of his extensive project, the politics of nature, that currently operates in the informal, hidden sphere will be given a formal, public place in our society.³⁰ This puts an end to the externalisation of nature from society in formal proceedings. Therefore, it creates a situation in which nature and society are formally interconnected. In the new situation both nonhuman and human voices are heard on an equal basis in political proceedings.

²⁵ Lash, *Another Modernity*, 4.

²⁶ Latour, *Het Parlement van de Dingen*, 8-11.

²⁷ Latour, *Het Parlement van de Dingen*, 13-25.

²⁸ Latour, *Het Parlement van de Dingen*, 31-38.

²⁹ Latour, *Het Parlement van de Dingen*, 34-39.

³⁰ Latour, *Het Parlement van de Dingen*, 13-41.

1.4 The main differences between the approaches

In the first instance the differences between the Rights-approach and the Parliament-approach seem relatively small. Both approaches want to change human's view and relationship to nature, and strengthen nature's position.³¹ When looking more closely differences come to light. Below, these differences will shortly be investigated in order to create a foundation for further analysis of the relation between the two approaches, that will follow in later chapters. Natural objects that have been granted rights are still stuck within the human-oriented framework of the legal systems. The fact that humans are in a position to 'grant rights' to nonhumans implies that humans are in a way in a position of power in their relationship with nonhumans.³² It could be said that this is a misrepresentation of the 'power-relations' between humans and nature in the reality, where nature is not in a subordinate position to humankind. In contrast, the Parliament-approach tries to create a formal representation of the real (power-)relations between humans and nonhumans.³³ The different extents in which the formal representations that the approaches suggest are in accordance with the human-nonhuman relations that (according to Latour's ontological views) exists in reality, can be appointed as the first difference between the two approaches.

A second difference can be found when looking at the human-nature relationship that is connected to the idea of 'granting rights' versus the relationship that the Parliament-approach promotes. Investigating this difference can be seen as a further elaboration of the first difference. In the Rights-approach, the relationship between humans and nonhumans is still only shaped by the preferences of humans. This puts natural objects in an unequal position with regard to humans. Protecting nature is done in a way that does not force humans enough to make a major change in their behaviour. These major changes are however needed, once we realize that we need to radically change our entire 'cultures of affluence' into truly sustainable cultures if we want to stand a chance to keep our environment habitable in the long-term.³⁴ The human-nature relationship that is promoted by the Parliament-approach is radically different because it is oriented equally towards the needs of both nonhumans and humans. This makes it possible to protect the 'inherent value' of nature on nature's own terms.

³¹ Stone, "Standing," 463-464.

And: Latour, lecture, 2:53.

³² Latour, lecture, 19:21.

³³ Latour, *Het Parlement van de Dingen*, 8-13.

³⁴ Sloterdijk, "Big."

The extent to which nonhuman voices are heard, forms the third difference between the approaches. Discussing this difference can also be seen as further deepening of the first and second difference. When given rights, the voice of a natural object is heard clearer than before the natural object received rights but still only in a very limited way. Nonhumans can only use their voice in the 'space' that is given to within the legal framework. The framework itself remains virtually untouched. This is different within the idea of the Parliament of Things. Here, the position of nonhumans is different in the sense that they actually get the chance to shape the system. The entire political order is reshaped in order to involve nonhumans as equals in political decision-making. Nonhumans are enabled to influence any discussion at any time.³⁵ By using this strategy, the Parliament-approach could actually lead to the real change of human culture that is needed in order to maintain a habitable environment for future generations.

In conclusion, three main differences have been determined. Firstly, a difference is recognized in the way in which both ideas are or are not in accordance with the in reality-existing 'power-relations' between humans and nature. The second detected difference is formed by the distinction between the human-nature relationship that is implied by the Parliament-approach on the one hand and by the Rights-approach on the other hand. A third difference is formed by the manner in which nonhumans are being heard within the frameworks of the two approaches. These signaled differences will be discussed more extensively in the following chapters. Discussing these differences will form the basis for the main argument that the Parliament-approach is better suited to add to limiting the climate crisis in the long-term than the Rights-approach. In order to mitigate the ongoing environmental crisis as much as possible, it is important to choose the most effective 'weapon' while doing so. Therefore, it is important to investigate the differences between alternative approaches before choosing which one to pursue.

