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Ecofeminizing law.

Some Notions Toward Rethinking Law for Equity and Sustainability

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ABSTRACT: Until recently, gender has remained unarticulated in the discussions about the geological era we have entered: the Anthropocene. However, the patriarchy-capitalism alliance has played an important role in the transition from the Holocene to the Anthropocene. Together they have defined the hierarchies, exclusions and forms of appropriation that have ultimately led to a crisis of sustainability and justice. In this context, modern law has legitimised the joint deployment of both systems. Within the current structures of law, the legal subject of modernity remains the *Andros*, a mere fiction that pretends that the rights-bearer is independent and self-sufficient. The fallacy of universality has allowed *him* to take the lion's share, at the expense of the exclusion of large masses of the population from the distribution of resources. This occurs, to a large extent, through the traditional relegation of women to nature and the private sphere as reproducers, carers and providers. Indeed, law does not recognise the intrinsic vulnerability of the human being, which is exacerbated by individual, social and environmental experiences. Therefore, it seems necessary to reconceptualise the legal subject embedded in law. Only by recognizing the multiplicity of vulnerabilities will we move towards fairer, more resilient and more sustainable societies.

KEYWORDS: law-from-below — care — interdependency — ecodependency — commoning — Anthropocene.

SUMMARY: 1. Introduction: whose Anthropocene? 2. Law as a legitimiser of capitalist patriarchy. 3. Andros: the legal subject of modernity. 4. Rethinking law towards care. 5. Some conclusions. References.

1. Introduction: whose Anthropocene?

In the current complex global scenario, characterised by the impact of human activities on the Earth System, part of the scientific community has long used the Anthropocene concept to frame the ecological changes we are experiencing. This is considered to be the new era we have entered, which follows the Holocene (Stoermer and Crutzen, 2000, pp.17-18). The term came into currency as a comprehensive narrative of the present across a wide range of disciplines, both in the natural and social sciences. There is even a Working Group on the Anthropocene, which belongs to the Sub-Commission on Quaternary Stratigraphy, within the International Union of Geological Sciences. However, this claim of anthropogenic action on the environment has recently provoked criticism from various quarters, including, of course, feminist theories and movements. While it is true that humans have taken over the planet, the question many are asking is who is the actual 'Anthropos' of this Anthropocene, and who has defined it as such. Many scholars note that not all humans have participated to the same extent in the structures that have led to this paradigm shift (Malm & Hornborg, 2014; Hornborg, 2019). Indeed, political and legal regimes at all levels, educational institutions, economies, and a large part of civil society, have traditionally revolved around the needs of a particular ideal man.

Some have even wondered whether it would not be more correct to speak of the 'Manthropocene' (Raworth, 2014) or 'Andropocene' (Morrow, 2021, p. 210)[1]. After all, it has been the predatory dynamics promoted largely by men that have led to the unlimited exploitation of natural resources, producing in the end a planetary transformation. Deep gender inequalities were, in fact, necessary conditions for the inauguration of the new geological era, especially through the control of women's reproductive power (Federici, 2012; Bielska-Brodziak et al, 2020). No doubt, the hegemonic Anthropocene discourse fails to incorporate a diversity of voices in its discussions. Humans do not all have the same relationship with the Earth; the use of its resources is completely unbalanced.

[1] As a curiosity, from 2009 to the present, the leadership of the Anthropocene Working Group has been overwhelmingly dominated by male Western academics, yet another example that gender bias is still present in the scientific community. At the beginning of 2022, only a modest 18% of the team was still made up of women scientists (AWG, 2022). Or, what sounds worse, 82% of the list was made up of men's names. This work team is supposed to "unveil" the current state of the planet and give clues on how science should address the climate emergency for a planet not inhabited exclusively by white men scientists.

We should be aware not only of gendered experiences but also of other intertwined axes of domination that condition the relationship with nature. Roles, responsibilities, and vulnerabilities are also crossed by race, ethnicity, age, class, sexual orientation and identity, as well as educational level or access to land (Djoudi and Brockhaus, 2011). Moreover, these categories can change and be renegotiated throughout life. The intersection of these variants of identity and experience offers differential opportunities for individuals and allows for diverse forms of adaptation and transformation. By naming humans as the dominant influence on the planet since industrialisation, proponents of the Anthropocene conceive of humans as planetary climatological or geological forces that operate equally (Grusin, 2017, p. ix) regardless of their conditions, capacities, and behaviours. But intraspecific hierarchies cannot be ignored in attempts to understand the current ecological crisis. Ultimately, we will never be able to address soundly the future of humanity if we ignore the dynamics that fragment it.

