CULTURAL AND SPIRITUAL SIGNIFICANCE OF NATURE IN PROTECTED AREAS

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SPIRITUAL GOVERNANCE AS AN INDIGENOUS BEHAVIOURAL PRACTICE

Implications for protected and conserved areas

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ABSTRACT

Many of the world's sacred natural sites are located in territories inhabited by indigenous animistic people and are characterised by spiritual governance, spiritual agency, and biodiversity. Although the significance of indigenous sacred natural sites is being recognised by 'conservationists' as biodiverse refugia, the importance of spiritual governance is not well understood. Through attachment; engagement; and social, cultural, and ritual behaviour, indigenous sacred natural sites reflect the physical, biological, spiritual, and cultural character of everyday lives. Typically, the owners and custodians are *numina*, who place behavioural demands on humankind in return of protection, governance, and blessing. Based on research in southwest China, the aim of this chapter is to provide evidence on the importance of spiritual governance as a prerequisite for protecting the biocultural integrity of many of the world's indigenous sacred natural sites. The chapter concludes with a polycentric legal framework for spiritual governance and examines the implications for the management and governance of protected and conserved areas.

PERSONAL STATEMENT

In 2013, I was prompted to explore the concept of endogenous governance by other-than-human persons after an online discussion following a biocultural audit of sacred natural sites I conducted in the Kawakarpo Mountains, China. I could not believe I was being asked by the discussants to explain the governance of a sacred natural site (inhabited by a *numina*) using the godless typology of the International Union for

Conservation of Nature's matrix. My contribution to this chapter is to elaborate on what I have identified as 'spiritual governance'. It is predicated on the behavioural practices of lay Tibetans in the context of enspirited sacred natural sites and is augmented by my work (published elsewhere) on juristic personhood. I asked Peter Horsley to assist me by providing the legal basis of spiritual governance underpinned by his work among the Maori people of New Zealand. Peter's interests in the subject have been influenced by New Zealand's experience of developing a legal pluralistic response that recognises the profound Maori relationship with the natural world. In addition, he has spent time in several indigenous communities (along with students) in the South Pacific, South Asia, and North America. We have both argued for the application of spiritual governance in the context of protected and conserved areas.

Introduction

The term 'spiritual governance' is being used in this chapter to describe the governance of sacred natural sites that are enspirited by indigenous peoples and consequently inhabited by a *numina* in the context of an animistic worldview. The term en-spirited is used deliberately because it describes a process that is usually contingent on human agency and the prefix 'en-' denotes conversion from a natural state to an enspirited state.

There is a compelling rationale for expanding the concept of governance so that it embraces spiritual governance (by *numina*) if we are to protect most of the world's biodiversity—not only that found in formally protected areas but especially in conserved areas and indigenous people's sacred natural sites. Spiritual governance is a characteristic behavioural practice found among many of the world's indigenous people who ritually protect most of the world's biodiversity that lies outside of protected areas (Lynch and Alcorn 1993). The institution of spiritual governance and its associated norms are not necessarily perceived as instruments of resource management by the people who practise them. They, however, often show a functional similarity to the institutions of formal nature conservation (Colding and Folke 1997) and should be recognised in conservation planning and within the IUCN'sgovernance matrix.

Although there is phenomenological evidence in the conservation literature (see: Posey 1999; Verschuuren et al. 2010, for example), the term spiritual governance only gained currency within the conservation literature in recent years (Nicholas 2006). This is surprising since it appears to have been a characteristic trait of indigenous animistic cultures dating back to the Neolithic age (Belleza 2014). In terms of recorded history, there is evidence in ancient Greek and Roman worldviews of a spiritual dimension embodied in knowledge, governance, jurisprudence, and statesmanship. Plato and Socrates, in particular, provide a nexus of concepts that are germane to this chapter—including *nomos* (sacred laws), *kybernesis* (spiritually guided governance), *epignosis* (supernatural knowledge), and *gnostikos* (spiritually guided rule) under the aegis of *makro-anthropos* or organicismic cosmology (Fowler et al. 1930).