³⁵ Massimiliano Simons, "The Parliament of Things and the Anthropocene: How to Listen to 'Quasi-Objects,'" *Techné: Research in Philosophy and Technology*, no. 2 (2017): 167-170.

Chapter II: Critique on the idea of 'granting rights'

This chapter will discuss Latour's critique on the philosophical view of which the idea of humans 'granting rights' to nonhumans is part. Additionally, it will advocate for the main argument of this thesis holding that Latour's own idea of the Parliament of Things is more reality-based and therefore better suited to be implemented in our society than the Rights-method.

2.1 'Granting Rights' versus reality

Latour takes a rather critical position towards the philosophical idea behind granting rights to natural objects such as rivers and mountains. For him the act of granting rights can be said to be part of a condescending attitude of humans towards nature. This act implies that human beings are in a position to grant nature legal standing out of kindness instead of necessity. At this point it becomes interesting to draw a parallel with the abolition of slavery. In that case, the idea that the slave traders 'granted rights' to the slaves is part of the position that it was a 'great act of justice to grant rights to the slaves'. In reality, the slaves got these rights for themselves by fighting persistently and thereby forcing their oppressors to grant them these rights.³⁶ Therefore, the position of the slave traders as 'right-granters' can be said to be a fictive, not reality-based one. It is just a position that the traders like to see themselves in, but actually they just did what was needed for their own well-being. By acting like the rights were 'granted' a very egoistic deed is turned into an apparently altruistic deed. A fictive story of a kind 'rights-granter' and a subordinate, grateful 'rights-receiver' is created that is detached from what happened in reality. The same can be said about the 'granting of rights' to women after the long fight for rights by feminist movements. Creating a narrative that is not based on reality, leaves traces in the relationship between the 'rights-granter' and the 'rights-receiver'. Subsequently, it denies the struggle and suffering of the 'rights-receiver'. As a next step, it will be proved that the idea of 'granting rights' to nature, along similar lines as those last two examples, is also fictive and not based on the actual, real situation.

³⁶ Latour, lecture, 19:21.

2.2 'Granting rights' versus 'claiming rights'

In the past, when the climate crisis was not so pressing the idea of 'granting rights' seemed much more reasonable. In contradiction, now it becomes clear that nature is fighting back against humans and, in doing so, claims a position in our constitutive order. The current situation is therefore very different from a situation in which humans are in a position to generously grant rights to nature.³⁷ It is not a generous decision to 'listen' to nature anymore. We are simply forced to do this if we do not want to be (even more) responsible for the destruction of our environment and the disastrous consequences that this destruction might have for humankind. Just as the slave traders and the patriarchy, we as humankind can simply no longer ignore the needs and the position of the actors that we have oppressed and excluded from our society and political processes.

Latour continues by pointing out that we are not in a 'social-democratic attitude' anymore in which we can decide if we are generous enough to grant right to certain natural objects. Instead, humanity finds itself in an enormously tragic situation.³⁸ Nonhumans are no longer patiently waiting until humans decide to give them rights. Instead nonhumans have agency and can be seen as the legitimate owners of themselves. Therefore, they are in a way in a position of power over humans. In line with this argument, it could be stated that it should instead be us humans who ask nature for rights when for example fishing in a sea or cutting down a forest.³⁹ According to Latour, procedures about giving rights to rivers and forests legally make sense but they are not in line with a realistic philosophical view on the position of humans towards nature. Humanity is dependent on nature and should therefore in a certain way 'bow' to the authority of nature.⁴⁰

2.3 The need for a change to a more reality-based view

In line with Latour's critique on the notion of human as 'rights-granter', it can be reasonably argued that the Parliament-approach reflects reality more accurately than the Rights-approach. For the purpose of this underlying argument, the degree of being reality-based will refer to the level of doing justice to the actual '(power-)relations' between humans and nature. By involving the representatives of nonhumans as equals in the political process, the (power-)relations

³⁷ Latour, lecture, 20:29.

