

TITLE:

Transcendental philosophy and ecology: for a jurisprudential approach to environmental issues

AUTHOR:

Research Group “Metamorphosis of the transcendental” - University of Padua

MAIL:

<https://www.mdtphilo.com/>

info@mdtphilo.com

TEXT:

The dramatic consequences of the ecological crisis, from global warming to the progressive depletion of environmental resources, from migration flows to the spread of unprecedented waves of pandemics, cannot but challenge philosophical reflection. In fact, we believe that the era of the so-called *Anthropocene* requires a radical rethinking of all the assumptions that have supported the modern era, and the same formal structures of modern thinking. It is our belief that a transcendental perspective allows us to shed light on contemporaneity not only from the perspective of the ongoing material processes, but also, and above all, from the point of view of the conceptual premises, often implicit when not hidden, of the order of discourse within which the same *ecological issue* is placed. In this sense, our commitment as a research group on transcendental philosophy is directed as much to the critique of the dominant paradigms as to the opening of new philosophical and political perspectives. In its urgency, the current ecological crisis clearly shows how the transcendental exercise of thinking, if brought to its extreme consequences, necessarily leads to a political stance. However, this does not imply any uncritical ideological adhesion nor a new subordination of philosophy to militant commitment. On the contrary, we believe that only the full awareness of the autonomy of philosophy can allow to manifest all those ideological devices that condition, in the public discourse, the ways in which the ecological crisis is faced. In order to be up to what is happening, transcendental philosophy is called to take on a new form, which goes beyond the semantics of theoretical and political representation and moves towards a plurality of jurisprudential practices.

The complexity of the ecological crisis reveals the shortcomings of the conceptual bases of modern political science. These are not simply inadequate: they are substantial part of the problem. From our point of view, if philosophy wants to effectively deal with the problems related to the

Anthropocene, it cannot but radically alter both the logic and the categories through which we usually conceive politics and its practices. It seems necessary to reject the political lexicon of modernity, based on the idea of statehood as the exclusive holder of political legitimacy, on the mechanism of representation and sovereignty, of territorial delimitation on a national basis and on twentieth-century forms of political synthesis and subjectification. This political-legal framework, in fact, is inextricably linked to a structuring of the metabolic exchange between society and environment, grounded on appropriation and extractivism, and, correlatively, to an organization of social relations based on exploitation, exclusion, and hierarchy. We believe that the new forms of mobilization and struggle characterizing the most significant ecological claims impose a radical alternative language that can be translated into the terms of politics as *jurisprudence*. That is, a politics of “cases” and disputes (see, for example, the Royal Dutch Shell case), [1] which does not neglect nor disregard the importance of contexts and institutional actors, but rather assumes them as part of a plural and composite, variable and contingent field of forces where multiple relationships and new alliances are articulated and grafted. These latter are not shaped under the banner of empty identity affiliations but set up by virtue of the sharing of material needs, specific goals, same places and same contexts. Therefore, a politics as a collective exercise of jurisprudence implies the ability to build associations, to give them forms of more or less extended duration through institutions but does no longer imply the assumption of the State-form as its *telos*.

At the same time, such a politics must face the phenomenon of the so-called Anthropocene highlighting its socio-economic roots and its intrinsic relation to a historically determined mode of production. In this sense, we reject any approach that understands ecology as detached from the critique of economic relations within the processes of contemporary capitalist valorization. We also reject a de-historicized, and therefore ideological perspective, promoting a reified and hypostatic conception of “nature” as alien to human, social and political relations. We rather refer to those theoretical approaches that, in recent years, have denounced the *capitalist* substrate of the Anthropocene: *below the Anthropocene, we find the Capitalocene*. Precisely because of this conceptual shift, we believe that a politics as *jurisprudence* must necessarily take as its crucial topic the dimension of *social reproduction*, namely of all those practices and relationships of care and work that, although removed from the logic of capitalist production, preside over the reproduction of life and society.

Given this theoretical framework, we believe the following programmatic points to be essential:

1. *The ecological issue is a political issue*, insofar as it involves the status and the forms that preside over common agency and social relationships.

2. *There is no real way out of the “ecological crisis” without a critical rethinking of the economic-productive structure, models of socialization, forms of political government, and legal system. For this reason, we reject any rhetoric of “sustainable development.”*

3. *The critical rethinking of the economic-productive structure and the forms of politics necessarily calls into question the exercise of philosophical practice as a dismantle of the ideological assumptions of the dominant order of discourse and, at the same time, as the production of a new conceptual toolbox. In this sense, our philosophical proposal moves within the horizon of a new transcendental philosophy.*

4. *The processes of politicization are no longer articulated on the basis of modern legitimacy and representation but are produced at the level of interference between the institutional level and the concrete contexts in which disputes and mobilizations are activated. For us, the ecological challenge, does not end with summits, proclamations, and international conferences. On the contrary, it is played out at the level of targeted regulatory interventions, specific political stances, and molecular claims: court decisions of all levels, committees and associations formed from below for local claims, contextual alliances, self-organization and self-government of territories.*

FOOTNOTES:

[1] Accepting the appeal filed by environmental associations, non-governmental organizations, and more than 17,000 citizens, the District Court of The Hague (trade and business section) ordered Shell, in a ruling dated May 26, 2021, to reduce CO2 emissions by 45% from 2019 levels by 2030.