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An Introduction

Towards the Multifold Vision

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Observing the sun rising in the awakening light of dawn, the heart rejoices in beauty. Our vision and attitude towards the world form our perception, so tells the Poet of multifold vision and imagination (Blake 1821). He describes different worlds shaped by different states of mind. In the state of single vision (Ulro), of logic, measurements and data capture, the sun is a ‘guinea-form, an average star, in an average galaxy’. In the twofold vision (Generation), which ‘understands biological cycles, productive seasons, farming, and, in the modern world, has fostered great advances in manufacturing’, the sun is a ‘celestial nuclear furnace which forged the building blocks of life, such as carbon’. In the threefold vision (Beulah), where ‘there is an awareness and desire for felt relationships’, ‘ethics, morality and justice’, the glorious Sun is sharing heaven with the resplendent Moon, and is ‘praised for its warmth and light’. In the fourfold vision (Eternity), relational knowledge is combined with ‘multivalent perception and creative powers of imagination’, ‘space is fractal and time fluid’, the Sun like ‘the cosmos is alive and pluriform’. We can ‘perceive the interior vitality of the world as well as its interconnecting exteriors’, and ‘make sense of the best of the other states: the discernment of Ulro, the expansiveness of Generation and the feeling of Beulah . . . The geniuses of science and the arts work hand-in-hand, illuminating each other’, and ‘imagination’s ingenuity isn’t only spectacular and fun, but generative and lasting’ (Vernon 2020). These different worlds spring from different modes of vision. And each vision can open on to a wider world by a shift of conscience. Artist Olga Ziemka embodied such multifold imagination of the Poet in her sculpture featured on the cover of this book, entitled *Mind Eye*.¹

¹ Located 2,000 metres high in the Respir’ Art Sculpture Park, Dolomite Mountains of Italy, 2015.

1.1 The Change in Vision

The Messengers came knocking at the Western door of the House of Mica. They had come before – but this time the door opened.² On 22 November 1993, at the United Nations headquarters in New York, they delivered their message: ‘Cry of the Earth – The Legacy of the First Nations’. Seven delegations from the Four Directions, with knowledge keepers and spiritual leaders, gathered for a historic conference.³ For the first time, they shared with the world ancestral knowledge, transmitted orally, regarding the ecological, spiritual and ethical crises confronting humanity (McFadden 2005: 80, 110). They called for an awakening of people, for action and unity:

It is time to mend the Sacred Hoop of life on our Earth Mother.

(Arvol Looking Horse)

We must join hands with the rest of creation, and speak of common sense, responsibility, brotherhood and peace . . . we are the generation with the responsibility and option to choose the path with a future for our children.

(Chief Oren Lyons)

We must live in harmony with the natural world and recognize that excessive exploitation can only lead to our own destruction. We cannot trade the welfare of our future generations for profit now. We must stand together, the four sacred colours of man, as the one family that we are . . . We (human beings) are a spiritual energy that is thousands of times stronger than nuclear energy. Our energy is the combined will of all the people with the spirit of the natural world, to be of one body, one heart, and one mind for peace.

(Chief Leon Shenandoah)

In the wake of the message delivered at the conference, as ‘a gesture of hope and deed of unity’, people gathered for a 3,700-mile walk which started on 23 June 1995, from the ancestral territory of the Wampanoag Nation (The People of the Morning Light) along the Atlantic Ocean by Cape Cod, Massachusetts, to the shore of the Pacific Ocean at Santa Barbara, California, ending on 2 February 1996 (McFadden 2001: 101). Elder William Commanda sponsored this walk joining the two oceans in the perspective of ‘unit[ing] people of all races and religions for healing the Earth now and the Future generations’ (The Sunbow Walk for the Earth, Respect and Harmony with all Creation).

The door opened for the Messengers at a time when a change in vision was expressed around the world, ‘a phase-change in human understanding of the

² Three times since 1923, when Deskaheh (1873–1925), the Mohawk representative for the Haudenosaunee (Six Nations Iroquois Confederacy), went to Geneva to speak at the League of Nations, the ancestor of the United Nations.

