

NARRATIVES OF NATURE AND CULTURE:  
THE CULTURAL ECOLOGY OF ELISABETH MANN BORGESE

by

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TO MY PARENTS.

MEINEN ELTERN.

## TABLE OF CONTENTS

ABSTRACT .....	v
LIST OF ABBREVIATIONS USED .....	vi
ACKNOWLEDGEMENTS .....	vii
CHAPTER 1: INTRODUCTION .....	1
1.1 Thesis .....	1
1.2 Methodology and Outline .....	27
1.3 State of Research .....	32
1.4 Background .....	36
CHAPTER 2: NARRATIVES OF NATURE AND CULTURE .....	54
2.1 Between a Mythological Past and a Scientific Future .....	54
2.1.1 Biographical Background .....	54
2.1.2 “Culture is Part of Nature in Any Case”: Cultural Evolution .....	63
2.1.3 <i>Ascent of Woman</i> .....	81
2.1.4 <i>The Language Barrier: Beasts and Men</i> .....	97
2.2 Dark Fiction: Futuristic Pessimism .....	111
2.2.1 “To Whom It May Concern” .....	121
2.2.2 “The Immortal Fish” .....	123
2.2.3 “Delphi Revisited” .....	127
2.2.4 “Birdpeople” .....	130
CHAPTER 3: UTOPIAN OPTIMISM: THE OCEAN AS A LABORATORY FOR A NEW WORLD	
ORDER .....	135
3.1 Historical Background .....	135
3.1.1 Competing Narratives: The Common Heritage of Mankind and Sustainable Development .....	135
3.1.2 <i>Ocean Frontiers</i> and <i>Chairworm &amp; Supershark</i> .....	175
3.1.3 Arvid Pardo’s Tale of the Deep Sea .....	184
3.2 Elisabeth Mann Borgese’s Cultural Ecology .....	207

3.2.1 Law: From the Deep Seabed via Ocean Space towards World Communities .....	207
3.2.2 Economics .....	244
3.2.3 Science and Education: The Need for Interdisciplinarity .....	252
CHAPTER 4: CONCLUSION .....	267
BIBLIOGRAPHY .....	277
PRIMARY SOURCES/ARCHIVE MATERIALS .....	277
WORKS BY ELISABETH MANN BORGESE .....	282
LIST OF REFERENCES .....	298

## ABSTRACT

Elisabeth Mann Borgese, born in Munich in 1918, the youngest daughter of German novelist, Thomas Mann, and Katia Pringsheim, made it her moral duty to consider the future of humanity. For her, the ocean, with its densely interconnected structures, acts as a natural model for paradigmatic changes to cultural systems. Arguably, this was only the beginning of a wide-ranging utopian plan envisioning a dynamic, equitable, and ecological world order comprised of a world government and functional ‘world communities’ based on the common heritage of mankind concept.

The works and biography of Mann Borgese are viewed mostly through the lens of the international law of the sea and as another chapter of the Mann family history. As a result, the interconnections between her thematically diverse writings are often ignored. Using an interdisciplinary narrative approach, this thesis examines Mann Borgese’s nonfiction and fiction work as well as archival materials originating from the late 1950s to the early 2000s. More specifically, Mann Borgese’s work is situated here within the contexts of cultural ecology or *Kulturökologie* and is explained against the backdrop of politico-historical events. A broader understanding of narrative both as a concept and as a tool for interdisciplinary scholarship in the Anthropocene serves as methodological background.

A close reading of Mann Borgese’s works first analyzes Mann Borgese’s ‘philosophy of continuity’, highlighting the interconnectedness between the individual, society, and nature based on evolutionary and complexity theories. Secondly, it reveals that Mann Borgese’s philosophy of continuity constitutes the link between her work, both fiction and nonfiction, which is articulated through leitmotifs, metaphors as well as intertextual and thematic interrelations. Thirdly, it showcases that Mann Borgese’s emphasis on continuity and cooperation between agents of nature and culture constitutes the basis of her extended understanding of humanism and the common heritage of mankind concept. Lastly, it illustrates the ideological setting of her cultural ecology in which society and its cultural subsystems of law, economy, science and education are organized in such ways to be able to deal with complex global problems ecologically and for the benefit of all humanity.

## LIST OF ABBREVIATIONS USED

CHM	Common Heritage of Mankind
EEZ	Exclusive Economic Zone
EMB	Elisabeth Mann Borgese
GEF	Global Environment Facility
GNP	Gross National Product
IOI	International Ocean Institute
ISA	International Seabed Authority
NIEO	New International Economic Order
NM	Nautical Miles
OCS	Outer Continental Shelf
RIO	Reshaping the International Order
UN	United Nations
UNCED	United Nations Conference on Environment and Development
UNCLOS	United Nations Convention on the Law of the Sea
UNCLOS I	First United Nations Conference on the Law of the Sea
UNCLOS II	Second United Nations Conference on the Law of the Sea
UNCLOS III	Third United Nations Conference on the Law of the Sea
UNCTAD	United Nations Conference on Trade and Development
UNEP	United Nations Environmental Programme

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This thesis was professionally copyedited.



## CHAPTER 1: INTRODUCTION

### 1.1 Thesis

This thesis examines the interrelations of Elisabeth Mann Borgese's work, including her early nonfiction writings, her fiction, her later ocean and international law of the sea-related texts as well as her archival materials within the timeframe of the late 1950s until her death in early 2002. Situated within the environmental humanities and roughly set at the intersections of literary studies, international law of the sea, cultural history, and political science, it explores the cultural ecology of Mann Borgese's utopian vision of the ocean as a laboratory for a new world order.

Elisabeth Mann Borgese, born in Munich in 1918, the second youngest child of the German novelist, Thomas Mann, and Katia Pringsheim, made it her moral duty to think about the future of humanity<sup>1</sup>, envisioning a new, more equitable and ecological world order. The ocean, with its densely interconnected structures, was supposed to act as a natural model for paradigmatic changes to cultural systems. Arguably, this was just the beginning of a wide-ranging utopian plan.

Mann Borgese founded the International Ocean Institute (IOI)<sup>2</sup>, held a professorship in Political Science at Dalhousie University in Halifax, Nova Scotia, and was known to many as an influential expert on the international law of the sea who, throughout the second half of her life, published widely on ocean governance and global order. In particular, she was a key contributor to the legal and political discourse

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<sup>1</sup> Interview with Elisabeth Mann Borgese, *New Scientist*, June 25, 1970. Dalhousie University Archives, Elisabeth Mann Borgese Fonds, MS-2-744, box 125, folder 23 (MS-2-744\_125-23).

<sup>2</sup> IOI is an international NGO founded at the University of Malta in 1972 with a mission to capacity building in ocean affairs through policy research and analysis, and training programmes in ocean governance. Its headquarters are still in Malta with operational centres spread across the globe.

surrounding the concept of the common heritage of mankind before, during, and after the Third United Nations Conference on the Law of the Sea, 1973-1982 (UNCLOS III) in which she participated first as a representative of the IOI and then as a member of the Austrian Delegation. However, for Mann Borgese, the concept of the common heritage of mankind was not limited to the international law of the sea, but rather constituted the foundation and embodiment of a new mindset with wide-ranging consequences for most areas of society and must be seen as the heart and centre of her utopian thinking.

In 1975, with the publication of *The Drama of the Oceans*, a best-selling cultural history of the oceans, Mann Borgese was recognized as a serious and compelling writer. Like most members of the Mann family, she was a writer of fiction, with prose often very dark and pessimistic. But before her field was “everything to do with oceans”<sup>3</sup>, she authored books about the role of women in society and human-animal communication that have been either forgotten or ignored by the public and researchers alike. On a first glance neither books seemed to be connected to the highly interesting and slightly gossipy context of the (literary) history of the Mann family nor to the more prestigious area of the international law of the sea.

Asked once by a journalist whether her interests seem to be slightly divergent, Mann Borgese answered that they shared the same root: “It is a philosophy of continuity, of communality, of looking at the individual as part of society and looking at the human species as part of a bigger society—nature.”<sup>4</sup> Mann Borgese’s reply reveals an ecological worldview within which agents of nature and culture are inherently connected and whose

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<sup>3</sup> John Irving, “Günter Grass. King of Toy Merchants.” *Trying to Save Piggy Sneed*. Arcade Publishing, 1996, pp. 422-423.

<sup>4</sup> Mary Gooderham. “Enlightened Worldview.” *The Globe and Mail*, 3 March 1990.

key characteristics are cooperation as well as curiosity, open-mindedness, and respect towards ecological and cultural ‘otherness’. The interdependencies between individual humans, humans as a species, society, and nature configure a leitmotif connecting all Mann Borgese’s work. These further suggest a shared responsibility towards the ‘other’ and, thus, have major ethical implications. According to the French philosopher Edgar Morin, these shared responsibilities and means of reciprocal control call both for democracy and world citizenship.<sup>5</sup> They also demand a more cautious approach towards nature and the environment. In Mann Borgese’s work, this is expressed through her inclusive understanding of humanism, encompassing both human and nonhuman agents as well as the artificial in the form of technology, and thus falling into the spectrum of posthumanism. In all of her writings discussed here, Mann Borgese is essentially trying to reimagine the interlinked futures of the human/nature relationship, including social organization, legal order, the future of work and learning, and of the distribution of wealth and resources on a national and international scale.

Humanity has long been seen as the driver of its own evolution resulting in agents of culture increasingly prevailing over those of nature. Mann Borgese’s ecological worldview believes in cooperation and connectedness and is based on both evolutionary and complexity theories. She was convinced that cultural evolution directly emerged out of natural evolution, connecting nature and culture, the ‘old’ and the ‘new’. If one holds the belief that culture has emerged out of nature, it is only the next logical step to try transferring complex and dynamic organizational structures observed in nature onto forms of social organization, instead of going the opposite reductionist way of dividing

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<sup>5</sup> See Edgar Morin. *Seven Complex Lessons in Education for the Future*. UNESCO Publishing, 2001, p. 14.

ecosystems into easily digestible individual parts in order to understand them. Thus, it was not Mann Borgese's objective to use nature as a source of norms for human behaviour and to justify moral systems.<sup>6</sup> She understood both nature and society as complex interconnected systems and was most interested in the relationships and interconnectedness between the individual, society, and the physical environment.

Mann Borgese's philosophy of continuity and cooperation between agents of nature and forms of culture constitutes the basis of her extended understanding of the common heritage of mankind concept. It illustrates the ideological setting of her concrete utopia<sup>7</sup> of a new world order<sup>8</sup> that was to alight from the ocean with the help of international law of the sea, and which would, eventually, make the evolutionary step back on land. On a formal level, this central theme constitutes the link between Mann Borgese's early nonfiction and fiction work and her later texts about legal and political aspects of the ocean and world order, which is articulated through leitmotifs, metaphors as well as intertextual and thematic interrelations. Considered in all its diverse articulations, these correlations unveil a new complex of meaning with regard to Elisabeth Mann Borgese's overall work.

Concretely, it puts into perspective the mythology surrounding Elisabeth Mann Borgese as being 'the mother of the oceans' which was first sustained by Mann Borgese herself and has been preserved by the stewards of her intellectual estate ever since.

Obviously, there is no doubt about the fact that she loved the ocean and spent the second

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<sup>6</sup> See Lorraine Daston. *Against Nature*. The MIT Press, 2019.

<sup>7</sup> The term 'concrete utopia' was originally coined by Ernst Bloch in *The Principle of Hope* (1954-1959). Also see Ruth Levitas. "Educated Hope. Ernst Bloch on Abstract and Concrete Utopias." *Utopian Studies*, Vol. 1, No. 2, 1990, pp. 11-26.

<sup>8</sup> Throughout her works, Elisabeth Mann Borgese is using both the terms 'world order' and 'international order' with a preference for the term 'world order'.

part of life dealing with the International law of the sea and promoting marine conservation. But that was never the original plan. The ocean and her engagement with the international law of the sea were supposed to be just a phase and a first step towards a new world order consisting of a world government and functional ‘world communities’ based on the common heritage of mankind. This is demonstrated in her visionary statement to treat the ocean as a ‘laboratory’ for a new world order. In her “Caird Medal Address”, published in *Marine Policy* in 2001, she says: “[...] but I had, from the very beginning, the gut feeling that more was at stake than the oceans, great as they are.”<sup>9</sup> She kept working on a new order for the oceans longer than she was expecting because the first phase of changing the global order faced many different obstacles and proved to be more difficult to realize than Mann Borgese had imagined. She simply got stuck in the first phase of her utopian project that accidentally started with the oceans but was supposed to be much grander.

Even though Mann Borgese’s very own ‘oceanic turn’ happened rather accidentally, it is historically interesting that she saw ocean space as exemplary for structural change. In terms of literary, cultural, and political history and from the perspective of land-based eurocentrism, the ocean has often been perceived as the quintessence of otherness. In the past, maritime narratives of all sorts have described the ocean as a mystic, boundless, and dangerous place where the lack of boundaries has created a legal vacuum. The unstructured ocean was seen in direct opposition to the early modern processes of territorialisation and the development of nation states based on the

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<sup>9</sup> Elisabeth Mann Borgese. “Caird Medal Address.” *Marine Policy*, Vol. 25, 2001, p. 391. She makes similar comments in some of her correspondence in the 1990s.

concepts of sovereignty and ownership.<sup>10</sup> Mann Borgese's approach to the ocean is entirely different and undermines traditional views and dualisms of nature and culture. In her view, the complex structures of the ocean are exactly what the postmodern world needs to embrace in order to deal with global challenges and the uncertainties such processes of change entail. This makes Mann Borgese's approach more reflective of contemporary perceptions of the world's oceans and coastal communities. The ocean as an ecosystem was to serve as a model for complexity, conveying organizational aspects of nature onto organizational aspects of culture. Mann Borgese wanted to achieve the change from a linear and reductionist worldview to a complex and dynamic one that uses ecological thinking to address questions of social and political concerns in an interdisciplinary way.

Situated within the interdisciplinary field of environmental humanities<sup>11</sup>, it is the aim of this thesis to examine Mann Borgese's philosophy of continuity. Its alternative conceptualizations of the human/nature relationship are fundamental for her vision of a new global order in which society and its cultural subsystems of law, economy, science and education are organized in such ways to be able to deal with complex global problems holistically and for the benefit of all humanity. This will be called Elisabeth

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<sup>10</sup> See *Weltmeere. Wissen und Wahrnehmung im langen 19. Jahrhundert*, edited by Alexander Kraus and Martina Winkler. Vandenhoeck & Ruprecht, 2014.

<sup>11</sup> "The environmental humanities contextualizes and complements environmental science and policy with a focus on narrative, critical thinking, history, cultural analysis, aesthetics and ethics." Taken from Serpil Oppermann and Serenella Iovino. "Introduction: The Environmental Humanities and the Challenges of the Anthropocene." *Environmental Humanities: Voices from the Anthropocene*. Rowman & Littlefield International, 2016, p. 1. See also Sabine Wilke. "Environmental Humanities." *Ecocriticism. Eine Einführung*, edited by Gabriele Dürbeck and Urte Stobbe, Böhlau Verlag, 2015, pp. 94-106. And Ursula K. Heise. "The Environmental Humanities and the Futures of the Human." *New German Critique* 128, Vol. 43, No. 2, August 2016, pp. 21-31. And Heather I. Sullivan and Bernhard F. Malkmus. "The Challenge of Ecology in the Humanities: An Introduction." *New German Critique* 128, Vol. 43, No. 2, August 2016, pp. 1-20.

Mann Borgese's cultural ecology because it exemplifies an "ecologically redefined model of humanity and human culture"<sup>12</sup>. It will be demonstrated how her cultural ecology is expressed in both her fiction and nonfiction. Within this context, especially her earlier work originating between the late 1950s and the preparation phase towards UNCLOS III in the early 1970s will be of special interest as they illustrate the foundations and the pinnacle of her utopian thinking. Whereas the actual United Nations Convention on the Law of the Sea (UNCLOS) negotiations will play a subordinate role in this thesis and mainly give historical and juridical context in comparison and contrast to Mann Borgese's utopian vision, more emphasis is put on her later texts, mostly originating from the 1990s, that illustrate her struggles to convince the world community of her utopia. The journey through her opus reveals furthermore that Mann Borgese was a storyteller, a natural interdisciplinarian, and a practical idealist. She was a utopian who did not fear to jump on opportunities and to defend her beliefs and narratives in order to make her visions reality.

My thesis argues that Mann Borgese's utopia transcends the boundaries that for centuries have characterized modern conceptualizations of human identity, including the foundational assumptions of humanism and social and global orders. It finds its most profound formulation in her understanding and advancement of the common heritage of mankind. Without denying the value and agency of human beings, Mann Borgese's continuous dismantling of strict boundaries and dualisms between the human and nonhuman forms of life, the artificial and the natural, the past, present and the future is

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<sup>12</sup> Hubert Zapf. "Introduction." *Handbook of Ecocriticism and Cultural Ecology*. De Gruyter, 2016, p. 4.

positioning her work on the spectrum of posthumanism or post-anthropocentrism, meaning beyond humanism or extending humanism.<sup>13</sup>

One of the most prominent features of the environmental humanities and posthumanist scholarship is interdisciplinarity.<sup>14</sup> This dynamic way of thinking has become “a staple of post-secondary education”<sup>15</sup> and academic research as it postulates a mindset aiming to shed light on the multifarious interconnections between the individual, society, and natural phenomena through a multiplicity of heterogeneous and fluid perspectives. Thus, it requires empathetic perspective-taking<sup>16</sup> in order to create an open-mindedness towards ‘otherness’, be it ecological or cultural. Such approaches increasingly enhance the possibilities of integration and the emergence of new connections and knowledge. In *The Oceanic Circle*, Mann Borgese describes this method by analogy to the ability to see three-dimensional auto stereograms in *Magic Eye 3D* books which were quite popular in the 1990s: “I myself found it difficult to learn, but now I really enjoy the blurring, the confusing, the getting lost of the old perspective, the sudden emergence of the new and deep perspective, the emergence of a different universe

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<sup>13</sup> Posthumanism is not rejecting the human. See Francesca Ferrando. “Posthumanism, Transhumanism, Antihumanism, Metahumanism, and New Materialism. Differences and Relations.” *Existence. An International Journal in Philosophy, Religion, Politics, and the Arts*, vol. 8, no. 2, 2013, pp. 26-32. And Cary Wolfe. *What is Posthumanism*. University of Minnesota Press, 2009. Wolfe argues that “when we talk about posthumanism, we are not just talking about a thematics of the decentering of the human in relation to either evolutionary, ecological, or technological coordinates [...]; rather, I will insist that we are also talking about *how* thinking confronts that thematic.”, p. xvi.

<sup>14</sup> See, for example, *Minding the Gap. Working Across Disciplines in Environmental Studies*. Edited by Robert Emmett and Frank Zelko, Rachel Carson Center Perspectives, 2014.

<sup>15</sup> Sharon Woodill, Richard Plate, and Nathan Jagoda. “How Interdisciplinary Work.” *Journal of Interdisciplinary Studies in Education*, Vol. 8, No. 2, 2019, p. 113.

<sup>16</sup> Especially the field of interdisciplinary studies seeks to cultivate empathetic perspective taking, which means it provides researchers and students with the tools to identify, understand, and respect different perspectives in order to create common ground or integration. See Allen F. Repko, Rick Szostak, and Michelle Phillips Buchberger. *Introduction to Interdisciplinary Studies*. 2<sup>nd</sup> ed., Sage Publications, 2016.



on that page.”<sup>17</sup> It will be furthermore argued that this interdisciplinary method of perspective taking is best facilitated through the concept and practice of narrativity, turning narrative into a methodological tool of interdisciplinary scholarship.

My argument will showcase the implications of Mann Borgese’s key ideas about a more sustainable future for a potentially profound transformation of the dominant narratives surrounding human/nature relations. Mann Borgese’s “vision of human evolution and history, not as confrontation with nature, but as part of nature [...]” is calling “for interaction with nature, for cooperation among human beings”<sup>18</sup>. Therefore, it is necessary to examine the interrelationships of Mann Borgese’s work, the ecology of her work, so to speak, through the wider lens of ecocriticism, the Humanities’ response to the environmental crisis.<sup>19</sup> More specifically, Mann Borgese’s work will be situated

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<sup>17</sup> Elisabeth Mann Borgese. *The Oceanic Circle: Governing the Seas as a Global Resource*. United Nations University Press, 1998, p. 3. The quote continues and describes the process of a changing perspective in connection to the human perception of the ocean as a premise of changing behaviours in the following narrative way: “The old perspective focused your eyes on the *land*, the continents, as the real thing where human existence was rooted, where history, where evolution took place; where nature was being ‘conquered’ by ‘civilisation’ and nature and culture interacted. [...]. Now try to unfocus, in space and time. Feel the pulse of life: expansion and return. Expansion and return. Unearthly life forms [...] moving up from the darkness of the deep seabed to the surface [...]. Life moving upward, moving outward *from the ocean*. [...]. They began to return to the ocean: mammals and birds, whales, dolphins, seals; penguins and diving ducks. [...]. And we humans followed suit. Like lemmings we hurried from the inlands and highlands back to the coast [...] and venturing out into the ocean, farther and farther out, deeper and deeper down. Now refocus. Do you see the surface breaking, and the new dimension emerging? If, before, you saw the sea and the sea-floor as a continuation of the land, you now see the land as a continuation of the sea.”, p. 4.

<sup>18</sup> Elisabeth Mann Borgese. *The Oceanic Circle: Governing the Seas as a Global Resource*. United Nations University Press, 1998, p. 57.

<sup>19</sup> Ecocriticism originated in the Anglophone world and was originally defined by Cheryll Glotfelty as “the study of the relationship between literature and the physical environment” but, over time, has developed into a heterogeneous and interdisciplinary field that deals with intersections of nature, environment, technology, and culture in narrative forms. See, e.g., Cheryll Glotfelty and Harold Fromm, editors. *The Ecocriticism Reader. Landmarks in Literary Ecology*. The University of Georgia Press, 1996. Lawrence Buell. *The Future of Environmental Criticism: Environmental Crisis and Literary Imagination*. Blackwell, 2005. Thomas Lekan and Thomas Zeller, editors. *Germany’s Nature: Cultural Landscapes and Environmental History*. Rutgers University Press, 2005. Axel Goodbody. *Nature, Technology and Cultural Change in Twentieth-Century German Literature. The Challenge of Ecocriticism*. Palgrave Macmillan, 2007. Timothy Clark. *The Cambridge Introduction to Literature and the Environment*. Cambridge University Press, 2011. Axel Goodbody and Kate Rigby, editors. *Ecocritical Theory. New European Approaches*. University of Virginia Press, 2011. Hubert Zapf. “Ecocriticism and Cultural Ecology.”

within the context of interdisciplinary cultural ecology or *Kulturökologie*<sup>20</sup>, which understands ecological problems as manmade and thus not as a problem of nature but of culture. In this sense, ecology, originally a biological concept, has, after rather long travels<sup>21</sup>, become a field of enquiry in the humanities and social sciences.<sup>22</sup> Cultural ecology

highlights the indissoluble interconnectedness and dynamic feedback relations between culture and nature, mind and matter, text and life, it remains aware of the fluid and ever-shifting, but nevertheless real differences and boundaries that have emerged within and between them in the long and ever-accelerating history of cultural evolution.<sup>23</sup>

In literature studies, the idea of cultural ecology recently offers “a new direction in recent ecocriticism which has found considerable attention in Europe and the German-speaking world.” It “looks at the interaction and living interrelationship between culture

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*English and American Studies. Theory and Practice*, edited by Martin Middeke et al., Metzler, 2012, pp. 253-256. Greg Garrard, editor. *The Oxford Handbook of Ecocriticism*. Oxford University Press, 2014. Gabriele Dürbeck and Urte Stobbe, editors. *Ecocriticism. Eine Einführung*. Böhlau Verlag, 2015. Hubert Zapf, editor. *Handbook of Ecocriticism and Cultural Ecology*. DeGruyter, 2016. Caroline Schaumann and Heather I. Sullivan, editors. *German Ecocriticism in the Anthropocene*. Palgrave Macmillan, 2017. Timothy Clark. *The Value of Ecocriticism*. Cambridge University Press, 2019.

<sup>20</sup> Peter Finke. *Die Ökologie des Wissens: Exkursionen in eine gefährdete Landschaft*. Verlag Karl Alber, 2005. The term and biological concept of ecology was first coined by the German biologist, Ernst Haeckel, in 1866. During first half of the 20<sup>th</sup> century, anthropologist Julian Steward coined the term *cultural ecology*. In the discipline of Anthropology, this concept is applied to explain human adaptations to their respective environments through cultural means. *Kulturökologie* originated in Germany and is a research approach in cultural studies that understands nature and culture as systems and examines the interrelationships and correlations between them. Thus, the terms *cultural ecology* and *Kulturökologie* are connected but not exactly tantamount because they describe two different research approaches. See methodology section.

<sup>21</sup> See Peder Anker. *Imperial Ecology: Environmental Order in the British Empire, 1895-1945*. Harvard University Press, 2001. “Almost hundred years after its introduction, one finds that ecology is still a powerful frame for a whole set of questions from linguistics, history, religion, and philosophy to sociology, geography, architecture, botany, zoology, law, and economy. For better or worse, ecology has become a popular way for contemporary thinkers to organize knowledge, frame environmental questions, and write about social issues.” For the German-speaking world, see Evi Zemanek’s introduction in *Ökologische Genres. Naturästhetik–Umweltethik–Wissenspoetik*, edited by Evi Zemanek, Vandenhoeck & Ruprecht, 2018, pp. 9-56.

<sup>22</sup> David Krieger and Christian J. Jäggi. “Was ist Kulturökologie?” *Natur als Kulturprodukt. Kulturökologie und Umweltethik*. Birkhäuser, 1997, pp.7 -20.

<sup>23</sup> Hubert Zapf. “Cultural Ecology of Literature–Literature as Cultural Ecology.” *Handbook of Ecocriticism and Cultural Ecology*, edited by Hubert Zapf, De Gruyter, 2016, p. 139.

and nature, without reducing one to the other” and sees “literature as a cultural form in which this living interrelationship is explored.”<sup>24</sup> This view of imaginative literature as a medium of cultural ecology marks a fusion of cultural ecology and textual criticism.<sup>25</sup> According to Hubert Zapf, “literature functions like an ecological force within a larger system of cultural discourses.”<sup>26</sup> Zapf’s theory of literature as cultural ecology operates on the premise that

[l]iterature and other forms of cultural imagination and cultural creativity are necessary [...] to continually restore the richness, diversity, and complexity of those inner landscapes of the mind, the imagination, the emotions, and interpersonal communication, which make up the cultural ecosystems of modern humans [...].<sup>27</sup>

This means that as a creative system, literature and other texts have the ability to revitalize other cultural systems and human/nature relationships by symbolically and metaphorically illustrating and criticizing existing structures and providing alternative scenarios or testing grounds for alternative forms of organization.<sup>28</sup> Zapf describes “this functional dynamics of narrative texts in the triadic relation between cultural-critical metadiscourse, imaginative counterdiscourse, and reintegrative interdiscourse.”<sup>29</sup> Evi Zemanek argues that while these characteristics could be applied to any form of imaginative literature, they are especially interesting within the context of ecological

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<sup>24</sup> Hubert Zapf. *Literature as Cultural Ecology: Sustainable Texts*. Bloomsbury, 2016, p. 3.

<sup>25</sup> See Axel Goodbody. “German Ecocriticism: An Overview.” *The Oxford Handbook of Ecocriticism*, edited by Greg Garrard, Oxford University Press, 2014, pp. 574-553.

<sup>26</sup> Hubert Zapf. “The State of Ecocriticism and the Function of Literature as Cultural Ecology.” *Nature in Literary and Cultural Studies. Transatlantic Conversations on Ecocriticism*, edited by Catrin Gersdorf and Sylvia Mayer, Rodopi, 2006, p. 49.

<sup>27</sup> Hubert Zapf. “Cultural Ecology of Literature–Literature as Cultural Ecology.” *Handbook of Ecocriticism and Cultural Ecology*, edited by Hubert Zapf, De Gruyter, 2016, p. 141.

<sup>28</sup> See Timo Müller. “From Literary Anthropology to Cultural Ecology: German Ecocritical Theory since Wolfgang Iser.” *Ecocritical Theory. New European Approaches*, edited by Axel Goodbody and Kate Rigby, University of Virginia Press, 2011, pp. 71-83.

<sup>29</sup> Hubert Zapf. “Cultural Ecology of Literature–Literature as Cultural Ecology.”, p. 142.

genres of writing, and thus advocates for a diversification and expansion of genres included in the textual canon in connection to ecocriticism.<sup>30</sup>

For the purpose of this thesis, Zapf's functional characterization of imaginative literature as a 'creative system' and 'ecological force' must be expanded to all "cultural artefacts that tell a story"<sup>31</sup> in order to include and accommodate a broader concept of narrativity, both as a mode of expression and understanding and as a tool for interdisciplinary scholarship. The concept of narrativity as vehicle for cultural expression comprises a wide variety of textual and non-textual sources, both fictional and nonfictional.

Mann Borgese's literary writings as well as her legal and political texts must be seen as imaginative ecological forces within a broader discourse, 'illustrating and criticizing existing structures and providing alternative scenarios or testing grounds for alternative forms of organization'. She explores the socio-political, ethical, epistemological, and aesthetic dimensions of the 'living interrelationship between culture and nature' in her work throughout different genres.<sup>32</sup> In this regard, Mann Borgese's work provides an excellent example that Zapf's approach is not unique to imaginative literature and the aesthetic dimension of human/nature relationships. According to his model, imaginative literature provides a critical metadiscourse, diagnosing cultural deficits, injustices, and aberrations. The imaginative counterdiscourse then offers alternative models of social relations and cultural practices. The integrative interdiscourse

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<sup>30</sup> Evi Zemanek. "Ökologische Genres und Schreibmodi. Naturästhetische, umweltethische und wissenspoetische Muster." *Ökologische Genres. Naturästhetik–Umweltethik–Wissenspoetik*, edited by Evi Zemanek, Vandenhoeck & Ruprecht, 2018, pp. 9-56.

<sup>31</sup> Mieke Bal. *Narratology. Introduction to the Theory of Narrative*. Fourth Edition, University of Toronto Press, 2017, p. 3.