³⁸ Latour, lecture, 22:02.

³⁹ Latour, lecture, 32:38.

⁴⁰ Latour, lecture, 35:40.

between humans and nonhumans that exist in the informal sphere are transferred into the formal sphere.⁴¹ A complex process of composition and compromise will take place to distinguish the real relations and needs of nonhumans and humans.⁴² This will be done in the 'Parliament', a space that is created for the actual construction of the real positions of humans and nonhumans in every new situation in the political process. The Parliament-approach 'frees' nonhumans of their fictive subordinate position that was appointed to them in the formal sphere.

This is completely different from the Rights-approach that is connected to the idea that humans are in a position to 'grant rights to nature'. When humans grant rights to the river and make sure that these rights can be claimed by the river, it is implied that the natural object 'river' is in some way subordinate to humankind.⁴³ When claiming his rights, the river becomes a participant in the long-established legal framework. As a participant, he has no influence on the shape of the framework he is added to. Changing only the status of natural objects from objects in law to subjects in law does not add substantially to breaking apart the fiction that humans are in a position to decide whether or not the needs of nature should be heard in occurring situations. Simply adding certain chosen natural objects to our legal framework is still strongly connected with treating nature in a way that suits human interests.

Therefore, it could be said that the Rights-approach at most leads to very minimal protection of the existence of certain natural objects that have been 'chosen' by humans. Nonhumans are not freed from their subordinate position by this approach, because they have no actual influence on the political process and are shown as dependent on human 'generosity'. This approach misrepresents the 'power-relation' between humans and nature in the 'real world' by presenting nature as somehow 'subordinate' to humankind. On top of that, it ignores the complexity of interconnections between humans and nonhumans. Therefore, it is unable to make any major additions to the formal representation of nonhumans and their interconnections with humans that already exist informally in reality. In contrast, the Parliament-approach leaves much more space for exploring the real connections, needs and 'voices to be heard' in every new situation and is therefore more reality-based than the Rights-

⁴¹ Latour, *Het Parlement van de Dingen*, 13-25.

⁴² Latour, "Manifesto," 477-478.

⁴³ Latour, lecture, 19:21.

approach. Subsequently, in contrast with the Rights-approach, the Parliament-approach does justice to the idea that it is actually humanity who is in a dependent (but not subordinate) position towards nature. Because of these reasons, a move of the public focus from the Rights-approach into the direction of the more reality-based Parliament-approach is crucial.

Chapter III: The need for a change in the human-nature relationship

This chapter evolves around the argument that the Parliament-approach promotes a human-nature relationship that is better suited to stop the environmental crisis than the human-nature relationship that is implied by the Rights-approach. A first step is formed by investigating what exact human-nature relationships the two approaches are connected to. A categorization provided by the Dutch philosopher Wim Zweers will be used to clarify the distinction between different types of human-nature relationships. As a second step, this chapter then continues by explicating why the human-nature relationship of which the Parliament-approach is part, is more likely to contribute to countering the climate crisis in the long-term than the relationship implied by the Rights-approach.

3.1 A categorization of Human-nature relationships

The order of the six models that form Zweers' categorization starts with the acceptance of the human-centred, Western views that were dominant for many centuries and then slowly moves forward towards positions that start rejecting these earlier mentioned views.⁴⁴ The first model 'humankind as despot' entails the standpoint that humans can just endlessly and without restriction use nature and its resources for their own purposes without worrying about the consequences of this behaviour. In the second model 'humankind as enlightened ruler' nature is still seen as something that humans can shamelessly exploit, but at least some consideration as to our dependence on nature comes into play here. This consideration is however only done in order to profit from nature as much as possible.⁴⁵ Most contemporary constitutions, organisations, and undertakings can be said to operate according to this model. The risk of exhausting or disrupting nature is taken into account, but only to serve and protect current and future human interests.