³ It included seven delegations representing the Hopi, Maya, Huichol, Lakota, Mi-kmaq, Haudenosaunee (Iroquois Confederacy) and Mamiwini (Algonquin) Nations of North America.

environment' (Primavesi 1998: 75). Since the 1960s, the damages to nature and the earth had been raised notably by scientists (Carlson 1962) and theologians (Moltmann 1980; Berry 1988). And in the 1992 Rio Declaration issued by the United Nations Conference on Environment and Development, 'nature' and 'the earth' are presented as 'threatened natural environment' (Meadowcroft 2017: 57–60). Since then, the environment understood as 'physical environment', 'the natural world, as a whole or in a particular geographical area, especially affected by human activity', manifests 'an implicit problematization of human interactions with our surroundings' (Meadowcroft 2017: 54–55). With the gradual change in vision came to light not only 'the destruction of nature and eco-systems', but also 'the devaluation of living creatures', 'the wholesale exploitation of the Earth' with 'the related oppression of multitudes of human beings' (Gear 2013: 971), and 'a spiritual crisis of the human race' (Regenstein 1991: 153; Vaughan-Lee and Berry 2013). The crisis has been caused 'by how we imagine the world to be – the ideas we have about what constitutes those things we call 'nature', what makes humans human, and how we understand relationship between peoples and the places within which they live' (Bohannon 2014: 3). Such a realisation raised 'very deep questions about the underlying worldviews of thought paradigms within which we are operating', and made 'critical reflexion crucial' (Rawles 1998: 134–36, 43; Spretnak 2011: 6; Sofoulis 2018: 821–22).

Indeed, the change in vision was already blurring the landscape over a century ago. Reflection on the history of what we understand as the modern scientific operating paradigm shows its roots, evolution and interweaving with society, social representations and philosophy across centuries (Morrow 2011). At the beginning of the twentieth century, exploration at both the subatomic and extragalactic levels described 'rips in the fabric of reality' as science then conceived the world to be (Trinh 2019; Espagnat 1994). Such rips – animated by revolutionary thinking in science, technology and eventually ethics – put into question concepts and values of a worldview focused on substance, structure and mechanistic behaviour, dividing reality into categories, opposing subject to object; an epistemology which assumed scientific descriptions to be objective, independent of the human observer and the process of knowledge (Capra 2010: 325, 331). The rip started tearing apart the fabric of many fields of knowledge, decomposing the modern paradigm and beginning to unveil a new scenery in science (Stengers 2010), physics and biology (Capra 2010; Espagnat 1994); social sciences and geography (Harvey 1989; Giddens 1990; Morin 2001; Latour 2004; Johnston et al. 1996: 466); the philosophy of science (Whitehead 1929; Canguilhem 1967; Andler et al. 2002); philosophy (Cadava et al. 1991; Dews 2007; Plumwood 2002); the philosophy of language (Peirce [1878] 1958; Wittgenstein [1953] 1969; Jackson 1988), representations in arts and science (Friggs and Hunter 2010);

theology (Sittler 2004); anthropology (Clifford 2003; Alliot 1983; Ingold 2011; Ratto 2016) and law (Unger 1976; MacCormick 1978; Carty 1990; Rouland 1991; Bankowski and Scott 2000; Kennedy 2006; Koskenniemi 2006; Delmas-Marty 2008).

The manifestations in the different fields are the fragmentation, objectification, cracking of the object and disintegration of the subject, until collective representations and conceptual frameworks of intelligibility no longer provide a coherent, meaningful and effective story (Capra 2010: 325; Ingold 2011; Korten 2015: 1; Cyrulnik and Morin 2018: 11, 16, 21; Carty 2007: 198–99, 231). ‘The deepest crises experienced by any society are those moments of change when the story becomes inadequate for meeting the survival demands of a present situation’ (Berry 1988: 123). Such change has led to reconsidering the contours of the fields as well as knowledge itself. Understood by epistemologists as a ‘propositional attitude’, a mental or social representation works as a framework for thought and action (Gélinas and Bouchard 2013). Representations as truth claims ‘are at once scientific, philosophical and religious’ (Kull, in Favareau et al. 2017: 20), and are constitutive of narratives used in different fields of knowledge (Nash 1994). As Heisenberg highlighted the crucial role of the observer on reality in quantum physics, and participative theory emerged in sociology and anthropology, the understanding of the process of knowledge became an integral part of one’s understanding of reality. In that sense, if our apprehension of the world is mediated by our own approach and representations, then the current predicament denotes a crisis of perception (Capra 2010: 331, 325).