<sup>32</sup> See Hubert Zapf. "Cultural Ecology of Literature – Literature as Cultural Ecology.", p. 135.

tries to reconcile reality with imagination.<sup>33</sup> Political and legal texts can be read and examined in similar ways. Mann Borgese's fiction and nonfiction work as well as her relentless efforts to change global relations entail all of the functions Zapf attributes to imaginative literature within a larger cultural ecosystem. Read in conjunction with each other, Mann Borgese's short stories and her political and legal narratives postulate a cultural ecology that is criticizing contemporary nature-culture relations, offering an imaginative counterdiscourse, and eventually trying to reconcile imagination with reality.

Excavating the interconnections within her opus reveal a creative system of utopianism that sheds light on both the darker and brighter *loci* of the nature-culture continuum. In her pessimistic short stories, Mann Borgese tells futuristic tales of individuals who do not live in harmony with their environments—with nature, technology, and society—whereas her nonfiction tells the evolutionary story of humanity's path towards ethical advancement through dynamic interconnections of the natural and the cultural. Analysis of her fiction and nonfiction, therefore, illuminates recurring features on both thematic and formal levels through which their interconnectedness is unfolding. This becomes additionally manifest in her style of writing best described as a juxtaposition of science and poetics. A distinctive feature of her mode of writing permeating all her major works is the employment of narrative structures and devices. Mann Borgese's work reflect her sense for the potentially transformative powers of imagined orders. She unapologetically envisioned alternative future scenarios that question the *status quo* on different levels and challenged others to

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<sup>33</sup> See also Georg Drennig. "Stanley Park, Literary Ecology, and the Making of Sustainability." *European Journal of American Studies*, Vol. 10, No. 3, 2015, pp. 1-14.

do so, as well. Mann Borgese's long-term objective was to functionally implement some of those imaged scenarios.

Even though they influence each other, it is important to distinguish between more narrow definitions of narrative as genre, which originated in literature studies, and the cultural concept of narrativity. Within the field of traditional literary narratology, the narrative is usually defined as

a representation of a possible world in a linguistic and/or visual medium, at whose centre there are one or several protagonists of an anthropomorphic nature who are existentially anchored in a temporal and spatial sense and who (mostly) perform goal-directed actions (action and plot structure).<sup>34</sup>

However, since the 'narrative turn' in the social sciences<sup>35</sup>, stories and storytelling are increasingly being understood as central to all areas of social life; i.e.; narrativity as concept. According to Roland Barthes,

[t]he narratives of the world are numberless. Narrative is first and foremost a prodigious variety of genres, themselves distributed amongst different substances—as though any material were fit to receive man's stories. Able to be carried by articulated language, spoken or written, fixed or moving images, gestures, and the ordered mixture of all these substances; narrative is present in myth, legend, fable, tale, novella, epic, history, tragedy, drama, comedy, mime, painting [...], stained glass windows, cinema, comics, news item, conversation. Moreover, under this almost infinite diversity of forms, narrative is present in every age, in every place, in every society; it begins with the very history of mankind and there nowhere is nor has been a people without narrative. [...] Narrative is international, transhistorical, transcultural: it is simply there, like life itself.<sup>36</sup>

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<sup>34</sup> Monika Fludernik. *An Introduction to Narratology*. Routledge, 2009, p. 6.

<sup>35</sup> See, for example, Hayden White. *Metahistory: The Historical Imagination in Nineteenth-century Europe*. The Johns Hopkins University Press, 1973.

<sup>36</sup> Roland Barthes. "An Introduction to the Structural Analysis of Narrative." *Narrative Theory: Major Issues in Narrative Theory*, edited by Mieke Bal, Routledge, 2004, p. 65. Originally published as "Introduction à l'analyse structural du récit." *Communications*, Vol. 8, 1966.

Thomas Mann knew that “for everything that happens can become a story and fine discourse, and it may well be that we are caught up in a story.”<sup>37</sup> The notion that everything is narrative and can create narrative has recently been taken to a next level by the scholars of material ecocriticism<sup>38</sup>, another posthumanist approach that broadens the definition of agency beyond the human species and analyses the manifestations of material agency in narratives. In comparison to Zapf’s cultural ecology, material ecocriticism understands everything as environment or ‘nature/culture’. The agency of matter is interpreted in the ways in which it is represented in texts, and how matter as ‘storied matter’ is connected to human lives.<sup>39</sup>

Although all narratives share common structures that can be analyzed, the universality of narrative comes, according to Barthes, with a multiplicity of standpoints from which these structures can be studied. This multiplicity also indicates a wide variety of different perspectives and the interrelationships between them to be taken into account and which also make matters more complex. Mieke Bal points out that the study of

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<sup>37</sup> Joseph to Potiphar’s wife in Tomas Mann’s *Joseph and His Brothers* (1933-1943). Translation taken from the “Preface to the English Edition” of Joachim Radkau’s *The Age of Ecology*. Polity, 2014.

<sup>38</sup> Serenella Iovino and Serpil Oppermann. “Material Ecocriticism: Materiality, Agency, and Models of Narrativity.” *Ecozon@*, vol. 3, no. 1, 2012, pp. 75-91. And Gabriele Dürbeck, Caroline Schaumann, and Heather I. Sullivan. “Human and Nonhuman Agencies in the Anthropocene.” *Ecozon@*, vol. 6, no. 1, 2015, pp. 118-136. Heather I. Sullivan. “New Materialism.” *Ecocriticism. Eine Einführung*, edited by Gabriele Dürbeck and Urte Stobbe, Böhlau Verlag, 2015, pp. 57-67.

<sup>39</sup> Examples are shale gas as a material text through which narratives are created in Serpil Oppermann’s “The Scale of the Anthropocene: Material Ecocritical Reflections.” *Mosaic*, Vol. 51, No. 3, September 2018, pp. 1-17. Or Heather Sullivan’s “Petro-Texts, Plants, and People in the Anthropocene: The Dark Green.” *Green Letters: Studies in Ecocriticism*, Vol. 23, No. 2, 2019, pp. 152-167. To provide another example: The deep seabed, among many other aspects of the sea, could also be viewed as a material text that creates embedded narratives that can be examined. Seen from this angle, many stories about human/nature relations in the ocean and on shore emanating from the seabed were told from different (disciplinary) perspectives, including cultural, social, political, legal, and economic angles. Elisabeth Mann Borgese and her work represent only one of these stories within this context. This is why cultural ecology in conjunction with an interdisciplinary narrative approach works better for the purposes of this thesis.

narratives is not confined to any particular discipline, which turns out to be a useful approach to narrativity within a more non-traditional interdisciplinary examination,

[n]arrative is a mode, not a genre. It is alive and active as a cultural force, not just a kind of literature. It constitutes a major reservoir of cultural baggage that enables us to make meaning out of a chaotic world and the incomprehensible events taking place in it. And, not to be forgotten, narrative can be used to manipulate. In short, it is a cultural force to be reckoned with.<sup>40</sup>

The premise of narrativity as a cultural mode enables many different kinds of narratives as vehicles for cultural expression to travel well between disciplines, researchers, fields, individuals, and societies thus acting as integrative devices making complex cultural analyses possible.<sup>41</sup> Further, complexity is understood as a driver of interdisciplinarity.<sup>42</sup> The concept of narrativity serves as an excellent analytical tool for dealing with complex subject matter that require the identification and analysis of events and discourses through different perspectives in order to create integration and make understanding possible.

Over the course of history, humanity has developed many different views about the character of civilisation, laws, morality, or nature from a multiplicity of ever-evolving narratives. If different disciplines of international law, literature studies, and cultural history have anything to say to each other, it is about culture and representations of different cultural perceptions.<sup>43</sup> But they can also provide information on how humanity has been perceiving nature. Culture can act “as a dynamic environmental agent” that can

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<sup>40</sup> Mieke Bal. “Working with Concepts.” *European Journal of English Studies*, vol. 13.1, 2009, p. 16.

<sup>41</sup> See Mieke Bal. *Travelling Concepts in the Humanities. A Rough Guide*. University of Toronto Press, 2002.

<sup>42</sup> See *An Introduction to Interdisciplinary Research. Theory and Practice*, edited by Steph Menken and Machiel Keestra, Amsterdam University Press, 2016.

<sup>43</sup> See Jeffrey Miller. *The Structures of Law and Literature. Duty, Justice, and Evil in the Cultural Imagination*. McGill-Queen’s University Press, 2013. Saskia Vermeylen has repeatedly acknowledged the role of narratives in law; e.g., in her article “The Nagoya Protocol and Customary Law: The Paradox of Narratives in Law.” *Law, Environment and Development Journal*, vol. 9, no. 2, 2013, p. 1.



shape “perceptions of the natural world and their relationship to it.”<sup>44</sup> Since the early 1990s, literary and cultural studies have explored the interrelationships between literature and the physical environment in the form of ecocriticism. But the intersections of nature and culture not only play a visible role in fictional narratives, but also in other cultural objects and texts. Timothy Clark recently ascertained that

[e]cocriticism asks fundamental questions about the nature and causes of environmental crisis, the ways in which they are represented in language and culture, or contested or interpreted in literature, in art or daily discourse.<sup>45</sup>

Through a dynamic interaction between ecocriticism and law and political history, i.e., by reading legal and political texts as narratives through the lens of ecocriticism, these texts speak to the human perception of nature and human/nature relations, and thus about major contemporary socio-political concerns. Within this context, Greg Garrard points out,

[e]cocriticism is an avowedly political mode of analysis [...]. Ecocritics generally tie their cultural analyses explicitly to a ‘green’ moral and political agenda. In this respect, ecocriticism is closely related to environmentally oriented developments in philosophy and political theory. Developing the insights of earlier critical movements, ecofeminists, social ecologists and environmental justice advocates seek a synthesis of environmental and social concerns.<sup>46</sup>

Of course, these respective disciplines treat narratives differently, which, in some cases, can lead to misunderstandings due to different terminology. In law and political sciences, for example, narrative is often understood as frame and strategic frames as tools of manipulation. As Elisa Morgera explains,

[f]rames play an essential, though not always recognized, role in the development of international law. Frames select and accentuate certain aspects of reality over

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<sup>44</sup> Thomas Lekan and Thomas Zeller. “Introduction. The Landscape of German Environmental History.” *Germany’s Nature. Cultural Landscapes and Environmental History*, edited by Thomas Lekan and Thomas Zeller, Rutgers University Press, 2005, p. 5.

<sup>45</sup> Timothy Clark. *The Value of Ecocriticism*. Cambridge University Press, 2019, p. 5.

<sup>46</sup> Greg Garrard. *Ecocriticism*. Routledge, 2011, pp. 3-4.

others to promote a particular problem definition or approach to its solution, they are chosen and strategically used by actors with particular agendas and powers, and they have distinct normative and regulatory implications.<sup>47</sup>

Both fictional stories and factual legal and political discourse can potentially shape how we understand the present and imagine the future. As Jan Nederveen Pieterse points out, “in social science it is now widely assumed that realities are socially constructed. The way people think and talk about social realities affects agendas, policies, laws and the ways laws are interpreted.”<sup>48</sup>

In narratology, narratives are defined as structured stories that are roughly comprised of plots, characters, time, setting, motifs, metaphors, and themes. Depicted events usually show some causality and are connected in spatio-temporal ways. With the premise that realities are socially constructed, legal and political texts in the broadest sense can be examined by looking at what is transpiring (*histoire*), and how these events are represented (*discours*).<sup>49</sup> The ways in which events and actions are selected, presented, arranged, told, and understood in legal and political texts can share obvious commonalities with the ways in which narrative structures are employed by imaginative literature.<sup>50</sup> Understanding realities through the concept of narrativity enhances the ability

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<sup>47</sup> Elisa Morgera. “The Need for an International Legal Concept for Fair and Equitable Benefit Sharing.” *The European Journal of International Law*, vol. 27, no. 2, 2016, pp. 353-383.

<sup>48</sup> Jan Nederveen Pieterse. *Development Theory. Deconstructions/Reconstructions*. Sage, 2010, p. 2.

<sup>49</sup> See Matias Martinez, editor. *Erzählen. Ein interdisziplinäres Handbuch*. J.B. Metzler Verlag, 2017, pp. 2-21.

<sup>50</sup> About the relationship between narrative and law see Peter Brooks. “Narrative Transaction—Does the Law Need a Narratology?” *Yale Journal of Law & Humanities*, Vol. 18, No. 1, 2006, pp. 1-28. And Monika Fludernik. “A Narratology of Law? Narratives in Legal Discourse.” *Critical Analysis of Law*, Vol. 1, 2014, pp. 87-109. The relationship between law and narrative historically has found its expression within the two movements of ‘law in literature’ and ‘law as literature’. While the first analyses legal issues in literary texts (examples are, among many others, the works of Franz Kafka, Bernhard Schlink, Ferdinand von Schirach, Juli Zeh, and the more popular John Grisham), the latter interprets legal texts with the techniques of literary analysis and understands the practice of reading and analysing fictional literature as important cultural technique to improve legal understanding and practice. In environmental law, the relationship between law and narrative is mostly focussed on environmental justice and indigenous voices,

to identify and understand different perspectives with its underlying structures that provide intersubjective accounts of what is being considered to be right and truthful within a particular historico-political setting. This skillset enables an acceptance and to be able to endure ambivalences and uncertainties of multifarious perspectives. It has the potential to integrate divergent views in order to get a more contextualised picture of events, circumstances, and ideologies. The interdisciplinary practice of narrativity needs to be more prevalent in any academic field, including international law of the sea and environmental law, because it ultimately leads to the question of the cultural functions of narratives.

In her 1998 monograph, *An Ecological Approach to International Law*, Prue Taylor argues that in order to protect the global environment, “what is needed is a change in attitudes, in values, thinking, *and* corresponding changes in human behavior. [...] We must also make fundamental changes to our economic, social and political systems”<sup>51</sup>. Peter Finke, in his *Ökologie des Wissens*, also argues that a change of consciousness must be the basis of cultural transformation towards new, sustainable ways of living and defines cultural ecology as an “ecologically redefined model of humanity and human culture.”<sup>52</sup> Based on the concept of the common heritage of mankind, Elisabeth Mann Borgese saw “a new ecological consciousness, a different vision [...] of man’s relationship to nature”<sup>53</sup> emerging from the sea. These calls for a change of

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whereas the importance of narrative and storytelling in environmental law is gaining more importance to raise consciousness.

<sup>51</sup> Prue Taylor. *An Ecological Approach to International law. Responding to Challenges of Climate Change*. Routledge, 1998, p. 298.

<sup>52</sup> Peter Finke. “Kulturökologie.” *Konzepte der Kulturwissenschaften. Theoretische Grundlagen–Ansätze–Perspektiven*, edited by Ansgar and Vera Nünning. Metzler 2003, p. 276.

<sup>53</sup> Elisabeth Mann Borgese. *The Oceanic Circle: Governing the Seas as a Global Resource*. United Nations University Press, 1998, p. 57.

consciousness, i.e., a change of assumptions and values underlying our actions, have less rational implications than scientific paradigm changes for that matter and are more intersubjective because they postulate a change of perspectives. Narratives cannot only be studied from different perspectives, but they also have the unique ability to showcase different perspectives. Hence, different and changing perspectives are best explored within an interdisciplinary narrative approach because it provides the opportunity to look at unfamiliar angles and embrace different viewpoints from the relatively safe standpoint of somewhere in between the realms of the objective and subjective. Narrativity can open up that space of the in-between where understanding and empathy may emerge.

That is why this thesis works under the assumption that the concept of narrativity as one of the strongest cultural forces is able to evoke such profound changes in consciousness and human behaviour as postulated by Mann Borgese, Taylor, and Finke. Throughout human history, story and storytelling as epistemological structures have helped us to make sense of our lives and the world around us, both individually and collectively.<sup>54</sup> For historian Yuval Noah Harari,

sapiens rule the world because only they can weave an intersubjective web of meaning: a web of laws, forces, entities and places that exist purely in their common imagination. This web allows humans alone to organize crusades, socialist revolutions and human rights movements.<sup>55</sup>

Almost anything can be placed within a narrative framework which then, in turn, has the power of cultural transformation. Intersubjective realities change over time and can have both positive and negative interactions with objective and subjective realities. Although all societies experience changes in grand narratives, the question remains how

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<sup>54</sup> See Robert Fulford. *The Triumph of Narrative: Storytelling in the Age of Mass Culture*. Anansi, 1999.

<sup>55</sup> Yuval Noah Harari. *Homo Deus: A Brief History of Tomorrow*. Signal, 2016, p. 175.

traditionally agreed upon narratives (or frames) can be and are being changed. An analysis of Elisabeth Mann Borgese's work can shed light on this enigmatic process. It was her objective to shift contemporary common imagination surrounding the relationships between humanity and nature, and, correspondingly, between the individual and society, common and private good, and men and women. One could further argue that, especially towards the end of her life, Mann Borgese also made attempts to reconstruct her own life as a story and change our common imagination about her family history.

In an address, "The Philosophy of Ocean Governance,"<sup>56</sup> most likely created in the late 1990s or shortly before her death, Mann Borgese outlines the frameworks of two different narratives that, according to her, constitute the two poles of philosophic thinking in all cultures:

It is curious how, quite consistently, the way we see nature and treat nature, we see, and treat, ourselves, and one another, or the other way [a]round. We project on nature the concepts we hold about our own nature [...] If we believe that human beings are basically non-cooperative, competitive, combative, and unequal, we will develop governments and forms of governance that are coercive and authoritarian, businesses that are exploitative, and families which may be brutal. We then are also likely to believe that might is right and that we have the right to exploit not only the weaker among us, but nature as well and that evolution is determined by the survival of the fittest. We will also be convinced that these our beliefs [sic!] are the only correct ones, that we are the centre of the universe, and the rest does not count.

If, on the other hand, we believe that humans are fundamentally cooperative, that they are all born with equal rights, that the long-term driving force of evolution is cooperation, not competition; that humans are part of nature, then we will develop governments and forms of governance respectful of human rights as well as of nature. These may take different forms in different places at different times, nurtured by different cultures.

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<sup>56</sup> Elisabeth Mann Borgese. "The Philosophy of Ocean Governance." MS-2-744\_39-1, not dated. Similar content can be found in her 1998 book *The Oceanic Circle*.

There have always been conflicting notions of nature and culture throughout Western history and the human/nature relationship has always been ambivalent. The history of human nature has showcased the struggle of humanity with the question of how to deal the massive powers of nature. Across the literary fields, countless narratives tell stories about rebellious fights for freedom and independence from these powers on the one hand, and a yearning for knowledge about and unity with nature on the other. Goethe's *Faust* (1808/1832) and the crosscurrents of German Romanticism might be the most prominent examples of such an existential struggle to lift the 'Veil of Isis' within a German context.<sup>57</sup> In terms of science, the Scientific Revolution during the Enlightenment promoted a mechanistic and linear worldview in which the subject was ontologically separated from the object and (especially) Man set out to reveal the laws of nature in order to dominate and exploit it. In a twist and turn, Romantic science made nature the standard of culture, believing in nature as something divine, spiritual, and transcendent.<sup>58</sup> Darwin's evaluation of human's evolutionary place in nature. His theories unearthed physiological continuities between animals and humans and shared common ancestry which was initially seen—and still is by some—as utter heresy, whereas his thesis of competition and struggle as basis for evolutionary progress seems to be less controversial.

Observed from a contemporary perspective, all of the intellectual movements mentioned above are roughly set at the beginning of what is now called the Anthropocene. Paul J. Crutzen situates the early stages of this new geological epoch characterized by “mankind's growing influence on the environment” in the late

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<sup>57</sup> Novalis et al.

<sup>58</sup> See, for example, *Cosmos* by Alexander von Humboldt.

eighteenth century.<sup>59</sup> Today, conceptualizations of nature and culture are seen increasingly as dynamic and interconnected systems.<sup>60</sup> However, modern technologies and lifestyle are transforming and reshaping nature to such an extent that culture is about to completely overpower nature, increasingly revealing economic, political, and cultural consequences in the Anthropocene.

Accordingly, the stories we tell each other and the ways in which we tell them become increasingly important in the Anthropocene. New stories are being told differently and old narratives are examined and re-interpreted from ecological and planetary angles as a response to the issues of the Anthropocene.<sup>61</sup> More so than ever, cultural analysis conducted in this new geological epoch, in itself a narrative, requires the integration of many different kinds of narratives from many different perspectives and disciplines in order to address the issues and to better understand them.<sup>62</sup> As Gabriele Dürbeck, Caroline Schaumann, and Heather Sullivan observe,

[i]n considering the economic, ecological, political, ethical, and cultural consequences of the Anthropocene, two competing perspectives have emerged with relevance for questions of agency: on the one side, a pessimistic emphasis of humankind as an unintentional destroyer of the planet, a status earned through the accidental “collateral damage” of our activities. [...] The other side pleads for a pragmatic emphasis of humans as designers of the earth, a view which rejects the idea that we can only react to the global damages and instead advocates efforts to mitigate the changes we have wrought and to adapt ourselves to these changes.<sup>63</sup>

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<sup>59</sup> Paul J. Crutzen. “Geology of Mankind.” *Nature*, Vol. 425, 3 Jan. 2002, p. 23.

<sup>60</sup> See, e.g., the social-ecological systems approach to examine land-ocean interactions in coastal communities (SES Conceptual Framework). Marion Glaser, Gesche Krause et al. *Human-Nature Interactions in the Anthropocene. Potentials of Social-Ecological Systems Analysis*. Routledge, 2012.

<sup>61</sup> See Gabriele Dürbeck. “Narrative des Anthropozän – Systematisierung eines interdisziplinären Diskurses.” *Kulturwissenschaftliche Zeitschrift*, Vol. 2, No. 1, 2018, pp. 1-20.

<sup>62</sup> This is first and foremost the task of the environmental humanities. See Caroline Schaumann and Heather I. Sullivan, editors. *German Ecocriticism in the Anthropocene*. Palgrave Macmillan, 2017. And Sabine Wilke and Japhet Johnstone, editors. *Readings in the Anthropocene. The Environmental Humanities, German Studies, and Beyond*. Bloomsbury, 2017.

<sup>63</sup> Gabriele Dürbeck, Caroline Schaumann, and Heather Sullivan. “Human and Non-human Agencies in the Anthropocene.” *Ecozone@*, Vol. 6, No. 1, 2015, p. 120.

A look at the relatively young history of environmental law<sup>64</sup> reveals that the legal conceptualizations of the human/nature relationship have also been fluctuating between the perceptions that nature needs to be either dominated and exploited by humans or protected from humans. The latter often implies a developmental aspect, which means that nature must be protected to secure valuable resources, i.e., for the economic benefit of humanity.<sup>65</sup> Against this mainstream understanding of the concept of sustainable development, Klaus Bosselmann argues that sustainability should be seen as a guiding principle for environmental law and beyond.<sup>66</sup> Other recent theoretical deliberations on the state of environmental law in the Anthropocene posit that animals and other natural agents (or nature in general) should be treated as legal subjects. This again exposes the abyss between anthropocentrism on one side of the extreme and ecocentrism on the other.<sup>67</sup>

Bruno Latour has called these struggles of humanity and the questions of agency in the Anthropocene “our common *geostory*.”<sup>68</sup> Earlier, Lawrence Buell identified a lack of ‘environmental imagination’ “as a root cause of the modern environmental crisis.”<sup>69</sup>

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<sup>64</sup> Environmental law “with environmental principles as foundational concepts” has its roots in the 1970s. See Eloise Scotford. *Environmental Principles and the Evolution of Environmental Law*. Hart Publishing, 2017, p. 32.

<sup>65</sup> See Marie-Catherine Petersmann. “Narcissus’ Reflection in the Lake: Untold Narratives in Environmental Law Beyond the Anthropocentric Frame.” *Journal of Environmental Law*, vol. 30, 2018, pp. 235-259. Petersmann argues that the redefinition of the purpose of environmental protection for economic benefit “gave birth to a hegemonic anthropocentric worldview where environmental protection is perceived as a purpose aimed at protecting the rights and interests of the human species, more than the intrinsic value of nature.”

<sup>66</sup> Klaus Bosselmann. *The Principle of Sustainability: Transforming Law and Governance*. 2<sup>nd</sup> edition, Routledge, 2016.

<sup>67</sup> Louis J. Kotzé, editor. *Environmental Law and Governance in the Anthropocene*. Hart Publishing, 2017. The CBC radio show *Ideas* recently asked, “Is it time for animals to ‘lawyer up’?.” Such an approach to give nature more agency implies giving nature a voice, i.e., a language, which is exactly what set human beings apart from nature.

<sup>68</sup> Bruno Latour. “Agency at the Time of the Anthropocene.” *New Literary History*, Vol. 45, No. 1, Winter 2014, p. 3.

<sup>69</sup> Axel Goodbody. “Epilogue: The Anthropocene in German Perspective.” *Readings in the Anthropocene: The Environmental Humanities, German Studies, and Beyond*, edited by S. Wilke and J. Johnstone,



Against this wide-ranging background, and in dynamic interaction with it, the following chapters will examine Mann Borgese's narrative that calls for continuity and cooperation between agents of nature and culture in order to cope with the challenges of contemporary environmental problems, climate change, and other global issues.

In her above-mentioned text, "The Philosophy of Ocean Governance" (see p. 21), Mann Borgese continues by stating that the first narrative featuring competition could lead to human extinction, whereas the latter, featuring cooperation, might extend human existence significantly. She identifies paradigmatic cultural shifts as drivers of complex contemporary global challenges. These posited threats to humanity and nature would eventually lead towards the dominance and acceptance of the latter narrative. As will be shown, it is exactly this narrative which underwrites Mann Borgese's philosophy of continuity and has guided and influenced all of her work throughout until her death,

[c]ooperation, not conflict, also determines the fundamental relationship between humans and the rest of nature. The philosophy of ocean governance considers *cultural evolution as a continuation and acceleration of natural evolution* [EMB's emphasis]. It considers human beings as a part of nature, not its overlords. It sees continuity between all parts of nature and finds the roots of intelligence, of art, of technology, of religion and ethics, in the animal kingdom. As we treat nature, we treat ourselves, and vice versa. If we destroy nature we destroy ourselves. [...] It rests on the belief that human beings are fundamentally cooperative, a 'social species,' and that, in spite of all the horrors we have seen especially in the twentieth century, which has been the bloodiest in all recorded history, humans can be motivated to identify self-interest with the common good.<sup>70</sup>

Advances in science and technology, environmental pollution, the effects of globalization, as well as the politics of the traditional nation state, including a classical understanding of capitalist economics, all posit challenges and threats which, to Mann

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Bloomsbury Publishing, 2017, pp. 313-320. And Lawrence Buell. *The Environmental Imagination: Thoreau, Nature Writing, and the Formation of American Culture*. Harvard University Press, 1996.

<sup>70</sup> Elisabeth Mann Borgese. "The Philosophy of Ocean Governance." No page numbers.

Borgese, eventually lead to profound systemic changes of social structures. These circumstances will have to be met by “new concepts and visions” in order for humanity to survive. Driven by developments in science and technology, these oscillating narratives about human/nature relationships constitute leitmotifs throughout Mann Borgese’s nonfictional and fictional work and thus form connections between them. Elisabeth Mann Borgese’s ‘laboratory’ for a new world order is based on an ecological school of thought in which everything is systemically connected.

Another foundation can be seen in her interpretation of evolutionary theory, more specifically *cultural evolutionary theory*, which became popular during the 1960s and extends Darwinian theories of natural selection and adaptation to cultural ideas.<sup>71</sup> In combination, this finds its concrete expression in the ocean as the laboratory for the making of a new and more equitable world order based on the concept of humanity’s common heritage and with international law as one of the tools for social change. On a smaller scale, her fiction can be seen as experimental setups to examine this troubled human/nature relationship in the twentieth century.

In summary, Mann Borgese’s philosophy of continuity, based on evolutionary and complexity theories, highlights the interconnectedness between the individual, society, and nature. This philosophy is expressed throughout her writings and constitutes the link between her work, both fiction and nonfiction, articulated through leitmotifs, as well as through intertextual and thematic interrelations. Further, it showcases that Mann Borgese’s emphasis on continuity and cooperation between agents of nature and culture constitutes the basis of her extended understanding of humanism and the common

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<sup>71</sup> See Julian Huxley. “Guest Editorial: Evolution, Cultural and Biological.” *Yearbook of Anthropology*, 1955, pp. 2-25.

heritage of mankind concept. Lastly, it illustrates the ideological setting of her cultural ecology in which society and its cultural subsystems of law, economy, science and education are organized in such ways to be able to deal with complex global problems ecologically and for the benefit of all humanity.

## 1.2 Methodology and Outline

The exploration of Elisabeth Mann Borgese's work necessitates an interdisciplinary approach for three reasons: Mann Borgese was an unapologetic proponent of interdisciplinarity<sup>72</sup>; the scientific method of the common heritage of mankind is interdisciplinarity; and in order to excavate the interrelationships of Mann Borgese's work, it takes an interdisciplinary researcher whose objective it is to see and uncover perspectives that had been previously neglected. This entails investigating the margins of a topic and rummaging around in the in-between of accepted disciplinary narratives upon which researchers often base their arguments.

By definition, "interdisciplinary study draws insights from relevant disciplines and integrates these insights into a more comprehensive understanding"<sup>73</sup> of a complex issue. But interdisciplinarity can be, much like the concept of the common heritage of mankind, a whole new mindset in research and education (see chapter 3.2.3). "The ocean forces you to think differently," says Mann Borgese, because "everything flows, and boundaries are more fiction than reality."<sup>74</sup> The complexity of ocean issues, for example,

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<sup>72</sup> It can be argued that Mann Borgese was 'adisciplinary', meaning not belonging to any academic discipline. However, during the course of her academic work, she became an interdisciplinarian, using interdisciplinary approaches. This approach came naturally to her.

<sup>73</sup> William Newell. "A Theory of Interdisciplinary Studies." *Issues in Integrative Studies*, no. 19, 2001, pp. 1-25.

<sup>74</sup> Elisabeth Mann Borgese. "Caird Medal Address.", p. 391.

naturally turns oceanography into an interdisciplinary field of research and study. In turn, Mann Borgese's premise of the continuity and complexity of all natural and cultural systems must make interdisciplinarity the gold-standard of science and research in all fields.