A slight change towards more controversial, nature-oriented thinking is visible in the third model 'humankind as steward', in which attention is paid to the conservation of nature. As opposed to the second model, in this model nature is being conserved for its own sake and not just for the sake of humankind. In the fourth model 'humankind as nature's partner' nature

⁴⁴ Wim Zweers, "Houdingen ten opzichte van de natuur: de aarde verdraagt haar heersers niet," *Heidemijtijdschrift*, no. 3 (1989): 74.

⁴⁵ Zweers, "Houdingen," 74-76.

is no longer seen as an obvious subordinate to humans, but as an independent entity that can be a partner to humans. Humans and non-humans work together in dynamic processes in which interaction and mutual co-creation takes place. It remains however a free choice for humans to either engage or not engage into relationships with nature. Subsequently, if the choice to engage is made, the relationship will only be shaped by human interests and preferences. Therefore, nature is not completely equal to humankind in this model. This model could, however, form a basis for developing a more nature-oriented view in which nature is actually met 'on its own terms'.

Nature's position is stronger in the fifth model 'Humankind as participant in nature'. In this model, nature is seen as the overarching universe that humans are part of. Humans derive part of their self-image and meaning of life from being part of nature. Being a participant in this model requires recognition of the 'inherent value' of nature. This participation does however not mean subordination to nature or loss of 'being human'. Humans still have other features than non-humans, but these distinguishing features are now used to participate in nature instead of subjugating it and creating a fictive division between humans and nonhumans. This model just emphasizes that being part of nature is an important element of being human. The human-nature connection of 'being part of' is even stronger in the sixth model 'Unio mystica'. In this model, humans lose their individuality and become one with nature in a spiritual sense.⁴⁶ As a next step these models will be used to investigate the difference between the human-nature relationship as it is presented by the Rights-approach and the human-nature relationship advocated for by the Parliament-approach.

3.2 Human-nature relationship in the Rights of Nature approach

When investigating the Rights-approach in the light of the described categorization, it becomes evident that this approach is part of the fourth model 'humankind as nature's partner'. The Rights-approach views natural objects as independent entities that should in some circumstances be protected because they have 'inherent value'. The decision whether or not to grant this protection remains, however, completely in the hands of humans. Relationships between 'rights-granters' and 'rights-receivers' can only be established by the humans that are involved in legal procedures that have granting rights to natural objects as their goal.

⁴⁶ Zweers, "Houdingen," 76-79.

Furthermore, the relationships that are established by this granting of rights are essentially shaped by the goals and needs of the humans involved in the process. Nature's 'inherent value' is protected but only on human 'grounds'. The framework of law remains untouched and the influence of nonhumans is limited to the extent of the granted rights. In this way, within the Rights-approach humans are in charge of both the occurrence and the extent of a human-nature partnership. Therefore, nature cannot be seen as a real equal but only as a slightly disadvantaged partner within the Rights-approach. Zweers does, however, suggest that the views that form this model could be used as a basis for the development of an approach that meets nature 'on its own terms'.⁴⁷ This suggestion could be used as an inspiration to make rights more easily accessible for natural objects and less limited in their extent. Nevertheless, an approach that is based on the idea of giving rights to nonhumans within the unchanged legal and political framework will always be one in which human-nonhuman relationships are formed according to human preferences. A different approach is needed in order to free nonhumans from their still slightly subordinate position.

