Property and Paradigms: The Transformative Evaluative Shift of the Rights of Nature

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Please reference the final version if possible.

1. Introduction

The "rights of nature" (RoN) movement is sweeping the globe, with countries such as Ecuador (2008), Bolivia (2010), Aotearoa New Zealand (2014, 2017, 2023), Colombia (2016), and Spain (2022) officially adopting various legal frameworks which recognise the rights of nature. Around forty countries have recognised the legal rights of nature, and there are many others who are actively developing or considering such legal frameworks. On more regional and local scales, many communities have adopted the language of rights as a way of relating to their natural environment, and thinking about their obligations towards it, without necessarily pushing for legal recognition of those rights. All of these disparate movements are unified under the banner of the "rights of nature", through the commitment that nature should hold *rights*, whether that be through constitutional changes, legal personality, local by-laws and charters, or other methods.[1]

Academics and activists working in this area often suggest that this rapidly emerging RoN movement marks a significant "paradigm shift" in the ways in which we relate to the non-

[1] I have argued elsewhere against the idea that there *is* no unifying feature of different types of rights of nature approaches. See Williams (forthcoming).

human natural world.[2] But what is the nature of this shift? What transformative potential does the RoN movement have, and how does it differ so dramatically from the many other forms of environmental protection already in place? After all, if what we want is to protect non-human nature from human exploitation, there are plenty of legal strategies for doing that which do not require the radical step of recognising nature as a rights-holder. In this chapter, I will suggest that the unique transformative potential of RoN approaches lies in the rejection of nature as a kind of *property*, and the invitation to see nature as an equal member of our moral and legal community. This fundamental evaluative shift comes with significant changes to the kinds of attitudes and behaviours which we can and should adopt towards non-human nature.

Before going on, it will be helpful to clarify what we mean by "nature". Nature is (to philosophers at least) a notoriously slippery and vague concept. But we only need as precise a definition as is required for our purposes. And for this paper, less precision is more helpful. I am happy to borrow Simon James' straightforwardly pragmatic definition of nature as 'that which environmentalists characteristically seek to protect' (James, 2022, p. 3).[3] "Nature" on this account includes a wide range of natural entities, including species, ecosystems, and specific lived environments. Keeping our account of nature vague is helpful for our purposes, because when "nature's rights" are discussed, this can mean a range of different things. In some cases, "nature" might mean all natural processes across the planet (as in the Ecuadorian constitution), or it could mean specific natural entities, like forests, mountains, and rivers (as in Aotearoa and Spain), or refer to particularly significant species (as in the case of Manoomin rice in Minnesota, USA, or the stingless bees in Peru). Whilst justifying, institutionalising, and representing nature's rights will look quite different in each type of case, this need not concern us for the purposes of this chapter.

So, what unifies these apparently disparate initiatives as cases of the "rights of nature"? In part, this is something that I hope to elaborate on this paper. Elsewhere, I have identified two central "pillars" which all RoN cases share.[4] The first pillar is valuational, and the second is representational. The valuational pillar refers to the characteristic feature of RoN initiatives, in that they treat nature as a *subject* rather than an *object* of law. This involves attributing *intrinsic* value, rather than merely instrumental value to natural entities. As I shall explore in this paper, valuing nature in this way involves seeing it as part of our moral and legal community, and involves a fundamental evaluative shift away from seeing nature as a kind of property. Though my focus is on this first "pillar" here, no account of RoN should ignore the second pillar. As nature cannot represent its own interests in legal and political contexts, legitimate representatives must be empowered to do so. The second pillar of RoN concerns the empowerment of relevant representatives, typically local communities and indigenous groups, to speak on behalf of nature's interests.

[2] (e.g., Kauffman & Martin, 2021, p. 7)
[3] Admittedly, this does shift the burden away from defining "nature" to defining "environmentalist", but we have a much more concrete sense of such groups and what they care about. Again, we only need as precise a definition as is useful for our purposes here.
[4] Williams (forthcoming).

In what follows, I hope to present the fundamental evaluative shift which is at the heart of RoN, and which comprises its transformational potential. The shift involves reconceptualising nature as a member of our community, rather than as a kind of property. In the first section I discuss how it is that treating something as ethically significant is antithetical to treating it as property (§2). Next, I suggest that the distinctive feature of RoN is that it holds that we owe ethical obligations *to* nature, rather than merely *regarding* it (§3). It is this shift which allows us to recognise nature a rights-holder, and so as a member of our moral and legal community (§4). Finally, I say something about how law and art can help effect the required transformational shift (§5).

2. Nature and Property

In his now classic *A Sand County Almanac*, North American conservationist Aldo Leopold sketched a new ecological form of ethics, in which human beings were seen as one member of a biotic community. Rather than conqueror or owner of the land, humans are biotic citizens of it, alongside other non-human members of the ecological community.[5] His ideas formed the basis of the "land ethic", which has been since developed by environmental philosophers into an established normative theory.[6] It is not my aim here to focus on this ethical theory. Like any ethical theory, it has its own strengths and weaknesses, and academics can always be distracted by focusing on the features of a theory, at the expense of the thing being theorised about. Instead, what I want to borrow from Leopold here is his fundamental insight concerning the ways in which ethical treatment is fundamentally at odds with seeing something as property.