Changing the system of socio-ecological relations requires powerful and varied tools. Clearly, we need transformations in science, research, economy and politics. But the instrument I am going to focus on here requires all of them, and at the same time cuts across all other disciplines, becoming an important explanatory variable of current economic, social and political performance. In this new scenario, it is absolutely necessary to analyse law as an essential device for disciplining society. This institutional apparatus confers not only a set of rules and duties but also powers on all human beings. It establishes the basis for social coexistence, but it has also turned out to be the paradigm for the distribution of resources. Precisely, all too often, law has been implicated in power dynamics and social hierarchies, to the detriment of nature and all other coexisting and future human and non-human beings.

The focus of this chapter is on law, both as a fundamental instrument of social order and as a legitimiser of the exploitative dynamics that have led to the Anthropocene. The aim is to analyse how law has traditionally served the particular interests of a very specific subject: the Western white male owner of bodies and goods. But the future is not yet written, and fortunately, law is a malleable tool and can be transformed to boost the reforms needed to address the Anthropocene. My proposal is to rethink law as a strategy of social organisation to put life —and not accumulation— at the centre, moving towards fairer paths, such as social and environmental justice. Applying both a gender and ecological perspective to hegemonic law, or, directly, *ecofeminizing* law, is a huge

challenge, but it seems entirely necessary in the face of the climate emergency. For without equity there is no sustainability.

2. Law as a legitimiser of capitalist patriarchy

Throughout history, the main structures of domination (heteropatriarchy, capitalism, colonialism) have found in law a safe and comfortable means for their deployment. The global neoliberal legal framework has legitimised the rules of distribution and appropriation of natural resources, bodies and peoples. Thus, the discipline of law is deeply implicated in the systems that have sustained capitalist social metabolism on a planetary scale, brought about the end of the Holocene (Robinson, 2014, p. 13), and precipitated the current eco-social crisis. Of course, this capital is by no means evenly distributed. The closer the individual is to the model of the white, Western, middle-aged, heterosexual and rational male, the more favourable the conditions are for him to accumulate capital. The further the subjects are from this description, the less likely it is that their human dignity will be respected, their voices heard and their experiences taken into account. They themselves become the capital, commodified under the control of this prominent and privileged subject. Indeed, capitalism is essentially unequal and is based on hierarchical social differentiation.

Of course, these disadvantaged people are much more likely to be women. The structures of law limit women's access to justice and resources, commercialise their bodies, discipline their sexuality and control their reproduction (Federici, 2019, p. 176). Still today, the hegemonic legal discourse is built on heteropatriarchal assumptions, unable to go beyond the male referent as the universal norm. Indeed, the liberal-democratic tradition has defined an isolated and independent subject, who freely deploys his activity. Freedom, property, and self-fulfilment, thus, are the pillars of his inviolable sphere. Under the trap of law's universal vocation, a minority of white male owners have shaped and controlled it as an institution, as a practice, and as a source of meaning. Legal texts and practices contain, produce and reproduce heteropatriarchy, determining much of its content and form, normalizing and legitimizing gender inequality. Transgressions are still present and take many forms, often as a legacy of long historical exclusion.

Too often, the problem is the absence of a legal umbrella that takes into account the inherent vulnerability of human beings. Or rather, that is genuinely aware of the specific vulnerabilities that people face owing to their different experiences in the world and in society. The contemporary understanding of the subject of law is an impoverished one,

built on an ideology that values freedom over equality, ownership over commonality, and manipulates contractual concepts, such as choice and consent, to justify exploitative relationships. Since legal concepts and categories are constructed on the basis of a very specific gender, race and class, the state's responsibility towards individuals does not focus on specific protection needs. For instance, women are not always guaranteed their sexual health and reproductive rights, their economic independence, their care work is not recognized in any way, etc. This leads to a vicious circle: by not taking into account the diversity of vulnerabilities, law makes lives even more fragile.

Among the pillars of the rule of law are legal stability and predictability (Schwarzschild, 2007, p. 681; Lindquist and Cross, 2010, p. 1). These principles inevitably entail reinforcing the status quo and existing power relations. Nevertheless, these are so normalised and entrenched that they are often invisible. Sustainability and equity, on the other hand, constantly demand change. Both concepts are never fully satisfied; they are dynamic by nature, they are always "becoming". And it is not easy for law to adapt to rapid and unprecedented processes of change. All levels of law are facing setbacks in providing just and sustainable norms: from international treaties, through constitutions, civil laws, and even local and regional legislation, all legal scales are facing new social and environmental conditions that had never been experienced before on the planet.