3.3 Human-nature relationship in the Parliament of Things

The Parliament of Things and the wider ideas it is part of fit into the fifth model 'Humankind as participant in nature'. Latour emphasises that the distinction between human and nonhuman is a human invention. Nature is not actually something fixed outside of us.⁴⁸ We cannot choose whether we want to engage into relationships with nature because we are always, and in every situation, already interconnected with it. We should not try to distinguish ourselves from nature but we should instead embrace our interconnection with it. In the Parliament-approach this interconnectedness and 'the always-already being part of nature' is integrated in an innovative, political process of composition and compromise. Human and nonhuman are represented in this process and can be said to be part of the overarching idea of nature. The human-nature relationship is no longer only shaped by the needs and interest of human, but also by the needs and interests of nonhuman. Because of this important change, the 'inherent value' of nature can now be protected on the terms of nature itself instead of only on human terms. The subordination of nature and its objects is lifted without creating a new imbalance of power. Within this approach, humans see themselves as part of nature, but not as subordinates to it.

⁴⁷ Zweers, "Houdingen," 74-76.

⁴⁸ Latour, "Manifesto," 477-478.

3.4 The need for a change of human attitude towards nature

By the Parliament-approach a real cooperation and 'working together as one' between humans and nonhumans is pursued, instead of only the human-interest orientated partnership that the Rights-approach aims to achieve. This makes the Parliament-approach better suited to add to restricting the consequences of the climate crisis in the long-term. Giving nonhumans the opportunity to add their share to developing society will lead to inverting the direction that society is moving in. A complete change of the current direction of 'progress' at the costs of nature into a direction of decrease of our overuse of nature is needed to prevent the further deterioration of the climate crisis and its consequences.⁴⁹ Zweers argues that in order to create public support for environmental policies and laws that have far-reaching consequences on the lives of individual citizens, a fundamental change of human attitude towards nature is needed.⁵⁰ Moving the public view to seeing nature as a partner according to the 'humankind as nature's partner' model can be a first step, but as long as nature is not seen as completely equal to humans it will be impossible to convince the masses to give up their 'earned' material prosperity and privileges.⁵¹ The importance of protecting nature's 'inherent value' has to be understood and taken seriously by society, to create public support for far-reaching climate measures.⁵² It must become clear that it is not a choice to engage into relationships with nature. Humans must accept their role of being a participant in nature and leave behind the idea of nature as an unchangeable background, the 'backdrop ontology'.⁵³ This change in attitude is needed to create a sense of responsibility in society that will lead to implementing the policies that are as far-reaching as is necessary to actually improve the state of our environment. Therefore, changing the public focus from the Rights-approach into the direction of the Parliament-approach will add to combating the crisis in the long-term because it will change the societal attitude towards nature in a way that makes society better suited to adopt the necessary climate measures.

⁴⁹ Sloterdijk, "Big."

⁵⁰ Zweers, "Houdingen," 79.

⁵¹ Sloterdijk, "Big."

⁵² Zweers, "Houdingen," 79.

⁵³ Sloterdijk, *The Anthropocene*, 334-335.

Chapter IV: A shift to the Parliament of Things in practice

This chapter will start by investigating the rather abstract idea of 'hearing the voices of nonhumans' and the reason why these voices are not heard in the most effective way in the Rights-approach. Subsequently, a step from all thus far mentioned theoretical arguments back to our current societal situation is made. Firstly, attention will be paid to the Embassy of the North Sea project in order to demonstrate how the Parliament-approach has already been used in practice. As a next and final step, all signalized benefits of the Parliament-approach will be used to argue in favour of a change of the public discourse towards implementing the Parliament-approach in society instead of focussing on the idea of 'granting rights' to natural subjects.

4.1 Hearing nonhuman voices

In the central thesis of this paper, the claim is made that *the act of granting rights to nonhumans does not contribute to the representation of nonhumans and their voices in the most effective way*. At this point the idea of nonhuman voices and the different ways of hearing them will be further elaborated.