Drawing on the work of Edgar Morin about interdisciplinarity, Alfonso Montuori summarizes the characteristics of interdisciplinary research in the following way:

1. A focus that is *inquiry-driven* rather than discipline driven. This in no way involves a rejection of disciplinary knowledge, but the development of knowledge that is pertinent to the inquiry for the purposes of action in the world.
2. A stress on *construction of knowledge* through an appreciation of *the meta-paradigmatic dimension*—in other words, the underlying assumptions that form the paradigm through which disciplines and perspectives construct knowledge. Disciplinary knowledge generally does not question its paradigmatic assumptions.
3. An understanding of the *organization of knowledge*, isomorphic at the cognitive and the institutional level, the history of reduction and disjunction [...] and the importance of contextualization and connection.
4. *The integration of the knower in the process of inquiry*, which means that rather than attempting to eliminate the knower, the effort becomes one of acknowledging and making transparent the knower's assumptions and the process through which she constructs knowledge.<sup>75</sup>

All of the points are of relevance in revitalizing narrative (and thus language) as a tool of interdisciplinary research and teaching, especially in the humanities and social sciences.

The premise that everything can be narrative or can be presented as narrative acknowledges the construction of knowledge and the representation of underlining assumptions. An inquiry-driven focus forces the researcher first to analyze these structures, i.e., the ways in which knowledge is organized and then to identify and adopt the different perspectives represented in these narratives. This can be done by close

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<sup>75</sup> Alfonso Montuori. "Foreword. Edgar Morin's Path of Complexity." *On Complexity* by Edgar Morin. Hampton Press, 2008, p. xxvii.

reading of the texts and sources, using the analytic tools of narratology, interpretation, and by contextualizing (also known as ‘doing research’). Such an approach makes the researcher aware of their own assumptions and the ways in which they have been seeing and understanding the world. Once the assumptions, perspectives, and the organization of knowledge in the source materials have been analyzed and understood, it will be possible to shed light on previously hidden connections, to criticize given assumptions, and to make new connections. Hence integration and the production of new knowledge become possible.

The central arguments in this thesis are demonstrated by using a truly interdisciplinary analysis approach that will “embrace novelty beyond disciplinary confines,”<sup>76</sup> and is based on the contextualized close reading and interpretation of Mann Borgese’s fiction and nonfiction, archival materials, as well as other relevant secondary sources. It is the nature of interdisciplinary research to draw from a wide variety of sources, something which one of the leading scholars in interdisciplinary studies identified as “strategic interdisciplinarity.”<sup>77</sup> This approach does not stand in contrast nor does it reject the historical, interpretive, and analytical methods traditionally employed in qualitative research in the humanities. It is the question of integration of insights with the objective to create new knowledge and/or a better understanding that differs from more traditional, i.e., disciplinary approaches. Interdisciplinary integration means to excavate previously unseen and unexpected interrelationships and perspectives. The amplitude of materials and its integration often constitute a challenge to scholarship, especially to

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<sup>76</sup> Sharon Woodill. “Strategic Interdisciplinarity: The Self as Method.” *Cutting Edge*, Vol. 2, 2016, The University of British Columbia Interdisciplinary Studies Graduate Program. <http://cuttingedge.isgp.ubc.ca/journal/volume-2/>.

<sup>77</sup> Ibid.

interdisciplinary research in the humanities and social sciences. This thesis tries to address and cope with this challenge by weaving together all the different threads in a narrative manner.

Further, two theoretical approaches are being used in combination in order to achieve integration. First, the interdisciplinary approach of cultural ecology which looks at the interaction and living interrelationship between culture and nature, without reducing one to the other. Based on Gregory Bateson's *Steps to an Ecology of Mind* (1972) and Peter Finke's *Die Ökologie des Wissens* (2005, *The Ecology of Knowledge*), the concept of cultural ecology employs an evolutionary approach to explain natural and cultural processes and understands both nature and culture as systems that evolved out of the same natural grassroots. This means that natural evolution preceded cultural evolution, providing the foundation for it. According to Finke, language is situated at the interface between natural and cultural evolution. Although cultural evolution follows its own dynamics and processes and has long surpassed natural evolution to now potentially threatening degree, it remains connected to nature. As creative or self-organizing systems, nature and culture are distinct but interrelated through feedback loops. German academic, Hubert Zapf, incorporated Finke's ideas about cultural ecology into literary studies and ecocriticism (see above).

Second, based on Mieke Bal's idea of "travelling concepts in the humanities," this thesis features several travelling concepts, such as ecology, evolution, utopia, the Anthropocene, and narrative. According to Bal's characterization of narrative as an interdisciplinary concept, the concept of narrative is treated as a framework and as an integrative device that travels well between the disciplines of literary studies,

international law, cultural history, and political science. Bal identifies concepts as dynamic tools, which can facilitate intersubjective understanding because they are not fixed, but flexible. Hence, Bal argues that interdisciplinarity in the humanities “should seek its methodological basis in concepts rather than methods.” In contrast to traditional disciplinary methodologies, there is no binary opposition between the method and the object that is being examined or between the researcher and the object. This means that concepts are not applied to the cultural objects being examined, but that they dynamically interact with them.<sup>78</sup>

Biography does not play a central role in this thesis and will only be used in order to provide context, albeit aspects of the representation of Mann Borgese’s biography and family history will be discussed further in the concluding remarks.

In order to flesh out the interrelations of Elisabeth Mann Borgese’s work, including her early nonfiction writings, her fiction, and her later ocean and international law of the sea-related work within the timeframe of the late 1950s until her death in early 2002, the main part of this thesis is divided into four parts presented in two large chapters. The first part of the second chapter (2.1. Between a Mythological Past and a Scientific Future) presents and investigates in a first step the roots of Mann Borgese’s understanding of cultural evolution. In a second step, her early nonfiction work, *Ascent of Woman* and *The Language Barrier*, will be introduced and examined in order to showcase the foundation of Mann Borgese’s cultural ecology. In the second part of Chapter 2, selected short stories of Mann Borgese’s body of fiction are presented and analyzed exemplarily (2.2. Dark Fiction: Futuristic Pessimism) to show how her

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<sup>78</sup> Mieke Bal. “Working with Concepts.” *European Journal of English Studies*, Vol. 13.1, 2009, pp. 13-23.

philosophy of continuity finds its articulation in her fiction. The first part of chapter 3 (3.1 Historical Background) tells the story of the common heritage of mankind and sustainable development as competing narratives, gives account of Arvid Pardo's tale of the deep sea, and situates Mann Borgese's *Ocean Frontiers* and *Chairworm & Supershark* within this context and timeframe. Overall, the first part of Chapter 3 provides the historical background of UNCLOS III and the development of the international law of the sea beginning in 1967 in order to be able to compare and contrast Mann Borgese's utopia with the political and juridical realities of that time. It needs to be noted that this chapter, using a bit of a narrative artifice, develops in reverse chronological order, starting in the 1980/1990s and going back to the 1960s to showcase the expression of Mann Borgese's cultural ecology (3.2. Elisabeth Mann Borgese's Cultural Ecology) in the societal subsystems of law, economics, and science and education.

### **1.3 State of Research**

In comparison to the overwhelming number of publications by Elisabeth Mann Borgese, relatively little has been written and published about her life and work. What has been written and published mostly falls into two categories: 1) work connected to the Mann family history or 2) the International law of the sea and the historical background of UNCLOS III. Nothing has yet been published illuminating the space in-between these areas of interest from a cultural history and ecocritical point of view, shedding light on the intersections of literature, law, and politics.



On the occasion of Mann Borgese's 100<sup>th</sup> birthday in April 2018, the IOI published *The Future of Ocean Governance and Capacity Building. Essays in Honor of Elisabeth Mann Borgese*,<sup>79</sup> a collection of over 80 relatively short essays about the international law of the sea generally, UNCLOS, and the politics of the sea honouring Mann Borgese's work. Within this context, the essay by François Baillet, "The Capacity Development Imperative: Elisabeth Mann Borgese's Legacy"<sup>80</sup> needs to be noted because it is one of the few works emphasizing the importance of the human/nature relationship in Mann Borgese's oeuvre. The 2018 dissertation by Tirza Meyer, "Elisabeth Mann Borgese. Deep Ideology,"<sup>81</sup> explores the role of Mann Borgese before, during, and after UNCLOS through a historical and biographical lens, and thus falls into the latter category. Patricia Mallia's and David Testa's essay, "Elisabeth Mann Borgese. Gender, and the Law of the Sea" (2019),<sup>82</sup> situates Mann Borgese's work within the intersection of international law of the sea and gender studies, but again illuminates Mann Borgese's role in connection to UNCLOS from a gender perspective. German publications mostly fall into the first category and usually deal with Mann Borgese's biography and family history. The two latest German publications about the Mann-family, Tilmann Lahme's *Die Manns. Geschichte einer Familie* (2015) and *Die Briefe der Manns. Ein*

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<sup>79</sup> International Ocean Institute, editor. *The Future of Ocean Governance and Capacity Building. Essays in Honor of Elisabeth Mann Borgese*. Brill Nijhoff, 2018.

<sup>80</sup> François Baillet. "The Capacity Development Imperative: Elisabeth Mann Borgese's Legacy." *The Future of Ocean Governance and Capacity Building. Essays in Honor of Elisabeth Mann Borgese*, edited by the International Ocean Institute, Brill Nijhoff, 2018, pp. 71-76. ("Elisabeth Mann Borgese often proposed that the development of a new international framework for the law of the sea offered a laboratory for humanity within which to develop new approaches to its relationship with nature, and with itself. This proposition was firmly rooted in the conviction that we should be courageous enough to step away from our traditional land-based approaches, and leave behind some of our old ways, which have often caused conflict and inequalities, all at the expense of humanity and nature.").

<sup>81</sup> Tirza Meyer. "Elisabeth Mann Borgese. Deep Ideology." Dissertation, Norwegian University of Science and Technology, 2018.

<sup>82</sup> Patricia Mallia and David Testa. Elisabeth Mann Borgese, Gender, and the Law of the Sea." *Gender and the Law of the Sea*, edited by Irini Papanicolopulu, Brill Nijhoff, 2018, pp. 106-121.

*Familienportrait* (2016), edited by Tilmann Lahme, Holger Pils, and Kerstin Klein, both point out the desideratum of a full-scale study on Elisabeth Mann Borgese, something that Peter Serracino Ingloft already called for in his article, “Elisabeth Mann Borgese: Metaphysician by Birth” (*Ocean Yearbook* 18) in 2004. Commented and annotated editions of Mann Borgese’s fiction, collected works or her letters are also still missing. Parts of her archives, the Elisabeth Mann Borgese Fonds<sup>83</sup> at Dalhousie University, have recently been digitized with the financial support of Nikolaus Gelpke (Mare publishing house) and IOI.<sup>84</sup> Shortly before Elisabeth Mann Borgese’s death in 2002, she first entered the consciousness of the educated German middle-class through Heinrich Breloers miniseries in three parts about the Mann-family<sup>85</sup>—as the last remaining child of Thomas Mann. In the miniseries, Mann Borgese comments on the history of her family in various interview segments. Other interviews with Mann Borgese were conducted in German between 1993 and 2010 (publishing date of the audiobook).<sup>86</sup> In 2003, the first and only short biography about Mann Borgese by the German journalist Kerstin Holzer was published. *Elisabeth Mann Borgese. Ein Lebensportrait* is based on interviews with Mann Borgese, as well as archival materials, letters, and research, and tries to follow Mann Borgese’s journey through life from childhood to her time in Halifax, Nova Scotia.

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<sup>83</sup> Dalhousie University Special Collections, Killam Library, Fonds MS-2-744.

<sup>84</sup> The archives are accessible to anyone, but—from the point of view of an independent researcher—the (financial) involvement in the organization of her legacy by people and institutions that have a deeply personal connection to Mann Borgese remains questionable because there is always a risk of underlying preferences in the decision of which materials are made accessible and which are not.

<sup>85</sup> Heinrich Breloer. *Die Manns—Ein Jahrhundertroman*. TV Mini-Series. 3 Episodes, 312 Min. Germany 2001.

<sup>86</sup> See *Elisabeth Mann Borgese: Die Meerfrau: Gespräch mit Amadou Seitz in der Reihe ‘Zeugen des Jahrhunderts’*, edited by Ingo Hermann and Jürgen Voigt, Lamuv 1993. “Mein Vater der Zauberer—meine Liebe das Meer“, *Elisabeth Mann Borgese in einem Gespräch mit Wolf Gaudlitz*. Freiburg 2001. “Mein Leben“, *Elisabeth Mann Borgese im Gespräch mit Marianne Scheuerl*. Hamburg 2003. Elisabeth Mann Borgese—Die jüngste Tochter von Thomas Mann“, *Ein Hörporträt von Wolf Gaudlitz*. Freiburg 2010.

Unfortunately, it falls short in examining Mann Borgese's work and contains many mistakes. The only rationale for the book seems to be the fact that Mann Borgese is Thomas Mann's daughter.

After Mann Borgese's death, the *Ocean Yearbook* published a special volume in commemoration of Mann Borgese's legacy.<sup>87</sup> The paper by Mann Borgese's longstanding friend, Peter Serracino Inglott, published in, "Elisabeth Mann Borgese: Metaphysician by Birth," sheds light on some of the connections and interrelationships of Mann Borgese's overall work and her biography. In 2008, Wolfgang Clemens published a brief survey on Mann Borgese's biography in the German *Thomas Mann Yearbook*, in which he mentions her body of fiction but fails to further examine it.<sup>88</sup> A very good analysis of Mann Borgese's involvement with Pacem in Maribus, IOI and UNCLOS III was published by Betsy Baker in the *Ocean Yearbook 26* in 2011.<sup>89</sup> More insights into Mann Borgese's life and work were provided by the companion volume<sup>90</sup> to the Elisabeth Mann Borgese exhibition in the Buddenbrook-Haus in Lübeck in 2012, in which academics and friends of Mann Borgese published articles about various aspects about her life and work. What is still missing is a synthesis and a work that integrates all aspects of her life as an opus.

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<sup>87</sup> Aldo Chircop and Moira McConnell, editors. *Ocean Yearbook 18*. University of Chicago Press, 2004.

<sup>88</sup> Wolfgang Clemens. "Elisabeth Mann Borgese—Dichterkindchen und Weltbürgerin." *Thomas Mann Jahrbuch 21*, edited by Thomas Sprecher and Ruprecht Wimmer, Vittorio Klostermann Verlag, 2008, pp. 137-167.

<sup>89</sup> Betsy Baker. "Uncommon Heritage: Elisabeth Mann Borgese, Pacem in Maribus, the International Ocean Institute and Preparations for UNCLOS III." *Ocean Yearbook 26*, edited by Aldo Chircop, Scott Coffen-Smout, and Moira McConnell, Brill Nijhoff, 2012, pp. 11-34.

<sup>90</sup> *Elisabeth Mann Borgese und das Drama der Meere*, edited by Holger Pils and Karolina Kühn, Mare, 2012.

## 1.4 Background

Mann Borgese's literary work experiments with questions regarding the interrelationships and continuities between the individual, society, nature, and technology. Drawing on pessimism about the future, they address the boundaries of the individual and reflect the dangers of cultural evolution gone wild. Her stories depict characters and events that are set somewhere between a "mythological past and a scientific future,"<sup>91</sup> in which modern scientific developments and technological progress bring individual characters to the brink of dissolution. The relationship of nature and culture, the old and the new, between myth and science, is thrown out of balance. There is no harmony nor optimism to be found in Mann Borgese's short stories, some of which were first published between 1955 and 1959 in magazines like *Il Ponte* and *Science Fiction and Phantasy*. In 1960, her first volume of dystopian short stories, *To Whom It May Concern*, was published. An illustrated tale for children and adults, *Chairworm & Supershark*, in which humans are being described as supersharks who think they have the right to pollute the entire planet, was published in 1992. Her second volume of short stories, *Wie Gottlieb Hauptmann die Todesstrafe abschaffte*, followed in 2001 and was published only in German, including the German translation of *Chairworm & Supershark* ("Thronwurm und Superhai").

In its preface, Mann Borgese claims to have written the stories comprised in this volume entirely in German for her German audience ("Den zweiten Band habe ich ganz

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<sup>91</sup> See Elisabeth Mann Borgese. *The Language Barrier: Beasts and Men*. Holt, Rinehart and Winston, 1965. Also known as *The White Snake* (1966).

in meiner Muttersprache geschrieben, die mir aber eben etwas fremd geworden war.”<sup>92</sup>), yet undated manuscripts in her archive show that the stories published in German were originally written in English and then translated by someone (likely Mann Borgese herself) into German. But even this seems to be debatable because in the preface to the 1998 German edition of her first volume of short stories Mann Borgese writes:

Meine Mutter hat mich immer ausgelacht, wenn ich auf Deutsch zu schreiben versuchte. ‘Medi kann doch kein Deutsch’, höre ich sie noch ausrufen. Ich habe die Geschichten auf Englisch geschrieben, und zwar in Italien. In Anbetracht meines Lebenslaufs, ist mir Englisch nun einmal geläufiger als Deutsch. Trotzdem aber hat es etwas auf sich, wenn man in einer Sprache schreibt, die nicht die Muttersprache ist.<sup>93</sup>

These circumstances make it rather difficult to determine when exactly her later fiction originated. Some might have been written in the 1950s; others must have been written later as they deal with subject matters like cloning and genetic engineering. A comment in Kathy Mac's *The Hundfräulein Papers* (2009), hints at a possible timeframe: “1997-2001: In the interstices of her ocean advocacy—in airport lounges, on planes—Elisabeth writes wild stories about a talking decapitated head, a clone who becomes her mother-sister’s mothers, a lost race of winged people.”<sup>94</sup> This description matches the stories published in the second volume.

Mann Borgese’s first independently published nonfiction works followed, first with her utopian *Ascent of Woman* in 1963, a then somewhat controversial book in which

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<sup>92</sup> Elisabeth Mann Borgese. *Wie Gottlieb Hauptmann die Todesstrafe abschaffte. Erzählungen*. Edition Memoria, 2001, p. 8. [“I wrote the second volume entirely in my mother tongue, but it had become somewhat foreign to me.”]

<sup>93</sup> Elisabeth Mann Borgese. *Der unsterbliche Fisch. Erzählungen*. Edition Memoria, 1998, p. 8. [“My mother always laughed at me when I tried to write in German. ‘But Medi cannot speak German’, I hear her exclaim. I wrote the stories in English, in Italy. In view of the course of my life, English is more familiar to me than German. Nevertheless, if you write in a language that is not your mother tongue, it’s something to be proud of.”]

<sup>94</sup> Kathy Mac. *The Hundfräulein Papers*. Roseway Publishing, 2009, p. 21.

she gives her account of a new social order and argues that the inferior position of women is due to the human species' current location in the cultural evolutionary process. In her observations about animal communication in *The Language Barrier: Beats and Men* (1965), Mann Borgese demonstrates how human technology, art, and religion emerged from the animal world and how that constitutes a continuity between nature and culture. Thus, she further elaborates on her thesis that the cultural evolution of human civilization that originally had set humans apart from animals and nature will eventually lead us back to a unified holistic worldview—just on different paths. All of these works were moved to the margins within the discussion of Mann Borgese's work; they are dismissed, ridiculed, or remain unnoticed by critics and scholars alike.<sup>95</sup>

To be fair, this is not necessarily just an oversight on the account of the respective researcher. To a certain extent, Mann Borgese had the tendency to steer the plot of her own biographical narrative in directions that would subsequently be recapitulated by researchers. Different from other members of her family, Mann Borgese, as far as we know, did not keep a diary because she thought it was a waste of time and left behind only a few other ego-documents, i.e., autobiographical accounts. In these accounts, however, she always made sure to draw a direct line between her work on the World Constitution and World Federalism with her husband Giuseppe Antonio Borgese (1882-

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<sup>95</sup> There are two academic publications about *The Ascent of Woman* and a few newspaper reviews about *The Language Barrier* and her collections of short stories. See Wolfgang U. Eckart. "Das 'Utopia' der Meer-Frau. Elisabeth Mann Borgese und der 'Aufstieg der Frau' (1963/65)." *Elisabeth Mann Borgese und das Drama der Meere*, edited by Holger Pils und Karolina Kühn, mareverlag, 2012, pp. 64-71. And Julia Poertner. "Zwischen utopischem Optimismus und futuristischem Pessimismus. Elisabeth Mann Borgese's politische und literarische Schriften." *Ibid*, pp. 72-85. As well as R. S. Deese. "Beyond 'Brave New World': The Post-Huxleyan Feminism of Elisabeth Mann Borgese." *Aldous Huxley Annual*, Vol. 16, 2016, pp. 215-226. In May 2019, Patricia Mallia and David Testa published an article in *Gender and the Law of the Sea*, edited by Irini Papanicolopulu, Brill Nijhoff, 2019, titled "Elisabeth Mann Borgese, Gender, and the Law of the Sea" in which they focussed more on the Law of the Sea and not so much on gender and *Ascent of Woman*.

1952) in Chicago during the 1940s and early 1950s and her work surrounding the ocean beginning at the end of the 1960s.<sup>96</sup> The time between her husband's death and the beginnings of the new international law of the sea at the end of the 1960s, during which she undertook her own intellectual wanderings and published her first independent work, never plays much of a role in her autobiographical accounts, especially not in the later ones which are mostly consulted by researchers. Only in the occasional newspaper interview she would offer some more information about that period.

In terms of her literary work, German and German-speaking researchers may have an advantage because of the publication of the reprint in a German translation of the first volume of her collection of short stories in 1998, which was followed shortly afterwards by the publication of the second volume. She even held public readings in Germany in the summer of 1998.<sup>97</sup> Together with the publication of Kerstin Holzer's biographical sketch of Mann Borgese in the German publishing houses Kindler Verlag and S. Fischer Verlag (paperback) in 2001 and 2003 respectively, and the 2001 docudrama, *Die Manns—Ein Jahrhundertroma*, by Heinrich Breloer that was sprinkled with short interviews with Mann Borgese (we will return to this in the conclusion), and the exhibition about the life and work of Mann Borgese in the Buddenbrookhaus in Lübeck in 2012—all of this might have put other aspects of Mann Borgese's work to the forefront of interest of German researchers.

On a superficial level, one might think that the topics Mann Borgese dealt with during the late 1950s and early 1960s are completely disconnected from each other, let

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<sup>96</sup> Most prominently the Nexus Lecture titled "The Years of My Life" from 1999.

<sup>97</sup> Emmanuel van Stein. "An der Grenze ist Lebenszeit zu hinterlegen." *Kölner Stadt-Anzeiger*, no. 146, 27/28. June 1998.

alone the international law of the sea and ocean governance, but it is just the opposite. The core of Mann Borgese's worldview did not change substantially between *The Ascent of Woman* (1963) and her last major publication, *The Oceanic Circle* (1998). If at all, she slightly adjusted it from time to time. In substance, Elisabeth Mann Borgese's vision of the ocean as a laboratory for a new world order based on the common heritage of mankind originated before the start of UNCLOS III. Her writings dating from the late 1960s and well into the 1980s, but especially those published between 1968 and the developments leading towards UNCLOS III, showcase the essence of her utopian vision, featuring the common heritage of mankind as basis for a new international ocean regime and a new world order.

All of Mann Borgese's elaborations on continuity and communality culminate and morph into her philosophy of the common heritage of mankind:

It is based on a philosophy of transcendence of the individual, the blurring of his or her boundaries, and the continuity between 'inside' and 'outside' that the concept of the common heritage becomes 'natural', and therefore acceptable, because ownership and sovereignty become as open and permeable as the individual.<sup>98</sup>

Again, this philosophy unfolds a narrative in which the unbreakable continuities between the individual, nature, and society interact in such a way as it will necessarily have changing practical impacts on legal, political, and economic orders, as well as science and education. This exemplifies cultural ecology, an "ecologically redefined model of humanity and human culture,"<sup>99</sup> that repudiates the strict anthropocentric separation between nature and culture. Mann Borgese's underlying philosophy of the common

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<sup>98</sup> Elisabeth Mann Borgese. *The Future of the Oceans: A Report to the Club of Rome*. Harvest House, 1986, p. 130.

<sup>99</sup> Hubert Zapf. "Introduction." *Handbook of Ecocriticism and Cultural Ecology*. De Gruyter, 2016, p. 4.



heritage of mankind is one step removed from the legal concept which is, according to Prue Taylor, defined as

an ethical concept and a general concept of international law. It establishes that some localities belong to all humanity and that their resources are available for everyone's use and benefit, taking into account future generations and the needs of developing countries. It is intended to achieve aspects of the sustainable development of common spaces and their resources, but may apply beyond this traditional scope.<sup>100</sup>

Although the concept of the common heritage of mankind was “not initially aimed at environmental protection”<sup>101</sup> but on resource development, Mann Borgese strongly believed that it had to be included for the benefit of both current and future generations.

This ecological understanding of the concept is furthermore expressed in her criticisms of the traditional legal concepts of property and sovereignty as foundational premises for the treatment of nature in law, including environmental law. As legal scholar Saskia

Vermeulen explains:

At the core of this environmental crisis lies the long-held belief that humans consider themselves to be different from nature and nature is seen as a resource for human use and consumption. From a regulatory perspective, an intricate system of property rights has provided the tools to appropriate and commodify nature and increasingly, nature's landscapes and environments get caught up in market-based solutions. This market-based and corporate-sponsored approach towards the protection of the environment is rooted in an anthropocentric understanding of nature and is vehemently opposed in the more critical circles of the humanities and social sciences, often under the banner of the posthuman condition.<sup>102</sup>

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<sup>100</sup> Prue Taylor. “The Common Heritage of Mankind. A Bold Doctrine Kept Within Strict Boundaries.” *The Wealth of the Commons. A World Beyond Market and State*, edited by David Bollier and Silke Helfrich. <http://wealthofthecommons.org/essay/common-heritage-mankind-bold-doctrine-kept-within-strict-boundaries>.

<sup>101</sup> Jaye Ellis and Stepan Wood. “International Environmental Law.” *Environmental Law for Sustainability: A Reader*, edited by Benjamin J. Richardson and Stepan Wood, Hart Publishing, 2006, p. 364.

<sup>102</sup> Saskia Vermeulen. “Materiality and the Ontological Turn in the Anthropocene: Establishing a Dialogue between Law, Anthropology and Eco-Philosophy.” *Environmental Law and Governance for the Anthropocene*, edited by Louis J. Kotzé, Hart Publishing, 2017.

Mann Borgese's understanding of the common heritage of mankind concept was much more far-reaching. Over the course of time, she developed the concept further and envisioned that the common heritage of mankind could not only be applied to other living and non-living resources but would be central in reforming cultural systems of law, economics, and science. Eventually, the concept would constitute the basis for a new ecologically sustainable social order for the benefit of all humanity in the form of a world government and world communities, which were to be interconnected on local regional and international levels. Mann Borgese imagined these world communities as functional, internationally integrative systems having each their own constitution and institutional organs. Together with existing nation states, the communities were to act as elements within the overarching system of a world government in which everything is connected. The idea was taken from Yugoslav political and constitutional theory from the late 1950s and 1960s, which attempted to integrate the diverse political and cultural Balkan landscape within a socialist order.

In this sense, the common heritage of mankind, in Mann Borgese's view, becomes not only a valid legal means to redefine the interrelationship between nature and culture, but a whole new mindset, affecting all areas of public and private life. Much like the German naturalist and explorer, Alexander von Humboldt (1769-1859), or the US-American biologist, Barry Commoner (1917-2012), Mann Borgese subscribed to the ecologically grounded idea that everything is interconnected:

This [ocean] system is one and indivisible. [...] Everything in the oceans interacts with everything else, and the oceans themselves interact with the atmosphere and with the land. To impose our rigid, conceptually land-based divisions on this flowing environment will not work, for static concepts cannot be applied within a dynamic system. Division—even opposition—between man and nature, man and environment, is a static concept. Man and nature are a dynamic continuum, each

part of the other. The social environment is clearly part of the total environment. Division—even opposition—between individual and community is a static concept. Individual and community are a dynamic continuum, each part of the other.<sup>103</sup>

More precisely, and taken together with her philosophy of the common heritage of mankind, this, in summary, comprises Mann Borgese's cultural ecology. It exemplifies her overarching narrative about the human/nature relationship that understands nature and social environments as interconnected systems that require complex problem-solving skills and new ways of interdisciplinary thinking.

It was Mann Borgese's utopian idea to extrapolate the concepts of the international law of the sea to the law and policies of the land. This is largely because, in her view, huge parts of the ocean were pristine and unaffected by cultural evolution, i.e., in their natural state, untouched by technology, under no legal order, largely unexplored, and still surrounded by myth. At the same time, it appeared to her that technology and science had made it now possible for humans to penetrate the ocean farther and deeper than before which invoked the necessity of a new legal order:

Mankind, pushed off the edge of overcrowded continents, finds itself at a turning point in its evolution. Advanced technology returns man to his pristine nature. The highest mammal on the scale of natural evolution, he has been made by cultural evolution with its technology into a clumsy, rapacious bird; now, technology is devising artificial gills for him, so he can fish again, and breathe and live down there where life began. This new species of man is still scarce in its old-new medium. Its social and political order is primitive and heroic. It is a nomad, hunting society. Most of the mistakes made on earth have yet to be made in the deep seas. Must they be made? Ocean space—and its ecology—is one and indivisible. Our legal order, our political order, our economic order must adapt to this fundamental fact.<sup>104</sup>

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<sup>103</sup> Elisabeth Mann Borgese. *The Drama of the Oceans*. Harry N. Abrams, Inc., Publishers, 1975, p. 230.

<sup>104</sup> Elisabeth Mann Borgese. *The Ocean Regime. A Suggested Statute for the Peaceful Uses of the High Seas and the Sea-Bed Beyond the Limits of National Jurisdiction*. Santa Barbara, 1968, pp. 1-2.

Humanity was poised to adapt to the new challenges, and do it right this time. The international law of the sea would eventually make the evolutionary step back on land to revolutionize ways of living, being more connected to the environment and to each other.