Even international law has not yet succeeded in halting the rapid deterioration of planet Earth and social inequalities. Its changes have so far been circumstantial and superficial, as it has not questioned the core elements of capitalist accumulation and the unequal distribution of resources. Nor has it escaped the possessive individualism embedded in hegemonic legal doctrine, which gravitates around private property. In short, it has prioritised the maintenance of capitalist patriarchy over ecological sustainability and social justice. It seems, therefore, that current law does not allow for progress towards inclusive and sustainable processes in the context of the Anthropocene. Everything points to the fact that the current institutions are not the most adequate to support more feminist and ecological alternatives. We need to dig into and question the most fundamental patterns of modern legal thinking and thus develop new governance frameworks.

3. Andros: the legal subject of modernity

If current legal standards do not seem to be the most appropriate forum for the production of sustainability and justice, we should first of all question who the real legal subject of modernity is. While ostensibly the subject of rights is the human being, such discursive neutrality has reproduced and naturalised dominant social norms and practices (Otto, 2006, p. 320), allowing sexism to remain well hidden and entrenched in societies. At the centre of political and social efforts, we find a self-sufficient liberal subject, as if it were neither interdependent nor eco-dependent. Values do not revolve around the human (*Anthropos*), but rather the male human (*Andros*) (Mickey, 2016, pp. 73-74; Puleo, 2019, p. 71). The individual is configured as the primary subject of the group: he is supposedly rational, active, public, autonomous, and in no need of special rules for his protection. The recognition of these particular attributes reduces such a subject to a very specific (white) male experience. The central position of the white male appears, wholly and exclusively, as the status of all individuals in the orbit of the legal system.

To start with, legal systems are safeguarded by a misleadingly universal and abstract human rights discourse. Those rights that were supposed to be the guarantors of human dignity are *de facto* biased and androcentric, based on an atomistic and individualistic vision. The rights-holder materialised, from its inception, in a white male morphology and the socio-political status of the owner, as well as in rationality, autonomy and heterosexuality (Grear, 2010, p. 44). In this way, the dualistic assumptions inherited from enlightened Western thought were maintained. Man thus continued to perpetuate himself as the legatee of the rights of the Citizen.

The dominance of male voices in human rights discourse has been historically evident, including in the drafting committee of the Universal Declaration of Human Rights (UDHR) and in the legal text itself[2]. Of course, the efforts of some women who actively participated in the drafting process should not be underestimated – in particular, the Commission on the Status of Women[3]. Nevertheless, two somewhat suspicious masculine

[2] Eleanor Roosevelt, as the first Chairperson of the Commission on Human Rights, played a fundamental role in the drafting of the UDHR. However, it cannot be overlooked that the fathers of the declaration were eight men and one woman (Roosevelt). Moreover, in 1947-1948, only two female delegates were part of the United Nations Commission on Human Rights. Therefore, the exceptions should not be taken as representative.

[3] Some women managed to change some parts of the Declaration - in fact, the only parts that are gender-inclusive were due to women. Members of the Commission on the Status of Women (CSW), were active participants in the drafting sessions, making recommendations aimed at ensuring the inclusion of women. For instance, the inclusion of "the equality of men and women" in the preamble (Minerva Bernardino), "all human beings", "all" and "everyone" instead of "all men" (Hansa Mehta and Bodil Begtrup), and the

pronouns seemed to make their way into in Article 25, which recognises that everyone has the right to an adequate standard of living for 'himself and his family' and in Article 23, which accords to workers a just and favourable remuneration that ensures for 'himself[4] and his family' an existence worthy of human dignity. In this way, the male figure as head of the family and provider of a household wage was still taken for granted in the 1950s. In contrast, and despite women's involvement in the drafting process, it is particularly relevant that the only specific reference to women's equal rights is in the context of the family (Article 16)[5]. They are mentioned as equals in the private sphere traditionally attributed to them. A space, by the way, where gender-based violence is a daily scourge, and which the text does not mention. Indeed, sexual and reproductive rights are not contemplated either.

