Leaping Lizards!:
What Might It Mean to Recognize the Rights of Nature?

By KATHLEEN DEAN MOORE

What does Earth ask of us? Restraint, respect, and maybe—after all these years—recognition of the rights of Nature. What would that mean? What moral sense does it make? How is it playing out in Ecuador—the first nation to grant constitutional rights to the natural world?

On Española Island in Ecuador’s Galapagos archipelago, all the animals are crying for their mothers. Sea lion pups bawl. Nazca boobies honk and whistle. Swallow-tail gull chicks do some aggressive, clattery thing. Only the lava lizards are silent as they leap from rock to rock. If they are hissing, I can’t hear them over the belch and squawk. And the smells? Guano, above all else, and the malodor of a desiccating storm petrel, splayed on the gravel. From the turds of sea-lions, the smell of dead fish and sick dog. A booby stands on the downy corpse of an oversized chick, kneading the body with its greenish feet. Whether this is clumsy CPR or blind rage or some gruesome king-of-the-mountain game, I do not know. The lava itself exudes the sulfur and soot of creation. Something smells like a sweet pickle. I smell heavily of coconut sunscreen and sweat.

Every little island in the chain has its little cloud, and every little cloud has its island, and that’s apparently the rule: if a cloud has no island, it is obliged to vanish. The lava mounds are black and red, and so are the marine iguanas that hang vertically with their claws in rock crevices and their tails in the sea. Every rock has something gaudy standing on it and something white dripping over it, and there are many, many rocks. An alpha-male sea lion arches his back and raises his head, swaying. There is no mistaking his place in the hierarchy of living things.

As for me, I know my place too. I mean this figuratively and literally: I have been put in my place here among the wheeling lives. It’s quite a small place beside a white post, which is the only place I am allowed to sit. If I venture too close to a nest, a quick peck from a booby will remove a divot from my calf, and a park ranger will gently admonish me, “Stay on trail please.” I’m not in charge here. I have no right to rummage around or to take so much as a pebble. The animals will allow me to sit quietly for a short time, but the rights-holders in this place are the marine iguanas and the baby sea lions and maybe a couple hundred milling shearwaters. In this place, I am required to show respect: talking baby-talk to the animals or demeaning them in any other way is expressly forbidden.

I don’t have much moral standing in the park, either. I have instrumental value to the island, I suppose. I am tolerated for the modest ecosystem services I provide—a slug of shade now occupied by an iguana, and maybe a bit of moisture if I were to pee (also forbidden). My corpse wouldn’t have much value—there are no big scavengers here and there is plenty of calcium already. Certainly I have economic value—US dollars for the guides and guards who keep non-native species like me at bay. But I can’t imagine that I am regarded by the animals as having any intrinsic value at all, certainly not for my beauty: I am squatting here in baggy shorts, wearing a striped bath towel on my head. I shift my towel to hide from the ferocious equatorial sun. Another iguana sashays her great weight into my shadow. A swallow-tail gull shoots out an arc of guano. It is very, very hot, even this early in the day.
Under ordinary circumstances, I would resent being relegated without a vote to subsidiary status. I’m an adult *Homo sapiens*, for god’s sake, the pinnacle of creation, and I’m not used to animals using me and showing me this complete disregard. Before the day is out, a booby will walk right over my feet and never even care. In the Galapagos National Park of Ecuador, the animals are free to do as they please. I have to follow strict rules for their benefit or be banished, while their rights to enjoy life and liberty, and to pursue happiness in their own lunatic ways are absolute. I’ve always wondered what it would be like to live in a world that was flipped on its head—if our species had no rights, while other species had the right to walk all over us without regard or consequence. Now I know. It makes me strangely happy.

North American conservationist Aldo Leopold wrote that the history of the moral evolution of humanity is mapped by the history of the expansion of the sphere of our moral concern. As humanity has become more ethically developed, he said, people have embraced a wider and wider circle of beings as worthy of moral consideration and thus worthy of rights—first family members, then clan members, then property owners, then former slaves, then women, and so it goes. If he is correct, then human beings have just made a quantum leap forward in moral development. That’s because Ecuador in 2010 became the first nation on the planet to grant constitutional rights to the natural world—to Pachamama (sometimes spelled Pacha Mama), who is Mother Earth, Nature, the natural world of plants and animals, volcanoes and waterfalls, leaping lizards and hummingbirds. Sixty-five percent of voters approved the change.