Mann Borgese's bold, visionary statement to treat the ocean as a laboratory for a new world order is not just a metaphor—it is a fundamental declaration. Although she made everyone believe that her field was “everything to do with oceans,”<sup>105</sup> her goal was a new global order featuring a changed of narrative about the human/nature relationship that was about to dominate the next centuries. In *The Oceanic Circle*, Mann Borgese explains, “[f]or the environment in general (not only the sea), both natural and social, is an extended mirror of man's soul. [...] Just as we perceive ourselves, so we see the world around, oceans and all.”<sup>106</sup> But despite her much celebrated legacy as “mother of the oceans.”<sup>107</sup> the ocean was only supposed to set an example and to serve as a first step towards a new and better world order. As Mann Borgese put it in a letter on January 3, 1998:

So bemueh ich mich weiter um meine Meere—nicht nur der Meere halber, sondern weil ich denke, in den Meeren, im neuen Seerecht, etc. zeichnet isch (sic!) eine neue bessere nationale und internationale Ordnung fuers naechste Jahrhundert ab.<sup>108</sup>

Following the first common heritage of mankind declaration in the United Nations General Assembly Resolution 2749 from 1970, Part XI of UNCLOS declared the non-living natural resources in the deep seabed beyond national jurisdiction to be the

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<sup>105</sup> John Irving. “Günter Grass. King of Toy Merchants.” *Trying to Save Piggy Sneed*. Arcade Publishing, 1996, p. 423.

<sup>106</sup> Elisabeth Mann Borgese. *The Oceanic Circle*, p. 58.

<sup>107</sup> See <http://internationaloceaninstitute.dal.ca/emb.html>.

<sup>108</sup> Elisabeth Mann Borgese in a letter to Konrad (Konni) Kellen on 3 January 1998. MS-2-744\_361-5. [“So, I will continue looking after my ocean—not only for the seas, but because I think in the ocean, in the new law of the sea, etc..., a new, better national and international order for the next century is emerging.”].

common heritage of mankind (Article 136).<sup>109</sup> In the light of the seemingly imminent technological possibility of deep seabed mining,<sup>110</sup> it was the first time that this concept was spelled out as a legal regime to govern and manage natural resources for the benefit of all humanity. What makes the long process of enshrining the concept into international law truly remarkable is its underlying utopianism. The international community developed jurisdiction in anticipation of technological processes affecting humanity that were not yet realized but were thought to be possible at some point in the future.

It was Ambassador Arvid Pardo, Permanent Representative of Malta to the United Nations (UN), who, in 1967, asked the First Political Committee of the UN General Assembly at the end of a three-hour-long speech to adopt a resolution declaring the deep sea and the ocean floor beyond the limits of national jurisdiction (the Area) to be the common heritage of mankind, and to establish a new international regime to govern and manage the non-living resources in the Area. As a result, the international community followed Pardo's lead: an ad hoc 'Seabed Committee' was set up. On December 17, 1970, the UN General Assembly Resolution 2749 (XXV)<sup>111</sup> officially declared the Area and its resources to be the common heritage of mankind. On the same day, Resolution 2750 decided to convene UNCLOS III.<sup>112</sup> Pardo, the representative from a small archipelago situated in the Mediterranean that had just gained independence from the United Kingdom in 1964, found the perfect timing to introduce a new concept of international law to the international community. He also found the perfect environment

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<sup>109</sup> [http://www.un.org/depts/los/convention\\_agreements/convention\\_overview\\_convention.htm](http://www.un.org/depts/los/convention_agreements/convention_overview_convention.htm)

<sup>110</sup> In 1965, J.L. Mero claimed in his book, *Mineral Resources of the Sea*, that a limitless resource of manganese nodules could be found and harvested on the ocean floor. In anticipation of a global shortage of mineral resources, the possibility of deep seabed mining was investigated by some Western states until the beginning of the 1980s but was deemed unviable due to great technological difficulties.

<sup>111</sup> United Nations General Assembly Resolution 2749 (XXV), 1933<sup>rd</sup> plenary meeting, 17 December 1970.

<sup>112</sup> United Nations General Assembly Resolution 2750 (XXV), 1933<sup>rd</sup> plenary meeting, 17 December 1970.

within which this new concept was supposed to be implemented: in the “dark oceans” that

were the womb of life: from the protecting oceans life emerged. We still bear in our bodies—in our blood, in the salty bitterness of our tears—the marks of this remote past. Retracting the past, man, the present dominator of the emerged earth, is now returning to the ocean depths. His penetration of the deep could mark the beginning of the end for man, and indeed for life as we know it on this earth: it could also be a unique opportunity to lay solid foundations for a peaceful and increasingly prosperous future for all peoples.<sup>113</sup>

In the middle of the Cold War and the technological age, Pardo simply told the global community a convincing story. It was a story about how advances in technology and science were to alter the human/nature relationship in both threatening and beneficial ways. Now it was up to the international community to steer *Spaceship Earth*<sup>114</sup> in the right direction, and the circumstances turned out to be favourable. The decolonization process and the “ecological revolution in and around 1970”<sup>115</sup> inspired by Rachel Carson’s book, *Silent Spring* (1962), among others, spurred global concerns about “Cold War technologies”<sup>116</sup> and a possible shortage of mineral resources<sup>117</sup> made Pardo’s case much easier. The political and intellectual climates during the 1960s and 1970s led to an open window for new, unconventional, and utopian ideas.

By the time the UN decided to convene another conference on the international law of the sea, Elisabeth Mann Borgese had already fallen headfirst into the ocean. When Pardo was introducing the common heritage of mankind to the international community,

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<sup>113</sup> United Nations General Assembly. Twenty-Second Session. Official Records. A/6695; A/C. 1/952. First Committee, 1515th Meeting, Wednesday, 1. November 1967.

<sup>114</sup> Barbara Ward. *Spaceship Earth*. Columbia University Press, 1966.

<sup>115</sup> Joachim Radkau. *The Age of Ecology. A Global History*. Polity Press, 2014, p. 79.

<sup>116</sup> R. S. Deese. “The Artefact of Nature: ‘Spaceship Earth’ and the Dawn of Global Environmentalism.” *Endeavour*, Vol. 33, No. 2, 2009, pp. 70-75.

<sup>117</sup> See J.L. Mero. *Mineral Resources of the Sea*. Elsevier, 1965. And Garrett Hardin. “The Tragedy of the Commons.” *Science*, Vol. 162, 1968, pp. 1243-1248.

Elisabeth Mann Borgese was a Senior Fellow at the Center for the Study Democratic Institutions, a think tank located in Santa Barbara, California.<sup>118</sup> In the fall of 1952, the Borgeses had moved from Chicago to Florence, Italy, where Giuseppe Antonio Borgese died on December 4<sup>th</sup> of the same year. Elisabeth remained in Italy until 1964 when Robert Hutchins, the former president of the University of Chicago, asked her to join the Center for the Study of Democratic Institutions. After World War II, G. A. Borgese, together with Robert Hutchins, formed the Committee to Frame a World Constitution. Mann Borgese, previously only assisting her husband in his academic work, became a research associate for the Committee and started publishing articles in *Common Cause*, the Committee's official publication. Against the backdrop of the cruelties of two world wars, the Committee published the *Preliminary Draft of a World Constitution* in 1948 with the objective to assure peace through justice. Justice meant decolonization, a new international economic order, disarmament, and development. The Constitution also established earth and all its resources to be the property of humanity, managed by world government institutions.<sup>119</sup>

It is widely accepted that the work with her husband highly influenced Mann Borgese's later utopianism, but her involvement with the ocean and UNCLOS III was the result of sheer coincidence and a little bit of academic frustration. In September 1967, shortly before Pardo's speech, a letter from A. H. Whitelaw arrived at the Center for the Study of Democratic Institutions suggesting the Center should draw its attention to the

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<sup>118</sup> For biographical information on Mann Borgese see Kerstin Holzer. *Elisabeth Mann Borgese. Ein Lebensportrait*. S. Fischer Verlag, 2003. Holger Pils and Karolina Kühn, editors. *Elisabeth Mann Borgese und das Drama der Meere*. Mare, 2012. Betsy Baker. "Uncommon Heritage: Elisabeth Mann Borgese, Pacem in Maribus, the International Ocean Institute and Preparations for UNCLOS III." *Ocean Yearbook* 26, edited by Aldo Chircop, Scott Coffen-Smout, and Moira McConnell, Brill Nijhoff, 2012, pp. 11-34.

<sup>119</sup> Robert M. Hutchins, G.A. Borgese, Mortimer J. Adler, et. al. *Preliminary Draft of a World Constitution*. University of Chicago Press, 1948.

vast ocean resources located in the deep see beyond the limits of national jurisdiction and their potentially huge benefit for all humanity.<sup>120</sup> Shortly afterwards, Mann Borgese learnt about Pardo's venture into the ocean in front of the international community. These two incidences coincided with Mann Borgese's increasing conviction that her work with the Center on various intangible constitutional questions did not serve the purpose of a concrete utopia anymore. In an undated address to her fellows at the Center she says,

When we stopped discussing the Chicago Constitution, I had begun to feel slightly discouraged about the whole thing. [...] Now with the experience of the ocean constitution I think I would like to try an entirely new approach to world government. [...] All of this could be as utopian as the old form of World Federalism was, if we had not actually already started the road, if the ocean regime were not something that is already tangibly realistic.<sup>121</sup>

It was time to turn an abstract utopia into a concrete one, trying a different path towards a new global order that constitutes a different, much more fascinating story. The concept of the common heritage of mankind was supposed to be the key protagonist. Initially, Mann Borgese thought that this would re-orient her research "for the next three years or so."<sup>122</sup>

Shortly after Pardo had accepted an invitation to the Center, he and Mann Borgese started working together during ocean regime planning sessions in Santa Barbara that would result in the first *Pacem in Maribus* Convocation, which took place in Malta in 1970. In 1972, the IOI was established. The first session of UNCLOS III was held in New York in December 1973. Mann Borgese first took part in the negotiations as a member of IOI, which, as an NGO, acquired observer status to UNCLOS III in 1974. Later, she served as a member of the Austrian Delegation, which was more influential,

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<sup>120</sup> See Betsy Baker. "UncommonHeritage: Elisabeth Mann Borgese, *Pacem in Maribus*, the International Ocean Institute and Preparations for UNCLOS III." *Ocean Yearbook* 26, edited by Aldo Chircop, Scott Coffen-Smout, and Moira McConnell, Brill Nijhoff, 2012, p. 16.

<sup>121</sup> Elisabeth Mann Borgese. "World Communities." MS-2-744\_147-1. Undated.

<sup>122</sup> *Ibid.*



especially within the group of ‘Land-locked and Geographically Disadvantaged States’. A total of 160 states participated in eleven sessions between 1973 and UNCLOS III on December 10, 1982. The UNCLOS only came into force in 1994 after several consultation sessions and following the *Agreement Relating to the Implementation of Part XI of the 1982 Convention on the Law of the Sea* was adopted. The agreement was meant to achieve universal participation, accommodating those states hesitant to ratify the Convention due to the controversial seabed regime and the provisions regarding deep seabed mining and the common heritage of mankind enshrined in Part XI. During these years, Mann Borgese never gave up lobbying in favour of the common heritage of mankind and later made attempts to reconcile her vision with new ideas like the concept of sustainable development and other developments in the field ecological economics.

Mann Borgese’s enthusiastic and practical engagement for a more integrated ecologically and economically sustainable global order certainly makes her a constructive utopian who “had the reputation of being an idealist but [who] was ready to compromise on most issues [...] as if she were a born kitchen cabinet wheeler-dealer.”<sup>123</sup> This must be seen in conjunction with the ways in which her diverse works of writing are interconnected. These interconnections reveal the essence of Mann Borgese’s cultural ecology, which, in fact, did not change much over the course of time. Despite the many setbacks and tradeoffs common in the field of international relations, her comprehensive vision for a new global order is always present in her texts, sometimes just hidden in the background. One major point of connection is Mann Borgese’s exploration of the impacts on the individual and society caused by new developments in science and technology

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<sup>123</sup> Peter Serracino Inglott. “Elisabeth Mann Borgese: Metaphysician by Birth.” *Ocean Yearbook* 18, edited by Aldo Chircop and Moira McConnell, The University of Chicago Press, 2004, p. 22.

posing an existential threat to humanity. At the same time, these developments are seen as an opportunity to positively alter the culture/nature narrative. All this culminates in a utopian vision that finds expression as relentless optimism in Mann Borgese's nonfiction writings and as futuristic pessimism in her dystopian short stories. Utopia, its uglier—but tremendously more interesting—sister, dystopia, as well as Mann Borgese's optimism and pessimism, also need to be seen as interconnected and as two sides of the same coin.

After the then twenty-one-year-old Patricia Bailey, a history student from Winnipeg, read an article about Mann Borgese in the Toronto *Globe and Mail* in which Mann Borgese stated her often repeated mantra, “the utopians of today are the realists of tomorrow and the realists of today are dead tomorrow,”<sup>124</sup> Bailey felt compelled to write her a letter. In that letter she is asking Mann Borgese directly what was driving her inspiring optimism. Bailey was curious because she was “constantly encountering ‘realists’” and felt “saddened, and often defeated, by their lack of optimism.”<sup>125</sup> In a April 26, 1990 letter, Mann Borgese replies,

I, too, am often given the treatment of “unrealistic idealism” and “incurable optimism.” But I intend to stick with it. As a matter of fact, often it is not all too easy, but I sort of feel, a certain degree of optimism is, as it were, a moral duty. Because, without it, we simply could not act. Why should we, if everything is hopeless anyway? On the contrary, I think we must act: Push in a hundred places, and probably make a break-through in one. But without the belief that this is possible, it is impossible!<sup>126</sup>

At the end of the letter, Mann Borgese advises Bailey to continue her studies, “perhaps in environmental economics, where new thinking is needed.” What Mann Borgese

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<sup>124</sup> Elisabeth Mann Borgese. “The Years of My Life. The Nexus Lecture.” *Ocean Yearbook* 18, edited by Aldo Chircop and Moira McConnell, The University of Chicago Press, 2004, p. 4.

<sup>125</sup> Patricia Bailey in a letter to Elisabeth Mann Borgese from March 19, 1990.

<sup>126</sup> Elisabeth Mann Borgese in a letter to Patricia Bailey from April 26, 1990.

strategically suppressed in that letter is that she was actually a pessimist. In an interview for the *New Scientist* she says,

I get very discouraged. [...] It takes a big effort, but I feel it is a moral obligation to be optimistic, to do something. My natural attitude would be to write short stories about the blackness of the way things are, but that would not contribute anything. Criticism alone is not fruitful. One must propose something, only then can one criticize.<sup>127</sup>

The pessimistic futurism of her short stories in which she portrays the crisis of the individual in a modern world stands in stark contrast to her otherwise optimistic and constructive attitude. To some extent, this is explained in the preface to Mann Borgese's second volume of short stories where she claims, "die Novellen sind, in gewissen Sinn, ein Sicherheitsventil, das ich aufdrehe, um meinen inneren Dampfdruck zu vermindern, der in mir sonst eine Explosion erzeugen könnte."<sup>128</sup> This statement shows that, even for Elisabeth Mann Borgese, being a 'constructive utopian' cannot have been easy at times. In an interview with the German journalist, Wolf Gaudlitz for the Bayerischer Rundfunk, conducted in March 1999 around the time of the Kosovo War, Mann Borgese gave voice to the pessimistic sentiment that humanity would presumably have to go through crisis or catastrophe in order to be willing to make profound changes to its *modus vivendi*.

In its essence, the utopian form deals with the question of how people want to live as a society and has its roots in literature and political philosophy. Sir Thomas More, in 1516, first invented the utopian fiction genre *utopia*, which simultaneously means 'the good place' (eu-topia) and the 'no-place' (ou-topia). Since, utopia has been understood as the 'good place that is nowhere', which means that it is defined in the most basic form as

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<sup>127</sup> New Scientist, June 25, 1970. MS-2-744\_125-23.

<sup>128</sup> Elisabeth Mann Borgese. *Wie Gottlieb Hauptmann die Todesstrafe abschaffte. Erzählungen*. Edition Memoria, 2001, p. 9. ["The novellas (short stories) are, in a sense, a safety valve that I turn up to lower my internal vapor pressure, which could otherwise cause an explosion."].

a narrative about a society that does not (yet) exist. Although always deeply rooted in—and thus criticizing—a historical present, in utopian fiction this ‘nowhere’ can be set on a remote island, a place faraway, in the future, and, more recently, in the ‘here and now’.

While the nineteenth century optimistically believed in progress and saw the invention of the most influential utopian ideas, socialism, the dystopian form became increasingly popular during the 20<sup>th</sup> and 21<sup>st</sup> centuries.<sup>129</sup> But utopia is also, to use Mieke Bal’s idea again, a “travelling concept” that travels through time, disciplines, researchers, and from the spatial to the temporal.<sup>130</sup> Saskia Vermeulen, for example, suggests reading international treaties and other legal texts through the lens of utopia.<sup>131</sup> According to the German philosopher, Ernst Bloch, utopia, being both concrete and abstract, can manifest not only in utopian fiction and thought, as mentioned above, but also in the arts, film, architecture, (day) dreams, wishful thinking, and almost anywhere else in the present.<sup>132</sup> For others, utopia is the expression of the wish to escape from the life as they know it and engage, for example, in shepherding, pottery, or regular visits to nudist resorts. More conservative voices use the terms utopia and utopian in a derogatory way to dismiss new ideas and concepts as something belonging to the realm pure fantasy. This is done in attempts to defend the *status quo*, often turning to a nation’s history and the Christian bible as unifying tools in contemporary politics. Therefore, utopianism can appear in various forms and contents with differing functions.

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<sup>129</sup> See Krishan Kumar. *Utopia and Anti-Utopia in Modern Times*. Blackwell, 1987.

<sup>130</sup> See also Ruth Levitas. *The Concept of Utopia*. Peter Lang, 2010.

<sup>131</sup> See <https://www.youtube.com/watch?v=rAmVRaCOTFU>.

<sup>132</sup> Ernst Bloch. *The Principle of Hope*. MIT Press, 1986. And *The Spirit of Utopia*. Stanford University Press, 2000.

For Mann Borgese, utopia's function is constructive and relevant, not just an intellectual exercise without fruition. In an undated essay most likely originating in the late 1960s, "Where is the world going and who is getting it there," Mann Borgese gives her definition of utopia:

But what is the use of utopias? Not much: unless one succeeds in giving to one's utopia a time dimension: setting it into a process, bridging the gap between now and then, here and there, and each phase of this process must be plausible, in political, economic, social, and scientific terms. Such a design, more than "utopia" in the usual sense, is a "relevant utopia", and the better designed it is, the greater will be its use, as an instrument to clarify our own ideas and concepts, as an educational instrument and, last not least, as an agent accelerating the process of transformation from the present world order, or disorder, to a preferable one.<sup>133</sup>

Elisabeth Mann Borgese's utopia envisioned a united, global society balancing human rights and environmental protection, while embracing the complexities, as well as the uncertainties of a modern world in which everything seems to be connected yet fluid. A society that re-imagines the nature/culture relationship and is neither scared of nor irrationally ecstatic about technological advances, using technology and science for the benefit of all instead for the enrichment of a few. She imagined such a society to be based on equity and cooperation, transcending the concepts of property and sovereignty, integrating ecology and economy, and making interdisciplinarity the gold-standard of research and education.

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<sup>133</sup> Elisabeth Mann Borgese. "Where is the world going and who is getting it there?" MS-2-744\_163-116. Undated.

## CHAPTER 2: NARRATIVES OF NATURE AND CULTURE

### 2.1 Between a Mythological Past and a Scientific Future

#### 2.1.1 Biographical Background

As the daughter of the famous German novelist, Thomas Mann, who created remarkable works, such as *Buddenbrooks* (1901), *Death in Venice* (1911), and *The Magic Mountain* (1924), the beginnings of Mann Borgese's own life seem to be surrounded by the dusty mythology of German literary history. Thomas Mann kept a diary and had the habit of shamelessly borrowing characteristics from real-life people, as well as from philosophical concepts and scientific theories, for his fictional work. In his diaries from September 1918, he writes endearingly about his five-months-old "Kindchen,"<sup>134</sup> who was considered to be his favourite child. One year after her birth, *Gesang vom Kindchen* was published, a literary idyll written in hexameter in which Thomas Mann openly declares his love for his youngest daughter. In the 1925 novella, *Unordnung und frühes Leid*<sup>135</sup> (*Disorder and Early Sorrow*), Elisabeth appears in guise of the five-year-old, Eleonore ("Lorchen") Cornelius, who develops a fancy for a friend of her two older siblings after he kindly offers her a dance during a party that her siblings are having at the house of the Cornelius family, and which then quickly leads to early sorrows.<sup>136</sup> Thomas Mann would often mention his youngest daughter in his diary entries until his death in

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<sup>134</sup> Thomas Mann. *Tagebücher 1918-1921*, edited by Peter de Medelsohn, Fischer Verlag, 1979, p. 5.

<sup>135</sup> Thomas Mann. *Späte Erzählungen. Gesammelte Werke in Einzelbänden*. Frankfurter Ausgabe, edited by Peter de Mendelsohn. Fischer Verlag, 1981.

<sup>136</sup> See also Wolfgang Clemens. "Elisabeth Mann Borgese—Dichterkindchen und Weltbürgerin", pp. 137-167.

1955; Elisabeth Mann Borgese never kept a diary. According to her, she had always been too busy with more important things.<sup>137</sup>

In a speech given at the Lobero Theater in Santa Barbara, presumably facing an audience of scientists, Elisabeth Mann Borgese stated, “I am not a scientist. My field is international organization, international relations, and the law of the sea. So why am I here?”<sup>138</sup> This question is tightly intertwined with the various ways in which Mann Borgese and her work have been perceived and categorized over time. Indeed, Mann Borgese was not a trained scientist nor an academic in a traditional definition of the profession. Until Mount St. Vincent University in Halifax awarded her with a doctorate degree *honoris causa* in 1986, she only had her Matura (high school diploma) from the Freies Gymnasium in Zurich (1935) and a diploma in music from the Conservatory in Zurich (1936). Her parents decided not to return to their home in Munich from a reading tour and vacation in Switzerland after the Nazis had come into power in 1933. Elisabeth followed her family first to Zurich and then to Princeton in the United States in 1938; as a result, she could not finish school in Germany. After she married G. A. Borgese in 1939, she became her husband’s (most likely unpaid) research assistant, helping him and Robert Hutchins, the then-chancellor of the University of Chicago, to found the Committee to Frame a World Constitution. She contributed research papers about constitutional law and world order to the *Bulletin of Atomic Scientists* and to *Common Cause*, a monthly journal published by the Committee of which she would later become the editor (1948-52). During her time with her husband in Chicago, she learned the

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<sup>137</sup> Barbara Ungeheuer. “Elisabeth Mann Borgese. Der Spiegel unserer Seele. Die Tochter des Dichters kämpft für die Rettung der Meere.” *Die Zeit*, No. 51, 11 December 1987.

<sup>138</sup> Elisabeth Mann Borgese. Lobero Theater Speech. MS-2-744\_143-3. Undated. Presumably in the 1970s.

conventions of academic scholarship and publishing. The role of public intellectual came to her as Senior Fellow of the Santa Barbara-based Center for the Study of Democratic Institutions, founded by Hutchins in 1959, which she joined in 1964. When Mann Borgese was about to become a Senior Killam Fellow at Dalhousie University in 1978, her high school diploma was suddenly “B.A. in Classical Studies” in her curriculum vitae.<sup>139</sup> In 1980, she was appointed professor of political science at Dalhousie University and taught courses on world order and politics of the sea,<sup>140</sup> a career move she had never anticipated. She took the fact that she did not have a “strictly scholarly background” rather lightly: “‘I must take that into account and not stick my head out too far’, the 51-year-old grandmother said, lapsing into a girlish giggle.”<sup>141</sup> This comment says more about academic gatekeeping than about her ability to work within academia, as she was very well able to find her niche and have some impact.

It is, indeed, also true that Mann Borgese’s fields were international relations and the law of the sea. Through her husband and her involvement with the Committee, she was introduced to constitutional theory and law, issues of world governance, as well as to utopian thought. Moreover, the work with her husband provided her access to an influential network of people. It may be very well accepted that within this period in her life the spark for her own utopianism originated. In her lecture, *The Years of my Life*,<sup>142</sup> from 1999, Mann Borgese names her husband as one of her greatest influences next to

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<sup>139</sup> Elisabeth Mann Borgese. Curriculum Vitae. November 1987. MS-2-744\_362-7. Given the high level of difficulty and comprehensiveness of the Swiss Matura or the German Abitur, her high school diploma can be compared to the standards of a B.A. degree.

<sup>140</sup> In 1996, she was also appointed Adjunct Professor in the Faculty of Law at Dalhousie. MS-2-744\_348-16.

<sup>141</sup> International Herald Tribune, 30 May 1969.

<sup>142</sup> Elisabeth Mann Borgese. “The Years of My Life. The Nexus Lecture.” *Ocean Yearbook* 18, edited by Aldo Chircop and Moira McConnell, The University of Chicago Press, 2004.



her father and Arvid Pardo. Allegedly, Mann Borgese decided to marry G. A. Borgese after having read his book, *Goliath: The March of Fascism* (1937), an analysis about the rise of fascism in Europe that also had utopian undertones: “But what is man’s earth if not the place predesigned for Utopia?”<sup>143</sup> G. A. Borgese was a professor of aesthetics at the University of Milan before he refused to continue working under the fascist regime and became a professor in Chicago.<sup>144</sup> In 1940, together with a group of American and exiled European intellectuals, among them Thomas Mann, Hermann Broch, Reinhold Niebuhr, and Lewis Mumford, he published the manifesto, *City of Man: A Declaration of World Democracy*. It was a policy proposal for a new world order that called for the moral leadership of the US in the fight against fascism and Marxism and for the establishment of “global order of peace and democracy under US hegemony.”<sup>145</sup> Not surprisingly, many of the “Committee of Fifteen” were utterly disappointed by the leadership of the US during the Cold War and returned to Europe during the postwar era of McCarthyism.

After World War II, the University of Chicago, having previously made important scientific contributions to the Manhattan Project, established the Committee to Frame a World Constitution under the aegis of Robert Hutchinson and the leadership of G. A.

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<sup>143</sup> Giuseppe Antonio Borgese. *Goliath: The March of Fascism*. The Viking Press, 1937. The story about how Elisabeth determined her interest in marrying the much older Italian exile Borgese, shares similarities with the tale about how Thomas Mann first saw his future wife, Katia Pringsheim. According to her ‘unwritten’ memoirs, the fourteen-year-old Thomas Mann saw a print of Friedrich August von Kaulbach’s painting *Kinderkarneval* (1888) that showed the five children of the Pringsheim family dressed as Pierrots in a newspaper, cut it out and put it in his room, indicating that Thomas Mann had been looking at his future wife every day long before they met and without knowing who she was. Katia Pringsheim. *Meine ungeschriebenen Memoiren*. Fischer Taschenbuch, 2000.

<sup>144</sup> See Michael T. Florinsky. “Review of *Goliath: The March of Fascism* by G. A. Borgese.” *Political Science Quarterly*, Vol. 53, No. 2, 1938, pp. 281-284. Also: Giovanni di Stefano. “Giuseppe Antonio Borgese. Porträt eines unruhigen Weltbürgers.” *Elisabeth Mann Borgese und das Drama der Meere*, edited by Holger Pils und Karolina Kühn, Mare, 2012, pp. 46-63.

<sup>145</sup> For a critique of the manifesto see Adi Gordon and Udi Greenberg. “The City of Man, European Emigres, and the Genesis of Postwar Conservative Thought.” *Religions*, Vol. 3, 2012, pp. 681-698.

Borgese. Against the backdrop of the cruelties of two devastating world wars and a looming atomic threat, the Committee published the *Preliminary Draft of a World Constitution* in 1948 with the objective to ensure peace and justice through world federalism. This time, the draft for a new world order also included a blueprint for a new international economic order in which all the four elements of life, earth, water, air, and energy were declared to be the common property of humanity.

When Elisabeth Mann Borgese was asked by Hutchins to re-evaluate the World Constitution twenty years later for the Center for the Study of Democratic Institutions, she realized that the Constitution was still as utopian as it had been when it was drafted in 1948. Shifting her and the Center's focus of attention to the international law of the sea gave Mann Borgese the chance to eventually "connect utopian ideas with the politics of the day."<sup>146</sup> In the months leading up to the first Pacem in Maribus conference (PIM) in June 1970, initiated by Mann Borgese and the Center for the Study of Democratic Institutions, several newspaper articles in the US featured the only "lady fellow"<sup>147</sup> of the Center. The journalists were trying to grasp the breadth of characteristics of the "lone woman in a think tank," who also presented herself as a pleasant hostess and cook:

Elisabeth Mann Borgese is a pianist, science-fiction writer, self-taught multilingualist, stenographer and international law drafter, as well as the only woman fellow at that California think tank, the Center for the Study of Democratic Institutions. She is also the daughter of the late Thomas Mann as well as the mother of two scientists.<sup>148</sup>

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<sup>146</sup> Interview with Mann Borgese. CBC Radio Ideas. Elisabeth Mann Borgese: The Dream of Common Cause, CBC, 1997. MS-2-744\_237-58.

<sup>147</sup> Los Angeles Evening & Sunday Herald Examiner, December 28, 1969. MS-2-744\_125-23.

<sup>148</sup> International Herald Tribune, 30 May 1969. MS-2-744\_125-23.

A decade later, Mann Borgese's lone occupation was with the ocean, as the account given by the US-American writer John Irving in 1982 about how he once met Thomas Mann's daughter on a plane from Toronto to Paris clearly shows:

[M]y seat companion was an elderly woman with a disturbingly deep cough. She had a refined German accent and a face of patrician detachment, of unending wisdom and constraint. [...] I liked her very much, but not her cough. I drank a beer, she sipped a Scotch. [...] And what business was she in? I asked her. Oceans she replied. [...] Her field was "everything to do with oceans," she said.<sup>149</sup>

Most researchers and commentators situate Mann Borgese and her work in two major categories: 1) as Thomas Mann's daughter; and 2) as contributor to the international law of the sea (after 1968). Within this context, her marriage to G. A. Borgese and her subsequent involvement with global federalism between 1939 and 1952 are seen as an influential precursor to Mann Borgese's later work concerning ocean governance. This is hardly surprising because, on the one hand, the history of the Mann family, in lieu of a proper royal family, is popular in German-speaking countries, and, on the other hand, the Draft World Constitution shares many similarities with the concept of the common heritage of mankind. Thus, from a standard academic point of view, these two characteristics of Mann Borgese and her work seem to be the most prolific and can also be based on a broad body of source material.