Thus, the formulations of the UDHR have extended men's experience as the "standard," the marker of full humanity, while women have been "the other," or the "non-subject" (Otto, 2006, p. 321). It may be that, by not naming women specifically, the Declaration was assuming that the universal was already gendered[6]. After all, the UDHR was born in the context of the United Nations to make the social approaches of the Western constitutional tradition effective on a universal level. To the extent that it responded to such patterns, it is not surprising that it expressed an individualistic and atomised view of society, even within the idea of rights as the core of universal consensus.

Subsequently, the strategy has been to gender mainstream human rights programmes and processes[7]. However, to this day, the inclusion of women within the abstract and universal

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inclusion of non-discrimination on the basis of sex in Art. 2 (Marie-Hélène Lefaucheux). Other women's petitions never prospered (Adami, 2018).

[4] It should be noted that English is particularly prone to this type of binary pronoun choice (himself/herself), as it does not have a common form of the impersonal. The impersonal pronoun does exist, for example, in Spanish and French ("se" and "on", respectively).

[5] Article 16 recognises the equal rights of men and women as to marriage, during marriage, and at its dissolution.

[6] Interestingly enough, the official French version of the UDHR was adopted - and remains so – as the 'Déclaration universelle des droits de *l'homme'*.

[7] Certainly, some of the international efforts to incorporate a gender perspective in the protection of human rights are not to be underestimated. These advances were the result of much work, many debates and many struggles. To name but a few: the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Declaration on the Elimination of Violence against Women (1993) and the Beijing Declaration and Platform for Action (1995). These instruments made it clear that the right to the full enjoyment of all fundamental rights and freedoms requires the consideration of gender specificity. Later, Goal 5 of the 2030 agenda also strives to highlight this need for gender equality to achieve sustainability. But the changes are still very weak.

subject of international human rights law remains a controversial and difficult issue and has not yet been achieved. The UDHR explicitly recognises that "everyone is entitled to all rights and freedoms", without distinction, inter alia, of sex. Despite this, international human rights law has attributed negligible weight to this variation in human embodiment and experience, thus perpetuating complex and historical hierarchies. In large part, it is the very binary construction of sex/gender that contributes to this marginalisation. The full inclusion of women in universal representations of humanity seems unlikely as long as the universal subject, the standard, continues to base its universality in contrast to women, the subordinate other.

And to the extent that women are not fully included in the universal human rights imaginary — or are masculinised to fit the pattern of the autonomous rights-bearing individual — law and legal practice continue to exclude women's perspectives and experiences of environmental protection. It seems that the issue should not be played down. The violation of certain human rights, such as the right to information, participation, association, and education, prevents women from accessing land and other productive resources (OHCHR - UN Women, 2020, p. 18). This obstacle harms women's enjoyment of other human rights, not only related to land, but also to housing, property, health or the fulfilment of economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality. But it also undermines the possibility of advancing towards sustainability, as much of the knowledge about the environment is ignored.

In many rural areas around the world — especially in the so-called developing countries— women's responsibilities still consist mainly of providing daily subsistence for their families (SOFA Team and Cheryl Doss, 2011, p. 7)[8]. This socially attributed role confers on them a strong, traditional ecological knowledge and an interest in environmental protection and management (Montanari and Bergh, 2019). But if one takes the environmental gender gap at the elite level as well, interesting findings can also be highlighted, such as the finding, even after controlling for political ideology and nationality, that women are significantly more likely to support environmental legislation

[8] Women's participation in rural labour markets varies considerably by region. Nonetheless, invariably women are overrepresented in unpaid, seasonal and part-time work. In addition, available data suggest that women often receive lower wages than men for the same work. But clearly there is a lot of diversity, and overgeneralization can undermine policy relevance and planning. Context is important, and policies should be based on sound data and gender analysis.

than men. And the continued under-representation of women in legislative bodies only confirms that environmental policies are disproportionately shaped by masculinised preferences (Ramstetter and Habersack, 2019, p. 1063).