To elaborate this point, Leopold uses the example of Odysseus returning home and hanging his slave-girls on some suspicion of misconduct. Leopold's point is that, because those slave-girls were seen as *property*, Odysseus's actions were seen judged to be a matter of ethics, but solely as a matter of expediency.[7] Note, this is not to say that his actions were judged to be morally correct. Rather, for his community, ethical evaluation simply did not apply in this case. Odysseus's peers might have criticized him for managing his property poorly, but they wouldn't have criticized him for failing any moral obligation. Of course, to us Odysseus's actions seem atrocious, because we (rightly) see it as morally impossible to own human beings. We now (correctly) see each human being as being worthy of respect and as having a moral status in a way which completely rules out seeing them as property. Due to their moral status, human beings are just not the *kinds of things* which can be owned. But coming to this realisation

[5] (Leopold, 1968, pp. 201–226)
[6] (e.g. Callicott, 1989, 1999)
[7] (Leopold, 1968, pp. 201–203)

took a long time – it is an example of ethical progress that we are now able to recognise Odysseus's actions as morally abhorrent.[8]

Leopold's suggestion is that *we* are currently blind to the moral importance of nature in the same way as Odysseus was blind to the moral importance of the girls he unjustly hanged:

> There is as yet no ethic dealing with man's relation to land and to the animals and plants which grow upon it. Land, like Odysseus' slave-girls, is still property. The land-relation is still strictly economic, entailing privileges but not obligations (Leopold, 1968, p. 203).

If we view an object as *property*, then our relations to it become exclusively instrumental and economic, rather than moral. The owner of property has the privilege of treating it however they like, without the burden of ethical obligations constraining their actions. Imagine that – perhaps angered by watching a political speech which I disagree with – I hurl the remote control at my new television set and break it. You might judge me negatively; for instance, by thinking I was an irritable person who was unable to control their emotions. You might at least judge me to be imprudent, as I now must spend more money to replace or repair the television. But you would be unlikely to judge my action as *immoral*. At the end of the day, my property is mine to do with as I like. Breaking the TV might be irrational, but it is not immoral.

Property in the sense we are talking about it here does not need to be owned by anyone in particular. This is made clear when we consider the ubiquity – even by conservationists and environmentalists – of talking about nature in terms of "natural resources". Resources are a kind of property. They are typically owned by some individual, by some company or state, or by a community. Even if they are not *yet* owned, attributing the status of "resource" to something identifies it a something which can be *potentially* owned. Resources are the kinds of things which exist only to be utilized and monetized. Like property, our relations to resources are governed solely by instrumental and economic considerations, and so for our purposes we shall treat them as equivalent.

Any legal or moral framework which treats nature as a type of property or resource will by that fact be hindered from treating it as ethically significant. Our relations with ethically significant entities are governed by moral considerations, such as obligations, responsibilities, and questions of right and wrong. This involves adopting a different evaluative stance from that encouraged by the economic and instrumental considerations which govern our relationships with property.[9] Many of the most progressive movements in environmental law,

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[8] It is worth emphasizing that I am not interpreting Leopold as an ethical relativist. Leopold is not saying (or I am not saying) that Odysseus was *right* to hang the slave-girls, just because his culture did not see it as morally wrong. Instead, we can say that Odysseus, due to the limitations of his culture, was unable to see the moral status of the slave-girls. He was wrong to think that humans could be property – as were all slave-owners throughout history. But he was perhaps, to a greater or lesser extent, excusably wrong. His moral blindness resulted from a wider societal myopia, not from a personal failing. In a similar way, those who thought in the medieval period that the Earth was at the centre of the universe were wrong, but excusably wrong, given the limited astrological evidence available to them.

[9] It *is* possible for legal systems to place limits on an owner's use-rights of their property. Owning a cultural significant artwork or building, for instance, often comes with legal limitations and responsibilities. Some limits

whilst certainly vital, leave this fundamental evaluative background unchallenged. This is the case, for instance, with the movement to legally establish the crime of ecocide, or the recognition of the human right to a clean environment. Within existing environmental and conservation frameworks, nature remains a resource to be managed, lacking independent moral importance.

It is this feature of RoN which is unique, radical, and potentially transformative. Nature, according to RoN, is not a dead resource which needs to be more sensibly managed for human benefit. Nature is a living subject of rights, with an independent moral status that deserves to be accounted for in our decision making. Consider the following quote from Kirsti Luke, negotiator for Tūhoe people, and Chief Executive of the Tūhoe Tribal Authority:

> Te Urewera was not property – the land is not real estate. You own real estate. That out there is land and nature and nobody owns that. You are the child and that land out there, that earth mother of yours, is your parent. It's amoral of you to cut up your parent as say you own it. (quoted in Crimmel & Goeckeritz, 2020, p. 565).

Te Urewera was awarded legal personhood – with the associated rights – in 2014.[10] In essence, the land now owns itself, and its interests are managed by a board with representatives from both the Tūhoe and the Crown. According to Māori worldview, our relationships with nature are relationships of kinship, rather than ownership.[11] By articulating our relationship to nature in terms of kin-relations, rather than in terms of property, the immorality of claiming to "own" nature is made clear.[12] Seeing nature as morally important – seeing it as kin – is completely at odds with treating it as property which can be owned.