Spiritual governance and indigenous peoples' sacred natural sites appear to be neglected in conservation design and excluded from the anthropocentric 'governance typology' of the matrix created under the aegis of IUCN (Borrini-Feyerabend and Hill 2015), despite recent attempts to include them (Verschuuren 2016). As a result of the exclusion of spiritual

governance, the governance of sacred natural sites of indigenous peoples is incorrectly classified on the basis of human agency or proxy rather than supernatural agency. Furthermore, conservationists often regard sacred natural sites as small isolated pockets of biodiversity, while in reality they are nodes in a much larger ecological network and an integral part of the social fabric that permeates the whole landscape or territory (Verschuuren et al. 2010). Spiritual governance is an important social-cultural mechanism that explains the extent of the spiritual dimension in context of the wider landscape.

The theoretical basis for non-anthropogenic approaches to governance

Governance has become 'disenchanted' (Weber 2009) and anthropocentrised since the Age of Reason and the Enlightenment. We argue that the concept of governance as it is applied in protected and conserved areas needs to be expanded if indigenous peoples' sacred natural sites are to be appropriately protected. Since the development of a "systems view of life" (Capra and Luisi 2014: p. 12), there is paradigmic space for a range of new trajectories that are less anthropocentric than currently demonstrated in protected and conserved areas or those found in the IUCN matrix. Some of these trajectories appear to recognise other-than-human persons and resonate with animistic worldviews and spiritual governance. They include ecocentric and posthuman approaches.

Ecocentric approaches—namely, Earth Governance (Burdon 2011; Cullinan 2011) and rights of nature (Weston and Bollier 2013)—have proved successful in advancing the legal status of sacred natural sites (ACHPR 2017) and protecting rivers (Daly 2012), and they appear to provide the legal tools to ensure the integrity of protected and conserved areas. Earth governance (Burdon 2011; Cullinan 2011) appears to draw on Thomas Berry (1999) and is informed by De Chardin (2015). It does not resonate well with an animistic worldview or provide a platform for spiritual governance as defined in this chapter. The approach appears to be underpinned by panentheism or monistic pantheism.

Panentheism assumes an intrinsic connection between all living things and the physical world and focuses on mystic advancement when all things will merge with the 'world soul'. Monistic pantheism has been referred to as "a form of monism" (Mercadante 2014), where all of reality is one substance (call it 'God' or Nature or the Universe, for example), and there are no personal or anthropomorphic Gods. Furthermore, pantheistic approaches "robs particular life forms (including *numina*) of their own measure of significance and agency" (Plumwood 2002: p. 128) and "erases the particularity of place and ecosystem, the diversity of life, the distinctiveness of culture and of ecological life strategies" (Northcott 1996: p. 113).

Posthuman approaches embrace other-than-human persons and include cosmotheandric (Panikkar 1993), new animism (Harvey 2006), and pluriversal (Escobar 2008). Although cosmotheandric spirituality (Panikkar 1993) embraces other-than-human persons, it is a manifestation of panentheism. It merges the natural, the divine, and the human by dynamically unifying them in a mystic experience of triadic oneness existing on all levels of consciousness and reality. Attempts have been made to apply cosmotheandric 'reality' in the context of indigenous people (Hall and Hendriks 2013) on the basis of a triadic cosmology—a "deep connection" with "nature" and the "natural mysticism of Indigenous people" (Hall and Hendriks 2013). The concept of 'natural mysticism' was developed by the contemplative

mystic Wayne Teasdale (2010) as a means of including indigenous people under the aegis of 'universal spirituality'. His mystic vision is predicated on the conflation of all spiritual traditions leading to unification with nature. There is very little evidence that most indigenous lay people engage in any form of self-induced mystic states, and it is arguable if shamans or trance mediums are true mystics (Hitchcock et al. 1976) or that spirit possession can be equated to a mystical experience (Schmidt and Huskinson 2010). Furthermore, most indigenous people usually assume that the world is more than human and recognise a world where many worlds fit and any "deep connection" between the human-natural-spiritual worlds is predicated on an ontic "lived experience" that is consistent with animism (Ingold 2000: p. 12).

New animism (Harvey 2006) only exhibits partial resonance with the worldview of most of the local people who protect their sacred natural sites. The emphasis of new animism is on knowing how to behave appropriately with other-than-human persons but who "are only alive when participating in a relationship but not as a result of a *numina* taking up residence" (Whitehead 2013: p. 88). This contrasts with most animistic societies where enspirited entities remain enspirited and the resident *numina* remain active (in governance) for at least a year, although if they are ignored the *numina* can eventually become displaced (Ramble 2008).

