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From Rights of Man* to Rights of Nature: Reimagining Constitutional Thought

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Abstract

The collapse of the Soviet Union and the restructuring of the world under a unipolar, capitalist order have triggered not only political and economic transformations but also deep ecological crises. Among these, ecological destruction has long remained at the periphery of high politics and constitutional thought. Analyzing international environmental summits, from the 1972 Stockholm Conference to Rio+20 in 2012, reveals a persistent anthropocentric perspective framing nature in opposition to human needs, shaping policies and legal frameworks. At the national level, except for a few notable cases, most constitutions maintain an anthropocentric orientation, failing to meaningfully integrate the ecological crisis into constitutional norms. The liberal-individualist model, which defines rights through an abstract individual detached from social and ecological relations, renders the commodification and systemic dispossession of nature legally invisible. Although the Turkish Constitution addresses environmental issues, particularly through Article 56 linking a healthy environment to individual well-being, it does not confront the structural drivers of ecological collapse. Legislative amendments since 1982 have often exacerbated the crisis by aligning environmental law with market imperatives. This article critically examines the limitations of anthropocentric constitutional thought and explores alternative legal imaginaries in which nature is not merely an object of protection, but a legal and political subject. Within the frameworks of ecological citizenship, critical legal theory, and post-humanist thought, the article develops a theoretical inquiry into whether constitutional law can be reimagined to recognize non-human life forms as subjects of justice. Drawing on pioneering examples such as the constitutions of Ecuador and Bolivia, which grant legal personhood to nature, the article discusses the potential for a radical transformation of constitutional thinking beyond the confines of liberal property relations. Ultimately, this study aims to contribute to constitutional debates grounded in ecological democracy and collective responsibility, advocating the recognition of nature's intrinsic and inherent value beyond its instrumental utility to capital.

Keywords

Ecological Crisis, Constitutional Law, Ecological Citizenship, Critical Legal Theory, Post-Humanism, Environmental Justice, Legal Subjectivity, Nature's Rights.

*The phrase "**Rights of Man**" is intentionally retained for its historical resonance with Enlightenment political thought and liberal constitutionalism. Rather than adopting the gender-neutral term "human rights," this usage aims to underscore the critique of the anthropocentric and individualist conception of the legal subject embedded in early modern constitutional traditions (cf. Arendt, 2018).

1. Introduction

With the end of the Cold War, the emergence of unipolarity in the international system and the global institutionalization of the neoliberal economic order have triggered profound transformations and crises not only in economic and political spheres but also in the ecological realm. The capitalist mode of production and consumption, characterized by its relentless expansion, has entrenched an anthropocentric worldview that regards nature merely as a finite resource reservoir. This anthropocentric perspective has become a dominant framework both in national legal systems and constitutional norms. However, the scale of the environmental crises clearly demonstrates that the relationship between humans and nature cannot be adequately addressed through mere protective or administrative measures; rather, it necessitates a fundamental and structural transformation.

The vast majority of constitutional regulations enacted so far have been based on an individualistic rights conception centered on human welfare, viewing nature not as a legal subject but as an object to be protected. This approach systematically renders invisible the commodification of nature before the law and removes the true perpetrators of ecological destruction from political and legal accountability. For example, environmental provisions in the Constitution of the Republic of Türkiye (e.g., Article 56) reveal that the relationship with nature is defined solely within the framework of human health and quality of life. Such an approach leads to the treatment of the environment not as a commons with intrinsic and inherent value but rather as a factor subordinate to human needs.

A review of the existing scholarship reveals two main shortcomings. The first relates to the fact that, despite the interdisciplinary dimensions of many studies, with a few notable exceptions they fail to sufficiently connect ecological problems with the anthropocentric dimensions of law in general, and constitutions in particular. The second shortcoming emerges in the context of environmental ethics. Within the anthropocentric foundations of law, both broadly and constitutionally, nature tends to be defined not through its intrinsic and inherent value, which underpins the sustainability of life of which humans are a part, but rather as an entity that must be preserved for human purposes, even if not conceived as a mere commodity. This study argues, instead, that both animate and inanimate nature should be understood as a subject, encompassing humans as well, and safeguarded within the framework of law.

This study critically discusses the limitations of the existing constitutional paradigm and advocates for recognizing nature not merely as an object to be protected but as a legal and political subject. In this context, the concept of ecological comradeship (Çoban, 2018b), critical legal theory, and post-humanist thought are employed to explore how constitutional law's relationship with nature can be transformed. By examining constitutional rights granted to nature in countries such as Ecuador and Bolivia, this paper evaluates the possibilities of moving beyond classical liberal constitutional thought. Although not yet pervasive across all constitutions, the recognition of the Whanganui River as a legal person under the Te Awa Tupua Act 2017 in New Zealand (New Zealand Parliamentary Counsel Office, 2017) and the legal acknowledgment of the Atrato River as a subject in Colombia (Constitutional Court of Colombia, 2016) can also be considered in this context. While additional case examples could be provided, this study primarily argues that, in general, the spirit of laws and constitutions remains grounded in an anthropocentric framework. Therefore, although these examples are significant, they suffice here to illustrate that constitutions have not yet produced substantial structural change. The ultimate aim is to articulate the potential for a new constitutional imagination shaped by collective responsibility, which regards nature not as a resource serving capitalist production relations but as an entity with intrinsic value and a societal commons.