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might be placed on use-rights due to ethical considerations. In some counties, recognition of animal welfare places limits on how an owner may use those animals, for instance. There are a few things to say about such cases. Firstly, they do not change the status of the object from being property, and so we do not owe direct duties to the object in question. I will return the significance of this later. The obligations we have to refrain from certain actions are owed to the state, the public, or some other entity who stands to benefit from my preserving my property. Secondly, this does encourage any change in the evaluative stance of the owner. The farmer, viewing their cattle as property, is still economically incentivised to exploit their animals as much as they can within the external constraints placed upon them by animal welfare laws. The owner cannot simultaneously think of an object as *their property* and as *independently ethically significant*, as these two descriptions of the object required fundamentally opposed evaluative stances. Viewing an object as ethically significant means seeing it as having a value, status, or set of interests which place me under demands to act in certain ways. These demands are experienced as coming from the object, and my obligations as owed to the object. Viewing an object as property means seeing it as having value insofar as it can further some purpose, can be exchanged or utilized, or can otherwise benefit me. My evaluative stance is governed by self-interest, which may be constrained by prudential considerations and constraints placed upon me by external sources. My thanks to Nick James for pushing me on this point.

[10] Te Urewera is the ancestral land of the Tūhoe people. After much of the land being purchased by the government throughout the 20th Century, Te Urewera was made into a national park, severely limiting the ways in which the Tūhoe could engage with that land. The Te Urewera Act 2014) established Te Urewera as a legal person, and recognised the centrality of Tūhoe relationships with the land. See (Macpherson, 2021) for more on the historical injustices the Tūhoe experienced at the hands of the crown, and the details of the Te Urewera Act.

[11] The Maori concept of *whakapapa* is clearly related to seeing nature as kin. See (Stewart, 2021, pp. 85–88).

[12] Luke's position is centred in Māori philosophy and cosmology, rather than in the "rights of nature" movement *per se*. It is a significant question how actual RoN legislation relates to the indigenous worldviews which often ground or drive RoN movements, and this will differ from context to context. On the whole, RoN is taken to be inspired by and sympathetic with certain indigenous worldviews, but certainly not identical with them. Here it

In this way, RoN legislation moves away from the idea that environmental management is a matter of enlightened *self*-interest, and towards the idea that nature's interests are *themselves* morally significant.[13] In the next section, I shall highlight the fundamental differences between the kinds of obligations which these two different accounts give rise to.

3. Moral Standing - Duties to and Duties Regarding Nature

We saw in the last section that viewing something as property (or as a resource) is antithetical to treating it as having moral status. But we must be a little careful here. There are, of course, still a range of ethical obligations connected to our treatment of property. Stealing or maliciously breaking someone else's property is a paradigm case of ethical wrongdoing. What counts as a just distribution of resources and how we achieve that distribution is a significant topic of moral and political philosophy. As such, even when it is viewed solely as property or resource, there are still plenty of ethical issues concerning our relations with non-human nature. What obligations might we owe to future generations to preserve or restore natural resources? Who gets to own land, and how just are the ways in which that ownership managed or distributed? How should we manage common natural resources – such as oceans or the atmosphere – in a way that prevents unscrupulous human exploitation? These are all relevant and significant ethical questions, but questions which do not challenge the fundamental evaluative assumption that nature is an ethically neutral resource to be properly managed or distributed for the sake of human interests.

The distinctive feature of RoN is that it suggests that we owe duties *to* non-human nature, rather than merely *regarding* non-human nature. This might seem like a subtle distinction, but it is this distinction which challenges the fundamental evaluative assumption which underpins other forms of environmental legislation, and our dealings with non-human nature more generally. The possibility of owing moral duties *to* something is what marks an entity as a member of our moral and legal community, rather than an object to be distributed within it.

We often owe duties *regarding* people's property or resources, but never *to* that property. Consider the following example. Imagine that I break your favourite coffee mug. I feel bad, and I apologize to you, and perhaps even offer to replace the mug. I feel responsible for your loss and possibly I have an obligation to compensate you for it. This is all appropriate behaviour, given that I broke your property. But these are all attitudes and obligations directed towards *you*, the owner of the mug. If I break or steal your property, it is *you* who is wronged, not the

is sufficient for me to claim that one of the connections between RoN and the Māori cosmology Luke is expressing is precisely this rejection that the status of property can be morally attributable to non-human nature. For more detailed examinations of how indigenous worldviews relate to RoN legislation and movements, see (Gutmann, 2021; Salmond, 2014). See also (Marshall, 2019) for criticism of the connection from an Australian First Nations perspective.

[13] I talk throughout this paper as if "nature" can unproblematically be assigned interests, but this is philosophically contentious. See (Williams, 2025) for a more detailed examination of how to assign morally relevant interests to non-human entities.

property. So, obligations around property only *regard* the object, but are owed *to* the owner of the property. Notice that, as a result, you have a level of control over my normative situation. As the wronged party, it is in your power to forgive me, or to tell me that the mug was unattractive or worthless to you. If you did so, my obligations towards you are suddenly obviated. Breaking the mug itself has no moral weight, outside of *your* interests and desires. Property gets no say over what is right and wrong.

If we view non-human nature as property or resource, then the same relationship obtains. We already have plenty of obligations *regarding* nature, but these are all owed to the humans who own, require, or care about that resource. Corporations have obligations to local residents not to pollute their river with agricultural run-off. Governments and states have obligations to current and future citizens to properly manage their country's natural resources. Industrialised nations have obligations to other nations and to future generations to reduce greenhouse gas emissions. These are all real obligations, which the relevant actors often fail to live up to. But all these obligations are owed *to* human beings, and merely *regard* nature. In this way, if a local community were to collectively decide that it was no longer in their interest to have a clean river (perhaps the corporation provides drinking water from elsewhere), then the corporation would appear to lose any obligations it had to refrain from pollution. In the same way as the owner of the mug has the normative power to forgive my obligation to replace it, if the river only has the status of property or resource, then the local community has the power to obliviate any obligations regarding it.