4. Rethinking law towards care

The last decade — and particularly starkly the Covid-19 pandemic — has highlighted our close relationship of ecological and community dependency. We are both ecodependent and interdependent (Herrero, 2013, p. 281), and any pretence to the contrary seems doomed to mere fiction. The solitary, competitive and dominant individual has no place in a post-Anthropocene scenario. The fallacy of self-sufficiency has only served to generate inequalities and the accumulation of resources through private property. On the contrary, the relationship of sustenance and dependence should be recognised as a matter of urgency. The survival of each individual depends on a qualitative relationship with others, with the community, with the land, with the environment. In this new and necessary scenario, everything seems to point towards a legal basis that puts life at the centre; that is, (re)thinking law around the values of care. This includes self-care, but above all, care for others. Laws should take into account the intrinsic vulnerability of human beings, as well as place not just a few, but all lives in conditions of dignity (Herrero, Pascual and González Reyes, 2019, p. 10). This necessarily implies revizing legal categories and redefining the legal subject in terms of protection, affectivity, reparation and resilience.

In this respect, it is particularly important to apply a perspective that encapsulates sustainability and equity in the field of law. Law requires not only gender mainstreaming and effective deployment of the ecological dimension, but a fully integrated vision of both, i.e., an ecofeminist approach. However, it would be dangerously simplistic to try to incorporate a single ecofeminist vision into law[9]. Certainly, assuming that a

[9] Ecofeminism contains a broad spectrum of different approaches. To name only a few main currents, there is essentialist ecofeminism versus constructivist ecofeminism, and, not necessarily within one of these two tendencies, radical, cultural, liberal, and socialist ecofeminisms. According to essentialist ecofeminism, the differences between men and women have their origin in their own differential nature (biological and/or spiritual), which places women, because of their capacity to give birth, closer to nature and therefore more likely to solve environmental problems. Constructivist ecofeminists maintain that there is not a feminine essence that brings women closer to nature or drives men away, but rather that identities have been historically constructed through the hierarchical-patriarchal system. For radical ecofeminists, the link between woman and nature is imposed by patriarchy. Cultural ecofeminists encourage this more intimate relationship with nature because of their gender roles. Liberal ecofeminists call for equal representation of

homogeneous, biased perspective can be the solution to building an adequate response to the challenges posed by planetary transformation seems unacceptable. Ecofeminism is not an abstract or academic project, but something much more transversal. It is the plurality of visions, movements and daily practices, often from the margins, that allow for real transformations. *Ecofeminizing* law, therefore, means starting by listening to the variety of these hitherto silenced voices, their experiences and their needs.

What all ecofeminisms share is a concern for the care of people and nature. Many ideas and practices for these new legal bases of care already exist. They are emerging micro-alternatives all over the world, led by alternative subjects who, according to their environmental and social realities, defend common goods, reproductive forces, community life, respect for resource limits and the non-human living world. These ecofeminist, agroecological and communalist alternatives are developed in everyday life, both in the countryside and in the city, within households, in consumption decisions, in lifestyles and forms of organisation. Indeed, such practices should not leave room for power relations, either colonial, gender, class or species hierarchies. Not only women, but all political subjects — even non-human — might have a place.

We have already noted that law is not fixed or rigid. In fact, it is much more ductile than it appears to be (Zagrebelsky, 1992). Law is not the panacea for conflict resolution or sustainability, but a tool through which to channel these problems. Accordingly, law cannot focus on an eventual redemptive endpoint. Maybe, it is time to rethink it as a constant struggle of diverse points of view or as a process, or even a battlefield. It is a continuous process of transformation. Indeed, conflict itself can be taken as the strategy for moving forward. We would be talking about the constant renovation of a contract between free, equal, and evolving parties, never permanent. Law should therefore be promoted in accordance with a dynamic vision of society, open to possible reform. If law is conceived as a social practice, without a need for permanence and with a predisposition to respond to changing social and environmental circumstances, then it can recognise mobile and adaptable categories.

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women in spheres of power to enable them to participate in environmental decisions, with redistributive rather than restructural policy changes. Socialist ecofeminists argue for a radical restructuring of society, where reproduction and ecology are not subordinated to production. See: (Berman, 1993).

Certainly, the interpretative burden of more open, fluid and fragmented laws would be much higher. Moreover, this proposal may seem contradictory to legal certainty and the democratic principle, as it is understood in formal democracy. But instead, it does not have to be less democratic if the whole process of creation, application and interpretation becomes more participative. It opens up a space for civil society to deliberate and modify the national and international regulatory frameworks that exclude so many marginalised communities from fundamental political spaces (de Sousa Santos and Rodríguez Garavito, 2005, p. 7). Indeed, a rapidly changing system requires all of humanity (institutions, society, science, law, etc.) to adapt pragmatically to such changes. It is perhaps not unreasonable to speak of recovering customary community systems, collective and perpetually *constituent* forms of the administration of justice, never *constituted* (Mattei, 2015, p. 46). There, it is the communities themselves who develop the legal strategies for the creation and defence of spaces of collective solidarity. In other words, it is about *commoning* law from below (Rajagopal, 2003; Bailey and Mattei, 2013, p. 976; Anderson, 2013; p. 899; Capra and Mattei, 2017, p. 14, Ferrando et al., 2020, p. 1284), about forging self-managed normative practices, eventually using or combining the techniques or principles of traditional law.