Therefore, this study pursues three main objectives. First, it critically examines the anthropocentric limitations of existing constitutional paradigms. Second, it explores alternative legal and theoretical frameworks, including the concept of ecological comradeship, critical legal theory, and post-humanist thought, that reconceptualize nature as a legal and political subject. Finally, it evaluates pioneering constitutional practices, such as those of Ecuador and Bolivia, in order to articulate the potential for a new constitutional imagination grounded in collective responsibility and the intrinsic value of nature.

2. Results and Discussion

2.1. Anthropocentric Constitutionalism: Foundations and Challenges

Modern constitutional law is founded upon a framework designed to protect individual freedoms and property rights. Within this framework, humans occupy the central position in the legal system and political order. Nature, on the other hand, is predominantly perceived as an object serving human needs, possessing economic value, and regulated within the scope of property relations. The anthropocentric approach disregards the intrinsic and inherent value of nature, viewing it solely as a means for sustaining human life. This perspective demonstrates that rights and protection mechanisms related to nature are fundamentally focused on enhancing human welfare and obstruct the legal subjectification of nature.

This paradigm renders the systematic commodification of nature and the expansion of capital invisible within constitutional norms. Consequently, the primary causes of ecological destruction remain beyond legal and political oversight, making the deepening of environmental crises inevitable. Overcoming this situation necessitates the design of a new constitutional order in which nature is recognized as a legal and political subject, and the principle of justice is applied to non-human life forms. This, however, is only possible through reversing the metabolic rift that has emerged from capitalist relations of production and reconstructing the human–nature relationship within the framework of ecological comradeship. While such a transformation requires the reconfiguration of legal systems, and particularly constitutional frameworks, its success ultimately depends on a broader societal reconstruction, from primary to higher education, that embeds ecological values at the cultural level. In other words, legal change must be supported and reinforced by cultural transformation.

2.1.1. The Liberal Individualist Conception of Rights and Property Relations

The foundation of the liberal constitutional order is built upon the protection of individual freedoms, particularly property rights. This conception positions the individual as the central subject of the legal system and political order, while property is regarded as a natural extension of the individual's right to possess nature through their labor. John Locke's classical liberal theory defines property as the value created by an individual's labor in nature and accepts property as a fundamental form of freedom (Locke, 1988). However, Locke's theory is based on the assumption that nature is both an unlimited resource reservoir and that there are no limits on individual usage rights. This approach emphasizes the economic value of nature over its intrinsic and inherent worth, leading to the commodification of nature. The definition of property rights in this manner serves to constitutionally secure capitalist production relations and capital accumulation, while excluding alternative approaches such as the protection or legal subjectification of nature (Harvey, 2010). Within this system, nature is predominantly viewed as a tool for individual interests and market mechanisms; collective benefit, ecological balance, and sustainability are relegated to secondary importance.

Modern constitutional systems also preserve the individualist conception of rights, which especially complicates the constitutional guarantee of environmental justice and the protection of nature. The preservation of capital relations underlying environmental crises has often paralleled the expansion of individual property rights, causing environmental harms to become invisible behind the protective shield of these rights (Schlosberg, 2007). This situation effectively eliminates the possibility for nature's legal and political subjectification. Consequently, ecological crises have not been effectively addressed within constitutional norms, with both nature and the communities affected by ecological crises sacrificed to the interests of property owners.

For instance, the Turkish Constitution formally recognizes the right to live in a healthy and balanced environment under Article 56, framing environmental protection as both a right and a duty of the state and its citizens. However, in practice, constitutional guarantees have frequently been subordinated to market imperatives and property rights. A striking example is the series of legislative amendments and privatization processes in the energy and mining sectors since the 2000s, which have facilitated the exploitation of forests, rivers, and agricultural lands under the rationale of "public interest" or "economic development." Although environmental lawsuits have occasionally succeeded in halting projects—such as hydroelectric power plants or large-scale mining operations—subsequent legal changes and administrative practices have often undermined these judicial decisions. This demonstrates how the constitutional framework, while acknowledging environmental rights in principle, structurally fails to protect nature when confronted with the dominant logic of capital accumulation.