We can articulate this difference by referring to the language of "standing". Legal standing refers to the capacity and authority some entity has to initiate a legal action.[14] To have such legal standing, an entity must be able to show that their interests have been damaged by a breach of a duty owed to that entity.[15] In this sense, moral standing is a pre-requisite of legal standing. Moral standing is a broader concept, referring to whether an entity has the kind of interests which make legitimate claims upon us.[16] Moral standing is often used synonymously with moral considerability. If legal standing is a condition which allows an entity to take legal action, moral standing is a condition which identifies an entity as something which we must take seriously during moral decision making.

The evaluative shift which occurs when we change from seeing an entity as something which we owe duties *regarding* to one to which we owe duties *to* is profound and radical. It is the evaluative shift at the core of the ecological ethics which Leopold was talking about, and it is also the fundamental shift at the centre of the RoN movement. Let's call this *the ecological evaluative shift*, or just the "evaluative shift" for short. When we frame an object as a resource or piece of property, our relations with it are governed by economic and instrumental concerns. We might have duties *regarding* the object, but never *to* it. We are permitted to do what we like

[14] (Stone, 2010, p. 35).
[15] See, e.g. (Stone, 2010, p. 36)
[16] (Brennan, 1984). For the purposes of this paper, I am assuming that non-human entities *are* the kinds of things which have morally significant interests of the relevant sort to ground moral standing. This is a minority position within philosophy – see for instance (Feinberg, 1974). I have defended this assumption elsewhere. See (Williams, 2025).

with that object, so long as we don't harm the interests of other beings with moral status. When we frame an object as an entity towards which we owe direct moral duties, something radical happens. We begin to see the interests of that entity as something that we must take seriously in our decision-making, and as the kind of thing that can make legitimate claims and demands upon our behaviour. We might realise that we are required to curb our own interests in light of the morally significant interests of this other entity. In short, when we make the evaluative shift, we go from seeing some entity as an object to be owned, utilized, and distributed, to seeing it as member of our moral and legal community. Of course, this fundamental evaluative shift is something easier talked about than performed. I will return to the methods of undertaking this shift in the final section of the paper (§4).

I have identified this valuational shift as the distinctive feature of RoN initiatives. It is also the very thing that makes RoN difficult to defend, in both academic and political contexts. Academics – at least academics in Anglophone philosophy and political theory – tend to be conceptually and metaphysically conservative. They are conceptually conservative in the sense of being resistant to apply traditional concepts far outside their original scope. The concept of "rights" is a prime example – on the whole, rights are tied to interests and sentience in a way that makes it difficult to extend the concept to non-human entities.[17] Connectedly, a narrow (and often unexamined) materialist metaphysics makes it difficult to attribute morally significant features (such as sentience) to non-human entities, or to see holistic entities (such as ecosystems) as even being existent. Politically, it is typically assumed that policymakers, businesses, and the general public are responsive only instrumental and economic reasoning. The economic model of most western industrialised countries is so committed to the notion of nature as property and resource, that rethinking our relationship with nature as a member of our moral and legal community can seem impossible.

This is not the time to argue against this conservativism, but it is at this stage worth pointing out a trap that defenders of RoN might fall into. In an effort to make RoN appear more palatable to the assumed conservativism of academics, politicians, and the public, we might make it yet another form of environmental legislation which treats nature as a property and resource. Tănăsescu (2021), for instance, suggests that the rights of nature are 'not about nature' at all, but rather about 'the political relations between different groups of people' (p. 69). The language of rights just allows us to empower disenfranchised groups to manage their own environment. Though I would not like to deny that this is one – very important – feature of RoN, focusing on this exclusively removes the valuational shift which grounds transformative potential of RoN. Similarly, Knauß (2018) describes rights of nature as a kind of "shortcut" to achieve socially useful ends (p.719). These kinds of strategies might make RoN more defensible, but only at the expense of abandoning the very feature that makes it distinctive and potentially transformative.[18]

[17] See (Williams, 2025)
[18] See Williams (forthcoming) for a more in-depth examination of accounts which treat RoN primarily as a political tool for the empowerment of disenfranchised groups.

4. Nature as a Member of the Moral and Legal Community

Sometimes, perhaps encouraged by the prevalent individualism of our time, we think of rights as belonging to individuals, as if they were a kind of property. We routinely talk about a person's right to some object, or to some kind of fair treatment, in a way that makes it sound like they *own* that right. To a certain extent this is accurate. One plausible way to understand rights is that they function to protect individuals' fundamental interests. Other views focus on the capacity of individual rights-holders to justifiably demand some treatment from others. But this focus on the individual can distract us from the broader picture. Rights are always *relational*; they always exist between two or more people.[19] If one party has a legitimate claim to some kind of treatment, this gives rise to an obligation or duty on the part of some other party.[20] "Rights" describe this relation between legitimate claims and corresponding obligations. My right to life is constituted by my legitimate and morally significant interest in continuing to live, which gives rise to an obligation on your part to not take away or risk my life.[21]

From this description, we can see how moral standing, moral rights, and the moral community are connected. Moral standing is the condition which means that some entity's interests or claims are potentially morally significant. Moral (claim) rights arise when some interest of that entity carries enough moral weight that it places someone else under an obligation (owed to that entity) to respect that claim. And these kinds of relations between claims, interests, and obligations – which constitute rights – contribute to the set of relationships which constitute a moral community. In a similar way, the legal community is constituted by the set of entities whose interests are represented in and protected by the legal system. Legal standing is the capacity to take action within a legal context, and legal rights are combinations of claims and obligations which are enforceable by law.