In this eventual new paradigm, the state monopoly, political and economic elites or hyper-professionalised law are no longer the protagonists in the regulation of resource management. On the contrary, they are organised from below: from the peasantry, neighbourhood associations, employees, consumers, trade unions, NGOs, community care networks... With the clear empowering effect this has on them (Rajagopal, 2003, p. 228; Nanz and Steffek, 2014, p. 315). In other words: civil societies are the architects of their own law (Lloredo, 2020, p. 233). Within this more participatory framework, it seems easier to legally recognise the real concerns of society, irrespective of class, race, gender, etc. Together, these alternative subjects and their practices can turn care for the Earth and living beings (humans and non-human) into a true path towards sustainability and equity. Of course, such concerns can inspire new legal regimes and be translated into international standards, constitutions, laws, regulations, norms, and general principles. In other words, injecting collective practices into basic legal premises can reveal the best ways to deal with the political and legal problems arising from the Anthropocene. Hence the potential for ecofeminist practices and activism to inspire this new legal order.

And here again, this raises the question of the role of women in this eventual framework. Women's experiences, when given an authentic voice, belie the official proclamation that human beings are primarily separate, apart and disconnected from other beings in the world. They also reveal a dimension of human existence that knows itself to be deeply embedded in a matrix of relationships (Mallory, 1999, p. 17). Clearly, women can no longer be seen as the other, but as indispensable, both as environmental and political actors. Not because their socially constructed role has made them caretakers of the land. Nor because it is in their nature to defend the principles of communality and environmental justice. Simply because a radical rejection of current gender/colonial/species/class relations (Barca, 2020, p. 59) implies recognizing them as true subjects of rights.

5. Some conclusions

Law as a social device has protected the interests of a very specific legal subject. It has indulged a particular actor by conferring him power over bodies and territories, allowing him to appropriate common resources, dividing the world into human and non-human, and perpetuating countless hierarchies among humans themselves. This apparent 'Anthropos', embodied and shaped by the ravages of patriarchy, capitalism and colonialism, greatly accelerated the process of planetary transformation, leading to the so-called Anthropocene; an ecological and social crisis that not everyone is experiencing in the same way. Law under liberal premises has ignored the forces of reproduction that have taken care of the biophysical environment that makes life itself possible, made up mostly of feminised, racialised and dispossessed subjects (Barca, 2020, p. 1). By legally encompassing them within the "universal subject of rights", but without considering their specific needs, many voices have been silenced and subordinated to the interests of an increasingly sophisticated and complex capitalist heteropatriarchy. Nevertheless, law has radical potential for change. It may be time to start rejecting the fatalistic ideology that there is no alternative to neoliberal institutions (de Sousa Santos and Rodríguez Garavito, 2005, p. 7). In this historical moment, we have the capacity to use law as an ever-evolving critical tool with which to dismantle the structures of the Anthropocene, while at the same time building a new scaffolding on which to weave a more just and sustainable world.

Ecofeminizing law, that is, reorienting law towards care, makes it possible to recognise the intrinsic vulnerability of the human being and the specific vulnerabilities of the

different subjects of rights. To change the way we relate to other humans and non-humans, legal institutions must necessarily introduce new notions into their discourse. Only through new categories such as protection, participation, affectivity, solidarity, reparation and resilience will we move towards a scenario of sustainability and equity. Certainly, building counter-hegemonic narratives becomes a win-win opportunity for the entire planet. A diverse range of knowledge, experience and skills adds substantive value to the process of building a pathway to sustainability. It also implies questioning the most essential categories (freedom, property, production, reproduction) to see what role they should play in the current climate emergency scenario. Finally, it must be recognised that law is always "becoming" and must recognise its own historicity and location within specific circumstances. When cultural forms and expressions change, legal theory necessarily changes as well. But at the same time, changes in law modify values, beliefs, practices and customs. Because of this vicious circle, law and the theories that inform it are never static, and therefore an ecofeminist transformation of law will always require constant revision.

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