The *pluriversal worldview* (James 1977) challenges Western hegemony and universality; a nature-culture dichotomy; monophasic epistemologies; unitary ontologies; and monistic one world myopia found, for example, in panentheism. It creates space for the acceptance of multiple worlds invoking alternative ways of knowing and being in different worlds (Baksh and Harcourt 2015). This does not imply any diminished significance of the anthropos. Instead, it signals the significance of all the various agencies that together make up the pluriverse in which humans reside and act. Recognising the proliferation of human and non-human agencies, it admits the possibility not only that we have "never been modern" (Latour 2012) but of the existence of the "more than human world" (Escobar 2008). The concept of the pluriverse is drawn from and resonates with an indigenous relational worldview that recognises a "world where many worlds fit" (Stahler-Sholk 2000). The concept is being harnessed by indigenous groups to re-work conservation ideas and practice (de la Cadena 2010). The pluriversal worldview is not leading to a cultural clash with a universal worldview, but it is providing "a certain freedom to modify, appropriate, and reappropriate without being trapped in imitation" (Minh-ha 2014: p. 161).

In order to understand the form and meaning of another society's institutions and governance regimes, one must relate them to the local cultural context, not to one's own society (Ebehard 2009). The institutions that underpin indigenous people's sacred natural sites are animistic, and posthuman approaches, rather than ecocentric, appear to resonate optimally with spiritual governance regimes and local beliefs. There are dangers of replacing exogenous conservation practices based on anthropocentrism with exogenous ecocentrism. The latter are earth-centred and monistic and do not embrace the spirit-centred beliefs or organicismic worldview that are essential features underpinning the ritual protection of indigenous sacred natural sites.

It is important for conservation planners to understand the philosophies and behavioural practices of the local people who live close to protected and conserved areas in order to secure their full cooperation.

Spiritual governance of Indigenous peoples' sacred natural sites as a behavioural practice in southwest China

In this section, the defining characteristics of anthropocentric governance will be used as a template to describe spiritual governance in southwest China. These address the following: ownership, purpose, interaction between actors, decision-making, and the reproduction of norms and institutions (Hufty 2011).

The term spiritual governance has only been co-opted recently when it became evident as a behavioural interactive practice between humans and their *numina* (Studley 2005). When a Tibetan farmer in the Upper Yangtze was asked if there was a connection between environmental protection or nurture and his religious beliefs, he responded in the following way:

> If we protect [and nurture] the abode [the middle slopes of a local mountain] and property [bio-physical resources] of *Jo Bo* [meaning Lord, ruler and elder brother in Tibetan], he will be happy and bless us with good health, good crop yields, and wise leadership. If not, he will be angry and cause sickness, calamity, crop failure, and disaster upon us and our community.

The farmer (Figure 5.1 on far right) went on to describe the role of *Jo Bo*, the resources, and villages he had jurisdiction over, and the geospatial extents of his mountain fastness, which corresponds to a sacred natural site.

FIGURE 5.1 Tibetan family at Honsa village, Upper Yangtze, Sichuan Province, China
Photo credit: John Studley (1999).

It took time to identify that *Jo Bo* was a *numina* (*gzhi bdag* in Tibetan) and is classified on the basis of Tibetan scholarship under the aegis of "*mi-chos*" or the "religion of men" (Stein 1972: p. 192). It was, however, possible to draw some tentative observations from the discussion with the farmer. The 'cult of *Jo Bo*' is a distinctive expression of the animistic cultural pole of Tibetan lay society which is differentiated from the Tibetan Buddhist pole (Karmay 1998) and is predicated on contractual reciprocity (between villagers and *Jo Bo*). *Jo Bo* appears to be both owner and custodian of his mountain domain and its biophysical resources and is seemingly solely responsible for its governance. *Jo Bo*'s jurisdiction is normative, administrative, and territorial; the associated *sui generis* norms are recognised by local people; and his "super-personhood" (Coggins and Zeren 2014: p. 210) is made manifest to them through anthropomorphic characteristics and kinship title. The protection and nurturance of *Jo Bo*'s domain appears to result in biodiverse habitats and the act of ritual protection to be an exemplar of behaviour that mimics explicit environmental protection.