In this way, rights are used to map the boundaries of our moral and legal community and denote the set of entities who are in mutual relationships of claims and obligations.[22] To be a rights-bearer is more than having a set of powers or property *within* the community – it is what marks us as having a kind of status as a *member* of that community.

The boundaries of the moral community are not always the same as those of the legal community. The legal community is – put simplistically – a sub-set of the moral community. Moral standing is a pre-requisite for legal standing, but not all beings with moral standing have legal standing, so the boundaries of the moral community are broader than the legal community. Moral standing requires an entity to be seen as morally significant, such that we should treat an entity's claims and demands as potentially binding on us. Those of us who are

[19] (Darwall, 2013)
[20] In technical terms, what I am articulating here are "claim rights" as distinguished from other kinds of rights (Hohfeld, 1917).
[21] See Williams, forthcoming.
[22] Note, to be a member of the moral and legal community, an entity doesn't need to be able to bear obligations. Newly born infants, or people with severe cognitive difficulties, are members of the moral and legal community, without being able to bear obligations to others.

already environmentally inclined might hold that nature is already part of the moral community in this sense, but less ecologically inclined people might disagree. Legal standing requires more formal conditions to be met in a legislative and judicial context. When we talk about the "rights of nature" we are sometimes talking more narrowly about the *legal* rights of natural entities, and we are sometimes talking more broadly about recognizing the *moral* status of non-human natural entities. Either way, we are talking about broadening our community to include nature as a member.

Understanding rights in this way can help us respond to some of the criticism which RoN initiatives have given rise to. Consider for instance the following passage:

> [T]he very point of rights is that they are inviolable, so that recognising the rights of nature would in principle entail non-negotiable bans on using non-humans as resources (Luque-Lora, 2022)

Luque-Lora's concern here is that granting rights to non-human natural entities will remove human's ability to use them, and this is either an absurd or dangerous consequence, as we *need* to use some natural resources to survive and thrive as human beings. But this view is predicated on an unhelpful view of rights. Rights understood as membership within a moral and legal community, such that our legitimate claims and interests can give rise to obligations in others, is not the same as thinking of rights as "inviolable" and "non-negotiable bans" on using non-human nature. There are two important points to make in response. The first is that rights are rarely (if ever) "non-negotiable". Rights indicate morally significant interests and obligations, which must be taken seriously when making decisions. Sprigge suggests that we should think of rights as "moral barriers". They are barriers in the sense that it is never morally desirable or acceptable to override them. In a perfect world, everyone's interests would be fulfilled. Sadly, we do not live in an ideal world, but in a world of various scarcities which mean that we must at times make decision between competing interests. Sometimes, we might be compelled to cross moral barriers. But this should always be seen as a serious moral wrong, and we should never organise our plans and actions in a way that require such rights being over-ridden.[23] People who have their rights violated in this way are owed apology and compensation, and should rightly demand reassurance that such violations will not be repeated.[24]

The second point is that having rights is not the same as being removed from contributing to the moral and legal community. Quite the opposite. It is morally permissible within the moral and legal community for me to be employed by an institution, and for me to exchange my labour for fair renumeration, as long as employers treat me fairly and protect my fundamental interests. The somewhat concerning nomenclature of "human resources" aside, employees should not be seen (solely) as resources, but respected as human beings with a certain moral status. Rights put limits on how we are permitted to interact with others in our community,

[23] (Sprigge, 1997, p. 118)

[24] Of course, some interests – and therefore some rights – are weightier and more serious than others. It is one thing to violate (and subsequently compensate) a violation of a property-right. It is another to violate a right to life. The situations in which we might be permissibly forced to override property rights are limited, but more numerous that situations in which we might permissibly be compelled to override someone's right to life.

they do not prevent us from interacting with them wholesale. Granting nature rights will put reasonable limits on how we can utilize a natural entity, limits which are shaped by the interests of that entity. It will not remove that natural entity from being respectfully interacted with and used. Using a river as a sustainable source of drinking water or swimming in it would be unlikely to infringe on that river's rights, whereas polluting it with raw sewage would.

There is a second kind of criticism of RoN which can also be addressed with this focus on the community. Some critics might worry that RoN diminishes or threatens human rights, such that we will be forced to sacrifice individual human rights for the sake of nature's rights. Like all environmental theories which emphasize the moral importance of the non-human, RoN rejects anthropocentricism, and so might reasonably be seen to be a form of "eco-centricism" or "bio-centricism" instead. This leads some to worry that – like all such eco-centric theories – RoN might lead to problems of eco-fascism, in which human rights are over-ridden for the sake of nature's rights.[25]