The evolution of Türkiye's environmental legislation clearly illustrates these structural contradictions. The cornerstone of the country's environmental legal framework is the Environmental Law No. 2872, enacted on August 9, 1983. This law has undergone several amendments over the years, reflecting shifts in political and economic priorities. Notably, in 2006, Law No. 5491 introduced significant changes, overhauling the original framework. Subsequent amendments in 2011, 2014, and 2018 have continued to modify various provisions, often in response to emerging environmental challenges and international commitments. These legislative changes have frequently been accompanied by regulatory

reforms, such as the establishment of the Turkish Environment Agency in 2020, aimed at enhancing environmental governance and compliance. Despite these efforts, the underlying tension between environmental protection and economic development persists, with market-driven policies often taking precedence over ecological considerations. This ongoing legislative evolution underscores the challenges in aligning constitutional environmental rights with effective legal and institutional mechanisms for nature conservation.

Critical social theory, particularly by addressing environmental issues in the context of property relations and power structures, emphasizes nature's collective and intrinsic value in opposition to the liberal individualist paradigm (Taylor, 1994). This perspective brings to the fore demands for constitutional protection and legal subjectification within the framework of ecological balance and justice, beyond viewing nature merely as a tool in service of humans. Thus, it advocates for redefining nature-related rights not only as individual but as social and ecosystem-based rights.

2.1.2. Constitutional Citizenship and the Legal Status of Nature

Modern constitutional citizenship is based on a framework where rights and obligations are established exclusively among humans, with nature considered outside this relationship and only indirectly addressed. Citizenship traditionally rests on a reciprocal system of rights and responsibilities between the state and the individual; nature, however, is treated either as an object of this system or as a commodity from which benefits are indirectly derived. This anthropocentric approach confines nature to being a mere entity to be preserved for human survival, failing to recognize its intrinsic value and autonomy at the constitutional level (Eckersley, 2004; Stone, 2010).

One of the theoretical developments aimed at overcoming this limitation is the concept of ecological citizenship, developed by Andrew Dobson. Dobson expands the notion of citizenship beyond the individual-state relationship to include the ethical and political relationship between the individual and nature. The ecological citizen is not only a rights-holder but also a political actor with responsibilities towards nature. This perspective proposes viewing nature not merely as a resource or object but as an equal component of social life (Dobson, 2003).

Building upon Dobson's framework, Aykut Çoban introduces the concept of ecological comradeship, which highlights that the human-nature relationship involves not only legal but also historical, emotional, and political commitments (Çoban, 2018b). Ecological comradeship advocates for class-based and collective solidarity between humans and nature, redefining nature as an active comrade in shared struggle and as a fundamental component of a common life rather than a passive object of protection. This approach calls for recognizing nature's intrinsic and historical value in a political context.

Another significant contribution to transforming the legal status of nature comes from lawyer Polly Higgins, who conceptualizes severe and widespread damage to nature as "ecocide." Higgins argues that such acts should be prosecuted under international criminal law, akin to crimes against humanity. According to Higgins, nature is not merely an object to be protected by environmental regulations but an active legal subject that deserves recognition in international law (Higgins, 2010). This proposal points to a new legal and political imagination that seeks the recognition and protection of nature not only at the constitutional level but also as a global rights-bearing entity.

The concepts of ecological citizenship, ecological comradeship, and ecocide critique the inadequacy of the current constitutional citizenship framework and legitimize demands for nature's political and legal subjectivity. Consequently, the rights granted to nature must transcend protecting individuals' environmental interests and acknowledge nature as an entity capable of asserting its own rights. Such transformations would entail a profound rethinking of constitutional thought, challenging not only individual-centered rights paradigms but also restructuring the human-nature relationship.

These theoretical advancements necessitate a reevaluation of constitutional citizenship and a thorough reconsideration of nature's legal status. Recognizing nature not merely as a resource serving human needs but as an entity with its own rights that must be constitutionally acknowledged holds the potential to expand and transform prevailing understandings of citizenship. In this vein, constitutional reforms recognizing nature's legal personality, as seen in some Latin American countries such as Ecuador and Bolivia, stand as concrete examples of this transformation (Kauffman & Martin, 2017).

2.2. Legal Recognition of Nature as a Constitutional Subject

Efforts to recognize legal personality for nature have recently moved beyond theoretical debates through constitutional reforms that demonstrate the feasibility of such recognition. Particularly in Latin America, the rise of indigenous movements, demands for environmental justice, and post-colonial identity constructions have paved the way for a radical shift in constitution-making processes. In this context, Ecuador's 2008 Constitution and Bolivia's 2009 Constitution stand among the first constitutional documents to grant rights to nature not merely as an object to be protected but as an active subject (Gudynas, 2009; Kauffman & Martin, 2017).

In these constitutional experiments, nature is defined not only as a component sustaining human life but as an entity possessing intrinsic value and rights in its own right. This approach signifies a transformative challenge not only to conventional environmental protection paradigms but also to the classical liberal constitutional framework. The constitutions of both countries aim to reestablish the human-nature relationship on the basis of equality and reciprocal responsibility, institutionalizing the notions of ecological citizenship and collective rights (Acosta, 2010).