But in the time between her husband's death in 1952 and 1967 when Arvid Pardo first pushed the world community's agenda towards a new order of the ocean, it turns out that this period is crucial for an understanding of Mann Borgese's cultural ecology. At the same time, mostly because little material is available about this period, it remains

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<sup>149</sup> John Irving. "Günter Grass. King of Toy Merchants." *Trying to Save Piggy Sneed*. Arcade Publishing, 1996, pp. 422-423.

obscure to most researchers. However, Mann Borgese's CV, newspaper articles, and a few interviews provides some information on this period of her life.

Widowed at 34 with two young daughters, Mann Borgese lived in Italy for fourteen years, spending summers in her summer home in Forte dei Marmi and the rest of the year in Florence in a reconstructed peasant house on the hill of Fiesole "overlooking the whole city."<sup>150</sup> After becoming a senior fellow at the Center for the Study of Democratic Institutions in 1964, she divided her time between Santa Barbara and Florence. Before she accepted Robert Hutchins invitation to join the Center, she first taught German to political science students at the University of Florence, an activity she later described as having been "quite funny."<sup>151</sup> Then she served as the Italian editor for *Perspectives USA*, a literary and cultural journal circulated in Europe, published by Intercultural Publications Inc., a subsidiary of the Ford Foundation.<sup>152</sup> Additionally, she was the English editor for *Diogenes*, an interdisciplinary humanities and social sciences journal originally initiated by the United Nations Educational, Scientific, and Cultural Organization (UNESCO) in 1952.<sup>153</sup> Mann Borgese also translated and wrote articles for the political and cultural magazine, *Il Ponte*; according to the Halifax journalist, Stephen Kimber, *Il Ponte* was a "socialist, antifascist magazine published by some of her late

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<sup>150</sup> New Scientist, June 25, 1970. MS-2-744\_125-23.

<sup>151</sup> Elisabeth Mann Borgese. *Die Meer-Frau. Gespräch mit Amadou Seitz in der Reihe 'Zeugen des Jahrhunderts'*, edited by Ingo Herman, Lamuv, 1993, p. 44.

<sup>152</sup> In the early 1950s, Robert Hutchins became associated with the Ford Foundation and later became the director of the foundation's Fund for the Republic, which then financed the Center for the Study of Democratic Institutions. It seems likely that Mann Borgese secured the job as editor through her connections to Hutchins. See James Real. "The Center for the Study of Democratic Institutions: Great Issues, Great Crises." *Change*, Vol. 7, No. 1, 1975, pp. 38-43, 61-62. And *The Ford Foundation. Constant Themes, Historical Variations*, edited by the Rockefeller Archive Center, 2015.

<sup>153</sup> Elisabeth Mann Borgese. Curriculum Vitae. November 1987. MS-2-744\_362-7.

husband's colleagues."<sup>154</sup> A bibliography of IOI and Elisabeth Mann Borgese publications from the 1990s also lists articles on international affairs published in *The Nation* between 1953 and 1963, as well as short stories published in *New Directions*, *Partisan Review*, *Vogue*, *Science Fiction*, and *Il Ponte* between 1955 and 1965.<sup>155</sup> Among her various magazine publications during that time are her first short stories in Italian and English, book reviews, essays about living in Italy, and about visiting Jawaharlal Nehru, the first prime minister of India. She wrote about automatization and problems of the second Industrial Revolution and about her first conversation with the dog, Peggy, from Brescia in northern Italy who proved to be especially intelligent.<sup>156</sup> This episode later found its way into Mann Borgese's book about human/animal communication and most likely inspired her to train her dogs as well. She later described her time in Italy as a quieter, much more inwardly and reflective period: "Ich hatte immer viel Arbeit mit den kulturellen Zeitschriften, die ich betreute, ich schrieb Novellen und hatte auch einen Liebhaber."<sup>157</sup>

More importantly, during this time, she was less concerned with politics and questions of world order, but, instead, increasingly developed her own ideas and began writing about the human relationships with the planet, nature, and animal life:<sup>158</sup> "Ich habe damals angefangen, selbst zu schreiben. Ich schrieb meine ersten Novellen und

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<sup>154</sup> Stephen Kimber. "Sea Fever. Sharing the ocean's riches, says Elisabeth Mann Borgese, is the first step in a new world order." *Today Magazine, Halifax Edition*, 6 September 1980, pp. 13-16.

<sup>155</sup> International Ocean Institute & Elisabeth Mann Borgese Publications, MS-2-744\_362-5.

<sup>156</sup> See "Automazione. Problemi Della Seconda Rivoluzione Industriale" *Il Ponte*, Vol. 3, 1957, pp. 446-450. And "La mia prima Conversatione con Peggy. Il Cane di Brescia prova che Esiste un'Intelligenza Animale" *L'Espresso*, 6 September 1959.

<sup>157</sup> ["I've always had a lot of work with the cultural magazines that I supervised, I wrote short stories and I also had a lover."] Barbara Ungeheuer. "Elisabeth Mann Borgese. Der Spiegel unserer Seele. Die Tochter des Dichters kämpft für die Rettung der Meere." *Die Zeit*, No. 51, 11 December 1987. The lover was Corrado Tumiati (1885-1967), an Italian intellectual.

<sup>158</sup> CBC Radio Ideas. Elisabeth Mann Borgese: The Dream of Common Cause, CBC, 1997.

Stücke und beschäftigte mich viel mehr mit Kultur und Musik als mit Politik.”<sup>159</sup> Overall, Mann Borgese’s works that originated during this period show her intellectual engagement with contemporary public discourses in the ‘age of technology’, encompassing movements and topics such as evolutionary theory, ecology, feminism, aerospace, experiments with human-animal communication, and cybernetics. It is her tendency to incorporate these topics into her own narrative, which would later be influential in her work surrounding UNCLOS but are also already present in her early writings.

Mann Borgese’s early works, *Ascent of Woman* and *The Language Barrier: Beasts and Men*, as well as her first short stories originating during this period have largely been neglected in the academic evaluation of her *oeuvre*. At first glance, they seem disconnected from her larger body of work on the international law of the sea and the common heritage of mankind. On closer examination, this early work reveals the imaginative and spiritual development of her thinking and writing, which allowed her to develop her own narratives about interconnections of nature and culture. These narratives are based on the assumption that “culture is part of nature in any case”<sup>160</sup> and are centred around presumed continuities between female and male, humans and animals, nature and technology, and the individual and society, and, later, between the individual, the national, and the international, including the continuities of economy and ecology. It is precisely these narratives that inform Mann Borgese’s cultural ecology, and, thus, form

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<sup>159</sup> [“I started writing myself. I wrote my first short stories and plays and was more concerned with culture and music than with politics.”] Elisabeth Mann Borgese. *Die Meer-Frau. Gespräch mit Amadou Seitz in der Reihe ‘Zeugen des Jahrhunderts’*, edited by Ingo Herman, Lamuv, 1993, p. 44.

<sup>160</sup> Elisabeth Mann Borgese. “The Nexus Lecture. The Years of My Life.” *Ocean Yearbook*, Vol. 18, edited by Aldo Chircop and Moira McConnell, The University of Chicago Press, 2004, p. 20.

interconnections between *Ascent of Woman, The Language Barrier: Beasts and Men*, her short stories, and her writings about the international law of the sea and the common heritage of mankind.

### **2.1.2 “Culture is Part of Nature in Any Case”: Cultural Evolution**

Elisabeth Mann Borgese did not follow narratives of humanity as a special form of creation, distinct from and superior to other forms of life. For example, Judeo-Christian teachings of a human’s special status, created in the image of God are enormously influential to Western conceptualisations of science and thought. This is reflected, for example, in the work of Bacon and Descartes or in the writings of the various representatives of humanism, conveying a very anthropocentric framework. Characterized by the belief in various foundational dichotomies, such a world view continues to play a dominant role in cultural and political discourses surrounding the human/nature relationship.

Generally, Mann Borgese believed that “the domination of Western cultural values is coming to its end,” leading to a better understanding of non-Western and Indigenous world views.<sup>161</sup> She was a proponent of a different narrative, an evolutionary theory based on the premise that humans are part of nature “and that we emerged, over hundreds of million years, from what Darwin described as a ‘tangled bank’ of ecological relationships.”<sup>162</sup> She understood both nature and culture as complex and self-organizing systems of which humans are a part, and was interested in the question if and how these increasingly complex systems can survive over time.

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<sup>161</sup> Elisabeth Mann Borgese. “Arvid Pardo. Retrospect and Prospect.” MS-2-744\_345-4, 1999.

<sup>162</sup> R. S. Deese. *Climate Change and the Future of Democracy*. Springer, 2019, p. 53.

It would be wrong, however, to draw the conclusion that Mann Borgese was a diehard atheist defending Darwin's theories at all costs. There was a spiritual side to her, believing not only in the physical continuation of humans and animals, but also in the spiritual. In the conclusion of her 1995 monograph, *Ocean Governance and the United Nations*, published long after her original deliberations about evolution and the human/nature relationship in her work from the early 1960s, she writes:

I cannot resist recalling, in these final pages, St. Francis Canticle of All Creatures, a hymn to the kind of philosophy we are groping for. Humankind is part of nature. There is continuity between vegetal, animal, and human evolution, within the physical/chemical context within which it takes place: not only in the physical, Darwinian sense, but also spiritually. [...] The origins of language, of art, of science and technology, of social organization, even of spirituality, can be traced back to our brothers and sisters in the animal kingdom. Cooperation, certainly has been the motor of evolution over the long term, while struggle and competition are short term. [...] Love, which we may also call Devine, if we so wish, pervades in whatever form of all living beings.<sup>163</sup>

Animals and humans, as well as other agents of nature and culture, have, according to Mann Borgese, a common origin, both real and mythical, the root of which is love.<sup>164</sup>

Because her spiritual belief in the kinship of humanity and agents of nature was not grounded in any of monotheistic religions, her convictions are more informed by ancient mythology and evolutionary theory.

Her ideas about human nature and progress were further informed by the scientific theories of her time, particularly by ecology, cultural evolution, and, later, by systems or complexity theory. At the same time, this should be qualified with the

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<sup>163</sup> Elisabeth Mann Borgese. *Ocean Governance and the United Nations*. Centre for Foreign Policy Studies, Dalhousie University, 1995, p. 245.

<sup>164</sup> In that sense, her beliefs are very closely connected to those of Jules Michelet (*La Mer*, 1861) and Hans Jonas (*Das Prinzip Verantwortung*, 1979) who both argued that the existence of early forms of typical human characteristics in nature demands a new kind of nonhuman centred ethics. Additionally, both Goethe and Alexander von Humboldt believed that humanity is sublimely similar to nature, which precludes an understanding of agents of nature as objects.



observation that Mann Borgese, much like her father, had the tendency to borrow elements selectively from scientific theories, so that they would fit her purposes and underwrite her narrative. Her writings cannot be fully categorized as scientific or academic investigations and deliberations. A closer look at the theories and scientific ideas that permeate Mann Borgese's writings would reveal a much higher degree of complexity than her very confident and nonchalant renditions of them might suggest. The ways in which they are presented in her work reads as if they do not allow any doubt about their truthfulness. This does not necessarily insinuate intellectual shortcomings on Mann Borgese's behalf, but, if anything, it shows a strategic use of contemporary scientific ideas in order to mediate her narrative.

In terms of evolutionary theory, especially Julian Huxley's theories about evolution, seem to be most influential.<sup>165</sup> Huxley believed the individual and human society to be on a critical stage of cultural evolution and was of the opinion that cultural subsystems have to be remodelled within a "global evolutionary policy" in order to secure human advancement. The evolutionary biologist took great efforts to popularize his ideas to a wider audience, and the Huxleys and Manns were also known to each other.<sup>166</sup> More importantly, Huxley was a fellow internationalist (he became the first

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<sup>165</sup> For example, Julian Huxley. "The Future of Man—Evolutionary Aspects." *Man and His Future*, edited by Gordon Wolstenholme, J. & A. Churchill Ltd., 1963, pp. 1-22. The historian Joachim Radkau describes Julian Huxley in his monograph *The Age of Ecology* in the following way: "Julian Huxley, [...] offering intellectual authority as well as visionary passion and a conviction that ecology should be a practical science in service of humanity. Always on the go (unless crippled by a periodic bout of depression), with a characteristic mix of biological-zoological competence and enthusiastic dilettantism, he often appeared as a jack of all trades and looked ahead from the non-political specialist discipline to the later popular ecology." (p. 66).

<sup>166</sup> Thomas Mann and Julian Huxley served together on the advisory board of the First Humanist Society of New York.

Director-General of UNESCO in 1946) and “an enthusiastic advocate”<sup>167</sup> of utopian thought. His own utopian vision of a scientific world humanism which he laid out in his “Philosophy for UNESCO” was based on evolutionary theory. Huxley was of the opinion that “[e]volution in the broad sense denotes all the historical processes of change and development at work in the universe,”<sup>168</sup> and he between three different ‘sectors’ of evolution that succeeded each other in time: the inorganic or lifeless, the organic or biological, and the social or human. For Huxley, the human sector of evolution, later labelled cultural evolution,

Evolution in the human sector consists mainly of changes in the form of society; in tools and machines, in new ways of utilizing the old innate potentialities, instead of in the nature of these potentialities, as in the biological sector [...] A new complexity is superimposed on the old, in the shape of man’s tools and machines and social organization. And this, too, increases with time [...] The key to man’s advance, the distinctive method which has made evolutionary progress in the human sector so much more rapid than in the biological and has given it higher and more satisfying goals, is the fact of cumulative tradition, the existence of a common pool of ideas which is self-perpetuating and itself capable of evolving. And this fact has had the immediate consequence of making the type of social organization the main factor in human progress or at least its limiting framework.”<sup>169</sup>

Huxley argued that large-scale evolution had come to an end, and that “man is now the sole trustee of further evolutionary progress,”<sup>170</sup> which had major ethical implications. For Huxley, the conclusion was to put emphasis on an ecological approach to social organization, i.e., on the interrelationship of things and cooperation instead on Darwinian competition. As social organization is also reflected in government, one

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<sup>167</sup> R. S. Deese. “Twilight of Utopias: Julian and Aldous Huxley in the Twentieth Century.” *JSRNC*, Vol. 5, No. 2, 2011, p. 211.

<sup>168</sup> Julian Huxley. “UNESCO. Its Purpose and its Philosophy.” Preparatory Commission of the United Nations Educational, Scientific and Cultural Organisation, 1946, p. 6.

<sup>169</sup> Julian Huxley, 1946, p. 9-11.

<sup>170</sup> For an historical overview see Marc Swetlitz. “Julian Huxley and the End of Evolution.” *Journal of the History of Biology*, Vol. 28, 1995, pp. 181-217.

possible way in which peace and security could be obtained and promoted, according to Huxley, was in the form of political unity and world government. The newly acclaimed position of humanity in the driver's seat of evolutionary progress also opened up new prospects of future human enhancement through science and technology. Characteristic of the faith in progress and technology of that time, Huxley coined the term *transhumanism* in 1957:

The human species can, if it wishes, transcend itself—not just sporadically, an individual here in one way, an individual there in another way, but in its entirety, as humanity. We need a name for this new belief. Perhaps transhumanism will serve: man remaining man, but transcending himself, by realizing new possibilities of and for his human nature.<sup>171</sup>

Huxley's idea of transhumanism and its implications were subsequently explored by science fiction and speculative literature. They also may have had influence on Mann Borgese's fiction, which explores the downsides of humanity's new position in evolution that allowed rapid technological and scientific progress.

Mann Borgese incorporated Huxley's evolutionary theories and especially his deliberations about social organization into her first independently published books, *Ascent of Woman* and *The Language Barrier*. In comparison to Huxley, she put much more emphasis on the common roots of natural and cultural evolution (or the biological and the human sectors of evolution) and their interrelations. In *Ascent of Woman*, a play on Darwin's book on human evolution, *Descent of Man* (1871), she states that only in Homo Sapiens

has natural evolution been superseded by cultural evolution, which—as biologists, anthropologists and natural philosophers alike have pointed out—while following

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<sup>171</sup> Julian Huxley. "Transhumanism." *New Bottles for New Wine*, edited by Julian Huxley, Chatto & Windus, 1957, pp. 13-17. See also Alision Bashford. "Julian Huxley's Transhumanism." *Crafting Humans. From Genesis to Eugenics and Beyond*, edited by Marius Turda, V&R Unipress, 2013, pp. 153-167.

the laws of natural evolution, has accelerated its tempo, so that it constitutes, at one and the same time, its continuation and its recapitulation. *Recapitulation* [EMB's emphasis], insofar as it reflects, on a minute scale, the great movements of natural evolution [...] *Continuation*, inasmuch as it will carry the species further, beyond the foreseeable. Where to? *Evolution is determined by the group's current vision of destiny.*<sup>172</sup>

Three things are of interest here. First, Elisabeth Mann Borgese is convinced that the human species could potentially be in control of its own future by design, depending on the ways in which humanity can collectively imagine and plot future ways of living in the present. Put differently, it depends on whether or not humanity has a narrative about the future, and what that future would entail. The question remains how the group or humanity is able to create and then agree upon such a narrative. However, Mann Borgese supports her statement that having a vision about the future of humanity is a moral duty by employing evolutionary theory in a strategic and almost metaphorical way.

Mann Borgese describes human evolution in terms of technological and scientific progress that keeps changing human nature and social organization rapidly. In a 1973 essay, "No End in Sight. Human Nature is Still Evolving,"<sup>173</sup> for *The Center Magazine*, the regular publication by the Center for the Study of Democratic Institutions, she writes:

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<sup>172</sup> Elisabeth Mann Borgese. *Ascent of Woman*. George Braziller, 1963, p. 24.

<sup>173</sup> This is a good opportunity to clarify remarks about Mann Borgese's use of linguistic gender throughout her texts as this essay, published during the heyday of the Women's Movement. Mann Borgese provoked a letter from Lynnelle Herrick (March 21, 1973, MS-2-744\_107-6) in which she is expressing her irritation about Mann Borgese's continual use of the noun 'man' and 'he' throughout her article without distinguishing between the genders. Mann Borgese's reply is reminiscent of Mark Twain's remarks about gender in his essay, *The Awful German Language* (1880), and is also very practical in that it absolutely ignores all ideology, but instead points out the arbitrariness of grammatical gender: "Many of my friends have raised this issue about 'man' and 'he.' I can't quite warm up to the issue—which is so much greater than linguistics, and I am not convinced that linguistics is the most fruitful ground from which to launch the struggle. Besides, this may be due to my different linguistic background. To me 'man' does not imply maleness. It means homo, anthropos, Mensch. That the Latin, Greek, and German gender is masculine (although each one of these languages has a different term for the male human being) does not bother me more than that all dogs (der Hund) are masculine in German, while all cats (die Katze) are feminine—apart from the fact that 'girl' and 'Miss'—das Mädchen and das Fräulein are neuter! I could go on, but I suppose you got the point."

One might even say that whether post-modern man is still *Homo sapiens* remains to be seen. A species that can fly is different from one that cannot. A species that can transport itself out of earth's biosphere to other planets is different from an earthbound species. A species that can transplant vital organs from one member to another, blurring the boundaries between this individual and that individual and between life and death, is different from a species whose members cannot do this.<sup>174</sup>

She presented the same thought twenty-six years later, in 1999, in her Nexus Lecture, "The Years of My Life,"

On an evolutionary scale, one might say that humankind has experienced a 'mutation'. A species that can fly is not the same species as one that cannot. A species that can overcome gravity and move among the planets is not the same as a species that is earth-bound. A species whose members can undergo sex change is not the same as a species that cannot!<sup>175</sup>

The theme of 'blurring of the boundaries of the individual' through science and technology plays an important and recurring role in Mann Borgese's fiction and in her later formulation of the philosophy of the common heritage of mankind. Although Mann Borgese acknowledges the fact that some people might find such progress and change scary, she herself is not scared by it,

All this may seem scary, but not to me. Evolution is now in our hands [...] To better understand human nature we must do four things. We must study animal nature. We must find out whether there is one human nature or whether there are different human natures—for instance, male and female. We must come to terms with the impact of technology on human nature. And we must study the interactions among world order, social organization, and human nature.<sup>176</sup>

And this is exactly what she set out to do.

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<sup>174</sup> Elisabeth Mann Borgese. "No End in Sight. Human Nature is Still Evolving." *The Center Magazine*, March/April 1973, p. 4.

<sup>175</sup> Elisabeth Mann Borgese. "The Years of My Life.", p. 20.

<sup>176</sup> Elisabeth Mann Borgese. "No End in Sight. Human Nature is Still Evolving.", p. 5.

Especially interesting is Mann Borgese's understanding of recapitulation in the evolutionary process and the rendering of it in cultural evolution. This not only finds thematic representation throughout Mann Borgese's work, but also stylistically and structurally by constantly juxtaposing the old and the new, e.g., mythology and science or nature and technology in her texts.<sup>177</sup> Recapitulation theory was proposed as biogenetic law by German ecologist, Ernst Haeckel, in 1866 and asserts "that the stages an animal embryo undergoes during development are a chronological replay of that species' past evolutionary forms" and that "each stage of development in higher animals, such as humans, corresponds to adult stages of lower animals, such as fish."<sup>178</sup> Although Haeckel's theory gained mainstream acceptance throughout the nineteenth and early twentieth centuries, it was later discredited by researchers as inaccurate and thus abandoned.<sup>179</sup> Mann Borgese's analogy of Haeckel's theory showcases her belief in the interconnectedness of natural and cultural evolution through correspondence,

Curiously, the higher you go on the side of cultural evolution, the further back you go on the side of natural evolution. For instance, technology has given us wings so that we are birds again, and birds, of course, came earlier, much earlier in the process of natural evolution. Technology now is about to give us gills so that we may return to the depths of the seas where life began.<sup>180</sup>

She takes up this thought about evolutionary relationships again in the chapter, "Philosophy of the Common Heritage of Mankind," in her 1986 monograph, *The Future of the Oceans*:

Evolution is not a one-dimensional process; it is four-dimensional in a space-time continuum—synchronous, as all stages of evolution are still around us in the

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<sup>177</sup> The most prominent example is *The Drama of the Oceans* from 1975, but it permeates her works throughout.

<sup>178</sup> Elizabeth M. Barnes. "Ernst Haeckel's Biogenetic Law (1866)." *Embryo Project Encyclopedia*, 2014, <https://embryo.asu.edu/pages/ernst-haeckels-biogenetic-law-1866>.

<sup>179</sup> Ibid.

<sup>180</sup> Elisabeth Mann Borgese. "Human Nature", p. 4.

biosphere; diachronic, changing through time; and microchronus within each of us as ‘human embryos are at some stage like fish embryos and very much like reptilean [sic!] embryos’.<sup>181</sup>

Earlier evolutionary processes are not only reflected in the development of technology as part of cultural evolution; according to Mann Borgese, this is also true for traditions of knowledge transfer and science:

Human thought was mythical and poetic before it turned scientific. But scientific thought has retained and revalidated much of the ancient mythological and poetic concept. A part of science itself, in every age, is shown by subsequent ages to have been poetry or myth.<sup>182</sup>

Mann Borgese’s thinking and her perception of time and space are not linear but complex. At the beginning of cultural evolution when humanity was still “immersed in myth,”<sup>183</sup> there was, according to Mann Borgese’s narrative of evolution, still a sense of unity between humans and nature. This unity was then destroyed by Christianity and the advance of reason and rationality in Western civilization. In Mann Borgese’s view, the division between nature and culture found its most profound expression in a “remarkably huffy attitude towards the animal kingdom.”<sup>184</sup> Now humanity would be able to restore this unity because technology, as part of cultural evolution, emanates from nature—it is

both cause and effect of human evolution. [...] Technology cannot be unnatural. Technology, too, is part of animal nature, not only because it exists already in the animal world but also because of our own relationship to it. Technology is part of human nature.<sup>185</sup>

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<sup>181</sup> Elisabeth Mann Borgese. *The Future of the Oceans. A Report to the Club of Rome*. Harvest House, 1986, p. 129.

<sup>182</sup> Ibid, p. 5.

<sup>183</sup> Ibid, p. 6.

<sup>184</sup> Ibid.

<sup>185</sup> Ibid.

But it is also transforming social and natural systems. Despite technologies' transformative powers, for Mann Borgese, technology per se does not have a moral dimension; the morality of technology lies in the ways in which humans make use of it.<sup>186</sup> Yet, better knowledge about technology in nature will not be sufficient for humanity in order to gain a better understanding of its own nature. According to Mann Borgese, it has to be complemented by better knowledge of animal communication, art, and proto-religion. In the Darwinian sense, the continuity between animals and humans is strictly physiological, not intellectual or spiritual. Mann Borgese thought that if humanity is part of nature and part of the same system, then there must be an intellectual and spiritual continuity as well. As a result,

[o]ur new awareness of the continuity of spiritual as well as physical life changes the concept we have of man and his position on earth. The more we know about animals, the more we will feel that we are part of nature; we will feel a reverence for nature which we lost during the last few centuries; we will fear to destroy our environment because we will see that we are thereby destroying ourselves.<sup>187</sup>

In an interview from 1997 with the CBC radio show, *Ideas*, Mann Borgese points out, "our attitude towards animals has a lot to do with our attitude to the oceans" because "as long as we feel superior to nature, as separate from and superior to nature, we will pollute nature."<sup>188</sup> At the roots of this attitude she identifies the global spread of Western religion and philosophies in the form of capitalist economic orders. This is put into contrast with knowledge systems of non-Western and Indigenous cultures that are centred around more harmonious and unified attitudes towards human/nature relationships.

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<sup>186</sup> Ibid.

<sup>187</sup> Ibid. This is also the reason why Mann Borgese was a vegetarian.

<sup>188</sup> Elisabeth Mann Borgese. "The Dream of Common Cause." Interview with CBC *Ideas*, 1997.



Further, in a next-step, Mann Borgese conveys her ideas about the human/nature relationship to alternative forms of social and global organization:

Now we are regrouping. We are going to live in a postnational or transnational era in which nations will still exist, but they will no longer be the sole actors, or even the protagonists, on the scene of world history. Other forces and other forms of organization—economic and cultural—are taking their place. We will live in a horizontal order, where men will again participate in the decisions that affect them. We will live in an open order, with everybody being part of and moving freely within a number of overlapping subsystems in which one's work, leisure, economic, cultural, and spiritual life are organized. It will be an order based no longer on property, on power, or on sovereignty, for all these concepts are eroding under our eyes. And it will be an order no longer dominated by Judeo-Grecian-Roman values.<sup>189</sup>

Overall, this deliberation on the human/nature relationship cannot bear absolute scientific, i.e., objective, scrutiny. In their subjective imagination, spirituality, and transcendence, they are simultaneously more reminiscent to the human/nature relations propagated by German Romanticism and to the ways in which societies are organized in classical collectivist utopias. Their expressions in terms of social organization are utopian in nature because of their rejection of traditional concepts of property and sovereignty. Additionally, all societal subsystems seem to be centrally organized in ways that bear similarity to the social organization she imagines in her 'own utopia', which is part of her work *Ascent of Woman* (1963) (see below). All of this is presented in narrative form, in an account of connected events featuring a plot of protagonists ("nations"), antagonists ("other forms of organization"), and action (other forms of organization "taking over" participation of people in political decision-making and in relationships between individuals and society).

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<sup>189</sup> Elisabeth Mann Borgese. "Human Nature", p. 7.

In Mann Borgese's narrative, the unity of humanity and nature lost to cultural evolution, i.e., through scientific and technological progress and decisively through Western forms of understanding and interpreting these processes as dichotomies and dualisms, could be restored by means of a regained awareness of the continuity between nature and culture. Such a reinstated understanding of the human/nature relationship would situate humans within the continuum of nature and culture. According to Mann Borgese, this shift towards a harmonious, connected relationship between the individual and its physical environment would ultimately lead to more open and equitable forms of social organization. In that sense, the narrative she laid out in her early nonfiction profoundly informs Mann Borgese's understanding of the common heritage of mankind. Mann Borgese's thesis regarding the interconnectedness of nature and culture, as well as humanity's ability to imagine the future collectively, in combination with her moral imperative to think about the future establish a potentially powerful cultural and ecological counternarrative for social change. The following analysis of her works, *Ascent of Woman* and *The Language Barrier*, will shed some more light on this.

Mann Borgese's insight into the human/nature relationships and her interpretation of evolutionary theory deeply influenced not only the substance of her work but also her style of writing and composition. In the broadest sense of the terms, she is predominantly using the narrative devices of leitmotif and intertextuality in her texts. As mentioned previously, Mann Borgese was not a scientist, nor are her nonfiction texts to be seen as purely scientific or theoretical investigations. Throughout Mann Borgese's work, her style and habit of juxtaposing fact and fiction, imagination and science, is striking. Already Alexander von Humboldt, who through empiricism realized from very early on

that nature is a dynamic system in which everything is interconnected, pointed out that the power of imagination and emotional connections are crucial in creating a better understanding of all phenomena, but especially of nature.<sup>190</sup> Mann Borgese's work shows that she subscribed to the notion that the borderline between art and science is fluid. This is why Richard Samuel Deese calls her a "rare combination of an expert and a poet,"<sup>191</sup> and Peter Serracino Inglott describes her as a "metaphysician by birth."<sup>192</sup> Others have been more critical about the "literary gamut from poetic imagery to scientific fact,"<sup>193</sup> or complained "that Mann Borgese often quotes people without informing the reader of the quotation's source, leaving questions about whether the statements come from reputable sources."<sup>194</sup>

Indeed, it is sometimes difficult to locate Mann Borgese's sources and influences and to distinguish her own ideas from those of others throughout her work because she often does not identify them or reference their origin. She is only strategically using them for her own purposes. But instead of accusing her of violating academic norms and of lacking intellectual rigor, one should slightly shift perspective, as the way in which Mann Borgese's nonfiction texts are written bears similarities to compositions that borrow freely from other sources.

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<sup>190</sup> See Andrea Wulf. *The Invention of Nature. Alexander von Humboldt's New World*. Alfred A. Knopf, 2015.

<sup>191</sup> Richard Samuel Deese. "From World War to World Law: Elisabeth Mann Borgese and the Law of the Sea." *World History Bulletin*, edited by Denis Gainty, Vol. XXXII, No. 2, 2016, p. 6.

<sup>192</sup> Peter Serracino Inglott. "Elisabeth Mann Borgese: Metaphysician by Birth." *Ocean Yearbook*, edited by Aldo Chircop and Moira McConnell, Vol. 18, 2004, pp. 22-73.