In part, this worry emerges from the terminology of "eco-centrism". I prefer the term "eco-egalitarianism" or perhaps "ecological democracy" when discussing RoN. Recognizing nature's rights does not involve shifting the centre of our moral perspective from human to the ecosystem. Humans are de-centred (we move away from anthropocentrism), but we do not therefore create another centre which has equivalent moral dominance. Instead, RoN marks a move away from a hierarchical or colonial perspective – it does not merely invert the hierarchy and therefore place humans in the dominated position. Rather than placing one member of the biotic community at the top of the pile, RoN involves *broadening* our conception of the moral community to include natural entities as members whose interests hold moral significance. There will be times where the significant interests of nature must be weighed against the significant interests of humans. In many scenarios, a reasonable compromise will be found, and recognising the interests and rights of natural entities will encourage us to find that compromise, rather than to run rough-shod over nature's interests by default. When compromises cannot be found, we might have to choose which party's interests to actualise. Sometimes that will be humans' interests, and sometimes nature's. Essentially, recognising nature as a rights-holder means that it is granted a "seat at the table" as we continue to distribute resources, costs and benefits within our moral community.[26] But having rights – and moral standing – does not by itself mean all our interests will be fulfilled in every scenario, only that they must be taken seriously.

5. Transforming Values

Talking about obligations, duties, and rights can make our ethical relations to nature sound dry and abstract. But no ethical system predicated on obligation alone will motivate anyone. With enough work, we may be able to show with logical precision that non-human natural

[25] See (Donoso, 2021) for an exploration of these kinds of concerns in relation to RoN.
[26] See (Winter, 2021)

entities make legitimate claims upon us and have morally weighty interests of the kind which place the rest of the moral community under obligations to protect or preserve them. But this would only be half of the story. As Leopold suggests, changing our ethical orientation towards nature requires that we change our feelings and evaluations:

> It is inconceivable to me that an ethical relation to land can exist without love, respect, and admiration for land, and a high regard for its value. By value, I of course mean something far broader than mere economic value; I mean value in the philosophical sense (Leopold, 1968, p. 223).

Legally enforceable obligations might force people to take actions to preserve or protect the natural world, but this is only a short-term solution. What is needed is the wider development of an "ecological conscience". In short, we need to develop the feelings and evaluations which enable us to see non-human nature as part of our moral and legal community.

Talk of "transforming values" can also sound grandiose and labour intensive. But I would like to suggest that, at least in principle, it is quite simple. Recent literature around environmental valuation has introduced the new notion of "relational values". This is supposed to be a new category of value which captures the unique ways in which indigenous peoples and local communities relate to their natural environment.[27] As I have argued elsewhere, I believe that these theoretical efforts are misapplied, and the "relational values" when properly understood are just a sub-set of intrinsic value. By "intrinsic value" here, I simply mean the evaluative attitude which allows us to see an object as valuable *for its own sake* or *in its own right* rather than for the sake of some other purpose.[28] We don't need any new concepts or terms, we simply need to find a way of re-conceptualising natural entities as being morally significant in their own sake, or – as I have put it in this paper – as seeing them as members of our moral and legal community.

This is good news, at least for non-academics, because it makes the environmentalist's job that much easier. We don't need to persuade policymakers and the public to adopt some new category of value, or some previously unarticulated evaluative attitude towards natural entities. We do not need to undertake some new research project into the nature of "relational value". The evaluative shift required is *theoretically* simple, in the sense of needing no new evaluative concepts. As Kirsi Luke's previous quote suggests, the work is in coming to see nature as kin, and so adopting the same evaluative and ethical attitudes towards nature as we do to other members of our community. But, though we need very little theoretical work to understand the shift needed, the *practical* work required to adopt this perform such evaluative gymnastics in a western context is immense. It involves coming to see nature as morally and legally significant, as having interests which are morally significant in their own right, and as

[27] E.g. (Chan et al., 2016)

[28] This is what Korsgaard calls "final value" (Korsgaard, 1983), see also (O'Neill, 1992). Nonetheless, this is what most environmental ethics mean when they talk about "intrinsic value". See, for instance, J. Baird Callicott's definition of intrinsic value as value nature has 'when it is valued … for its own sake, as an end in itself' (Callicott, 1999b, p. 248). I am taking a neo-sentimentalist approach to intrinsic value here, as defended by Callicott and others, such as Katie McShane (McShane, 2007).

being a member of our moral and legal community. This goes against many of the fundamental assumptions which govern our dominant political, economic, and conceptual systems.

As such, there is only so much that philosophers and other academics can do. We might be able (as I hope I have done) to clearly articulate the concepts by which we evaluate nature, and the limitations, opportunities, and practical consequences of those practices of evaluation. We can carefully present and defend arguments for more ecologically ethical positions, and refute arguments against them. But philosophers cannot *persuade* others to adopt a new mode of valuation. It is rare that philosophical argument is the thing which shifts our patterns of valuation. So how *are* we to encourage this kind of evaluative transformation? I end this paper by suggesting two methods, one legal and one artistic.

The legal method involves discussing, passing, and acting upon legislation which recognises non-human nature as having standing in its own right – RoN legislation for short. For many people, adopting such legislation is a legal fiction, or a legal shortcut, helpful for furthering human interests by protecting natural resources, or empowering disenfranchised groups within a community. But even fiction has a way of influencing reality. The rarely referenced second-half of Christopher Stone's seminal article on awarding nature legal standing talks about cultivating new 'myths' or narratives which allow us to relate to nature in a non-exploitative way, to 'develop our abilities to love' nature, and so move away from a picture of nature as a 'collection of senseless objects' (Stone, 2010, pp. 28–29). This is exactly the kind of evaluative shift which is required.