However, the implementation of these constitutional reforms has remained limited compared to the advances at the textual level. Large-scale mining, energy investments, and development projects have often led to violations of the rights granted to nature, generating significant tensions between constitutional norms and economic interests. Therefore, these examples represent not only progressive models but also reveal the limits of environmental constitutional norms in practice (Tanasescu, 2013).

2.2.1. Ecuador's Constitution: Rights of Nature

Ecuador became the first country to grant legal rights to nature—referred to as *Pachamama*—in its 2008 Constitution. Article 71 of the Constitution affirms that nature's life cycles, structures, functions, and evolutionary processes have the right to be respected and protected. This provision constitutionally recognizes nature as a legal subject, ensuring its protection not only for human interests but also for the integrity of nature itself (República del Ecuador, 2008). Based on these regulations, legal actions can be brought on behalf of nature, and environmental damage is considered a direct violation of nature's rights. These provisions allow not only individuals but also communities to file lawsuits in defense of nature, thereby expanding collective rights (Kauffman & Martin, 2017).

Despite this constitutional progress, Ecuadorian governments' support for large-scale energy and mining projects has led to violations of nature's rights. In particular, oil exploration activities in the Amazon region have clearly exposed the tensions between constitutional rights and economic development objectives. This situation has revived the question of how defensible the rights granted to nature are in the face of capital accumulation processes (Gudynas, 2011).

2.2.2. Bolivia: The Constitutional Place of Pachamama and the Law of Good Living

Bolivia, through its 2009 Constitution, placed "Pachamama" or "Mother Earth" at the center of its constitutional order, grounding this positioning in the indigenous peoples' relationships with nature. The Preamble explicitly articulates the goal of living in harmony with nature and embraces the concept of *Buen Vivir* (Good Living). Following this, the Bolivian legislature enacted the "Law of Rights of Mother Earth" (*Ley de Derechos de la Madre Tierra*) in 2010 and the "Framework Law of Mother Earth and Integral Development for Living Well" (*Ley Marco de la Madre Tierra y Desarrollo Integral para Vivir Bien*) in 2012 (Plurinational State of Bolivia, 2012). These legal frameworks recognize nature's integrity, life cycles, and diversity at the constitutional level, framing actions that harm nature not only as environmental crimes but also as constitutional violations. Furthermore, the state's obligation to protect nature is established not merely as an administrative duty but as a constitutional responsibility (Gudynas, 2011).

Despite these comprehensive legal measures, serious contradictions remain between Bolivia's constitutional texts and political practice. Large-scale infrastructure and energy projects carried out during Evo Morales's administration elicited strong opposition from indigenous peoples and environmental movements. Notably, the TIPNIS highway project in the Amazon region caused significant environmental and cultural damage despite constitutional protections for indigenous communities. This case vividly exposes the incompatibility between the legal recognition of nature's personhood and prevailing development policies (Tanasescu, 2013).

2.3. Ecological Constitutionalism: A Theoretical Contribution

The relationship between capitalist modes of production and nature has never been solely an environmental issue; it has also progressed in parallel with profound legal and political transformations. This transformation has rendered nature as a passive input of production and a commodity with economic value, reducing the human-nature interaction

to an instrumentalized and fragmented basis. Marx conceptualizes this relationship as *Stoffwechsel* (metabolism). According to Marx, the reciprocal material exchange between humans and nature is a metabolism sustained through production processes (Marx, 1993). However, under capitalist production, this relationship has been disrupted, damaging nature's capacity for reproduction and structurally impairing ecological integrity. Building on Marx's analysis, Foster (2000) introduces the concept of "metabolic rift" to explain the structural ecological disruption caused by the rupture of the metabolic relation under capitalism. Foster argues that this rift represents not only an environmental degradation but also a historical crisis form that deepens social inequalities. In parallel, Güneş (2019) emphasizes that ecological destruction under neoliberalism assumes not only an anthropocentric but also a classcentric character. According to Güneş (2022), the legal order shaped by ruling-class interests both obscures and legitimizes destruction inflicted upon nature. Therefore, the environmental crisis must be understood not only as an attack on nature but also as a class-based form of domination.

Overcoming this structural crisis requires a profound rethinking process not only within environmental law but also at the level of constitutional frameworks. A new constitutional model that defines nature not merely as a protected object but as a rights-bearing subject is of vital importance in this context. Higgins' (2010) concept of "ecocide" and her proposals for granting legal personality to nature provide a robust normative foundation for this transformation by advocating that environmental destruction be recognized as a crime at national and international levels. In a parallel manner, Çoban's (2018b) notion of "ecological comradeship" theorizes an ethical and political solidarity between humans and nature. This perspective proposes to regard nature not only as an object requiring protection but as a comrade with recognized subjectivity sharing a common life. Marx's statement that "nature is the inorganic body of man" (Marx, 1993) philosophically elucidates this reciprocal relationship and opens the possibility of re-establishing it through legal regulations.