According to Latour, nature has its own voice and we, as humans, have to make sure to hear that voice. Trying to hear that voice will change our relationship with nonhumans.⁵⁴ Scholar George Revill states that the idea of 'listening to voices' in political contexts can refer to a wide range of different practices, that are not necessarily connected to actual hearing something. In many political and philosophical theories, the notion of voice refers to 'a sovereign expression of feelings, wants, desires, practices, interests and actions'.⁵⁵ Latour's perception of voice is closely related to this notion. For him, listening to nonhuman voices is a way to ensure the political representation of nonhumans.⁵⁶

Latour argues in his 'Politics of Nature' that the voices of nonhumans have to be added to the democratic debate. As his quote at the beginning of this paper demonstrated, he is of the opinion that only hearing human voices in the political discussion will be seen as a strange, outdated idea in the near future. Having discussions without involving the 'millions of subtle

⁵⁴ Latour, *Het Parlement van de Dingen*, 8.

⁵⁵ George Revill, "Voicing the environment: Latour, Peirce and an expanded politics," *Society and Space*, no. 39 (2021): 123.

⁵⁶ Latour, lecture, 03:27.

mechanisms capable of adding new voices to the chorus' can be seen as wasting the capacity of science.⁵⁷ In the proposed system, the nonhumans will speak for themselves through humans representing nature.⁵⁸ They should be heard through scientific activity. Hereby it is important that scientists are trusted but that their findings are still put into question.⁵⁹ The voices of nature already operate in the informal sphere, but they should be given a vote in formal political processes.⁶⁰ The task that lies before us is that of enabling nonhumans to speak to us by creating new technologies that can make their voices heard in all their complexity. Our mistake in the past was not that we did not let nonhumans speak at all, the mistake was that we forced them to only speak as passive objects.⁶¹ At this point a distinction in 'hearing nonhuman voices' between the Rights-approach and the Parliament-approach can be drawn.

Stone claims that the Rights-approach secures 'an effective voice for the environment.'⁶² This statement can be heavily critiqued by looking into the extent in which this voice is heard within the approach. Insofar the Rights-approach listens to nonhumans voices, it only allows them to speak as passive objects. The voices of nonhumans are not heard in their entire complexity and variability, but just within a human-set frame. When looking for example at the Act in which 'rights are granted' to the Whanganui River, it becomes clear that there are already set limits to these rights at the time of granting. Unless clearly stated somewhere in the Act, private property that already exist in the river cannot be limited by the Act and the application of already existing law cannot be affected by it.⁶³ The river is embedded in the already existing legal framework and does not get the chance to change the structures of it. It is treated only as a passive object in the sense that it cannot shape the framework to its own terms. This is not the most effective way of letting nonhumans speak because it limits their influence to the 'space' that is appointed to them by humans. Instead, to be most effective the voices should be enabled to speak 'freely' and add to discussions on any small or large changes in society. In this way, the effect of hearing the voices is maximized and makes the most extensive addition to our approach to the climate crisis in the long-term.

⁵⁷ Latour, *Politics of Nature*, 69.

⁵⁸ Latour, *Politics of Nature*, 70.

⁵⁹ Latour, lecture, 07:23.

⁶⁰ Latour, *Het Parlement van de Dingen*, 13-25.

⁶¹ Simons, "The Parliament," 169-170.

⁶² Stone, "Standing," 470.

⁶³ Ministry of Justice, "Te Awa Tupua (Whanganui River Claims Settlement) Act 2017," issued on 20 March 2017 (New Zealand: Ministry of Justice, 2021), 16-17.

The Parliament-approach aims to hear the voices in this 'free' and most effective way. Nonhumans no longer speak as only passive objects, they can influence any discussion at any time. By creating a space in which the voices can be heard in every particular occurring situation by the process of composition and compromise, these nonhuman voices have the opportunity to make us doubt all our questions, perspectives and opinions.⁶⁴ This way of 'hearing the voices of nonhumans' creates a stage for nonhumans to influence humanity into the direction of actually making the changes that are needed in order to make a serious effort to deal with the climate crisis.