The enumerated rights of the natural world are extensive in Ecuador. They effectively grant natural objects legal standing as persons. The rights-holders are species, ecosystems, and natural cycles, including cycles of regeneration and evolution. The rights are held directly: it is damage to the natural systems and to their members—to their existence and regeneration—that matters, not the damage to the human beings who benefit from their natural processes. The rights are both negative and positive. Negative rights prohibit actions that disrespect and damage the natural world; positive rights require government action to prevent their harm. Here is some of the language in the Ecuadorian constitution:

**Article 71.** Nature, or Pacha Mama, where life is reproduced and occurs, has the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes. All persons, communities, peoples and nations can call upon public authorities to enforce the rights of nature...

**Article 72.** Nature has the right to be restored. This restoration shall be apart from the obligation of the State and natural persons or legal entities to compensate individuals and communities that depend on affected natural systems...

**Article 73.** The State shall apply preventive and restrictive measures on activities that might lead to the extinction of species, the destruction of ecosystems and the permanent alteration of natural cycles...

I would say that this is a very big deal. Others say that these are just words—and real change will not come until the words are put into action. A young, open-faced Ecuadorian friend, Orlando, is one of these. “Yes, yes,” he says, “but this is just for the indigenous people. No one pays attention.” But to a philosopher (as I confess to being), this is a sea-change, a paradigm shift, a new beginning, a testament to the human ability to see the world in new ways—even if (maybe, especially if) these are only words. Words express ideas, and these particular ideas are powerful and consequential. They tell a new story about who we are in relation to the world, we humans, and how we ought to live.

When I asked another Ecuadorian friend, Francisco, about the importance of the rights of Nature, he led
filed suit for violation of the rights of the land itself, complaining of damage not to themselves, but to the riverbank for its own sake. Never before has a riverine system been able to sue on its own behalf without being thrown out of court for lack of legal standing. And not only was the voice of Nature heard in court—Nature won the case.

The court ruled that the right of the river to be whole trumps the right of the local government to damage it. And they ruled that the burden of proof was not on the river to prove that it had been damaged; rather the burden was on the government to prove that its earthmovers had done no harm. Once again, it’s possible to say that nothing has changed because the local government has not yet removed the rocks or repaired the river. I would say that on the contrary, this precedent offers an important model to a world that has struggled (and perhaps stalled) in its effort to think in new ways about the relation of Homo sapiens to other living things and natural systems.

Way back in 1972, the U.S. Forest Service granted Walt Disney Enterprises license to develop an 80-acre ski resort in the Mineral King Valley, “an area of great natural beauty” adjacent to Sequoia National Park. In *Sierra Club v. Morton*, the Sierra Club sued to stop the development, arguing that its members, who used the forest for recreation, would be harmed if the forest was harmed. The Court threw the case out, arguing that the Sierra Club could not prove significant damage to its members. Nobody talked about the damage to the forest, which would be cut to stumps. Nobody talked about the damage to the rivers or to the salmon, suffocating with silt in their gills, or about the damage to the bulldozed mushrooms or nesting wrens. Nobody talked about the silencing of the frogs. The only harm that counted was to Sierra Club members in their safari vests and binoculars. And that wasn’t harm enough.

It’s significant, though, that Ecuador’s new constitutional provisions have been upheld in court. The case: *Wheeler c. Director de la Procuraduría General Del Estado de Loja*. The issue: Can a provincial government’s road widening project dump construction debris into a river, narrowing it and so creating floods that erode downstream lands? People brought the suit, of course. But here’s what’s new and huge: they
right to free speech, which is to say, the right to influence elections. But when it comes to animals or plants or forests or natural cycles, or Mother Earth, the courts are unable to embrace them within the circle of moral or legal concern. And so Nature has no legal standing, no personhood, no rights.

The Morton case stuck in the craw of U.S. Supreme Court Justice William O. Douglas—a man of the great northwest forests. In his famous dissent, he made a case for the legal standing of natural objects. What if the Court, “fashioned a federal rule that allowed environmental issues to be litigated... in the name of the inanimate object about to be despoiled, defaced, or invaded”?