This section aims to critically analyze the historical transformation of the human-nature relationship, the emerging forms of alienation, and the legal status of nature from a constitutional law perspective grounded in the theoretical frameworks summarized above. It asserts the necessity of moving nature beyond its commodification and objectification by capitalist legal systems toward becoming one of the subjects of a shared life, a core demand at the heart of ecological constitutionalism debates.

2.3.1. Metabolic Rift, Alienation, and the Impact of Classcentrism on Legal and Constitutional Frameworks

One of the fundamental concepts explaining the structural disruption caused by capitalist production relations in their interaction with nature is the metabolic rift, which Marx defines as the interruption of the reciprocal material exchange between production processes and nature under capitalism (Marx, 1993). The metabolic rift not only leads to ecological imbalance but also deepens alienation from labor, the self, species-being, and nature itself. Although the concept of alienation originates from Marx's classical works, it currently provides a crucial analytical framework for reassessing nature's legal position within environmental and constitutional law (Foster, 2000; Walker, 2018).

As Güneş (2019) argues, environmental crises should be understood not only as outcomes of an anthropocentric perspective but also as products of classcentric production and power relations. Legal systems that protect ruling-class interests limit the effectiveness of environmental law and constitutional regulations by obscuring and legitimizing the destruction inflicted on nature (Güneş & Gholizadeh, 2022; Koskenniemi, 2005). This situation results in the limited scope of legal protection mechanisms for nature and the prioritization of economic growth and capital accumulation processes. In the context of environmental law, Boyd's (2012, 2019) work on environmental rights and constitutional protections highlights efforts to integrate nature's rights with human rights. Boyd notes that constitutional recognition of environmental rights carries transformative potential both for legal protection and social justice. Kotzé and Calzadilla (2018), within the framework of environmental constitutionalism, argue that environmental governance must be restructured in a transformative and inclusive manner. These approaches underscore the need for profound transformation in legal systems to overcome the crisis created by metabolic rift and alienation.

To transcend these limitations in legal texts, especially legislation, Higgins' (2010) concept of "ecocide" and her proposal to grant legal personality to nature hold particular significance. By arguing that environmental destruction should be criminalized at national and international levels, Higgins provides a strong normative foundation against the inadequacy of existing legal orders. Additionally, Peel and Osofsky's (2015) litigation strategies in the context of climate change and Ruhl's (2007) efforts to transcend the limits of environmental protection regulations demonstrate the potential for new interpretations in law and constitutionalism.

Furthermore, Çoban's (2018b) notion of "ecological comradeship" establishes the theoretical and practical grounds for the constitutional subjectification of nature by fostering an ethical and political solidarity between humans and nature. Marx's statement that "nature is the inorganic body of man" (Marx, 1993) highlights the possibilities of re-establishing this reciprocal relationship through legal frameworks.

In this context, the classcentric character of metabolic rift and alienation offers a foundational perspective in environmental and constitutional law's engagement with nature. Moving beyond anthropocentric legal paradigms, the recognition and protection of nature's rights within constitutional and legal frameworks must be pursued. In doing so, ecological constitutionalism can gain legitimacy both theoretically and practically.

2.3.2. Ecological Comradeship, Constitutional Subjectivity, and Prospects for Transformation

The practical realization of ecological constitutional arrangements requires not only the legal subjectification of nature within legal texts but also the effective implementation and protection of these rights. In this context, strengthening environmental adjudication, enabling lawsuits on behalf of nature, and recognizing communities' rights to represent nature are of critical importance (Kauffman & Martin, 2017). Latin American experiences demonstrate that despite constitutional recognition of nature's rights, legal protections can weaken in conflicts with economic interests (Tanasescu, 2013). This situation reveals both the feasibility and limitations of ecological constitutionalism, an indispensable step beyond anthropocentric law, highlighting how complex and challenging such transformations are (Acosta, 2013; Langhelle, 2017).

Moreover, Çoban's (2018b) concept of "ecological comradeship" establishes an ethical and political solidarity between humans and nature. Beyond the legal subjectification of nature, this relationship forms the constitutional and legal foundation for co-existence, mutual responsibility, and sharing at social and cultural levels. In this regard, ecological comradeship can be defined not only as an objective to protect nature but also as a political mode of relation that embraces living together with nature, recognizes its subjectivity, and reflects this understanding in laws. Ecological comradeship facilitates the reestablishment of the metabolic bond severed between humans and nature on ethical and legal grounds, in line with nature's characterization as the "inorganic body" (Çoban, 2018a, 2018b).

For ecological constitutional transformation beyond anthropocentric law to succeed, legal norms must be supported by social acceptance, political will, and effective enforcement mechanisms. Environmental movements at local and global levels will play a crucial role in spreading the ecological comradeship perspective and translating legal gains into practice (Boyd, 2019; Peel & Osofsky, 2015). Additionally, the proposals by Kotzé and Calzadilla (2018) within the framework of environmental constitutionalism provide guidance for transformative and inclusive restructuring of environmental governance. Through the reciprocal interaction of legal and political spheres, nature's rights can be strengthened both normatively and practically. Likewise, Higgins' (2010) proposition to grant legal personality to nature and criminalize environmental destruction at national and international levels will enable the protection of nature as an integral whole, including humanity.