Stone suggests that recognizing the legal rights of natural entities is a way of enacting the 'change in popular consciousness' required to make this evaluative shift. This is an idealistic conception of law, in which law can actively articulate and develop the best of human sentiments:

> '[T]he Court may be at its best not in its work of handing down decrees, but at the very task that is called for: of summoning up from the human spirit the kindest and most generous and worthy ideas that about there, giving them shape and reality and legitimacy' (Stone, 2010, p. 31).

Discussing and passing RoN legislation legitimizes the conception of nature as something that has independent moral significance. It gives environmentalists a legally endorsed way of expressing the intrinsic value of nature, without having to contort their arguments to fit the language of economic and instrumental interests which currently dominates environmental discourse. And through being forced to consider their positions and articulate themselves in the language of rights, and so at least formally take nature to be a member of the legal and moral community, even purely economically minded people are forced to adopt a perspective which might end up influencing their thoughts, feelings, and evaluations about non-human nature.

The second approach to performing this evaluative shift is experiential. This approach is more direct but less organised than the legal approach. The legal approach may compel people to speak and act in ways that treat nature as a member of the community, and this might

indirectly affect their evaluations and perceptions of nature over time. But evaluative shifts can also occur as the result of direct experience. Direct experience is often the best antidote for narrow or prejudicial modes of valuation. For instance, in many European countries the political climate and popular discourse is turning against vulnerable refugees and migrants. In such a climate, it is very easy for individuals to adopt a prejudicial mindset towards such refugees. However, prejudicial mindsets are much harder to maintain when brought into contact with the reality of their objects, such as a frank conversation with a refugee or direct awareness of their situation. Such an encounter is likely to make someone more sympathetic to the interests and lived experience of the refugee, in a way that alters their evaluations and encourages them to see refugees as people we have duties and responsibilities towards – and so as members of our moral community. Similarly, the best antidote for limited and economic views of nature will be meaningful encounters with nature.

Of course, "direct experience" is something of a misnomer. We rarely – if ever – encounter reality outside of the mediating filter which our preconceptions, assumptions, interests place on experience. Indeed, without some conceptual framing brought to experience by the perceiver, we would simply encounter a random confusion of sensations, rather than any concrete experience. Direct experience – in the sense of experience unmediated by concepts and expectations – is available only to those with serious head injuries or who have taken hallucinogens. As such, it's all very well to tell people to have more experiences of nature, but someone's experience of nature is informed by their conceptual apparatus. The experience I have when walking in the woods will be very different from the experience the CEO of a logging company might have. Whereas I happily inhabit an experience of delighting in the intrinsic value of the woodland, the very same scenery might give rise to an experience of detailed economic costing by the CEO.

This is where art comes in. Art enables experience to be presented in a way that encourages sympathetic engagement. One of art's capacities is to communicate an experience evocatively, in a way that it can be sympathetically engaged with by an audience. A person resistant to seeing a refugee as a moral subject might be swayed by engaging with a documentary film or piece of literature which sympathetically communicates the lived experience of that refugee. Similarly, environmental literature, visual art, and performance can communicate new ways of thinking, evaluating, and treating nature which might bypass some existing prejudices and preconceptions.[29] In this way, artistic and imaginative practice can be instrumental to encouraging the evaluative shift which is central to the adoption of RoN. To take just one example, in 2024 Friends of the River Exe in the UK organised an artistic performance of an assembly of living beings.[30] In this performance, members of the public were guided through an imaginative process, by which they inhabited the perspective of – and discussed the interests of – a particular species of the river's biotic community. At the culmination of the

[29] Here I am drawing from (and heavily simplifying) an account of art presented by John Dewey in his book *Art as Experience* (1934).

[30] A similar method – the "Interspecies Council" – was used to develop understanding and eventual river rights movements on the River Roding. This was led by the organisation *Moral Imaginations*: https://www.moralimaginations.com/interspecies-council. Both approaches were inspired by the work of Joanna Macy (see https://workthatreconnects.org/).

process, participants formed a written agreement, detailing the actions which the moral (and legal) community should take to ensure all species could flourish. This agreement now forms the basis for a legal charter, which would enshrine the rights of the River Exe and its biotic community. In this way, art and legal practice can work in tandem, to encourage and legitimize the evaluative shift which is at the heart of RoN's transformative potential.

6. Conclusion

Many scholars and activists have pointed out that RoN has transformative and paradigm shifting potential. This paper has tried to unpack that claim, by looking at the ways in which RoN encourage us to evaluate nature ethically rather than economically. I have focused on what I have called the fundamental *evaluative shift* from seeing nature as property, to seeing nature as a member of our moral and legal community. Though this seems like a simple shift, it has profound ethical consequences. Seeing nature as property means that our relations with it are governed by economic and instrumental evaluation. On the other hand, seeing nature as having independent moral standing means that our relations with it can be truly ethical, and that (solely) economic and instrumental evaluation is inappropriate (§2). More specifically, I have argued that the difference between economic and ethical relations with nature are a function of whether or not we can owe direct duties to natural entities. It is a unique and distinctive feature of RoN that it presents us with obligations *to* rather than simply *regarding* natural entities (§3). In effect, this is a matter of expanding our conception of the moral and legal community to include natural entities, and this expansion is the crux of the transformative potential of RoN (§4). Finally, I've pointed to two ways in which this transformative evaluative shift might occur – one through recognising the ethical impacts of discussing and passing RoN laws, and the other through the capacity of artistic practice to transform values (§5). [31]

Bibliography

Brennan, A. (1984). The Moral Standing of Natural Objects. *Environmental Ethics*, 6, 35–56.