It took further research (Studley 2005, 2014) to establish that the comments made by the farmer in 1999 were not a 'one-off'. In reality, spiritual governance appears to be part of a pattern of behaviour that is common across the lay Tibetan world.

Spiritual governance is autochthonous (native) and predicated solely on the agency of a *numina* (or *gzhi bdag*) that as owners hold absolute power and authority. The *numina* decide on the objectives of governance and their pursuance and orchestrate through intermediaries the decision-making process. Spiritual governance has more resonance with the spiritually guided governance of Plato (Fowler et al. 1930) than the anthropocentric governance found in the international development literature (UNESCAP 2009) or in the conservation literature (Borrini-Feyerabend and Hill 2015).

The *gzhi bdag* that inhabit the sacred natural sites of Indigenous Tibetans are not only place owners (*gzhi* = place), but as *bdag* [*po*], meaning 'Lords' or 'Governors', they hold absolute power and authority (Mills 2003) of the mountain abodes which they have dominion over. Their power extends to their genealogical titles, which suggest a strong sense of spiritual kinship with humankind. Furthermore, they are *de jure/de facto* custodians of all the biophysical resources within their domain (Studley 2005). Their *modus operandi* of interaction with humankind is predicated on contractual reciprocity in which humankind does not hold a place of natural authority. The *gzhi bdag* agree to provide patronage, governance, blessing, and protection if humankind honours and appeases them regularly and complies with their behavioural expectations in terms of protecting their property (including flora and fauna) especially when visiting their abode (Studley 2014).

The primary objective of governance by all the 'actors' is predicated on the maintenance of equilibrium between the human, biophysical, and spirit world. Actors in this case typically include the *numina* (*gzhi bdag*), headmen, villagers, "spirit-helpers", trance-mediums, divination masters, and, on occasion, Tibetan doctors and Lamas. It is evident from field research (Studley 2014) in northwest Yunnan that most human actors attempt to interact with *numina* on the basis of contractual reciprocity—in return for patronage, governance, protection, and blessing (see Figure 5.2).

The *gzhi bdag* make most of the decisions in terms of what constitutes acceptable behaviour; if a new intervention constitutes a 'disturbance'; if honouring and appeasement is adequate; if restitution is apposite; if the domain and biophysical resources are being adequately protected; if trespassing has occurred; and if grazing and the collection of minor forest products is within acceptable limits. The human actors engage in ritual enquiry with the help

FIGURE 5.2 A crack shot hunter turned protector after receiving a theophany of a serow (*Capricornis milneedwardsii*) with a white 'mane', which he failed to shoot eight times, and a theophany of a young monk dressed in white near Upper Yubeng, Yunnan Province

Photo credit: John Studley (2013).

of a trance medium or divination specialist in response to a vision, trance, omen, theophany, or calamity in order to decide if *numina* are upset with them—if so which *numina*, what offence has been committed, and what types of restitution are required.

Although *gzhi bdag* are autocratic in terms of governance, they are dependent upon the human actors to re-enspirit their domain by engaging in invocation rituals and liturgies. Re-enspiriting must be done at least on an annual basis by the community, and *gzhi bdag* must be invoked by name and their terrestrial abode re-designated and re-inscribed geospatially through ritual demarcation (Coggins and Zeren 2014). If not, the *gzhi bdag* will become displaced and de-territorialised and lose their power, status, authority, and patronage (Ramble 2008).

Currently the intergeneration transmission of norms and institutions (including the ritual protection of sacred natural sites of Indigenous peoples) is threatened in Tibetan lay society by *ex situ* formal primary education, Buddhicisation, mass tourism, economic development, forced re-settlement, alien ideologies, and philosophies (Studley 2014), and most recently intensified urbanisation (Roche et al. 2017). Almost inevitably, these threats will undermine the ability of lay Tibetans to ritually protect their sacred natural sites (and its biodiversity) and is already leading to the abandonment of mountain deities (Limusishiden 2014).