In conclusion, ecological comradeship and the constitutional subjectivity of nature stand at the core of legal and political solutions developed to address the environmental crisis, capable of transcending anthropocentric law. Thus, the relationship between humans and nature will be reestablished, and ecological constitutionalism will offer an indispensable framework both theoretically and practically for the protection and just governance of nature.

2.4. A Proposal for a New Constitutional Model: Legal and Political Subjectification of Nature

The theoretical discussions on ecological constitutionalism in the previous section have addressed the human-nature relationship through historical, class-based, and ethical dimensions, revealing that existing constitutional paradigms either disregard or instrumentalize this relationship. Critiques concerning metabolic rift, ecological alienation, and the legal status of nature not only expose the limits of the current system but also outline the theoretical and normative foundations necessary to overcome these limits. In this context, the redefinition of nature as a legal and political subject must be approached as an essential constitutional transformation process aimed at transcending anthropocentric law and reconstructing the human-nature relationship on a holistic and egalitarian basis for the sustainability of human existence.

Building upon the previous theoretical framework, this proposal envisions a multi-layered transformation that begins with the recognition of nature's rights to representation and legal personality, proceeds to question property regimes,

advances to constitutionally securing common living spaces, and culminates in a political participation model based on the principle of ecological comradeship.

2.4.1. Legal Representation and Legal Personality of Nature

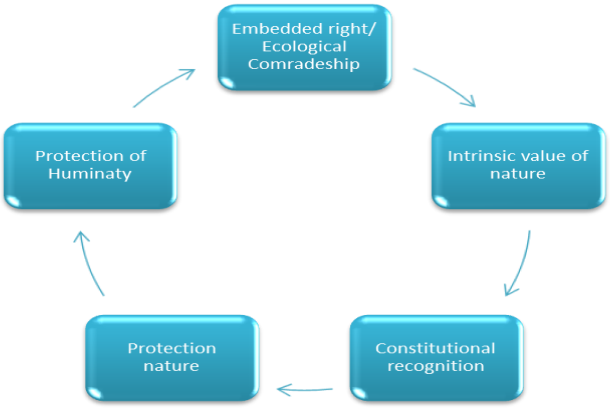
In order to address the ecological crisis comprehensively and effectively, it is imperative to recognize nature as a legal and political subject at the constitutional level. In this context, strengthening legal protection mechanisms related to nature, defining representation authorities, and constitutionally guaranteeing nature's fundamental rights are essential. The basic normative principles proposed for this purpose can be outlined as follows:

- Recognition of Legal Personality for Nature: Natural entities such as rivers, forests, and mountains should be granted legal personality status. Thus, nature would have the capacity to initiate legal actions directly against rights violations and be defended through legal institutions representing it (Stone, 1972; Higgins, 2010).
- Representation and Legal Authorization Mechanisms: Proxy institutions acting on behalf of nature should be established; these institutions should consist of local communities, independent environmental advocates, and public representatives, forming constitutional structures that enable nature's participation in political decision-making processes (Çoban, 2018a, 2018b).
- Constitutional Definition of Ecocide as a Crime: Irreversible and massive damages to nature should be defined constitutionally as the crime of "ecocide" and subject to criminal sanctions under both national and international law (Higgins, 2010).
- Constitutional Guarantee of Nature's Fundamental Rights: Fundamental rights of nature—such as the right to life, self-renewal, and protection—should be explicitly defined in constitutional texts, with violations subject to constitutional sanctions (Boyd, 2019).
- Principle of Ecological Democracy: Constitutional regulations should not only ensure the protection of nature but also guarantee public participation, especially of those affected by environmental injustices, in ecological decision-making processes (Peel & Osofsky, 2015; Çoban, 2018a).
- Intergenerational and Inter-species Justice: Constitutional frameworks should adopt a conception of justice that encompasses not only humans but all components of the ecosystem. Within this scope, the right to life, self-renewal, and protection of nature and all living beings should be constitutionally secured; the right of all current and future living entities to maintain a healthy and sustainable life should be recognized as a constitutional principle (Kotzé & Calzadilla, 2018; Çoban, 2018a).

The proposed normative principles aim to establish nature not merely as a passive object to be protected but as a political and legal subject within constitutional texts. This approach seeks to transcend the limits of the anthropocentric legal paradigm by re-establishing the ontological bond between nature and humans, thereby strengthening the legal foundation for a sustainable way of life. Granting legal personality to nature will enable the direct protection of its rights and facilitate the creation of legal mechanisms representing nature. In this context, nature's representation is not only a legal necessity but also a fundamental dimension of political participation. Consequently, the constitutional representation of nature will open the way for effective and comprehensive legal interventions against ecological crises.