Observing the sun rising – experiencing colours, sounds and myriads of sensations. According to neuroscientists, the ‘vast majority of these sensations are ignored by our conscious mind, while those that we recognize and name become perceptions’ (Lipari 2014). Linking lived experience with mental representations, perception is both an interpretative and creative activity, which combines sensory perception with notions of time and space, experience and intuition (Merleau-Ponty 1996; Watzlawick 1978), and which participates in making reality intelligible (Bouveresse and Rosat 2003). It also implies that ‘we feel our histories as well as think of them’ (Dian Million, in Lucchesi 2019), as representations and emotions are entangled in structured narratives in one’s community or culture (Cyrulnik and Morin 2018: 55). Perception can thus be approached as ‘a process of distilling sensations into linguistic and culturally distinct patterns – that describes, names, and gives meaning to those sensations’ (Lipari 2014). ‘So what perceptions get named, as well as how they get named, is ultimately a social and political matter’, which dimensions of language are ‘not limited to what we name’ (Lipari 2014). Representations are therefore active components of shared social and

material realities, shaped by language and culture, and by different ways of experiencing the world.

Accompanying the change in vision in different fields of knowledge, the Messengers came to remind us that our experience of the world as humans, as our capacity for communion (Vernon 2019), encompasses all the dimensions of our being and relationships. ‘At the forefront of contemporary science, the universe is no longer seen as a machine composed of elementary building blocks. We have discovered that the material world ultimately is a network of inseparable patterns of relationships; that the planet as a whole is a living, self-regulating system’ (Capra 2010: 8). The new physics is an integral part of the new worldview that is now emerging, or re-emerging, in many contested conceptual spaces (Capra 2010: 8, 327), and shedding light on ‘the inherent relatedness of all in life’ (Spretnak 2011: 199). ‘We are profoundly relational beings who have been living – with some difficulty – in anti-relational (mechanistic) systems of thought and ways of doing things’ (Spretnak 2011: 6). The biological sciences are now more likely to observe life in terms of ‘information and communication systems nested in larger communicative systems . . . including natural and cultural environments’ (Wheeler 2016). The change of our perception of reality with quantum physics and biology led many ‘to reconsider our approach to science and lead our way back to the ancient spiritualities’ (Capra 2010: 331, 6), rejoining substance with process, and reconnecting all the dimensions, from the heart to the stars. This is a ‘recovery of relational knowledge’ (Donati 2004; Einstein and Infeld 1993; Ricœur 1983; Kalka 1985; Whitehead 1938: 12–13), reminiscent of such knowledge in the Vedas and Taoism; as well as in the European tradition, with Heraclitus dynamic balance, according to which with material reality, there is also flow and movement (Fagot-Largeault 2006–07).

Conceiving all relations as vibrating waves on the cosmic ocean, like Pythagoras’ music of the spheres⁴ (Martineau 2010) – this is the ancient sense of *Cosmos* in the Greek world where heaven and earth, gods and humans are linked in a community (Pythagoras, in Plato’s *Gorgias*, 507e–508a). *Rita* in Hinduism, *Dharma* in Buddhism, *Tao*, *Ch’eng* and *Jen* in the Chinese world: ‘These are the ancient perceptions of the ordering, or the balancing, principles of the universe, the principles governing the interaction of all those basic forces constituting the earth process’ (Berry 1988: 19). They remind us that from ‘time immemorial, to recognize and act according to these principles was the ultimate form of human wisdom’ (Spretnak 2011: 59). Human knowledge grew in that light. Up to the seventeenth century, ‘the goal of science was wisdom, understanding of the natural order and living in harmony with it’ (Capra 2010:

⁴ According to which the planets and stars move to musical ratios, therefore producing a symphony.