4.2 The Parliament of Things in practice

An example of a project that follows the idea of the Parliament-approach and that is already in place is the Embassy of the North Sea. This embassy was founded on the idea that 'the North Sea owns itself'. The central idea of this embassy is listening to the voices of different entities in and around the North Sea and negotiating on behalf of these voices. By doing this, the Embassy wants to create 'a new, fully-fledged political player representing the sea in all its diversity'.⁶⁵ The project follows a step-by-step plan, called Route 2030, that runs from the year 2018 to the year 2030. In this plan 'learning to listen to the sea' is the first step and 'speaking with the sea' the second. Together these first two steps lead to a situation in which the human members of the embassy will be able to negotiate on behalf of all nonhuman and human voices in and around the North Sea. Within this project the rather abstract goal of 'hearing the voices of nonhumans' is made more concrete by dividing it into several practical steps. In short, this goal is put into practice by establishing the opinions of all assembled North Sea stakeholders through scientific activity and subsequently negotiating on behalf of these found opinions.

During the 'period' of the first step, collectives consisting of both nonhumans and humans will be assembled based on the different ocean currents of the North Sea.⁶⁶ Next to this, research projects about using integration, representation and our imagination to effectively listen to the North Sea are carried out. One of these projects, for example, researches the

⁶⁴ Simons, "The Parliament," 167-170.

⁶⁵ "Embassy of the North Sea," Embassy of the North Sea, accessed June 13, 2021, <https://www.embassyofthenorthsea.com/>.

⁶⁶ "Route 2030," Embassy of the North Sea, accessed July 14, 2021, <https://www.embassyofthenorthsea.com/route-2030/>.

impact that human created noise has on sea creatures.⁶⁷ The second step will focus on researching and formulating 'the opinions' of the assembled North Sea collectives and creating publicity for them. Once this has been done, the Embassy will start negotiations with different authorities on behalf of the collectives and their formulated opinions. An important part of this third step is to integrate the collectives in the network of already existing laws, regulations and interests.⁶⁸

The way in which the Embassy of the North Sea operates can serve as an inspiration for future Parliament-projects. Next to the North Sea, many different natural entities, as for example the Sahara-desert or the Mount Everest, could be central in similar projects.

4.3 The need for a change of public focus

In order to move into the direction of solving the environmental problems that humanity is facing, changes in the formal representation of reality, the human-relationship that is carried by our societal organisation and the amount of influence we give to nonhuman voices have to be made. A shift of the public focus in the direction of the Parliament-approach will add to making all of these needed changes possible. This shift is needed because the Rights-approach, that currently has been getting a lot of attention, does not change our society and our societal attitude towards nature enough to lead to the successful implementation of the far-reaching climate measures that are necessary to stop the environmental crisis. The Rights-approach is a step in the right direction, but it is too small of a step. In order to effectively change our current society into a society that is ready to mitigate the consequences of climate crisis by working together with nature, nonhuman voices need to be able to add to discussion on any topic instead of only having influence in the small 'space' that is appointed to them. On top of that, nonhumans should be treated as total equals that can add as much of their own terms when shaping nature-human relationships as humans can. In order to prevent the gravest harms of the climate crisis, humans must act now to ensure the formal representation of the (power-)relations between humans and nonhumans that already exist informally. It is time for the implementation of one or several Parliaments of Things.

⁶⁷ "Research," Embassy of the North Sea, accessed July 14, 2021, <https://www.embassyofthenorthsea.com/projecten/>.

⁶⁸ Embassy of the North Sea, "Route 2030."

In practice, this would mean working towards creating one or several Parliaments of Things within our society and political organization. The time, energy and money that climate-activists and 'friends of nature' invest in legal procedures that have granting rights to natural objects as their goal, could be invested in setting up Parliament-projects and creating public support for them. The way in which the earlier described Embassy of the North Sea project is structured, demonstrates how future Parliament-projects could be shaped.⁶⁹ The setting up of more similar or larger-scale projects would create more public attention for nonhuman voices. On top of that, it would add to changing society's view on the relationship between humans and nature into the direction where humans realize that they are part of nature. This insight will lead to more public support for radical changes that need to be made in order to stop the further destruction of nature.