<sup>193</sup> Margot Siegel. "A Delightful Experiment. Woman and Animals Communicate." A 1968 newspaper review of Mann Borgese's book *The Language Barrier*. MS-2-744\_49-20.

<sup>194</sup> Angela Chabot. "Review of *The Oceanic Circle: Governing the Seas as a Global Resource* by Elisabeth Mann Borgese." *Stanford Environmental Law Journal*, Vol. 19, 2000, p. 299.

In literary studies, this method or technique is called *intertextuality*, or how a text is made up of others by means of open or covert citations or allusions (passing references based on shared knowledge).<sup>195</sup> Thomas Mann, who saw himself as “the musician among poets,”<sup>196</sup> and preferred to categorize his writings as ‘compositions’, notoriously mastered this technique of writing, borrowing from a wide variety of sources that he then, sometimes more covertly than openly, incorporated into his texts. As his daughter, and being a trained pianist, Mann Borgese must have been familiar with this method and naturally used it freely and in variations in her own texts. This was done by means of incorporating different sources into her texts and by citing from her own texts, sometimes word for word within a timeframe of several decades.

In a way, this method is also being used by interdisciplinary scholars who also use a wide variety of sources in their academic investigations of complex problems, except that they tend to obey academic standards and always properly identify and reference their sources. Furthermore, the technique of intertextuality and narrative composition corresponds well with the notion of permeable knowledge sharing that is also incorporated in the common heritage of mankind. Peter Finke notes in his *Die Ökologie des Wissens* that scientists and academics do not own the terms, concepts, and instrumentarium they are using for their investigations, but rather these can only be borrowed because they are considered to be “common property” (“Gemeinbesitz”).<sup>197</sup> Finke’s reflected opinion, although certainly not mainstream in academia, allows for

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<sup>195</sup> See M. H. Abrams. *Glossary of Literary Terms*. Heinle & Heinle, 1999.

<sup>196</sup> B. Kristiansen. “Das Problem des Realismus bei Thomas Mann. Leitmotiv–Zitat–Mythische Wiederholungsstruktur.” *Thomas-Mann-Handbuch*, edited by Helmut Koopmann, Alfred Kröner Verlag, 2001, p. 829.

<sup>197</sup> Peter Finke. *Die Ökologie des Wissens*, p. 40.

more unconventional uses of academic analytical tools and, for example, has enabled the concept of ecology to travel from the discipline of biology to the humanities and social sciences. It seems that the ideological premises of interdisciplinary research are deeply connected to those of the concept of the common heritage of mankind.

Another narrative device that has its origin in music, and was widely used by Thomas Mann, is the technique of leitmotif that entails the repetition of major motifs, elements, or metaphors throughout a text or among texts in such a way that it creates new, complex meaning. The above described elements that comprise Mann Borgese's ideas about the interrelationships of nature and culture based on evolutionary theory, including the constant juxtaposition of the past, the present, and the future, constitute leitmotifs in her work, starting with her first independently published monographs, continuing with her speculative fiction, her nonfiction writings about the ocean, and culminating in her philosophy of the common heritage of mankind. The following examples manifest this claim in a nutshell.

In the short story, "Delphi Revisited," published in her first collection of speculative fiction in 1960,<sup>198</sup> Mann Borgese's assertion that science recapitulates myth is exemplified through a society in which fate has been replaced by statistics to such an extent that the protagonist cannot outwit nor escape statistics. In *The Language Barrier: Beasts and Men* (1965), Mann Borgese extrapolates her scientific ideas about animal communication from the fairy tale, "The White Snake," part of the *Grimms' Fairy Tales* collection. *The Drama of the Oceans* (1975), *The Mines of Neptune* (1985), *The Future of the Oceans* (1986), *Ocean Frontiers* (1992), and *The Oceanic Circle* (1998) all situate

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<sup>198</sup> Elisabeth Mann Borgese. *To Whom It May Concern*. George Braziller, 1960, pp. 69-76.

various myths and scientific approaches to ocean matters side by side in a non-hierarchical but reiterative manner. Here, Mann Borgese is implying that the dynamic processes of knowledge production once driven by the belief in ancient myths were now taken over by modern science disguised as a new mythology, supported by narratives that either corroborate or overturn longstanding conclusions.

In her 1968 essay, *Ocean Regime*, Mann Borgese writes about new technological means allow for human exploration the depths of the ocean that, in turn, will affect the ocean's political and legal orders,

This new species of man is still scarce in its old-new medium. Its social and political order is primitive and heroic. It is a nomad, hunting society. Most of the mistakes made on earth have yet to be made in the deep seas.<sup>199</sup>

By means of analogy, she implies that humanity is positioned at the very beginning of cultural evolution in the ocean, and that many of the processes of cultural evolution that occurred on land are yet to happen in the ocean, preferably without any of the previous mistakes made by humanity, who is now the driver of evolution. The way in which these thoughts are presented in her text forms a narrative about humanity and the beginnings of its renewed relationship to the ocean. A few years later, in her cultural history of the ocean, *The Drama of the Oceans*, she states: "If we can remake ourselves in our environment—both social and natural, the one being part of the other—the oceans will live, the oceans will be bountiful. And they will mirror the souls of a free mankind."<sup>200</sup>

Both quotations again show that Mann Borgese first of all understands humans as a species, and that this species is part of connected social and natural environments.

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<sup>199</sup> Elisabeth Mann Borgese. *The Ocean Regime. A Suggested Statute for the Peaceful Uses of the High Seas and the Sea-Bed Beyond the Limits of National Jurisdiction*. Center for the Study of Democratic Institutions, 1968, p. 2.

<sup>200</sup> Elisabeth Mann Borgese. *The Drama of the Oceans*. Harry N. Abrams, 1975, p. 20.

In the prologue to *Drama*, Mann Borgese asks why “the oceans are the mirror of our soul,” positing the question about the origins of life, water, and earth. She provides several narratives about how life, in the broadest sense, emerged from the primeval sea from ancient Egyptian, Chinese, Japanese, and Indian mythologies, noting, “in the West we have inherited Israel’s version of the Creation, God dividing light from darkness and earth from the waters.”<sup>201</sup> These creation stories are followed by “numerous versions” of scientific accounts “probing into the question of where the water came from in the first place.”<sup>202</sup> Mann Borgese does not name these theories but retells their assumptions in a similar narrative manner as previously the mythological accounts. There is no hierarchy between them, and both mythological and scientific perceptions about natural phenomena are presented with the same validity: “[t]hese accounts are science, of course, rather than myth, but they are no less beautiful for that.”<sup>203</sup> And yet, there is a subtext in the wording of “rather than myth” and “beautiful” indicating a kinship between the different modes of knowledge production and the narrative qualities and underlying assumptions of both mythology and science. Furthermore, this shows that for Mann Borgese, these different forms of knowledge are connected through time. Natural phenomena once explained by mythology in times past are now explained by scientific theories that may turn into myth and be replaced by other narratives in the future. Here again, Mann Borgese’s evolutionary understanding of the human condition surfaces, which assumes that change, fluidity, and uncertainty are the drivers of the grand narrative of human development.

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<sup>201</sup> Ibid, pp. 17-19.

<sup>202</sup> Ibid.

<sup>203</sup> Ibid.

In *Seafarm: The Story of Aquaculture* (1980), carrying the narrative aspect already in the title, Mann Borgese draws connections between forms of aquaculture known to the ancient Greeks, Romans, and Chinese, as well as modern, scientific ways of establishing aquaculture, next to agriculture in order to secure a food supply. Special attention is drawn to ancient India and a Sanskrit poem by King Somesvara III from the early 12<sup>th</sup> century about the proper practice of fish feeding that, according to Mann Borgese, “prescribed with astonishing scientific modernity how the fish are to be fed and fattened.”<sup>204</sup> In a similar fashion, parallels between ancient and modern perceptions and practices of mining throughout the history of human civilization are drawn in her 1985 monograph, *The Mines of Neptune*, indicating that the new scientific and technological developments are essentially just modernized iterations and variations of old narratives and practices.

Returning to the motif and tropes of evolution in Mann Borgese’s 1986 monograph, *Future of the Oceans*, a chapter about the philosophy of the common heritage of mankind posits: “[...] the basic force of evolution is cooperation and integration no matter whether we look at cultural or at biological evolution [...] There would be no cities, no cultures, no accumulation, and no common heritage if conflict were the law of nature.”<sup>205</sup> In summary, Mann Borgese proposes in her work over time that individuals and societies are linked as humanity, and that humans as a species are temporarily and spatially connected to humanity’s social and natural environments, which necessitates cooperation instead of competition. Ideas about the ‘old’ and the ‘new’ and its interdependencies, continuations, and changes explored topically and

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<sup>204</sup> Elisabeth Mann Borgese. *Seafarm: The Story of Aquaculture*. Harry N. Abrams, 1980, pp. 17-18.

<sup>205</sup> Elisabeth Mann Borgese. *The Future of the Oceans*, p. 129.



symbolically in many variations and in metaphorical evolutionary terms throughout her oeuvre to express the interconnectedness of culture and nature. This is the foundation of Mann Borgese's cultural ecology.

### 2.1.3 *Ascent of Woman*

Published in 1963, the monograph, *Ascent of Woman*, was never meant to be a feminist book, neither was it a best-seller.<sup>206</sup> Within the context of Mann Borgese's work, it proves to be interesting in two ways. First, Mann Borgese's account of the anthropological history of the rise and fall of the individual provides a context for her fictional short stories that depict the crisis of the individual in a futuristic setting. While she does not spend much time unfolding this temporal crisis in *Ascent of Woman*, she describes the development leading to it and then quickly offers a possible solution. Second, this solution is presented as her 'own utopia', Mann Borgese's only semi-fictional blueprint of her ideal collectivist society based on cultural evolution driven by cooperation. Elements of Mann Borgese's ideal utopian vision about a remodeled social organization include collectivism, the lack of private property, and internationalism that later make a reappearance in her more concrete cultural ecology based on the common heritage of mankind.

The book starts with a platonic dialogue between 'Credo' and 'Vedo' about the inferiority of women throughout history that then leads to the question of why women

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<sup>206</sup> Mann Borgese's New York based literary agent, John Schaffner, regularly described the royalty statements for *Ascent of Woman* from George Braziller as "depressing" and "not very encouraging..". Eleven years after the first publication, in 1974, he suggested the publisher should release the rights to the book, allowing to offer it in paperback because, according to Schaffner, "it is now of contemporary interest." The women's movement was at a peak, and Schaffner apparently thought Mann Borgese had just been ahead of her time. George Braziller did not release the rights and kept it in print. See the correspondence between Mann Borgese and John Schaffner. MS-2-744\_95-4 and MS-2-744\_103-9.

still occupy an inferior position in a “liberal, progressive, and optimistic society”<sup>207</sup> in which they were granted equal rights based on the assumption that all are born equal. According to Mann Borgese, this paradox is due to certain undoubted perceptions “concerning maleness, femaleness, inferiority, and superiority”<sup>208</sup> that need to be reinterpreted.

While Second Wave Feminists around Betty Friedan began to reinterpret the question of women’s equality in the early 1960s and were trying to change the situation of women regarding sexuality, reproductive rights, family, and work, Mann Borgese tried to answer the paradox of female inferiority from an evolutionary point of view. Throughout the book, she is testing the hypothesis that there is an affinity between the feminine and the collective on the one hand, and the masculine and the individualistic on the other, by looking at the social organization in the animal world, the behaviour of crowds, and grammatically gendered language. Her conclusion is that “[t]he inferiority of women is a result of the species’ position on the evolutionary scale: man the triumpher over his environment; man the measure, man the mind, man the universe.”<sup>209</sup> By way of competitive natural selection, natural evolution had given rise to individuation in the form of the physically stronger human male. At the same time, cultural evolution had led to a high degree of socialization in the human species, which is only surpassed by social insects in the animal world where this process is natural. According to Mann Borgese, only the integration of individuation and socialization through cultural evolution will lead

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<sup>207</sup> Elisabeth Mann Borgese. *Ascent of Woman*, p. 3.

<sup>208</sup> *Ibid.*

<sup>209</sup> *Ibid.*, p. 23.

to a new balance between the individual and the collective, and thus to a better and equal standing of women in society.

More interesting, however, is Mann Borgese's narrative in *Ascent of Woman* about the history of the development of the individual in the universe during which the role of the individual has steadily gained in importance and, according to Mann Borgese, resulted in the inferiority of women. Her story goes like this: In the beginnings of civilization, the individual played only a subordinate role within social order because the collective existence of the group stood in the foreground. During this phase of cultural evolution, called *pre-individualistic*, there was still unity between nature and culture and between the individual and the collective that later broken up with the onset of Cartesian thought and the dualistic worldview that disconnected the human species from nature and put women in inferior positions. In pre-individualistic times, "the essence of this unity, of this collective, was woman [...] the shelterer, the nourisher, the life-giver, the priestess and the witch, the medicine woman, the potter of cosmic vessels, the spinner of the threads of life: woman was central; man was marginal"<sup>210</sup>.

But with the increasing self-assertion of the individual towards his environment, this unity collapsed, and reason won over destiny, logic over chance, and man over nature. The pre-individualistic era was replaced by the individualistic age, paving the way for an individualized and, therefore, male-dominated society; "[t]he rise of the individual and the rise of the male, from then on, are parallel developments."<sup>211</sup> Now, cultural evolution—the same process that gave humans tools, first and foremost, language, to rule the world—vaulted the individualistic society into deep crisis. Scientific and

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<sup>210</sup> Ibid, p. 55.

<sup>211</sup> Ibid, p. 22.

technological progress reshaped nature and made “the disintegration of the individual quite possible today.”<sup>212</sup> Mann Borgese names “the machine,” advances in medicine and industrialization in modern society, as the catalysts of the crisis of ‘the self’.<sup>213</sup> Today, she might identify climate change, bioengineering, and the digital revolution with its emerging technologies of artificial intelligence (AI) that threaten the integrity of the individual and society as a whole, as elements of this crisis. She might especially single out AI as having major implications on the ways in which we learn, work, and earn our livings in the future.

Elisabeth Mann Borgese makes this human evolution point-in-time the subject of discussion in her dystopian fiction. In *Ascent of Woman*, she simply states that this crisis, like any crisis, is temporary, and then quickly refocuses her considerations back to the future history of humanity. Nevertheless, one should pause and examine humanity’s current time in history through Mann Borgese’s crisis-of-individualism lens, contemporarily called “the crisis of the Anthropocene”<sup>214</sup> or “Homo Sapiens loses control.”<sup>215</sup> It is a point in time when the narrative needs to be changed, and we must collectively agree upon and implement major transformations of our social systems in order to deal with stressed ecological systems and come to terms with new technologies as a species. Because collectively, according to Mann Borgese, the group controls cultural evolution, our collective imagination needs to develop something new.

Technological advances in society do not necessarily need to have threatening

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<sup>212</sup> Ibid, p. 150.

<sup>213</sup> Ever since the advent of individualism, the individual seems to be in crisis. The crisis of the ‘self’ is a result of Cartesian thought, the philosophy of Idealism, and the Industrial Revolution and is especially well reflected in modern German-language literature.

<sup>214</sup> Saskia Vermeulen. “Materiality and the Ontological Turn in the Anthropocene: Establishing a Dialogue between Law, Anthropology and Eco-Philosophy.”, p. 137.

<sup>215</sup> Yuval Noah Harari. *Homo Deus*, p. 323.

implications; it depends on how they are being implemented. What are we going to do? And in which direction are we going to go? Towards competition or cooperation? Anthropocentrism or ecocentrism? Pessimism or optimism? Elisabeth Mann Borgese made these decisions for herself when she decided to turn the ocean into a laboratory for a new world order. She chose to steer a middle course and ran with the counternarrative of the common heritage of mankind towards the future.

In *Ascent of Woman*, Mann Borgese's answer to the crisis-ridden individualistic phase is a reformed social organization within a post-individual society where cooperation is key, and the ascent of women is ensured. In Mann Borgese's evolutionary terms, the shift of emphasis from the individual to the collective means a shift from competition to cooperation as the principal force of evolution. Yet, she did not know exactly how such a collectivist society would look. For the sake of imaginative orientation, Mann Borgese then takes the reader on a tour de force of the history of utopia. After a closer look at the most well-known utopias, from Plato's *Republic* to Thomas More's *Utopia*, Campanella's *Sun State* and Francis Bacon's *New Atlantis* to Aldous Huxley's *Brave New World*, Mann Borgese arrives at the conclusion that women in collectivist utopias fare much better than in individualistic utopias which, of course, supports her thesis that there is an affinity between the feminine and the collective: "As one would expect, women fare exceedingly well in the collectivist Utopias, where they are liberated and exalted; whereas they get a rough deal, occupying a lowly place, in the individualists' paradise."<sup>216</sup> Friedrich Engels had already pointed out the relationships between social organization, private property, and the social standing of women in his

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<sup>216</sup> Elisabeth Mann Borgese. *Ascent of Woman*, p. 114.

*The Origin of the Family, Private Property and the State* (1884). Finally, Mann Borgese playfully unites all her theses on the rise of the woman in society in her own narrative of a collectivist utopia, with which she completes her book. According to Mann Borgese, her version of utopia creates some controversies among the Second Wave Feminists, most likely because her portrayal of gender and sex with the description of femininity as “a psychosomatic condition,” and because her ideas about ectogenesis and sex reversal were not meant to be as satirical as in other utopias. Asked by the German journalist, Wolf Gaudlitz, about it, she replied, “Das war eigentlich kein böses Buch.”<sup>217</sup>

“My Own Utopia,” the epilogue of *Ascent of Woman*, shares many characteristics of the utopian tradition; for example, the absence of the concept of private property, collectivism, the shared belief in the progress of science and technology, and remodeled ideas about labour, love, and the concept of family as the smallest organizational unit. In that sense, Mann Borgese depicts a world and a society which she calls “strange new world” in reminiscence of Aldous Huxley’s *Brave New World* (1932) before it turned into a totalitarian state. Erika Gottlieb points out that there is always “a push and pull between utopian and dystopian perspectives” because dystopian narratives often “ponder how an originally utopian promise was abused, betrayed, or, ironically, fulfilled so as to create tragic consequences for humanity.”<sup>218</sup> Hence, it seems like Mann Borgese, after having studied the genre diligently, incorporated some safety mechanisms into her futuristic blueprint to prevent utopia from turning into dystopia.<sup>219</sup>

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<sup>217</sup> Elisabeth Mann Borgese. *Mein Vater der Zauberer–meine Liebe das Meer*, Interview with Wolf Gaudlitz, Bayerischer Rundfunk, 1999. [“This was not such a bad book.”]

<sup>218</sup> Erika Gottlieb. *Dystopian Fiction East and West. Universe of Terror and Trial*. McGill-Queen’s University Press, 2001, p. 8.

<sup>219</sup> Surprisingly, Mann Borgese does not mention Charlotte Perkins Gilman’s utopian novel *Herland* (1915) about a lost civilisation living in peace and without poverty, and that functions entirely without men in her

The social order in her utopia is not dystopian, at least not for Mann Borgese, as it is non-hierarchical, democratic, non-religious, and is based on equity, justice, and love. The private and public spheres are not strictly separated due to the synthetic nature of individualism and collectivism in Mann Borgese's post-individualist utopia, but the state is not a surveillance state. Using the terminology of ecology to express that everything is connected and that the whole is more than the sum of its parts, Mann Borgese describes her idea of social organization as "the rise of a global superorganism of which every human being is a cell."<sup>220</sup> And once again, Mann Borgese attempts to convince the world that open-ended change is natural and, therefore, must not be feared because of the evolutionary continuity between the past, present, and future:

If only we get used to the idea that mankind is bound to change, is not the end of evolution, which has no end; if we think, on the other hand, that what is new and yet to come, is present, pre-designed in the old.<sup>221</sup>

Of course, Mann Borgese's utopia, like Huxley's *Brave New World*, is set in a world republic sometime in the future, in a collectivist social order based on cooperation, integration, and stability. There is no cap on wealth creation and poverty has been eradicated through scientific and technological progress: "The poor shall no longer be with us; for food, housing, energy, heat, clothing, medical care, insurance, social security, education, transportation, will be free for everyone."<sup>222</sup> Automatization and an adept organization of labour as well as a controlled resource planning and distribution system (interestingly, Mann Borgese predicts "unlimited resources of the universe") have

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overview of classic utopian and dystopian works. In her own ways, Gilman's work is not more or less historical or radical than all the other utopian novels mentioned by Mann Borgese.

<sup>220</sup> Elisabeth Mann Borgese. *Ascent of Woman*, p. 224.

<sup>221</sup> Ibid.

<sup>222</sup> Ibid, p, 217.

facilitated the replacement of the working class with a “leisure mass” where leisure is “a natural state” offering unlimited possibilities of self-fulfillment:

In his spare time, now dreaded and coveted like sin, every man will be an artist, every man will be a philosopher. The release from drudgery and slavery will make men really human, bent on the true, the good, and the beautiful.<sup>223</sup>

This is Mann Borgese’s utopian version of the transcendental properties of being, which, of course, have their roots in ancient Greece and subsequently found their expressions in classic German cultural and educational ideals.

Unlike Aldous Huxley’s version, the inhabitants of Mann Borgese’s world state are composed of only one race: “We do not need immutable castes, ant-like, in our society to come; that society, far from stunting individual development, will create a new, specifically human, synthesis of individualism and collectivism.”<sup>224</sup> This synthesis of individualism and collectivism also finds its expression in the organization of public and private spheres. Women have gained full equality toward men. Women pursue professional careers and “all positions of the executive branch of government will be filled by women, including that of President of the World Republic.” This is only possible because two of the biggest obstacles that have historically prevented women from being professionally successful as an individual have been re-organized: child raising and the concept of marriage which is closely connected to the concept of property.

Procreation is being done by ectogenesis. At two years old, children will be adopted by a group. The post-individual representation of family is not “founded primarily on economic interests but on a community of taste and on the common pursuit of the true and the beautiful.” This is also true for the concept of love, at least the love

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<sup>223</sup> Ibid, p. 218.

<sup>224</sup> Ibid, p. 218.



between women and men, that Mann Borgese describes in her utopia as Platonic love in the sense that it “will be harmony, the reconciliation of elements that are not opposite, but harmonized. For men and women, in our society, cannot be considered opposite elements.”<sup>225</sup> Literally, because every man in Mann Borgese’s utopian society once used to be a woman, a critical aspect that makes her utopian vision both unique and vulnerable to criticism and ridicule. In hindsight, Mann Borgese was ahead of her time here because her depiction of sex reversal throughout an individual’s lifespan showcases once more her idea of evolutionary phases (“the caste system has become a ‘phase system’”) and somewhat anticipates the later formulated theory by some branches of the social sciences about the difference between gender and sex and gender as social construct.

Just like other sequential hermaphrodite species, humans in Mann Borgese’s utopia are able to and will reverse their sex throughout their life-circle.<sup>226</sup> Children are born sexless, then turn into women, then into men, and will end their lives as sexless “super individuals”:

There will be no difference between boys and girls. They will be children, that is all. [...] Between the ages of eighteen and twenty, they will *all* [EMB’s emphasis] grow to be *women*. For to be a woman no longer means to bear children [...]. Their power, and their experience will carry them into public office: practically all positions of the executive branch will be filled by women, including that of the President of the World Republic.<sup>227</sup>

Women will only have romantic relationships with older men between the ages of 45 and 75 who are more experienced and wiser: “They will be the masters, the teachers, the inspirers of women. They will be the great inventors and explorers. They will be the great

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<sup>225</sup> Ibid, p. 220.

<sup>226</sup> Mann Borgese mentions a couple of animals that are able to change their sex, e.g., some fish, throughout the book. Many fish change their sex during their life-cycles based on environmental and social conditions. For example, the California sheephead is born female and then transforms into a male.

<sup>227</sup> Elisabeth Mann Borgese. *The Ascent of Woman*, p. 219.

artists and architects. In public life they will fill all the positions in the legislative branch of government as well as in the lower judiciary.”<sup>228</sup> Men are older and wiser than women because women, from the age of 45, will develop into men:

The transition will be smooth and spontaneous. The woman, who is now about forty-five years old, has had a full life, has raised her children, has learned from the man she loves. [...] If now she is herself ‘capable of communicating wisdom and virtue,’ she will naturally feel attracted toward a young person ‘seeking to acquire them.’ She will grow into the position of a man; she will become a man.<sup>229</sup>

People past the age of 75 will be neither male or female and will be “Supreme Court justices, [...] great historians and prophets, the high priests of the new society, [...] approaching a perfection and greatness unknown at present.”<sup>230</sup> Throughout *Ascent of Woman*, Mann Borgese points out the biological difference between men and women. In her own utopia the sex reversal in humans, unlike other species, is not biological, but cultural. Without mentioning the term gender, Mann Borgese refers here to socially constructed distinctions based on sex, thereby carrying Simone de Beauvoir’s phrase “one is not born a woman, one becomes one”<sup>231</sup> to extremes and turning it on its head. One can assess Mann Borgese’s early rendering of the notion that gender is culturally constructed as either awkward, mostly because of the format within which it was delivered, or as vitriolic social criticism. Nevertheless, she was ahead of the feminist theorists who started developing their gender theories during the 1970s.

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<sup>228</sup> Ibid, p. 221.

<sup>229</sup> Ibid.

<sup>230</sup> Ibid.

<sup>231</sup> Simone de Beauvoir. *The Second Sex*. Alfred A. Knopf, 1953.

Researchers<sup>232</sup> who deal with *The Ascent of Woman* often interpret Mann Borgese's own seemingly strange utopia in the epilogue of the book against the background of her biography. One possible explanation for this view lies in the autobiographical story about a formative episode in her childhood that Mann Borgese identifies as the initial point for her involvement with the "problems of being a woman in our Western culture."<sup>233</sup> Originally, this story was placed at the beginning of the epilogue in *Ascent of Woman*, and it was repeatedly told in interviews and most prominently mentioned in her lecture, "The Years of My Life," presented at the Nexus Institute in 1999. In the episode in question, Mann Borgese's mother allegedly asked one of their tea guests to look at the two and three-year-old siblings, Elisabeth and her younger brother Michael, who looked very much alike, and identify the girl (in the rendition of the story in the Nexus Lecture she says that she was five years old). "'This one is the boy,' the lady said, pointing at my brother. '*He looks more serious.*'"<sup>234</sup> As a result, Elisabeth would not be smiling on pictures for years to come. And indeed, a look at selected pictures of Mann Borgese over time attests to that statement. Another insult Mann Borgese describes in that story originated from her parents' rather misogynist conviction that women could not be great musicians, while all she wanted was to become a musician.

A second reason for a biographical interpretation might be the resemblance of the sequence of stages in the evolution of the women's lives in Mann Borgese's utopia with defining events in her own biography, including her apparent preference for elderly men. In the Nexus Lecture, Mann Borgese identifies her father, her late husband, G. A.

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<sup>232</sup> Wolfgang U. Eckart and R. S. Deese.

<sup>233</sup> Elisabeth Mann Borgese. "The Nexus Lecture." *Ocean Yearbook*, vol. 18, p. 2.

<sup>234</sup> Elisabeth Mann Borgese. *Ascent of Woman*, p. 211.

Borgese, and Arvid Pardo as the men who had influenced her the most over the course of her life, a statement that does not need to be disputed and has long ago found its way into the scholarship on Mann Borgese. A more interesting question, however, would be the degree to which she may have had influence on the men in her life because she mostly moved and worked within fields that had been traditionally dominated by men and thus was often the only woman in the room.

It might very well be the case that autobiographical events motivated Mann Borgese's examination of 'the woman problem', since utopia always simultaneously represents a critique of the historical present. First and foremost, the ideas Mann Borgese developed and expressed in *Ascent of Woman* are part of her philosophy of continuity and need to be read as precursory and foundational to her later interpretation of the concept of the common heritage of mankind. Her own utopia, and *Ascent of Woman* in general, are not primarily about biography, feminism, or gender, but rather represent a playful attempt to imagine a new social order in which the individual, society, and the physical environment are systemically connected, based on cooperation and equity, and in which technology and science are being utilized without fear for the common good. Mann Borgese herself makes this observation in the Nexus Lecture:

The woman problem really is not a woman problem but a social problem and we cannot solve it until we change the social environment, starting with the structure of the household. If we get a better balance between the collective and the common good and the individual and its interests, or better, if we understand that there is no conflict between the two: they are one and the same: the two sides of the same coin—and this, I think is one of the fundamental problems of 'my time' then we will also get a better balance between woman and men.<sup>235</sup>

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<sup>235</sup> Elisabeth Mann Borgese. "The Years of My Life", p. 3.

In the early 1960s, when Second Wave Feminism was in its infancy and ideological differences between capitalism and socialism were at their peak, utopia, especially its collectivist varieties, had almost been declared dead by some<sup>236</sup>. Mann Borgese, however, dared to go “beyond the natural march of events”<sup>237</sup> that is supported by the way in which she closes the epilogue of her *Ascent of Woman*: “I have tried to imagine it. Let us try to imagine it.”<sup>238</sup>

A similar, albeit less playful and more political version of her ideas for a new social order appeared in *Great Ideas Today* in 1966, a publication in which Mann Borgese is presented as “a leading theorist on the subject of the role of the modern woman.”<sup>239</sup> Her essay, “Woman: Nurture Makes the Difference,” anticipates many of the present claims by the political left; for example, topics of basic income, universal access to health care and education, or the ramifications of automatization on the work force. Here, Mann Borgese reiterates that the interconnectedness of systems requires cross-system cooperation:

[f]or the individual, the important thing is the environment, of which society is a part. The new emphasis on the interaction between man and environment, individual and society, implies a reversal of values; competition and struggle lose their glamour. Interdependence engenders cooperation, and with it a whole new set of social values. [...] It is easy to see that this [...] is having a profound influence on the position of women and on our concept of womanhood.<sup>240</sup>

Mann Borgese argues that future development depends on cultural evolution and depicts a future society as an “integrated scientific society” that is a “more pervasively

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<sup>236</sup> See Russell Jacoby. *The End of Utopias: Politics in the Age of Apathy*. Basic Books, 1999.

<sup>237</sup> Ernst Bloch. *The Principle of Hope*. As quoted in Yves Charles Zarka. “The Meaning of Utopia.” *The New York Times*, 28 August 2011.

<sup>238</sup> Elisabeth Mann Borgese. *The Ascent of Woman*, p. 227.