335). This recollection in the perspective of current challenges inspired the United Nations General Assembly Resolution 66/288 of 27 July 2012, entitled *The Future We Want*, which recognised that ‘planet Earth and its ecosystems are our home’, and that ‘in order to achieve a just balance among the economic, social and environmental needs of present and future generations, it is necessary to promote harmony with nature’, a more holistic approach to reality. This approach leads us to rebalance our notion of responsibility from a focus on the individual to a focus on the relational process involved (McNamee and Gergen 1999): rediscovering traditional knowledge, such as the *Ubuntu* principle of connectedness and mutual construction in South Africa, the Anishinabe *Sitokotati8in* principle meaning our interdependency and solidarity in North America, or *Ngarlimbah*, the Walmajarri concept of unity and reciprocity between people, spirit and environmental realms in Australia.

These principles invite us to rethink of our existence as ‘interbeing’: ‘We interare, they interare, everyone interis’ (Thich Nhat Hahn). Re-envisaging science and society in that light, ‘we see the world more fully’ – it can produce ‘a new species of knowledge, a new way of being in the world’ (Kimmerer 2020: 46, 47). New approaches and theories have emerged in various fields of knowledge and practice in that perspective about ‘representational activity creating reality’, such as ontological levelling and non-representational methods like practice theory and performance studies (Sofoulis 2018: 821). This relational shift is a ‘fundamental change of worldview that is occurring in science and society – a change that is nothing less than the unfolding of a new vision of reality – and the social implications of cultural transformation’ (Capra 2010: 6). Because the ‘stories we choose to shape our behaviours have adaptive consequences’ (Kimmerer 2020: 30), ‘this is a moment of unprecedented opportunity to create a future consistent with our nature and possibility as living beings born of a Living Earth born of a Living Universe . . . Communications technologies now give us the capacity as a species to choose our common story with conscious intention’ (Korten 2015:1).

1.2 Opening on to the ‘Fourth World’

We come full circle in this place – The Stranger and the Ancient Race.
(Elder Jane Crane)⁵

The Messengers to the House of Mica recalled our interrelatedness and exhorted us to unite, while the obstacles they encountered to deliver their message exposed the dividing barriers still standing before the fourth world – imperialism, oppression,

⁵ Elder Jane Crane (2014) in Heppner (2020).

discrimination and ignorance. These barriers made this world ‘the most distant from the political and economic core’: the ‘populations were decimated by direct violence, structural violence, and disease, and survivors were forcibly relocated into territorial enclaves representing a fraction of the land and resource base they had originally occupied’ (Wilmer, in Beier 2009: 187, 193). The peoples of this world are ‘among the poorest of the poor, and thus the most threatened segment of the world’s population in terms of social, economic and environmental vulnerability’ (International Labour Organization 2017). Barriers of historical negative representations, prejudices and reductive scientific categories kept out of reach millenary languages, cultures and wisdom (Clarkson et al. 1992: 9; Battiste 2000: 5; Jansen and Pérez Jiménez 2017: 28; Menski 2005: 396; Castillo and Strecker 2017: 28). Such barriers prevented access to information outside of the dominant meaning system, and precluded understandings of other modes of knowledge and living, legal traditions and systems, and integral forms of spirituality (Clarkson et al. 1992: 9–10; Napoleon 2007: 1–2; McCaslin 2005: 3–4; Menski 2005: 394; Beier 2009: 197; Berry 1988: 184; Sousa Santos 2014: 238). That world displaying its ontological specificity (Stewart-Harawira, in Beier 2009: 216) belongs to the 370 million Indigenous peoples spread out in more than 90 countries around the world, with about 4,500 distinct cultures and as many different languages and dialects (Castillo and Strecker 2017: 25). They ‘are stewards of about 80 percent of the world’s remaining biological diversity and account for 90 percent of its cultural diversity’ (Dowie 2017: xiii). If they are characterised by ‘a special condition, namely that of collectively facing specific forms of social injustice that are the consequence of colonialism’ (Pulitano 2012: 29), and clear common issues across the globe (Bellier and Legros 2001), they hold a vision which is ‘key to the future survival of humanity’ (IISD 1992: 7).