Callicott, J. B. (1989). *In Defence of the Land Ethic*. State University of New York Press.

Callicott, J. B. (1999a). *Beyond the Land Ethic: More Essays in Environmental Philosophy*. State University of New York Press.

Callicott, J. B. (1999b). Intrinsic Value in Nature: a Metaethical Analysis. In *Beyond the Land Ethic: More Essays in Environmental Philosophy* (pp. 239–261).

Chan, K. M. A., Balvanera, P., Benessaiah, K., Chapman, M., Díaz, S., Gómez-Baggethun, E., Gould, R., Hannahs, N., Jax, K., Klain, S., Luck, G. W., Martín-López, B., Muraca, B., Norton, B., Ott, K., Pascual, U., Satterfield, T., Tadaki, M., Taggart, J., & Turner, N. (2016). Why

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protect nature? Rethinking values and the environment. *Proceedings of the National Academy of Sciences of the United States of America*, *113*(6), 1462–1465. https://doi.org/10.1073/pnas.1525002113

Crimmel, H., & Goeckeritz, I. (2020). The Rights of Nature in New Zealand: Conversations with Kirsti Luke and Christopher Finlayson. *ISLE Interdisciplinary Studies in Literature and Environment*, *27*(3), 563–577. https://doi.org/10.1093/isle/isaa054

Darwall, S. (2013). Bipolar Obligation. In *Morality, Authority & Law* (pp. 20–39). Oxford University Press.

Dewey, J. (1934). *Art as Experience*. Minton, Balch & Co.

Donoso, A. (2021). Towards a New Framework for Rights of the Biotic Community. In D. P. Corrigan & M. Oksanen (Eds.), *Rights of Nature: A Re-examination* (pp. 140–155). Routledge.

Feinberg, J. (1974). The Rights of Animals and Unborn Generations. In W. T. Blackstone (Ed.), *Philosophy and Environmental Crisis* (pp. 43–68). University of Georgia Press.

Gutmann, A. (2021). Pachamama as a Legal Person? Rights of Nature and Indigenous Thought in Ecuador. In *Rights of Nature: A Re-examination* (pp. 36–50). Routledge.

Hohfeld, W. (1917). Fundamental Legal Conceptions as Applied in Judicial Reasoning. *The Yale Law Journal*, *26*(8), 710–770.

James, S. P. (2022). *How Nature Matters: Culture, Identity, and Environmental Value*.

Kauffman, C. M., & Martin, P. L. (2021). *The Politics of Rights of Nature: Strategies for Building a More Sustainable Future*. The MIT Press.

Knauß, S. (2018). Conceptualizing Human Stewardship in the Anthropocene: The Rights of Nature in Ecuador, New Zealand and India. *Journal of Agricultural and Environmental Ethics*, *31*(6), 703–722. https://doi.org/10.1007/s10806-018-9731-x

Korsgaard, C. M. (1983). Two Distinctions in Goodness. *The Philosophical Review*, *92*(2), 169–195.

Leopold, A. (1968). *A Sand County Almanac: And Sketches Here and There*. Oxford University Press.

Macpherson, E. (2021). Ecosystem Rights and the Anthropocene in Australia and Aotearoa New Zealand. In D. Amirante & S. Bagni (Eds.), *Environmental Constitutionalism in the Anthropocene: Values, Principles, Actions* (pp. 168–186). Routledge.

Marshall, V. (2019). Removing the Veil from the 'Rights of Nature': The Dichotomy between First Nations Customary Rights and Environmental Legal Personhood. *Australian Feminist Law Journal*, *45*(2), 233–248. https://doi.org/10.1080/13200968.2019.1802154

McShane, K. (2007). Why Environmental Ethics Shouldn't Give Up on Intrinsic Value. *Environmental Ethics*, *29*, 43–61.

O'Neill, J. (1992). The Varieties of Intrinsic Value. *The Monist*, *75*(2), 119–137.

Salmond, A. (2014). Tears of Rangi - Water, Power, and People in New Zealand. *Hau: Journal of Ethnographic Theory*, *4*(3), 285–309.

Sprigge, T. L. S. (1997). Respect for the Non-Human. In T. D. J. Chappell (Ed.), *The Philosophy of the Environment* (pp. 117–134). University of Edinburgh Press.

Stewart, G. T. (2021). *Māori Philosophy: Indigenous Thinking from Aotearoa*. Bloomsbury.

Stone, C. (2010). *Should Trees Have Standing? Law, Morality, and the Environment* (3rd ed.). Oxford University Press.

Tănăsescu, M. (2021). The Rights of Nature as Politics. In D. P. Corrigan & M. Oksanen (Eds.), *Rights of Nature: A Re-examination* (pp. 69–84). Routledge.

Te Urewera Act 2014 (2014). https://www.legislation.govt.nz/act/public/2014/0051/latest/whole.html

Williams, N. W. (2025). The No Interest Argument and the Rights of Nature. *Philosophers' Imprint*, *25*(27), 1–13. https://doi.org/10.3998/phimp.4583

Williams, N. W. (forthcoming). Thinking about the Rights of Nature: Value, Responsibility, and Relationships. In *The Future of Nature*, Neil W. Williams (ed.). CUP.

Winter, C. (2021). A Seat At The Table: Te Awa Tupua, Te Urewera, Taranaki Maunga and Political Representation. *Borderlands*, *20*(1), 116–139.