Inanimate objects are sometimes parties in litigation.... So it should be as respects valleys, alpine meadows, rivers, lakes, estuaries, beaches, ridges, groves of trees, swampland, or even air that feels the destructive pressures of modern technology and modern life. The river, for example, is the living symbol of all the life it sustains or nourishes—fish, aquatic insects, water ouzels, otter, fisher, deer, elk, bear, and all other animals, including man, who are dependent on it... The river as plaintiff speaks for the ecological unit of life that is part of it.¹

Legal philosopher Christopher Stone followed up with his brawny little book, Should Trees have Standing? Toward Legal Rights for Natural Objects. If courts can appoint guardians to protect the rights of infants, giving voice to the grievances of those who can’t speak for themselves and protecting them from harm, why can’t they do the same for forests, which also are voiceless, but also sentient, beautiful, and full of possibility? But nothing really came of his argument. The U.S. remained a country where environmental regulations are generally not drawn to protect the natural world from harm. On the contrary, environmental regulations and the Environmental Protection Agency aim to regulate the times, places, and circumstances wherein environmental destruction can take place—to the continuing diminishment of the natural world.

Ah, but the Endangered Species Act, people protest: In effect, the Endangered Species Act (ESA) grants plants and animals a sort of right to life—once they are teetering on the edge of extinction. It’s true that under the ESA, the lives of plants and animals can sometimes trump the economic interests of those who would destroy them, their habitats, or their evolutionary processes. The ESA may not be cast in the language of rights and legal standing, but it certainly can delay economic projects and sometimes stop them in their tracks. An example is the endangered marbled murrelet, whose dependence on ancient forests has slowed the transformation of 500-year-old trees into pulp.

But I’m not the least convinced that the ESA honors the rights of plants or animals. Does it respect their rights to life, when this government waits to protect a species until the last possible moment before extinction? Or when it saves the smallest possible portion of habitat? The Endangered Species Act is the stingiest, the most miserly and grudging, the most last-ditch of all possible ways to respect the natural world. No action can be taken until some agency pronounces the situation calamitous. In what way does this respect the rights of any but the tattered remnants of the species? And even if the ESA manages to protect the “tired, the poor, the wretched refuse of your teeming shore,” it doesn’t even try to protect “the huddled masses.” What of the great herds of buffalo, the loping wolf packs, the swirling flocks of trumpeter swans, the migrating hawks, monarch butterflies by the millions, schools of silver salmon—the great abundance of lives, the wonder of their numbers? We eat away, eat away, eat away at them until they are almost gone, and then we congratulate ourselves as enlightened for saving the stragglers.

This isn’t the way rights are respected. Would it respect human rights to declare “that all men are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness, as long as these men are the last three, or thirty, or three thousand of their species left on Earth.
Until then, men are not endowed with anything”? The point about a rights-claim is that it gives effect to certain value claims about a class of beings: That they have value not as property or as means to others’ ends, but in themselves and for their own sakes; that their thriving is thus of over-riding value; that consequently, interfering with their thriving is a violation of moral and legal duties of restraint.

North American philosophers ask, when do species merit rights? Only when the species closely resembles human beings in significant ways, they answer—the ability to feel pain, for example, or the ability to reason or speak or regret, or possession of a soul. The question they don’t answer is, Why should humans be the measure of merit? One might think that two-legged creatures who possess pain receptors and reasoning brains and talking tongues and maybe even souls might be able to honor creatures whose abilities are perhaps different, but in many ways superior to their own. If they noticed. One might think that humans would realize that the truly morally significant ways in which all creatures are the same is that we all strive to live, and that all lives unfold in complex interdependence.

I’m not a particularly brave person, but I want to snorkel alongside a lava cliff, so I heave myself out of the boat. Right there, right next to me in the water, flitting like flattened ballerinas, are four spotted eagle rays. I plug in my snorkel and swim along behind them. Below me, a school of glittering cardinal fish expands and contracts, as if it were breathing. A couple of dozen Moorish idols swim past the cliff face, all finning in one urgent direction. Sergeant-majors. Groupers. Giant damsels.

The sea is Full. Of Life. The sea is made of life: clouds of krill and a couple of pirouetting seal lion calves, some small orange things, a vertical arrow of silver bubbles that unfolds into a fish-hunting booby, blue-green-pink parrot fish as brightly scaled as parrots themselves. A penguin splashes through bubbles and swims right past me: a tiny penguin with tiny wings. My god. Who would have thought? There are white-tipped sharks sitting on the bottom, heavy, as if they had swallowed lead shot. I see the paddling feet of a pelican. This is astonishing, a world completely hidden from any person afraid to jump.