Removing barriers, restoring sight. The Sustainable Development Goals of 2015–30 recognise that all our needs are intertwined with each other’s and with our environment, and that ‘delivering social justice and protecting the environment are closely linked’ (Future Earth Report 2020: 10; IISD 1992: 7; Boff 1997: 319–27). This demands addressing poverty and inequality, as well as marginalisation and discrimination (Stoett 2012; Fox and Stoett 2016: 567–68). While this was recognised regarding the ‘third world’ in peace and development approaches, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP 2007) recognised and defined these issues regarding the ‘fourth world’, stating principles, standards and guidelines to that end (Pulitano 2012: 29). Many countries and regions have started removing barriers (ILA Kyoto Report 2020). Indigenous peoples’ collective rights to their traditional lands, cultural heritage, self-determination and autonomy, as well as to the reparation and redress for the wrongs they have suffered, are now recognised as rules of customary international

law (ILA Sofia Report 2012). The participation and leadership of Indigenous peoples is presently considered necessary for the ‘transformative and cross-sectorial systemic change required to deal with the climate crisis’ (IPCC 2018, 2019; Díaz et al. 2019). It is notably based on the consideration that ‘respect for Indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development’ (UNDRIP, para. 11) (Roué and Nakashima 2002). It includes their ‘distinctive spiritual relationship’ to their lands, territories and resources, with their right to ‘uphold their responsibilities to future generations in this regard’ (UNDRIP, art. 25). The Declaration on Cultural Diversity recognises the ‘contribution of traditional knowledge, particularly with regard to environmental protection and management of natural resources, fostering synergies between modern science and local knowledge’ (UNESCO 2001, Action Plan, para. 14). The importance of Indigenous knowledge, innovation and practice to the conservation and sustainable use of biological diversity is notably asserted in the UN Convention on Biological Diversity (CBD) (CBD 1992, art. 8). The World Conference on Science (Budapest, 1999) urged governments to promote understanding of Indigenous knowledge systems, to generate the necessary intellectual space and create a conceptual framework open to it (Battiste 2002: 6). Global assessment programmes, such as the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) have been developing ‘constructive ways of creating synergies across knowledge systems’. Such ‘complementarities ... have advanced the understanding, and in many cases improved management of ecosystems, critical natural resources and biodiversity’ (Tengö et al. 2014: 582–83, 588).

As with the ancient parable of the Elephant in India, ‘situated knowledges support epistemological pluralism and recognize that every body of knowledge illuminates some aspects of the world’. According to such a ‘situated knowledge ecology’, ‘a diversity of knowledge types is valued’ (Sofoulis 2018: 821; Haraway 1988). By acknowledging ‘the uniqueness of each knowledge system, we can go well beyond a mere pluralist approach to knowledge. Dialogue can become a tool for social cohabitation, as well as for discovering and enhancing knowledge’ (Mazzocchi 2006: 465). In that respect, the policy of engagement of the United Nations Development Programme (UNDP) with Indigenous peoples specified that not only ‘their land and resource management, sciences and knowledge’ were ‘a resource for the whole world’, but also ‘their ways of life, cultures, governance, political and justice systems, and healing practices’ (UNDP 2001). Intelligence of reality, as *inter-ligere* (linking between), requires a community of practice in which the different perceptions of the members interact in order to reach a structured vision, a common sense. It involves the ‘co-creation’ and ‘co-nurturing’ of a common research, practice and living (Lévesque et al. 2009; McGregor 2018).