2.4.2. Collective and Holistic Living

Figure 1. Constitutional Approach



The establishment of ecological comradeship, alongside the acknowledgment of nature's intrinsic worth and its enshrinement within constitutional protection, does more than merely safeguard the natural world. It simultaneously affirms the protection of humanity, inseparable from the ecological whole. Humanity, as an inherent part of nature, stands as both its origin and its ultimate consequence.

Recognizing nature as a legal and political subject at the constitutional level is not merely a matter of defining rights; it also entails a normative responsibility to establish how to live sustainably and justly together with nature. Therefore, constitutional arrangements should not only define nature but also determine the legal principles of coexisting with it. collective and holistic living is a vision of common life based on the coexistence of not only the human species but all living beings, ecosystems, and natural entities. The proposed constitutional principles in line with this approach can be summarized as follows:

- Constitutional Guarantee of Ecological Commons: Fundamental ecological components of life such as land, water, air, forests, and seeds should be recognized as "ecological commons" due to their public nature. The constitution should acknowledge that these commons carry a social value beyond private ownership and protect these areas as common living spaces for all beings.
- Principle of Inter-species Collective Living: The constitution should establish a framework that recognizes not only equality among humans but also the rights to life of non-human beings, ensuring the sustainability of these rights. In this regard, the understanding of inter-species justice will form the ethical and legal foundation of coexistence.
- Ecological Participation and Local Ecosystem Representation: Local communities should have direct rights in the protection of ecosystems and the management of ecological commons. The constitution should support governance models based on the direct participation of the public and local ecological units and enable the establishment of autonomous environmental assemblies authorized to speak on behalf of nature.
- Collective Protection of Living Spaces: The constitution should assign the responsibility of collectively protecting the habitats of all living beings not only to the state but also to society. Accordingly, planning, development, and usage policies ensuring the continuity of ecosystems should be constitutionally guaranteed.
- Political Community Based on Ecological Comradeship: Ecological comradeship redefines the constitutional community not solely as a human association but as a partnership established together with nature. In this view, the constitution should normatively recognize the principles of solidarity, reciprocity, and coexistence and shape the boundaries of the political community not only through citizenship bonds but also through the ethical connection established with nature.
- Holistic Ecological Temporality and Restorative Justice: Protecting nature should become a constitutional responsibility not only for current generations but also for repairing ecological debts from the past and ensuring sustainability for future life. The constitution should promote restoration of damaged natural parts and ecological reconnection processes within a holistic temporal perspective.

These normative principles point to a new mode of life where nature and humans do not merely coexist but where the ethical and legal framework of living together is constitutionally defined. Collective and holistic living demands a constitutional transformation that not only protects nature but also restructures the political, economic, and cultural relations established with it.

3. Conclusion

In the current era of ecological crisis, the relationship with nature has become not only an economic and environmental issue but also an ethical, political, and legal matter. This crisis, deepened by capitalist production relations, has transformed nature into both an economic resource and a legally objectified entity. This transformation not only causes environmental harm but also limits nature's legal representation possibilities, reproducing the human-nature relationship on a fragmented and domination-based ground.

The continuation of the current capitalist system and its human-centered legal understanding inevitably deepens the ecological crisis. This crisis triggers an extinction process that threatens not only nature but also the existence of the human species. The limits of a constitutional order that excludes nature and centers only humans have been reached; a

vital threshold has been crossed. Under these conditions, a constitutional paradigm that legally and politically subjectifies nature is not only an ethical imperative but also an existential necessity.

It is clear that the rupture between nature and humans, brought about by capitalism, requires a profound transformation not only in environmental law but at the constitutional level. Ecological alienation and class-centered legal critiques developed based on Marx's theory of metabolic rift have revealed the limits of the human-centered constitutional paradigm. Overcoming these limits has become an imperative that demands re-establishing an ethical and political solidarity between humans and nature based on ecological comradeship. The proposal to adopt a new constitutional model that includes recognizing nature as a legal and political subject is the product of this necessity. This proposal offers a multi-dimensional transformation framework that extends from granting legal personality to nature and regulating ecocide as a constitutional crime to constitutionally securing collective living spaces and constructing inter-species justice. Moreover, it advocates for the collective protection of ecosystems, the inclusion of local communities in governance, and the establishment of a political partnership with nature, all grounded in the principle of collective living.

In conclusion, the ecological constitutional approach goes beyond classical constitutional thought by defining nature not only as a protected entity but as a subject with rights and a voice with whom we share life. This approach provides a transformative political and legal framework not only against environmental crises but also against social injustices. Thus, the constitution must be reimagined not merely as a bill of rights but as the economic, ethical, legal, and political foundation of the collective life shared between humans and nature. Otherwise, ecological crises will turn into an extinction process threatening not only nature but also human sustainability.

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References

Acosta, A. (2010). Constitutionalism in the Andes: Nature's rights and the search for buen vivir. Translated summary, Ecuadorian Constitutional Assembly.