This is a different point of view, from inside this sea of living things, from this swirl of creative energy, generative systems of generative systems. There are hierarchies of size and power in the splash and struggle, but there is no hierarchy of value. Each thing is worthy. Each fractal layer is necessary. If there is a striving in the confusion, it is to continue to live. Life itself is worthy, and so all the small lives are worthy. Floating on my stomach, looking deep through clouds of living things: Never have I seen as complete a repudiation of the idea that human beings are separate from the rest of creation, that we are better somehow, that we are in charge, that we are the point of the whole thing.

The moral center of the ancient cosmology that recognizes the rights of Nature is the ultimate and absolute worth of Nature, the source of all life, the creative genesis, the mother, Pachamama, Mother Earth. Pachamama sings with the wind. She erupts with the volcano. She trembles in the earthquake. She grows with the corn. She is the adobe house. She is the woven cloth. She is the basket of eggs in the marketplace, and the basket of chickens. She is the children. She is the spawn of fish. There is no separation between nature and culture, animals and human—we are all one interactive system, and it is a beautiful, generative, and fearsome complexity with creative, and disruptive, feedback loops. A well-ordered society, the good life, the bueno vivir, respects the rights of Nature, balancing human and non-human interests, and honors practices that celebrate and strengthen the thriving of the bio-cultural world.

It’s hard to predict the outcome of the legal protection of Nature’s rights, in Ecuador or in the United States, where some municipalities already recognize the rights of Nature. But there’s a paradigm shift going on, and it would be a mistake to think it’s a small thing. A revised set of ideas flips the presumptions that govern the relation between humans and nature.

Then: Humans have the right to destroy nature, unless they are specifically prohibited.

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Then: Only damage to humans can stop a destructive practice. It’s all that counts.
Now: Damage to natural systems can stop a destructive practice. It counts too.

Then: Human well-being is accomplished by separation from and conquest of Nature.
Now: Human well-being is inseparable from the well-being of Nature.

What does Earth ask of us? What does Pachamama demand?

I’m sitting cross-legged on the bow of our little boat as it motors across a shiny black sea toward a new moorage in the Galapagos Islands. The sun set some time ago. The moon has yet to rise. The stars are brilliant, but all wrong to my eyes. In the place where the Big Dipper should be, there is a small square of stars—the Southern Cross. Orion is there, but he has wandered to the top of the sky. On the sea under each star is a yellow puddle of light. A swallow-tailed gull hangs in the dark wind directly over our bow, swinging its head from side to side, looking for a flash that will map the path of a startled fish through luminescent plankton.

“Ghost gull,” a crewman says, and I am fully prepared to believe him, in this place so unlike anything I have ever seen before. I am prepared too, more fully than I have ever been, to imagine myself an equal member of a community of living things, called to honor the rights of fellow members, called to act with respect for all life, and with a restraint that acknowledges the value of all beings.

I’m thinking about what Francisco told me earlier, as spray from the waterfall drenched us all. There is a sort of cosmic justice at work in the world, he said. Pachamama gives back as she gets. If humans live respectfully, in harmony and balance, earthquakes will still shake the mountainsides and volcanoes will continue to pour lava down the valleys. But Earth will be merciful, and the villages will not be destroyed. If humans live stupidly, cravenly, with reckless disregard for the rights of Nature, Nature’s fury cannot be contained.

In the history of the expansion of legal rights, I would point out to Aldo Leopold, I can’t think of an instance in which the people in power just up and granted rights to those who did not yet possess them. In every case, the powerless demanded their rights and the powerful granted them grudgingly. The legal rights came first, and the moral development took place more gradually, as those in power got used to the idea that the universe of moral consideration had just grown wider. Sometimes the moral development has taken a very long time.

In a time of climate chaos, humans are beginning to feel the sting, the consequences of ignoring the rights of the Earth. Pachamama’s storms and droughts and inundations demonstrate the practical wisdom and the moral wisdom of granting her the rights she merits. That means that humans are called to acknowledge new moral and legal responsibilities toward the Earth—to honor the inherent worth of Life, living things, and the natural systems that support them; to restrain their own behavior in order to bring their narrowly self-regarding urges into balance with the creative urgency of the natural world; to accept full membership in the family of living things, an interdependent whole that is beautiful and astonishing and alive.

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