The legal basis for spiritual governance

Spiritual governance systems are supported by a nexus of "plurilegal" (Symeonides 2014: p. 186) or "polycentric" (Ostrom 1972) expressions of late modern law which represent the current debate. These include customary governance, *sui generis* norms and taboos, earth jurisprudence, and the rights of indigenous people, nature, and juristic persons. These expressions are informed by a complementary focus on growing concern—the place of spiritual traditions and insights as necessary norms to guide human activities in protected and conserved areas.

There have been increasing calls for international recognition of sacred natural sites and their associated governance systems (see: Verschuuren et al. 2017) and a number of legal precedents at national and regional levels. In May 2017, the African Commission on Human and Peoples' Rights resolved to "protect sacred natural sites and territories" (ACHPR 2017: Clause 44(iv)) predicated on a call from Gaia Foundation and African Biodiversity Network requesting "legal recognition of sacred natural site and territories and their customary governance systems" (ABN 2016).

A common thread within the current debate is the acknowledgement and recognition of original and *a priori* laws and governance systems that are rooted in the ancestral sacred natural sites and territories and predicated on a spiritual connection with the earth that provides the inhabitants with their basis of customary law, norms, institutions, sources of knowledge, and morals and traditions—as well as intergenerational learning. Among most indigenous people, spiritual governance (of sacred natural sites) is articulated in *sui generis* norms that are "one of a kind" and enjoined by a spirit or by "dreamtime" beings that are law-givers (Hinton et al. 2008). Such norms are often referred to as 'taboos' by anthropologists, a term derived from the Polynesian (*tabu*) or Maori (*tapu*) (see: Flexner et al., Ch. 17, this volume). Taboos are "invisible" examples of informal institutions, where norms, rather than statutory laws, guide human behaviour and conduct towards the natural environment (Colding and Folke 1997).

The recognition of indigenous rights and legal pluralism has become acceptable under both international law and state domestic laws in many nations worldwide (Forsyth 2007). In Aotearoa New Zealand, for example, Indigenous cultural rights of Maori (including their special relationship with the natural world) have been recognised and upheld in legislation, court decisions, Waitangi Tribunal reports, and policy frameworks since the 1990s. These rights include recognition of spiritual values, Maori cosmological beliefs such as guardian spirits, relationships with spiritually and culturally significant sites and resources, and statutory mechanisms to recognise and restore local cultural authority over rivers, lakes, and national parks (Magallanes 2015). The more recent examples (see: Studley 2017) used legislation (based on prior negotiations between the tribes and the government) to create juristic personhood status that reflects a Maori spiritual worldview in which nature is an ancestor—with a clear intention that local communities can better implement protection responsibilities if the ancestors are 'named'.

Two Indian court decisions in respect of the Ganga and Yamuna rivers (Salim 2017) and their Himalayan watershed catchment (Miglani 2017) used similar approaches to emphasise the religious and cultural importance of the sacred rivers and the responsibility of the state to protect them. They awarded juristic personhood status to the rivers and mountain terrains and appointed guardians to ensure protection, with a court oversight role. The Indian courts

invoked their inherent common law *parens patriae* jurisdiction to require the state to carry out its protection responsibilities—a role normally used to enable the state to act as the parent of any child who needs protection.

The granting of juristic personhood to natural entities (Studley 2017) is important and germane. A juristic person refers generally to an entity or a legal subject that is not a human being but one on which society has decided to recognise as a "subject of rights" and has conferred on them duties and obligations (Shelton 2015). Duties and obligations typically include capacity to sue and be sued, ownership and disposal of property, and the receiving of gifts and legacies (de Vos 2006). The legal implications of conferring 'duties' upon other-than-human entities is not without precedent, given that Colonial Judges in India granted legal status and standing to enspirited idols in 1925 (Mullick v. Mullick 1925). This legislation potentially provides the judiciary with the precedent and the legal tools (Totten 2015, author's emphasis) to grant 'juristic personhood' to sacred natural sites of indigenous peoples, thereby endorsing the contractual 'obligation' of the resident *numina* in exercising spiritual governance over the sacred natural site (which they are already doing).

