

WHY EARTH JURISPRUDENCE NEEDS POETRY

GEOFF FOX¹

Poetry starts personal. It is not a precise science or precise discipline. It is a profoundly human discipline within which individual poets express themselves and examine their places in the world.

Law and the associated discipline of jurisprudence need to be more precise. Likewise, our endeavour, Earth Jurisprudence, needs to be precise. But in order for Earth Jurisprudence to become the accepted jurisprudence of this world, Earth Jurisprudence needs the support and understanding of the people of this world. Maybe the imprecisions of poetry can help.

Poet, environmentalist and senior counsel Brian Walters writes:

The law is a means by which the community asserts its values and its organizing principles. The community strives to achieve justice through the law in a way which reflects these values and principles. The values of the community, and therefore its organizing principles, change over time. The law itself usually follows behind in this process. At present the law of most nations does not recognize the rights of the environment (a notable exception being Ecuador). Poetry is a means to explore our concerns and values – and those of the community - and bring them to the surface in a fresh new way. Often the act of writing or reading poetry helps us appreciate things of which we were not consciously aware at all. Poetry takes us out of our comfort zone and reveals new things. Whenever my poetry better expresses myself and my values, and helps me search for those values, it hopefully gives those who read or listen to my poems something which aids them in the same endeavour. From this should, ultimately, spring values which give a foundation to laws which recognize and protect the environment.²

In a similar spirit of basing Law on what is best in life, superannuation lawyer and Scottish folk singer John McKelvie writes when asked how he sees his poetry contributing to Earth Jurisprudence:

If I can turn the air I breathe, derived from the life of this amazing
Planet, into a song, that song celebrates life, and, if I can encourage others
to join me in that celebration, we may spread awareness just how precious a
gift we have been given and treasure it more deeply.³

1 Convenor of the 'Extending Human Communion' poetry reading on Aboriginal land at 'Keeping The Fire'. The poets contributing poems to this reading were Brian Walters, Aunty Barbara Nicholson, John McKelvie and Geoff Fox.

2 Written in 2011 in private correspondence with the author.

3 Written in 2011 in private correspondence with the author.

May all of our laws follow this beautiful poetic spirit.

1

My forefathers' religion
was imposed upon Australia
to worship death
& point too much
to the old Jerusalem:

EARTH JURISPRUDENCE IS THE NEW JERUSALEM

(with apologies to William Blake)
& did those feet in ancient times
rest in brown Australian caves
& did the holy fish of God
ever ride our breaking waves
& did the countenance divine
shine forth in our southern stars
& was Jerusalem ever built here
among these dark satanic bars
Show me a spinning boomerang!
Bring me songlines of desire!
Clothe me in wool! O clouds unfold!
& let me move to keep the fire!
I will not cease from mental fight
& I will stretch a friendly hand
Till we have built Jerusalem
To bring us back in tune with land.

2

McMockracy succumbs.

And yet it swears

to deliver the truth

the whole truth

& nothing but the best possible

version of the truth

that a big cumbersome system

with many competing interests

can deliver:

McMockracy succumbs.

3

Our army must be redeployed
from fear of our neighbours
& distant stupid wars
Our army must defend
all our living friends
from the forests to the seas,
defend them from the enemy
most dangerous,
Let the army change its course
for something more courageous
& save us from us.
Cos when all soldiers defend trees,
all people will know peace.
And all the trees
we save
can save us.