Implementing the Parliament-approach on national or even international levels should be the final goal. These large-scale Parliaments will ensure that the needed climate measures that are still seen as too far-reaching to gain public support, will actually be enforced. A larger-scale application of the approach could for example be formed by an attempt at setting up an Embassy of European forests that aims to negotiate on behalf of all nonhumans that are part of forests on European territory. Setting up this Embassy could lead to less deforestation and less damage to life in and near these represented forests. In this way, the Parliament-approach can lead to serious attempts to preserve our environment and counter the climate crisis in the long-term. Therefore, it is more effective to work towards implementing the Parliament-approach instead of following the Rights-approach when trying to maintain the current environmental situation and making sure the earth is still inhabitable for future generations of humans.

⁶⁹ Embassy of the North Sea, "Embassy."

Conclusion

The central thesis that *the act of granting rights to nonhumans does not contribute to the representation of nonhumans and their voices in the most effective way and that an alternative, more reality-based approach, such as the parliament of things, is needed in order to combat the climate crisis in the long-term* has been supported by several arguments. Three interrelated differences between the Rights-approach and the Parliament-approach have been pointed out that form the three main arguments that support the thesis. The second and third difference can be said to be elements of the first difference comes down to the fact that the Parliament-approach gives a more reality-based representation of the power-relations between humans and nonhumans than the Rights-approach. Within the Rights-approach, the central idea of humans being in a position to 'grant rights' to nonhumans implies a kind of subordination of nonhumans. When investigating the power-relations between humans and nature, it becomes clear that humans are dependent on nature and that they are therefore not in a position to kindly grant rights to nonhumans. In contrast, the Parliament-approach aims to create a space in which nonhumans and humans are equally represented for exploring the real connections, needs and 'voices to be heard' in every new situation. In that sense, the Parliament-approach is more reality-based than the Rights-approach.

The next difference can be detected when looking into the human-nature relationships that both theories relate to. The Rights-approach creates partnerships with nature that are shaped according to human interests only, which results in nature not being seen as a complete equal. This is different in the Parliament-approach where the needs and interests of both nonhumans and humans have an influence in shaping the relationships between them. In this approach, humans realise that they are inevitably part of nature and that nature has an 'inherent value' that needs to be protected. Just as the first difference, this second difference can be said to evolve around the fact that the Parliament-approach treats nonhumans and humans as equals while the Rights-approach contributes to the outdated idea of nonhumans being subordinate to humans.

This third difference is formed by the extent to which nonhuman voices are heard in the two theories. Within the Rights-approach, nonhuman voices are not heard in the most effective way because nonhumans are only allowed to speak as passive objects within a human-set frame. In contrast, the Parliament-approach creates a space in which nonhumans are enabled to speak freely and influence any discussion at any time. The investigation of these three detected differences leads to the conclusion that the Parliament-approach provides a stronger, more equal, formal position for nonhumans than the Rights-approach. This position of nonhumans that the Parliament-approach aims to create is more in line with the (power-)relations between humans and nature in the informal sphere than the position that is created when following the Rights-approach.

Ensuring the representation of nonhumans in the way that is done by the Parliament-approach is necessary in order to thoroughly change society in a way that enables it to implement the policies that are necessary to mitigate climate change and its consequences. Implementing the Rights-approach on a large scale can also add to changing our societal attitude towards nature and the environmental crisis, but the change that is created by this approach is too insignificant. In contrast to the Parliament-approach, the Rights-approach does not contribute enough to the formal representation of nonhumans and their voices to create the societal inversion that is needed. Therefore, a change of the public focus towards the more reality-based Parliament-approach is needed in order to seriously attempt to counter the climate crisis in the long-term.

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