Arendt, H. (2018). *The Human Condition: Second Edition* (M. Canovan, Intro.; D. Allen, Foreword). Chicago: University of Chicago Press.

Boyd, D. R. (2012). *The environmental rights revolution: A global study of constitutions, human rights, and the environment*. UBC Press.

Boyd, D. R. (2019). Environmental rights and the constitution: The legal recognition of nature's rights. *Journal of Environmental Law, 31*(1), 1–34.

Constitutional Court of Colombia (2016) The Atrato River Case, Translation: Dignity Rights Project, Delaware Law School, USA https://climatecasechart.com/non-us-case/atrato-river-decision-t-622-16-of-november-10-2016/.

Çoban, A. (2018a). The infiltration of oikos into polis: Ecological citizenship. *Bir+Bir*. https://birartibir.org/ekolojik-yurttaslik/.

Çoban, A. (2018b). From nature's steward to planetopolis: "Ecological comradeship." *Bir+Bir*. https://birartibir.org/toprak-vatanim-nev-i-beser-milletim/.

Dobson, A. (2003). *Citizenship and the environment*. Oxford University Press.

Eckersley, R. (2004). *The green state: Rethinking democracy and sovereignty*. MIT Press.
Foster, J. B. (2000). *Marx's ecology: Materialism and nature*. Monthly Review Press.
Gudynas, E. (2009). Rights of nature: Ethical and institutional considerations. *Revista Derechoy Sociedad, 32*, 213–227.
Gudynas, E. (2011). Buen vivir: Today's tomorrow. *Development, 54*(4), 441–447. https://doi.org/10.1057/dev.2011.86.
Güneş, B. S. (2019). From anthropocentrism to class-centrism: The sixth mass extinction. *SAV Katkı, 7*, 21–32. Social Research Foundation.
Güneş, B. S., & Gholizadeh, Y. (2022). The uncertain state of development: The implementation of development policies through hydroelectric power plants; The case of Uzunçayır Dam and HEPP, Tunceli. Ankara: Siyasal Publishing.
Harvey, D. (2010). *The enigma of capital and the crises of capitalism*. Oxford University Press.
Higgins, P. (2010). *Eradicating ecocide: Laws and governance to prevent the destruction of our planet*. Shepheard-Walwyn.
Kauffman, C. M., & Martin, P. L. (2017). Constructing rights of nature norms in the US, Ecuador, and New Zealand. *Global Environmental Politics, 17*(4), 62–82.
Koskenniemi, M. (2005). *From apology to utopia: The structure of international legal argument*. Cambridge University Press.
Kotzé, L. J., & Calzadilla, A. (2018). Environmental constitutionalism and transformative constitutionalism. *South African Journal on Human Rights, 34*(1), 71-94.
Langhelle, O. (2017). Constitutional environmentalism: Theory and practice. *Environmental Politics, 26*(4), 583-597.
Locke, J. (1988). *Two treatises of government* (P. Laslett, Ed.). Cambridge University Press.
Marx, K. (1993). *Capital: Volume III* (E. Mandel, Ed.; D. Fernbach, Trans.). Penguin Books.
New Zealand Parliamentry Counsel Office (2017) Te Awa Tupua Whanganui River Claims Settlement Act 2017, https://www.legislation.govt.nz/act/public/2017/0007/latest/DLM6831607.html.
Peel, J., & Osofsky, H. M. (2015). *Climate change litigation: Regulatory pathways to cleaner energy*. Cambridge University Press.
Plurinational State of Bolivia. (2012). *Framework law of mother earth and integral development for living well*.
República del Ecuador. (2008). *Constitution of the Republic of Ecuador*. National Assembly of Ecuador.
Ruhl, J. B. (2007). General design principles for resilience and adaptive capacity in legal systems: Applications to climate change adaptation. *North Carolina Law Review, 86*, 1571-1610.
Schlosberg, D. (2007). *Defining environmental justice: Theories, movements, and nature*. Oxford University Press.
Stone, C. D. (2010). *Should trees have standing? Law, morality, and the environment* (3rd ed.). Oxford University Press.
Tanasescu, M. (2013). Environment, political representation, and the challenge of rights: Speaking for nature. *Global Environmental Politics, 13*(1), 90–108.
Tanasescu, C. (2013). Environmental constitutionalism in Latin America: The cases of Ecuador and Bolivia. *Review of European, Comparative & International Environmental Law, 22*(1), 26-35. https://doi.org/10.1111/reel.12006.
Taylor, C. (1994). The politics of recognition. In A. Gutmann (Ed.), *Multiculturalism: Examining the politics of recognition* (pp. 25–73). Princeton University Press.
Turkish Republic. (1982). *Constitution* [Last amended: 2023]. https://www.anayasa.gov.tr/en/mevzuat/anayasa/.
Walker, R. B. J. (2018). The environmental crisis and critical international theory. *Environmental Politics, 27*(4), 715-729.