<sup>239</sup> Elisabeth Mann Borgese. “Woman: Nurture Makes the Difference.” *Great Ideas Today*, edited by W. Benton, F. A. Praeger, 1966, p. 14.

<sup>240</sup> *Ibid*, p. 16.

‘organized’ society that furnishes to all its members a high minimum standard of housing, clothing, eating, health, communication, and education, plus vast amounts of leisure.”<sup>241</sup> She remains rather vague on how to implement these demands. Of course, history has shown that such politically ‘organized’ models of social order can come with major challenges.

In terms of the position of women in society, Mann Borgese laments current society’s inherent favouritism of men, which makes women compete under unfair conditions and adds unrealistic burdens, especially within a society “in which the individual still finds his identity in work.”<sup>242</sup> This is an interesting, twofold observation. The way in which work and labour are socially organized play a crucial part in the contemporary crisis of the individual Mann Borgese lays out in *Ascent of Woman* and thematizes in her short stories. It also anticipates future forms of work influenced by the increasing progress of automatization in the ‘integrated scientific society’. In another example of inverting traditional perspectives, Mann Borgese claims that, of all people, it is the housewife of the 1950s and 60s who is “the pioneer of this society in which human beings find their own identity not in work but in leisure, not in struggle but in cooperation.”<sup>243</sup> Due to technological progress, in this case household gadgets, and the establishment of the nuclear family, women had been underemployed for a long time, Mann Borgese argues, which often led to boredom, errant consumerism, alcoholism, and

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<sup>241</sup> Ibid, p. 18.

<sup>242</sup> Ibid, p. 24.

<sup>243</sup> Ibid.

drug abuse. At the same time, it served as a new basis for more engagement with the arts, culture, and education for its own sake.<sup>244</sup>

On account of this, the housewife serves as a pioneer because, as Mann Borgese predicts, in the future everyone will be underemployed due to technological progress, requiring a shift of emphasis in social organization:

Women will *be* like men—intellectually, emotionally, functionally—in a world in which both men and women will be different from what they are now—a world that will have created a new social order based on cooperation, not competition, on an economy of abundance, not scarcity, a community of leisure, not of drudgery. The means for such a society can be provided by social organization furnishing to everyone the basic necessities of life, including, probably, a basic salary. The end of such a society is the fullest possible development of the individual.<sup>245</sup>

Here, Mann Borgese could not have been more modern and contemporary. Next to global environmental issues such as climate change, the future of work and the question of how society will adapt to increasing automatization and systems of artificial intelligence (AI) are currently the most pressing. In terms of the future of work, recent considerations revolve around the integration of AI and the connected issue of whether or not there will be enough new development of employment within future occupational areas able to compensate for job losses in more traditional fields and low-wage sectors.<sup>246</sup> This seems to be a reason-guided numbers game, juggling uncertainties, as there is not enough research available. Additionally, the digital revolution is changing the ways in which people are learning. The trend leading away from a pure dissemination of knowledge

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<sup>244</sup> Ibid, p. 19. This is, for example, very obvious if one takes a look at the gender ratio of cultural volunteer organizations where the work is mostly done by women—and mostly being taken for granted because it is assumed that they have a great amount of leisure time.

<sup>245</sup> Ibid, p. 25.

<sup>246</sup> The German government is actually offering a job ‘futuromat’ that shows which jobs can already be fully or partly carried out by robots and AI. See <https://job-futuromat.iab.de/>. University professors seem to be fine.

towards the cultivation of skills that will enable students to navigate social and scientific interconnected complexities poses new challenges to the education and higher education sectors. Above all, it will challenge notions of human identity. If the narrative were to move towards less identification with work and more leisure time, the questions concerning AI would have to focus on who is going to own the robots and technology performing jobs previously held by humans, and who will be benefitting from the revenues—just a selected lucky few or humanity as whole?

While daytime drinking and popping pills might have worked for the 1950s hausfrau who was enjoying financial comfort and security through her husband, systemic underemployment of large groups of society can easily lead to social unrest and extremist, fundamentalist political views in the middle of society. It seems that technological and scientific progress as well as shifting international relations are being received by fear rather than a positive outlook to the future and its possibilities. This can be explained by a rising awareness of the ever-increasing complexities of life and the consequently arising intersubjective perception that current social, political, and economic orders seem to be inept and unprepared to deal with the uncertainties and anxieties caused by these major shifts and developments. Moreover, and similar to the condition of the contemporary human/nature relationship, it seems that society is lacking a positively connotated narrative about the future comparable to what Elisabeth Mann Borgese has to offer. Many of the ideas developed in *Ascent of Woman* reappear later in her interpretation of the common heritage of mankind, especially in the ways in which she outlines the economics of this concept.



#### 2.1.4 *The Language Barrier: Beasts and Men*

At a first glance, Mann Borgese's *The Language Barrier: Beasts and Men* (1965) is about human/animal communication and cognition based on her more or less scientific studies about the possibilities of establishing communication with her dogs, a chimpanzee named Bob, who lived with her for a while, and with elephants during a trip to India. Mann Borgese trained her dogs to write with their noses on a special kind of typewriter manufactured by Olivetti<sup>247</sup> specifically for her dogs. Some of her dogs also learnt to play simple notes on the piano. The main part of the book deals with Mann Borgese's reports on her work with her dog, Arli, and chimpanzee, Bob, which was also the part contemporary reviewers found "most charming."<sup>248</sup> Mann Borgese would first dictate easy words to her dog. Later, Arli also engaged in spontaneous independent typing, creating word combinations that, according to Mann Borgese's tongue-in-cheek narrative, were labelled as 'concretist poetry' by an unnamed literary critic.<sup>249</sup> However, she describes the work with her chimpanzee Bob as most powerful because of the animal's intellectual and emotional intelligence. Apparently, he claimed a level of agency for himself that usually had been associated with the human species. She writes about how Bob was plotting the escape from his cage during the times in which Mann Borgese was not at home:

Results showed he must have studied his cage systematically, inch by inch. Like a human prisoner, he must have plotted his escape: experimenting, calculating, pursuing certain leads for days, developing them to the limits of their possibilities, then discarding them and searching for new ones. It was a shocking, shattering

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<sup>247</sup> The president of Olivetti during this time, Aurelio Peccei, was also the co-founder of the Club of Rome (1968) of which Mann Borgese was the only female founding member. Another example of how well connected she was.

<sup>248</sup> Margot Siegel. "Woman and Animals Communicate." *Minneapolis Tribune*, 10 March 1968. MS-2-744 49-20.

<sup>249</sup> Elisabeth Mann Borgese. *The Language Barrier: Beasts and Men*. Holt, Rinehart and Winston, 1965, p. 63.

experience for me. It made me feel guilty, for myself and for mankind. What are we doing to animals? What *is* an animal, and where is the borderline between them and us?<sup>250</sup>

Without going into too much detail about how exactly Mann Borgese designed ‘classes’ or ‘lessons’ for her animals in order to train them in specifically human cultural techniques, it is important to note that her narrative experience report about her experiments that constitutes the better part of the book is not simply symbolic of Mann Borgese’s charming eccentricities. First and foremost, it is a representation of interspecies encounters showcasing a dynamic and interactive understanding of the human/nature relationship by giving the animal protagonist more agency. It constitutes an element of her cultural ecology.<sup>251</sup> By means of establishing communication, other forms of life depart the realm of otherness and turn from objects into fellow subjects with the ability to express themselves. Using a similar artifice of changing perspectives, Mann Borgese also carves out the dynamic interconnections of the human with the artificial by declaring that technology was a continuation of nature, which also constitutes an element of her cultural ecology.

Therefore, on a deeper level, *The Language Barrier* addresses the continuities between nature and culture. The premise of the book is derived from the fairy tale, “The White Snake,”<sup>252</sup> in which, after having eaten a piece of a white snake, a king suddenly is able to understand the language of the animals, leading to an extraordinarily increase in power because now he can cooperate with the animal world. As such, *The Language*

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<sup>250</sup> Ibid, p. 109.

<sup>251</sup> Posthumanism in the humanities and social sciences calls this the ‘animal turn’. See Harriet Ritvo. “On the Animal Turn.” *Daedalus*, Vol. 136, No. 4, 2007, pp. 118-122.

<sup>252</sup> It is the 17<sup>th</sup> fairy tale in the fairy tale collection of the Grimm Brothers. Mann Borgese does not reference it in her book.

*Barrier* premise is that the previously destroyed unity between humans and animals by the genesis of language, a process that initially facilitated human dominance over nature, could now be restored by using means of technological and scientific progress. If the human/nature unity was broken by language, communication would have to be restored for the sake of continuity, not domination. This corresponds with Mann Borgese's rendition of evolutionary recapitulation: "Mankind has turned full circle, and mythical past and scientific future, dream and reality, meet once more."<sup>253</sup>

Mann Borgese thought that animals had very complex systems of communication as well as the capacity to learn new languages. After retelling several accounts about scientific investigations into human/animal communication and cognition by other scientists during the first half of the twentieth century, Mann Borgese concludes,

[t]his whole sector of sciences—as all other sectors—is now in a state of revolution. New methods of research are revealing new facts which are bound to condition and alter our world view, which, in turn, will encourage ever new methods and directions of research.<sup>254</sup>

In a later text, "The Not so Dumb Animals,"<sup>255</sup> probably written sometime in the late 1970s or early 1980s, Mann Borgese complains about the lack of science's willingness to explore human-like behaviour in the animal kingdom. This reluctance reveals people's fear of another 'insult' to their existence as the most advanced species. She was hoping that science would help to break down the distinctions between humans and animals. A look at the disastrous outcomes of the NASA-funded project to communicate with dolphins led by Gregory Bateson in the 1960s might explain the subsequent reluctance to

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<sup>253</sup> Elisabeth Mann Borgese. *The Language Barrier: Beasts and Men*. Holt, Rinehart and Winston, 1965, p. 3.

<sup>254</sup> *Ibid*, p. 27.

<sup>255</sup> Elisabeth Mann Borgese. "The Not so Dumb Animals.", p. 3. MS-2-744\_139-9. Not dated.

further inquire the matter of human/animal communication. After one of the researchers had become sexually involved with a dolphin named Peter, the decision was made to shift the focus of research more towards how animals communicate among each other.<sup>256</sup>

Another point of “The Not so Dumb Animals” is Mann Borgese’s almost apologetic remarks reassuring the reader of the specific humanist dimension of her interest in and theories about animal communication and technology. In retrospect, she is somewhat anticipating the contemporary discussions about nonhuman agency in posthumanist Material Ecocriticism and environmental ethics and law in the Anthropocene.

The sense of awe and love I have for other creatures leaves my faith in humanity untouched. Human cultural evolution with all it comprises, continuing, accelerating, even if episodically perverting, natural evolution, stands. Obviously mind and language are basic to this evolution. But to admit that other creatures may have it in more or less closely related forms, does not, in any way, deny it to humanity.<sup>257</sup>

On no account is her humanism expressed in one-sided anthropocentric terms. Instead, it is situated on the nature/culture continuum, trying not to deny or diminish human agency. Further, it attributes more agency to nonhuman entities, enclosing a harmonious human/nature relationship and animal ethics. Mann Borgese’s humanism is not a zero-sum game because Mann Borgese’s cultural ecology does not see human rights and environmental protection (including biodiversity conservation) as dichotomies, but as false dichotomies. Mann Borgese concludes,

[t]here should be, somewhere alongside of the emerging environmental law, a body of interspecies law: outlawing genocide of animals; prohibiting the killing of

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<sup>256</sup> See Christopher Riley. “The Dolphin Who Loved Me: The Nasa-funded Project that Went Wrong.” *The Guardian*, 8 June 2014. <https://www.theguardian.com/environment/2014/jun/08/the-dolphin-who-loved-me>. I highly recommend watching the *Drunk History* episode about it.

<sup>257</sup> Elisabeth Mann Borgese. “The Not so Dumb Animals.”, p. 12.

whales, dolphins, apes, and elephants; proscribing the modification of the behavior of wild animals and their use in warfare, just as weather modification and its use for warfare is prohibited; severely limiting and controlling the use of laboratory animals and preventing unnecessary suffering. Such a body of law [...] would not detract from our humanity: on the contrary, it would enhance it greatly.<sup>258</sup>

In the last and most interesting part of *The Language Barrier*, Mann Borgese dives deeper into the roots of technology, science, art, magic, and religion. While language divides humans from animals and its roots thus cannot be traced back to nature, she locates the roots of science, technology, art, and religion there. Especially her assumption that technology is rooted in and derived from nature turns out to be of interest because it would later influence her understanding of technology in connection with the concept and philosophy of the common heritage of mankind. In general, she defines technology as “the sum total of the transformations of our environment according to our needs or fancies”<sup>259</sup>.

According to Mann Borgese, humans are not the only species that use technology; animals do too. “Homo faber, man the tool maker, is a tool user among other tool-using species.”<sup>260</sup> Except that humans have little knowledge about animal technology because, according to Mann Borgese, humans are biased: “We know so little about it for the strange reason that we see only what we already know and are ready to see”<sup>261</sup>, Mann Borgese writes in *The Language Barrier*. The same thought is repeated in her 1973 essay, “Human Nature is Still Evolving”: “We can only see what we already know. We had to invent air-conditioning and radar and sonar before we could discover that they existed in

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<sup>258</sup> Ibid, pp. 12-13.

<sup>259</sup> Elisabeth Mann Borgese. *The Language Barrier*, p. 124.

<sup>260</sup> Elisabeth Mann Borgese. “The Not so Dumb Animals.”, p. 3.

<sup>261</sup> Elisabeth Mann Borgese. *The Language Barrier*, p. 124.

nature.”<sup>262</sup> And again in “The Not so Dumb Animals,” albeit much more critical towards human scientific capabilities,

For unwillingness to discover human-like phenomena in the animal kingdom goes together with inability: in general, we see only what we already know and are ready to see. We discover only what we have already invented in our minds or, at any rate, are ready to invent. This is why discoveries ‘fit into their time,’ are created by their time just as much as they create it.

In her introductory note to the sixteenth Pacem in Maribus conference of IOI on ocean technology, development, training, and transfer held in Halifax, Nova Scotia, in August 1988, Mann Borgese, this time a bit more gracious, writes,

We do not need to regard technology as being opposed to nature. On the contrary, it could be seen as a *continuation* [her emphasis] of nature. In fact, animals too have technology: there is radar in bats, sonar in sharks, magnetic compasses built into the brains of migrating birds and fish, and air conditioning built into the fantastic structure of termite hives. I have always been interested in animal technology and also by the fact—the fascinating fact—that we can perceive technology in nature only after we have discovered or generated it for ourselves. First we had to invent sonar; then we found out that animals have it too.<sup>263</sup>

Mann Borgese distinguishes in “The Not so Dumb Animals” between “food-gathering technologies of the animals of the sea, orientation and navigation technologies of fish, birds, and insects, and technologies of communication, leading up to the creation of language.”<sup>264</sup> Another peculiarity about animal technology is, according to her, that animal technology is structurally or genetically built-in, while human technology, as an expression of cultural evolution, is a learning process that is traditionally acquired and transmitted over time. “Thus among animals the cost of education is low, technology is cheap, and there are no revolutions,” while the outcome of the human learning process “is

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<sup>262</sup> Elisabeth Mann Borgese. “Human Nature Is Still Evolving.”, p. 6.

<sup>263</sup> Elisabeth Mann Borgese. “Introduction. Toward a Redefinition of Technology Transfer.” *Ocean Technology, Development, Training and Transfer. Proceedings of Pacem in Maribus XVI. August 1988*, edited by John Vandermeulen and Susan Walker, Pergamon Press, 1991, p. 2.

<sup>264</sup> Elisabeth Mann Borgese. “The Not so Dumb Animals.”, p. 3.

more rapid change, instability, ‘scientific revolution.’”<sup>265</sup> Returning to her theory of evolutionary recapitulation and thereby foreshadowing possible future developments in the field of artificial intelligence, Mann Borgese predicts that in a post-individual world, human technology will be built-in as well.<sup>266</sup>

Without specifically naming them in her texts, Mann Borgese’s understanding of technology might be somewhat influenced by the scientific disciplines of bionics and cybernetics. Bionics, a term first used during the 1960s, is specifically dedicated to the exploration of biological systems with the aim of using the discoveries technologically, whereas cybernetics was defined, in 1948, as “the scientific study of control and communication in the animal and the machine” that breaks with the idea of linear causality.<sup>267</sup> The assumption of cybernetics is that information within and between systems is transmitted through feedback loops would also have major influence on the field of ecology. As R. S. Deese points out,

[a]s a biomimetic field of technology, cybernetics sought to imitate nature for engineering purposes, but it also came during the 1950s to revolutionize the way ecologists saw nature itself. [...] by creating new concepts such as the phenomenon of ‘feedback’ in meteorological and ecological systems, and by developing new tools for applying those concepts [...].<sup>268</sup>

Mann Borgese explains humanity’s lack of knowledge about animal technology by the way in which science is being understood and done. Even though technology seems to be something that can be observed objectively, Mann Borgese argues that “science is subjective. It involves the *relationship* between the observer and nature: and

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<sup>265</sup> Ibid, pp. 5-6.

<sup>266</sup> Elisabeth Mann Borgese. *The Language Barrier*, p. 126.

<sup>267</sup> Norbert Wiener. *Cybernetics: Or Control and Communication in the Animal and the Machine*. MIT Press, 1948.

<sup>268</sup> R. S. Deese. “The Artefact of Nature.”, pp. 73-74.

our knowledge of their [animals, J.P.] knowledge stops at the barrier of non-communication.”<sup>269</sup> A traditionally flawed human/nature relationship prevents communication, and thus hinders our understanding of nature and its phenomena. Generally translated to the field of scientific research, Mann Borgese’s argument about the existence of some form of dynamic interaction between the scientist or researcher and their object of study is inherently characteristic of an understanding of science that disagrees with the premise of objectivity as basis of the modern scientific method. In connection to Mann Borgese’s later formulated philosophy of the common heritage of mankind, one could say that her insistence on complex and inter-subjective relationships and continuities as the premises of understanding and knowledge creation would become the scientific method of the common heritage of mankind, namely in the form of interdisciplinarity.

Even more subjective than science, according to Mann Borgese, is art. Like technology and language, it is another area that is specifically seen as an achievement of human civilization. Like many other intellectuals before her, Elisabeth Mann Borgese raises the question of what is considered beautiful in the human world, and why we aspire to it. But she does not, as one would not expect by now anyway, try to explain the roots of art and the mysteries of the beautiful by consulting the ideas of the eminent authorities of European intellectual history like Baumgarten, Kant, Goethe, Schiller, Hegel, et alia; much in the same way that she ignores Johann Gottfried Herder’s *Treatise on the Origin of Language* (1772) in her deliberations about human-animal communication and Heidegger’s *The Question Concerning Technology* (1954) when talking about the origins,

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<sup>269</sup> Elisabeth Mann Borgese. *The Language Barrier*, p. 127.



impacts, and possibilities of technology. Because there are other approaches and sources available for consultation, one does not always have to follow the agreed upon mainstream narrative of the history of thought which is, in its way, biased as well. Hence, Mann Borgese explains the roots of art in evolutionary terms and adopts the thesis that animal art and human art underwent similar evolutionary stages. The more contemporary pioneers and their work she refers to, “who have dared to descend into the realms unknown in pursuit of the roots of art in the animal kingdom,”<sup>270</sup> are A. J. Marshall’s *Bower-Birds* (1954) and *The Biology of Art* (1962) by Desmond Morris.

In Mann Borgese’s summary, Marshall reports on the art of Australian bowerbirds decorating their bowers with shells, colored broken glass, and other glittering objects. Although they do so outside of their mating season, Marshall sees a close connection between the sexual cycle of birds and their art. “The principal function of the display is still biological: the attraction of the female; but, at the same time, display has evolved into a self-rewarding activity.”<sup>271</sup> In animal art, showmanship, sexuality, and ritual are closely linked. Thus, art has a purpose: aesthetics is connected with reproduction and the specific rules about the individual. The same also applies, according to Mann Borgese, to “primitive human society,” where art, love, magic, and religion were closely intertwined. In contrast to animal art, which is much closer to its sexual and ritual origin, human art has supposedly freed itself from this purpose, and has, thus, distanced itself more strongly from its origins.

And yet, even though our power of judgement about what we perceive as beautiful had long been declared to serve a ‘disinterested pleasure’ (*interesseloses*

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<sup>270</sup> Elisabeth Mann Borgese. *The Language Barrier*, pp. 128-129.

<sup>271</sup> *Ibid.*

*Wohlgefallen*, Immanuel Kant), Mann Borgese says the human artist is not free in their decisions. According to her, the culture-specific (not the biological-specific) still prevails on the individual, but in forms of societal shifts and circumstances over the course of history. Much like science, art is biased and dependent on the dominant narrative:

[w]hoever thinks the artist is free to create according to his whim knows nothing about the artist's dilemma in his relation to society; knows nothing about the compulsion of the 'inner rules' that determine the standards of each work of art and set in the norm for the evolution of art as a whole. [...] The artist who thinks he is 'free' is deluded. If we go back to the origins of human art, and human society, this becomes even more obvious.<sup>272</sup>

First, it was magic and ritual that determined the perimeters of art, then religion, and finally, more worldly themes. These shifts would simultaneously loosen traditional artistic conventions that nowadays mostly serve as ironic citations in postmodernism.

Mann Borgese says in *The Language Barrier* that artists can consider themselves lucky if their art finds itself in a favourable historical context and meets the *zeitgeist*.

Consequently, there are determinative contexts and interactions between art and the social order, and, thus, also between the artist as an individual and society as a group. The same could be said for science, religion, law, politics, and all other cultural sub-systems.

As Mann Borgese puts it,

The balance between continuity and change tilts in favor of change. But the tension between the two remains; and this tension, between collectively accepted tradition and marginal experimentation or individual 'mutation,' is the same that characterizes all other objects of cultural evolution. [...] Like all objects of cultural evolution [...] art becomes, as it were, itself a living organism evolving according to its own 'genetic' laws.<sup>273</sup>

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<sup>272</sup> Ibid, p. 131.

<sup>273</sup> Ibid, p. 133.

For Mann Borgese, the “objects of cultural evolution” like art are creative, self-organizing systems that behave similarly to ecosystems and are interconnected through feedback loops. In *Ascent of Woman* and other subsequent texts, Mann Borgese had already suggested that humanity as a collective is the driving force of cultural evolution. Change is the keyword here because evolution is the quintessential narrative of change over time, and Mann Borgese uses evolutionary terms as metaphors to describe the process of social change. It is the charged relationship and interplay between tradition and the novel that creates change. The same explanation for this process will work if exchanged the terms *collectively accepted tradition* with *dominant narrative*, and *mutation* with *counternarrative*. Then the novel can be understood as an agent questioning the very premises of the current, underlying narrative connecting all cultural subsystems. The dynamic interaction of the accepted narrative with the unconventional counter-narrative enables change. Together with a toolkit to identify and analyze major ruling narratives, one of its most important premises is imaginative freedom or the aspiration to imagine different perspectives. Mann Borgese tries to express this with her signature statement, “the utopians are the realists of tomorrow.” However, such proceedings of changing narratives are by no means purely rational but inter-subjective, and, therefore, often remain elusive in parts.

Much later, in her 1998 monograph, *The Oceanic Circle*, and in a speech given at the 1998 Lisbon World Expedition whose theme was “The Oceans, a Heritage for the Future,” Mann Borgese writes about art and nature or representations of nature in art. In her speech, “Music and Oceans,”<sup>274</sup> she focusses on various representations of the ocean

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<sup>274</sup> Elisabeth Mann Borgese. “Music and Oceans.” MS-2-744\_159-6, June 1998.

in painting, music, and literature. The ocean serves as “an inexhaustible model for the painter, a looking-glass for his soul as it mirrors firmament and stars,” especially for representative painters from Romanticism to Expressionism. Her thesis is that music is closest to nature, especially to the ocean, because music is able to capture not only the sound of the sea but also its movement. Even the multiple layers of ocean space, according to Mann Borgese, “from the mysterious sea floor through submerged waves, submarine rivers, to the bobbing scintillating surface” can be captured vertically by music through the counterpoint technique, e.g., through melodic interaction. Overall, her discussion of representations of the ocean in different pieces of music over the course of history is very technical and extremely knowledgeable, as she was a trained musician.

In the last part of her speech and then in *The Oceanic Circle*, Mann Borgese mentions that music and the sea are linked in her father’s work as “epic narrative,”

Although I was not conscious of it until much later, my father's love affair with the ocean must have influenced me powerfully. Rereading his works in my mature years, when I have myself become so deeply involved with the oceans, I find his analysis of the human relationship to nature, and especially the sea, the most profound I have come across.

In a biographical sense, the ocean played an important role for the descendant of the Hanseatic town of Lübeck, and the view of the ocean always fostered Thomas Mann’s artistic productivity.<sup>275</sup> Throughout his work, Thomas Mann was most interested in the human perspective of the oceanic and in the ocean as metaphor. Although Thomas Mann clearly considered the ocean as dangerous and seductive natural otherness, it is the profound interest in the dissolution of boundaries, however, that father and daughter have in common. Symbolism of the sea permeates Thomas Mann’s literary work in some

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<sup>275</sup> See Eckart Goebel. “Der Dichter im Strandkorb.” *Mare*, 1996, p. 36.

form, especially as metaphor for the dissolution of boundaries. Many of his fictional characters experience their life crises near the sea, like Gustav von Aschenbach in *Death in Venice*, who must be seen as the most prominent representative of such an ego-dissolution. As a writer, Thomas Mann was most interested in exploring the individual whose orderly life is suddenly shocked by waves of disarray and confusion, for which the wilderness and boundlessness of the ocean serve as perfect metaphors.

In Thomas Mann's essay, "Lübeck als geistige Lebensform," a speech in celebration of the 700th anniversary of the city of Lübeck in June 1926, he writes, "Das Meer ist keine Landschaft, es ist das Erlebnis der Ewigkeit, des Nichts, des Todes, ein metaphysischer Traum."<sup>276</sup> In Mann's work, the seductive ocean as a metaphysical dream symbolizes the experience of eternity, the void (das Nichts, nirvana), and death. Ocean as a metaphor for the dissolution of boundaries, the fluidity of the sea, symbolizes both a departure and a break from the struggle with the solid restrictions of life on shore. But it can only be a limited hiatus, a temporal daze; otherwise, it will lead into nothingness and, consequently, will end in death. For Mann, even the most beautiful and interesting adventures need boundaries to keep the order. The coastline as the margin between land and sea represents the metaphorical limitations and continuities between reason and irrationality.

This is why most of Thomas Mann's characters experience the ocean by looking at it from the safety of the shore. Only Gustav Aschenbach and Tonio Kröger dare to undertake boat trips. In his literary essay, *Meerfahrt mit Don Quijote*,<sup>277</sup> Thomas Mann

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<sup>276</sup> Thomas Mann. "Lübeck als geistige Lebensform." *Gesammelte Werke in dreizehn Bänden*. Fischer Verlag 1960, Vol. XI, pp. 376-398.

<sup>277</sup> Thomas Mann. "Meerfahrt mit Don Quijote." *Gesammelte Werke in dreizehn Bänden*. Fischer Verlag, 1974, Vol. IX, p. 432.

provides an explanation for as to why the ocean only fascinates him when observed from the shore. Experienced from aboard ship, the ocean apparently loses its aesthetic function as a metaphorical illusion and transforms into mere surrounding and environment, because the delimitation of the two distinct areas of solid ground and the fluidity of the sea seemingly disappears. Once that boundary vanishes and the ocean becomes *Umwelt*<sup>278</sup> or an environment of which the human being is part, Thomas Mann's metaphors stop functioning because the sea cannot be considered and stand for as the other so easily anymore. In that sense, father and daughter had very different understandings of the human/nature relationship,

Against this backdrop Mann Borgese asks in *The Oceanic Circle*

What would Mann say to the raping of the ocean, its pollution by the penetration of the industrial revolution into its depth? How would he judge our attempts to cope with this new situation by imposing a new order on the oceans? Are not 'order' and 'oceans' antonyms in his grand perspective?<sup>279</sup>

Her hypothetical guess is that Thomas Mann would have reacted with irony, albeit without disapproval, because it "is not the oceans we want to dominate and regulate, it is human activities." She did not see a contradiction between the mythic-romantic and functional aspects of the sea, "Für mich bleibt das Meer so mytisch [sic!] und romantisch wie es für meinen Vater war...."<sup>280</sup> Even though Elisabeth Mann Borgese thought that the humanistic and the oceanic are inherently connected within a greater whole, her

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<sup>278</sup> For the term *Umwelt* see Jakob von Uexküll. *A Foray into the Worlds of Animals and Humans, with a Theory of Meaning*. Translated by Joseph D. O'Neil, University of Minnesota Press, 2010.

<sup>279</sup> Elisabeth Mann Borgese. *The Oceanic Circle*, pp. 55-56.

<sup>280</sup> "For me, the sea remains as mythical and romantic as it was for my father..." Elisabeth Mann Borgese in a letter to Klaus Jürgen Hedrich, State Secretary in the German Federal Ministry for Economic Cooperation, 26 October 1996, MS-2-744\_369-8. Mann Borgese had the tendency to mention her family background and to refer to her father's works when she was in contact with German officials. The letter to the State Secretary was actually about the establishment of an IOI Operational Centre in Germany.

nonfiction show that she was not so much interested in the relationship between the individual and the ocean as metaphor, but more in the ocean as environment and the interrelationships and continuities between such an environment, society, economy, and the individual. The tropes of the “blurring of the boundaries of the individual,” however, also play a central role in her works of fiction.