Such a co-creation at the society level is the purpose of reconciliation processes, and concerns not only knowledges or knowledge systems, but the recognition of the specificity of Indigenous peoples, laws and systems, and the experience of constituting with them a common space of meaning (Lamalle 2020b: 168). There is thus a further and decisive step in opening on to the fourth world. Reconciliation notably signifies ‘reaching out to the other to build understanding and relationships’ (Carmichael 2010). Reconciliation as ‘ontological encounter and real intercultural dialogue’ goes beyond the content of specific knowledge, cognitive approaches and practices. It demands the recognition, understanding and interaction with Indigenous law and legal traditions (Beier 2009; Napoleon and Friedland 2016; Castillo and Strecker 2017: 351). Notions of law and justice in Indigenous legal traditions are very different from their understanding in modern legal systems (McCaslin 2005: 3–4), notably in their form and process (Menski 2006: 394). The recent revitalisation of Indigenous law and languages in various countries contributed to highlight their structural and conceptual differences: ‘within Indigenous justice systems, there is more emphasis on duties, obligation and responsibilities’, and the most distinct aspect of such a worldview is ‘the intimate linkage between the natural world, spirituality, and collective relations’ (Dorough 2009: 274), which implies the connection to the heart and to the earth (Castillo and Strecker 2017: 75). This encompasses all aspects of Indigenous ways of life – such as ontology with all as integral components of ‘one system’ is shared by many Indigenous cultures around the world, including not only ‘ritual, economic, residential and kinship rules and conventions, but also what we would call natural laws and technological rules’ (Austin-Broos and Merlan 2017: 11). The recognition of Indigenous law therefore challenges both the current definitions of ‘law’ and ‘environment’ in modern legal systems. In that regard, the experience of reconciliation in Canada has unlocked and pushed the doors for ‘ontological encounter and intercultural dialogue’ since the Royal Commission on Aboriginal Peoples (1991–96), dismantled the scaffolds of discrimination and cleared the windows of perception with the important work of the Truth and Reconciliation Commission (TRC) (2008–15). As an ethical space of encounter and dialogue, the TRC launched the process of co-creation of new representations and practices with Indigenous law and approach to justice (Lamalle 2015: 22–23). We have been removing barriers. We have discovered another world. We are now beginning to unfold a new vision of law and society.

1.3 A New Legal Consciousness

Describing the Coronavirus as an ‘SOS signal’ for humankind, leaders at the World Health Organization (WHO), CBD and World Wildlife Fund (WWF)

explain that pandemics, such as the one experienced since the beginning of 2020, are the result of humanity's destruction of the environment and 'a warning to us to mend our broken relationship with nature'.⁶ As witnesses to the Cry of the Earth, the harm done to human well-being and the natural world is now tangible for everyone (UN HRC Report 2019: 13). A 'change in societal values and perceptions' is called for, meaning 'that previously accepted practices are now deemed problematic' (Meadowcroft 2017: 63–65). The current situation is 'not only a crisis of the physical environment but also a crisis of the system of representation and of the institutional structures through which contemporary society understands and responds to environmental change' (Bergthaller et al. 2012: 262).

While the fabric of a fragmented world (Cyrulnik and Morin 2018: 11, 16, 89) is progressively falling to pieces, solutions remain embedded in the conceptual, methodological and institutional weft of that fabric. Political options are limited in an objectified world which is approached by an 'environmental governance based in markets, exchange and offsets' (Godden 2012: 264; Korten 2015: 25) and restricted by a narrative about 'management of natural resources', 'carbon trading', 'distribution of environmental costs and benefits', and 'negotiation of environmental limits'. Such structures and approaches raised 'serious concern about legitimacy and accountability, prompting patterns of responses to those concerns in many areas of global governance' (Godden 2012: 264–65; Gear 2013: 969–70). How we envision the environment affects how we envision the environmental problems and their solutions (Bohannon 2014: 4–6). Considering that 'discourses are embedded in language', 'an environmental discourse is a 'social construct' reflecting how people interpret, give meaning to and represent the environment' (Dryzek 1997: 7).

Law is a vital component of environmental governance, since it 'acts as a key locus for the generation and affirmation of discursive knowledge about the environment. In turn, though, this knowledge frames the assessment of the efficacy of various types of legal responses' (Godden 2018: 267–71). As the place of intersection of various fields of knowledge and practice, the legal field displays the same fragmenting and objectifying pattern that has proven inadequate to address current challenges (Grant et al. 2013: 957, 963; Gear 2013: 971; ILC 2006). With the change in vision transforming different fields of knowledge, 'a new imagination is required' (Thomas-Pellicer et al. 2016: 2): 'we need a Copernician

⁶ The Head of the UN Convention on Biological Diversity, Elizabeth Maruma Mrema, the World Health Organization Director for Environment and Health, Maria Neira, and the Head of the WWF International, Marco Lambertini, 'Pandemics result from destruction of nature', say UN and WHO, Damian Carrington, environment editor, 17 June 2020. According to scientists on emerging infectious diseases, diseases like SARS or Ebola, as well as the spread of older diseases such as malaria, are linked to the deforestation and destruction of ecosystems, to the manipulation and traffic of fauna and flora and to climate change.