Legal provisions recognising the Rights of Nature include constitutions, national statutes, and local laws. Additionally, new policies and resolutions are pointing for the need of a legal approach that recognises the rights of the earth to well-being. The 2008 *Constitution of Ecuador* (Ecuador National Assembly 2008) recognised the rights of nature based upon the values articulated by their Indigenous peoples. In 2015, the UN General Assembly adopted resolution 70/208 (UN 2015), acknowledging Earth Jurisprudence in advancing Harmony with Nature, and in 2016, a virtual dialogue took place on topics including law, policy, and governance from an Earth jurisprudence approach. The IUCN has also been active with resolutions on the rights of nature—secured in Oslo 2016, Rio de Janiro 2016, and Jeju 2012 (UN n.d.), for example.

Importantly for spiritual governance, late modern law provides paradigmic space for a break with traditional monolithic statutory legal regimes and a renaissance of polycentric systems of law (Grzeszczak and Karolewski 2012) and governance (Nagendra and Ostrom 2012). Polycentric law is a generic term covering multiple legal regimes including non-state law, private law, *sui generis* norms, and customary law (Sheleff 2013). Polycentric governance is characterised by a network where multiple independent actors (including non-human ones) order their relationships with one another under a general system of rules or norms (Ostrom 1972).

In recent decades, the environmental debate has expanded its focus from the adoption of ethical obligations towards nature in order to embrace spiritual values that are a key dynamic in understanding the root of environmental degradation and the need for a renewed sense of wonder and *topophilia* for the natural world (Tuan 2013). Other scholars are actively exploring the spiritual and sacred realms of nature (Sponsel 2012), providing perspectives that support spiritual governance expressions in the context of protected and conservation areas.

The spiritual dimension is an important argument for many protected and conserved areas but is rarely made. Spirituality defines the relationships of indigenous peoples with their environment; it helps construct social relationships and gives meaning, purpose, and hope to life. It is not separated from everyday activities, but rather it is an integral, infused part of the whole of a community's perceptions and understandings. For many local communities, the spiritual relationships with sacred sites are the most compelling argument for protection.

Discussion

To bring the other-than-human dimension into the governance of protected and conserved areas, there is a need to "move beyond anthropocentric governance" (Moo 2015: p. 42) and address polycentric governance. Both ecocentric and posthuman approaches provide polycentric alternatives to a regime that silences the non-human—although only pluriversal approaches appear to resonate optimally with animistic worldviews and make space for spiritual governance.

Currently, there are only four protected area governance types recognised by the IUCN: namely, governance by government, shared governance, private governance, and governance by indigenous people and local communities (Borrini-Feyerabend and Hill 2015). None of the four types address the other-than-human in general and spiritual governance of sacred natural sites in particular.

Although the term 'spiritual governance' did not exist in the conservation lexicon until recently, it was observable as a behavioural practice under the aegis of spiritual agency in enspirited sacred natural sites. As a result, it was co-opted and infused with indigenous meaning (Studley and Awang 2016) and has since gained currency in the conservation literature (Verschuuren 2016)—hopefully leading to its acceptance as a governance type by IUCN.

Conclusions

Spiritual governance appears to offer an alternative trajectory of governance that is particularly applicable in the context of animistic societies and to enspirited sacred natural sites, as well as protected and conserved areas. Exploring this avenue will be an exciting endeavor,all the more so given that other-than-human entities are being increasingly recognised as 'juristic persons' with legal standing and duties and obligations.

Legal pluralism and *sui generis* norms are being increasingly recognised both nationally and internationally and augmented by the recent legislation on juristic personhood. It is apparent that the judiciary has all the legal tools to recognise spiritual governance by *numina* as an obligation and the associated *sui generis* norms as valid local expressions of polycentric law on par with statutory law.

In order to bring national and international recognition to both sacred natural sites and spiritual governance, the IUCN governance matrix appears to require updating (as suggested by Verschuuren 2016) to include a particular governance type of spiritual governance. Furthermore, we argue that protected and conserved areas should be re-mapped to include any sacred natural site—and any associated *sui generis* norms should be recorded. Steps should be taken to ensure that all enspirited sacred natural sites are potential candidates for juristic personhood, and the resident *numina* are mandated on the basis of contractual reciprocity to engage in spiritual governance.

In the final analysis, for spiritual governance to become effective in the context of protected and conserved areas, it is imperative that governance guidelines are predicated on a pluriversal worldview and polycentric legal regimes and that conservationists embrace the same. Only then can the full support of most local people be optimised and a biocultural tradition that is millennia old be enhanced.

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