## 2.2. Dark Fiction: Futuristic Pessimism

In 1998, in the foreword to the new German edition of some of her short stories originating in the late 1950s, Elisabeth Mann Borgese herself draws attention to the connection between both her fiction and nonfiction, without further elaborating on it. Nevertheless, she identifies the basic motifs of her overall work as

... das Verschwimmen der Grenzen des Individuums in Raum und Zeit; die Kontinuität zwischen Umwelt und Menschheit, die auch die Kontinuität zwischen der Tierwelt und der Menschheit mit einschließt, in meiner theoretischen und politischen Arbeit, die ja sehr viel umfangreicher ist als diese höchst bescheidenen, kleinen literarischen Versuche.<sup>281</sup>

In short, it is her cultural ecology that is the basic theme of Mann Borgese’s *oeuvre*, connecting her body of fiction with *Ascent of Woman* (in addressing the crisis of the individual that was already mentioned in *Ascent of Woman*), *The Language Barrier*, and her political and juridical writings about the common heritage of mankind. This includes her objective to extrapolate the new international law of the sea into a global organizational structure of functional world communities, which may be seen as the

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<sup>281</sup> Elisabeth Mann Borgese. “Vorwort.” *Der unsterbliche Fisch. Erzählungen*. Edition Memoria, 1998, p. 10. [“the blurring of the boundaries of the individual in space and time; the continuity between nature and humanity, which also includes the continuity between the animal world and humanity, in my theoretical and political work, which is much larger than these very modest little literary experiments.”].

pinnacle of Mann Borgese's optimistic utopianism. However, the leitmotifs of transcendence and continuity that in their consequences require a different way of dynamic thinking find their articulation in Mann Borgese's fiction in much darker and more pessimistic ways than in her nonfiction. Here, they are presented as the negative side effects of a modern world dominated and deeply changed by scientific and technological progress. With narratives conceptualised as mini-laboratories, Mann Borgese depicts abstract problems in hyperbole that arise out of a lack of consciousness about a world in which everything is connected. This world is populated and run by people who are still very much embedded in the old ways of reductionist thinking in which humans are the highest form of creation, making them the undisputed masters of knowledge and nature. Mann Borgese shows that this worldview, deeply rooted in large parts of traditional Western philosophy and epistemologies (and challenged by Indigenous and other non-Western ways of thinking and knowledge production) will eventually lead to an existential crises of the individual, to alienation from society and natural processes, and, in the worst cases, to tragedy in the form of the complete dissolution of the individual.

Similar to the works of Ursula K. Le Guin and Margaret Atwood, for example, Elisabeth Mann Borgese's short stories and plays can be best categorized as speculative fiction, combining elements of science fiction and utopia/dystopia. The term *speculative* in speculative fiction may be defined as

synonymous with extrapolative, that is, with the kind of imaginative writing based on a projection of assumptions—what if such and such happens or could happen as a result of scientific discovery, a development in any area of man's endeavour, or an already existing situation.<sup>282</sup>

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<sup>282</sup> Gregory Fitz Gerdald and Jack C. Wolf. "Introduction." *Past, Present, and Future Perfect. A Text Anthology of Speculative and Science Fiction*. Fawcett Publications, 1973, p. 14.



Further, one feature of speculative fiction is its “humanistic aspect” due to the “humanistic credo that man is capable [...] of solving his problems with respect to technology but also of making the proper moral and ethical choices necessary to insure his dignity and freedom.”<sup>283</sup> In this respect, Mann Borgese’s speculative fiction is darker and more pessimistic about the future of humanity without being against science and technology. She articulates a great deal of scepticism about humanity’s ability to effect a change of consciousness in order for the species to survive. Mann Borgese’s speculative fiction leans more towards posthumanism, as it addresses the continuities and interdependencies between the individual, society, and nature. By combining mythical and fairy tale motifs with thematic components of science and technology, it is also an expression of the emergence of the new out of the ancients, articulating continuities between past, present, and future. It must be seen as another pronouncement of her philosophy of continuity that sees human beings as part of nature because culture arose from natural evolution and as “part of a whole.” This is “based on a philosophy of transcendence of the individual, the blurring of his or her boundaries, and the continuity between ‘inside’ and ‘outside’ [...]”<sup>284</sup> According to Mann Borgese’s philosophy, “modern science is contributing to the blurring of the boundaries of the individual.” For example, through medical procedures transplanting organs between humans or between animals and humans, “by disaggregating the concept of death,”<sup>285</sup> and through genetic engineering or by new forms of (information) technology carrying the potential of delimiting individuality.

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<sup>283</sup> Ibid, p. 17.

<sup>284</sup> Elisabeth Mann Borgese. *The Future of the Oceans*, p. 126-127.

<sup>285</sup> Ibid.

While scientific and technological advances demanding new dynamic forms of thinking are positively connotated in Mann Borgese's nonfiction, her pessimistic fiction sheds light on the darker aspects of this dissolution of boundaries putting the individual into a state of anxiety and overall crisis. In a newspaper interview from 1970, Mann Borgese expresses these as two sides of the same coin, her optimism and her pessimism, quite poignantly,

I feel like Dr. Jekyll and Mr. Hyde. I write gloomy short stories when I am Hyde. When I work on the world constitution, I am Dr. Jekyll. Of course, it is always a torment to write. Certain problems I can resolve best if I treat them in fiction. My fiction is all problem centered; it is pretty abstract.<sup>286</sup>

Indeed, Mann Borgese's fiction explores the boundaries of the individual because individualism on its own is not given much space and consideration in her nonfiction, which mostly deals with questions of society and nature and the "traditional hierarchical concept of nature reflected in a hierarchical concept of human society [...]."<sup>287</sup>

But in Mann Borgese's case, illuminating the individual in narrative form does not mean the development of character and plot dealing with diverse and mostly interpersonal problems and crises like most fictional literature. Instead, it deals with abstract problems caused by increasingly unregulated science and technology creating imbalances within the human/nature continuum and which poses a threat to the self-conception of the individuum. This is shown through individual characters in an experimental setup. She further explains, "Es sind abstrakte Geschichten über Probleme,

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<sup>286</sup> Elisabeth Man Borgese in the *New Scientist*, 25 June 1970.

<sup>287</sup> Elisabeth Mann Borgese. *The Future of the Oceans*, pp. 128-129.

die in Menschen eingekleidet sind, nicht über Menschen, die Probleme haben.”<sup>288</sup> These problems address questions about the boundaries of the individual, both in spatial and temporal terms. In spatial terms, the individual is part of society and nature, while in temporal terms, it is influenced by its evolutionary development. Both aspects prompt the question as to how free the individual is in its decisions and volition. Mann Borgese pursues this question by challenging the supposedly human free will with acts of fate, both individual and joint or communal fate. Her earlier fiction reflects and exaggerates the scientific and technological levels of knowledge in the 1950s and 1960s by making animal experiments, automatization, and the optimization and transformation of the individual through medical procedures, for example, cryonics and transplantation science, subjects of her stories. Her later stories resume themes of the human/nature continuity by reflecting on topics like virtual reality, genetic engineering, increasing globalization, international terrorism, and environmental challenges.

In terms of the editorial history of her fiction writings, it can be established that Mann Borgese wrote an impressive number of short stories and plays and managed to publish most of them. Her first collection of short stories, *To Whom It May Concern*, was published in 1960 by George Braziller. All of the included stories had been published previously in various magazines in English, Italian, and Spanish during the late 1950s.<sup>289</sup> The 1960 collection included: “The Rehearsal,” “The Whom It May Concern,” “The Immortal Fish,” “The True Self,” “Delphi Revisited,” “Again,” “Twins Wail,” “Flowers,”

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<sup>288</sup> Interview with Mann Borgese in the *Rheinische Post*, 26 June 1998, on the occasion of a public reading in Germany. [“These are abstract stories about problems expressed through people, not about people who have problems.”]

<sup>289</sup> See a complete list in Elisabeth Mann Borgese. *To Whom It May Concern*. George Braziller, 1960. Also, e.g., Elisabeth Mann Borgese. “Il Pesce Immortale.” *Il Ponte*, Vol. 1, 1957. And “The Rehearsal.” *Partisan Review*, Vol. 1, 1957 and also in *New Directions in Prose and Poetry*, Vol. 16, 1957. And “The True Self.” *Galaxy*, Vol. 18, No. 1, 1959.

and “The Straits.” The title story, “To Whom It May Concern,” was reprinted in *Modern Satiric Stories* (1971),<sup>290</sup> and “The Immortal Fish” in *Past, Present, and Future Perfect* (1973).<sup>291</sup>

The first German-language edition of Mann Borgese’s first collection of short stories was published by Hoffmann und Campe in 1965, under the title, *Zwei Stunden. Geschichten am Rande der Zeit*. Interestingly, and probably on account of the later publication date, the title story of the German edition, “Two Hours,”<sup>292</sup> was not included in the first English-language edition. The German edition included an additional story, “The Mongol” [“Der Mongole”].<sup>293</sup> The reprint of the German edition from 1998, *Der unsterbliche Fisch*,<sup>294</sup> is identical to the first German edition from 1965, but includes a foreword by Elisabeth Mann Borgese.

The second collection of short stories, *Wie Gottlieb Hauptmann die Todesstrafe abschaffte*,<sup>295</sup> was published in 2001 and is only available in German. However, the manuscripts in Mann Borgese’s archive show that she wrote these stories in English and then translated them to German. The title story, “Wie Gottlieb Hauptmann die Todesstrafe abschaffte,” is a translation of “How Gottlieb Hauptmann Abolished the Death Penalty. A Fable”;<sup>296</sup> “Vogelmenschen” is a translation of “Birdpeople”;<sup>297</sup> “Die

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<sup>290</sup> Elisabeth Mann Borgese. “To Whom It May Concern.” *Modern Satiric Stories. The Impropriety Principle*, edited by Gregory Fitz Gerald, Scott, Foresman and Company, 1971, pp. 364-367.

<sup>291</sup> Elisabeth Mann Borgese. “The Immortal Fish.” *Past, Present, and Future Perfect*, edited by Gregory Fitz Gerald and Jack C. Wolf, Fawcett Publications, 1973, pp. 178-193.

<sup>292</sup> Elisabeth Mann Borgese. “Two Hours.” MS-2-744\_129-4. The manuscript is dated 1966.

<sup>293</sup> Elisabeth Mann Borgese. “The Mongol.” *New Directions in Prose and Poetry 19*, edited by J. Laughlin, New Directions, 1966, pp. 175-190.

<sup>294</sup> Elisabeth Mann Borgese. *Der unsterbliche Fisch. Erzählungen*. Edition Memoria, 1998.

<sup>295</sup> Elisabeth Mann Borgese. *Wie Gottlieb Hauptmann die Todesstrafe abschaffte*. Edition Memoria, 2001.

<sup>296</sup> MS-2-744\_159-11. Undated, but most likely originated sometime during the 1990s.

<sup>297</sup> Ibid.

Parabel von der Zeitbombe” is a translation of “The Time Bomb”;<sup>298</sup> and “Molly” is a translation of “Molly.”<sup>299</sup> “Die drei Wünsche” [The three wishes] is a slightly altered version of “What’s Real Anyway. A Fairy Tale.”<sup>300</sup> “Die arme Sinda” [Poor Sinda] is a narrative adaptation of Mann Borgese’s play, “Only the Pyre,” from 1959.<sup>301</sup> The last story of the collection, “Thronwurm und Superhai,” is a German translation of *Chairworm & Supershark* that was originally published by the Mill Press in 1992.<sup>302</sup> Mann Borgese unsuccessfully tried to place some of the stories published in a second German collection with *The New Yorker* at the end of the 1990s and in 2000.<sup>303</sup>

In her unpublished fiction are two additional plays, “Eat Your Fishballs, Tarquin. A One-Act Play”<sup>304</sup> and “Pieces and Pawns. Play in Two Parts.”<sup>305</sup> These plays may be best described as a mixture of Kafka’s Magic Realism and Beckett’s Theatre of the Absurd. Her unpublished short stories are “Dream,” “Father Ocean,”<sup>306</sup> “Thou Shalt Not Steal,”<sup>307</sup> as well as “Ladies in the Canyon.”<sup>308</sup> A variation of the ancient Greek fable,

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<sup>298</sup> Ibid.

<sup>299</sup> MS-2-744\_159-11. “Molly” and “Birdpeople” are stories about human genetic engineering. “Molly” was most likely named in reminiscence of the first cloned sheep, Dolly, who was born in 1996. In this story, Mann Borgese focuses on human cloning. Molly is the clone of her mother, born on April 24, 2018— one hundred years after Elisabeth Mann Borgese’s own birthday. Genetically identical with her mother, Molly searches for her own identity. But due to illness, she dies of old age at the age of nineteen.

<sup>300</sup> MS-2-744\_129-3. The beginnings are not identical. In this story, Dante and Virgil meet at a futuristic gym that offers virtual reality-based workouts.

<sup>301</sup> MS-2-744\_129-1. “Only the Pyre” is the only play written by Mann Borgese that has been published: *Only the Pyre. Tragic Farce*. Bompiani, 1961. “Solo (Soltanto) il Rogo.” Foreword and Third Act, *Il Ponte*, Vol. 1, 1962. And “Soltanto il Rogo” *Il Sipario*, Vol. 203, 1963. Later, Mann Borgese’s friend, Franco Mannino, used parts of the text as libretto for his opera “Soltanto il Rogo,” which premiered at the Teatro Pirandello in Agrigento on October 21, 1987. In earlier versions of “Only the Pyre,” the witch was named “Mrs. Richie Calder,” but was later changed to “Mrs. Richie Walter.”

<sup>302</sup> Elisabeth Mann Borgese. *Chairworm & Supershark*. The Mill Press, 1992.

<sup>303</sup> See letters from Elisabeth Mann Borgese to the Story Editor of *The New Yorker* from 15 May 1998 and 26 April 2000. MS-2-744\_364-7.

<sup>304</sup> MS-2-744\_129-5. Undated.

<sup>305</sup> MS-2-744\_129-2. Undated.

<sup>306</sup> MS-2-744\_159-9. Undated.

<sup>307</sup> MS-2-744\_129-9. Undated.

<sup>308</sup> MS-2-744\_128-8. Undated. A critical and commented edition of Mann Borgese’s fiction, including her hitherto unpublished works, might be desirable.

“The Parable of the North Wind and the Sun,”<sup>309</sup> is most likely her last piece of fiction, written in reaction to the terror attacks on the US on September 11, 2001. This shows once again that for Mann Borgese writing fiction was a way of dealing with the often-overwhelming feeling of pessimism about the future of humanity.

During especially stressful times she wrote dark, pessimistic fiction in order to cope. Examples are the deaths of both her husband and her father in 1953 and 1955 respectively, and the 1990s, when the concept of sustainable development, the United Nations Conference on Environment and Development (UNCED, Rio, 1992), and the Agenda 21 were, at least from Mann Borgese’s perspective, posing a huge threat to the common heritage of mankind and to the United Nations Convention on the Law of the Sea, which did not come into force until 1994. During the same time, she became better known in Germany as the last surviving child of Thomas Mann after her brother, Golo, died in 1994. She took the opportunity to tweak the narrative of the family history into a more positive light and to create some public awareness for both her work with the oceans and her fiction. The English-speaking world had long forgotten about Mann Borgese’s short stories published in 1960, if it had taken much notice at all. But now, the republication of the first collection of short stories in German by Thomas Mann’s youngest daughter with the consecutive publication of a second collection just a short time later provided a good opportunity to create further publicity.

In the summer of 1998, Mann Borgese gave a few public readings in Germany organized by her German publisher, Edition Memoria, specialized in forgotten and exiled

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<sup>309</sup> MS-2-744\_345-5. 12 September 2001.

authors.<sup>310</sup> Critics and audiences alike especially took interest in the fable, “The Rehearsal,” the first story of the first collection of short stories published in English in 1960 and the last time in German in 1998. In the story, a new generation of selectively bred monkeys takes over the artistic leadership of orchestras and seduces the masses with its music, until a performance of Ravel's *Bolero* leads to ecstatic debauchery and the directing monkey losing control. Consequently, *Bolero* is banned by the government, but not the experimentations with animals. Mann Borgese here describes a society, through the story's main character, Willem de Foe, in which “the most futuristic means produced the most archaic effects.”<sup>311</sup> de Foe, an old-fashioned concert master and independent mind waiting for his retirement, always resented conductors as “duces, leaders, dictators, hypnotizers of a proletarianized orchestra.”<sup>312</sup> Albeit the reader does not get to know the character de Foe much, the narrative is told from his point of view including his thoughts and fears about this new world in which, once again,

the crazed masses and the government getting hold of their art. Only what had once been simple and unconscious had now become complex and calculated: electronic instruments producing sounds more elementary than the elements, and the brutes now sophisticated.<sup>313</sup>

One critic from the *Frankfurter Allgemeine Zeitung* (FAZ) was, obviously, reminded of Kafka's 1917 short story, “Ein Bericht an eine Akademie” (“A Report to an Academy”), in which an ape has learned how to behave like a human and now delivers a report on it.

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<sup>310</sup> See for example “Unsterblicher Fisch mit Sinn für Humor. Elisabeth Mann Borgese las aus ihren Erzählungen” *Kölner Rundschau*, 26 June 1998. Or “An der Grenze ist Lebenszeit zu hinterlegen. Elisabeth Mann Borgese las Erzählungen im Italienischen Kulturinstitut.” *Kölner Stadt-Anzeiger*, 27/28 June 1998. MS-2-744\_364-2.

<sup>311</sup> Elisabeth Mann Borgese. “The Rehearsal.” *To Whom It May Concern*. George Braziller, 1960, p. 16.

<sup>312</sup> *Ibid.*

<sup>313</sup> *Ibid.*

The same critic also saw Mann Borgese's story "als ein Echo auf des Vaters Novelle "Mario und der Zauberer"<sup>314</sup> (1929) criticizing fascism.

Of course, it is a valid perspective to view Mann Borgese's short story as social criticism of future forms of fascism and populism as well as in comparison to major works of German literary history. But within the context of and in connection to her own early nonfiction, a new perspective appears from which this particular story can be seen as a symbolic representation of cultural evolution gone wrong and certainly too far, causing harm to society at large. The ape as a representative or symbol of nature is bred and trained by humans to excel in one of the most important cultural achievements, music, and, in turn, is seducing humanity into a delirious, almost animalistic state of being. This extrapolation in the story makes it obvious that the human/nature relationship is out of balance because means of cultural evolution were used to conquer and domesticate creatures of nature into cultured beings. Peter Serracino Inglott's reading of the story is more to the point:

In EMB's story, human beings are seen trying to redefine the nature of the ape. Human beings have always when trying philosophically to define their own nature taken animals as the Other that enabled them to solve their identity problem at least negatively, by showing distinctly what the nonhuman was.<sup>315</sup>

That is exactly why a change in perspective is needed in order to analyze Mann Borgese's fiction through lenses of ecocriticism and cultural ecology. The following presentation and examination of a few of Mann Borgese's short stories will exemplarily show that Mann Borgese's fiction symbolically and metaphorically deals with many of

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<sup>314</sup> Walter Hinck. "Wenn die Affen dirigieren. Jenseits des Zauberers: Erzählungen von Elisabeth Mann Borgese." *Frankfurter Allgemeine Zeitung*, 24 April 1998. ["As an echo to her father's short story 'Mario and the Magician.'"].

<sup>315</sup> Peter Serracino Inglott. "Elisabeth Mann Borgese: Metaphysician by Birth.", p. 49.



the themes that are already represented in her early nonfiction. It is her conviction about the continuum of the individual, society, and nature that weaves together the works of Elisabeth Mann Borgese.

### 2.2.1 “To Whom It May Concern”

In the story, “To Whom It May Concern,” first published in 1959 and set in 1980, Mann Borgese anticipates the impact of artificial intelligence on the ways in which we work in the future. She addresses the nature/technology continuum by describing the “curious mimetic relationship”<sup>316</sup> between humanity and modern machines in a postindividual and posthuman society in which forms of automatization increasingly take on human characteristics and people start behaving like machines, offering themselves up for sale. In more pessimistic and sarcastic ways, the story picks up the themes of the future of work and self-identification through one’s profession that Mann Borgese also later discusses in *Ascent of Woman* and in her essay “Woman: Nurture Makes the Difference”.

For the most part, the narrative consists of a letter of application from a writer who remains unnamed in which he praises the advantages of his services over those of a machine. The letter, written on Labour Day in Detroit, may be seen as a hint at and criticism of the post-war economic mode of Fordism and its political and social consequences. In the short prologue, a fictional editor comments on the letter and sheds light on the historical and social background to this “self-sale,” which, according to the editor, represents the temporary climax of “the puzzling exchange of qualities between

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<sup>316</sup> Elisabeth Mann Borgese. “To Whom It May Concern.”, p. 25.

man and machine that was first noticeable around the middle of the twentieth century.”<sup>317</sup>

The editor blames the “spiritual climate,” conditioned by economic, political, and social developments, as the catalyst for further “self-sales” that result in a rise of “the exorbitantly rich but reliable docile class of ‘promach’ brains or Neo-Helots.”<sup>318</sup>

Mann Borgese extrapolates the beginning of the automatization in the work force by imagining a society in which humans not only compete with machines for jobs, but also change their biological makeup with the objective of self-optimization, a result of increasingly intelligent technology. The applicant, who is no longer a regular human being, is being described as someone who works sixteen hours per day in a highly specialized field, does not think and only stores information, does not sleep, but charges itself at night, and is conditioned to bring top performance at any time.

I’ve had the ‘flu shot and the cold shot and the omnivalent antibacterial. [...] I’ve had the brain wash, the pain screen, and the desexer, and my disposition, you will understand, is very gentle indeed: a claim that cannot be made for the machine in each and every case.<sup>319</sup>

The machines, on the other hand, have developed emotions, such as jealousy and envy, and have been troublesome ever since their operators fed them information about human life which, in turn, severely limited their performance. The chances of the machine-like and, thus, completely emotion-free humans getting long-term employment are improving. Interestingly, the new and improved species of “promach brains” or “Neo-Helots” have quite traditional-bourgeois ideas and desires. The applicant does not dispute the superiority of machines and offers himself at a price of \$ 99,500, plus tax. From this, so

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<sup>317</sup> Ibid.

<sup>318</sup> Ibid.

<sup>319</sup> Ibid, p. 26.

he writes, he could afford a house with a double garage, three bathrooms and air conditioning in the suburbs, and his children could visit the most exclusive schools. The applicant, whose future employer has control over his leisure time and can request a purchase option for his children, also wants to be free—with the support of machines: “I will buy me a mixmaster and a superwasher and an automatic you-know-what. It will buy me machines galore to save precious hours of manpower and to set me free.”<sup>320</sup>

Here, Mann Borgese points out human hubris resulting out of cultural evolution and the discrepancies in the human understanding and use of technology. Technology, as well as science, can be both beneficial and dangerous to the individual and society. Based on the belief in technology of the 1950s, Mann Borgese outlines the consequences of unbridled technological progress on the individual and on society. Similar to the Industrial Revolution and now the Digital Revolution, the increasing automatization in industry and private households can potentially lead to an overall improvement of life. It can create new professions and be beneficial to the economy and the environment, but it can also result in alienation and dehumanization, blurring boundaries between human and artificial intelligence.

### **2.2.2 “The Immortal Fish”**

In this story, first published in January 1956 in Italian translation, Mann Borgese turns from technological progress to science, addressing ethical issues surrounding possibilities of eliminating the inevitable: death. This prompts questions about the purpose of science, human identity, and legal relevance. Is it the purpose of science to

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<sup>320</sup> Ibid, p. 29.

conquer and alter natural processes for the benefit of humanity? What are the impacts of the possibility of immortality to human identity? Are jurisprudence and society at large able to keep pace with scientific progress? On a deeper level, these questions once again bring us back to the nature/culture relationship and “the humanist conception of human life as exceptional, self-contained and independent from Nature.”<sup>321</sup> In “The Immortal Fish,” Mann Borgese makes cryonics, “the practice of deep-freezing dead bodies for resuscitation in a technologically advanced future,”<sup>322</sup> the centre of narration of “eine sich ereignete unerhörte Begebenheit.”<sup>323</sup> It is supposedly the fear of death that is “constitutive of techno-utopian projects such as cryonics.”<sup>324</sup> Once again, Mann Borgese was ahead of her time, as the first patient to be deep-frozen after death was Dr. James Bedford in 1967. Several hundred people have followed and are still following his lead, although “50 years later, cryonics remains what it always has been: a highly speculative endeavour.”<sup>325</sup>

A letter is also central to this short story, a letter from Professor Herbert Heisterbach to his assistant and closest confidant, Professor Dag, asking him to freeze him for the next hundred years,

If Nature were left her way I could not see the fruits I sowed; I am too old. Therefore, I ask you, Dag, this favour: *Operation Freezing*. We’ve done it so many times on mice and dogs and apes. Beginning with ice compresses on the brain (which spoils so soon). The temperature must fall point by point as the

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<sup>321</sup> Franziska von Verschuer. “Freezing Lives, Preserving Humanism: Cryonics and the Promise of Dezoefication.” *Journal of Social Theory*, April 2019.

<sup>322</sup> Ibid.

<sup>323</sup> [“an unprecedented event that occurred”]. Goethe’s definition of *Novelle* that he supposedly gave Eckermann during one of their conversations (Johann Peter Eckermann. *Gespräch mit Goethe*) in 1827.

<sup>324</sup> Franziska von Verschuer. “Freezing Lives, Preserving Humanism: Cryonics and the Promise of Dezoefication.” *Distinktion: Journal of Social Theory*, April 2019. DOI: <https://doi.org/10.1080/1600910X.2019.1610016>.

<sup>325</sup> Ibid. See also “Mistakes Were Made.” *This American Life*, No. 354, 18 April 2008. <https://www.thisamericanlife.org/354/mistakes-were-made>.

blood drains from my veins. Keep it well, my blood, in containers A and B, and let me rest, frozen, a hundred years.<sup>326</sup>

Heisterbach dedicated his whole life “to put science at the service of human happiness and progress,” but because of his advanced age he could not wait and see “till science will turn from Destruction to Life. They’ll make it rain on the Sahara, and the oceans and the deserts will yield food for all. Every sickness will be conquered and the poor shall no longer be with us.”<sup>327</sup> The story begins with the reading of this letter during a trial dealing with the question whether or not Dag is guilty of the murder of Professor Heisterbach by executing this experiment. In court, the parties are now arguing over the definition of death. Heisterbach has no heartbeat, no blood circulation, and is not breathing. But is he dead? And if so, was it murder? In the witness stand, Dag answers these questions in the following way:

I may state that I have performed an operation, with the consent of the subject—more than that, according to his expressed and documented will. Its effects will be cancelled, without leaving any trace, by a second operation, at the time determined by the subject. Death does not enter our operation. It has, in fact, been excluded. Its premises have been removed. Since no death has occurred, there can be no question of murder.<sup>328</sup>

After all, Heisterbach could be defrosted at any time and his death was postponed for only a hundred years. Dag’s defense lawyer Mortlock argues that the operation on Professor Heisterbach was legally sound, since there was no law dictating the duration of rest, the rhythm of the heartbeat, or the level of blood pressure.

The prosecution, on the other hand, is convinced of the death of Heisterbach and accuses Dag of presumptuousness and blasphemy. He lacked any sense of moral

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<sup>326</sup> Elisabeth Mann Borgese. “The Immortal Fish,” p. 31.

<sup>327</sup> Ibid.

<sup>328</sup> Ibid, p. 34.

responsibility, and, thus, he broke with the foundations of Christian faith and Christian morality. Of greater importance to the other side, however, is the question of inheritance. Should Heisterbach Junior, his homely wife and his clumsy, chubby daughter wait a hundred years for their rightful inheritance?

After the court room scene, an omniscient narrator interposes and leads the reader out of the court room and, together with Dag, to Professor Heisterbach's apartment, where the freezer is housed. Here, first of all, the everyday difficulties of the experiment are explained. Newspaper subscriptions continue, invitations to discussions and lectures are coming in; still Professor Heisterbach gets mail. The narrative speed increases; decades pass. Due to a lack of public interest, the lawsuit is stayed, technology and science are incessantly progressing, and the social order is changing without collapsing. Dag is getting older, Heisterbach is not. Dag, whom the reader met only a few pages earlier as a self-confident scientist convinced by his actions, now has doubts while looking at his frozen boss, "But it occurred to him that the Heisterbach he knew and loved probably must be dead—dead as the time in which he had lived, left behind. For a man is not just a man but inseparable from the field that created him while he creates it."<sup>329</sup> With this realization, Mann Borgese points towards the unbreakable continuum and interconnectedness between the individual, society, and nature. People cannot simply be extracted from their respective environments and times and transplanted into another (or thawed, in this case) because they are interconnected and condition and influence each other.

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<sup>329</sup> Ibid, p. 46.

Eventually, Dag dies, and his young assistant René takes over the supervision of the experiment. Herbert Heisterbach is finally getting defrosted and the narrative perspective changes again. Now it is René who reports about Heisterbach's strangely antiquated behavior. The assistant does not learn anything from the Professor that would really be of his interest, while Heisterbach no longer understands the world in which he was thawed because he is a century behind. The fairer and better world, improved by scientific achievements, that Heisterbach had hoped to find, does not exist. At the end of the narrative, Heisterbach, "walking up Bertrand Russell Avenue," dies in an accident on his way to a lecture, "[t]o avert colliding with the bus, the tourist car swerved, ran up on the sidewalk, hit Herbert Heisterbach, and smashed him right up against the wall. He was killed instantly."<sup>330</sup> The experiment, symbolizing the modern scientific method wanting to lift nature's veil in order to dominate over it, failed against the powers of nature and fate.

### 2.2.3 "Delphi Revisited"

In *Ascent of Woman*, Mann Borgese points out that in a highly individualized, i.e., male-dominated society the mind triumphs over fate and logic over chance, "For *nous*, mind, and *nomos*, rational law that can be grasped by mind, are masculine; whereas *tyche*, chance or fate, is feminine. [...] Where *nous* rises, there fate must sink and be overcome."<sup>331</sup> She characterizes fate as feminine and brings the decline of the unfettered belief in fate into context with the descent of women over the course of human history. In contrast to the belief in destiny rooted in ancient Greek mythology, it is, according to

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<sup>330</sup> Ibid.

<sup>331</sup> Elisabeth Mann Borgese. *Ascent of Woman*, p. 55.

Mann Borgese, the scientific method, especially statistics, that has superseded the role of fate in modern societies. Thus, Mann Borgese again emphasizes the continuity between the old and the new, while simultaneously metaphorically criticizing the claim to totality and truth of the modern scientific method. This is explained by the ways in which paradigms and narratives change over time. By addressing questions of the possibility of a free will, the consequences of blindly substituting one faith for another, “whether as primitive faith in the mother-goddess or as modern materialism,” is described in the story “Delphi Revisited,” first published in Italian translation in 1955.

The story is about Howard, a sceptic with a clubfoot (symbolizing the connection to Oedipus) who is fighting not only for his own free will, but for free will as such. While in Greek mythology, Oedipus tragically tries to avoid fulfilling the prophecy the Oracle at Delphi had given him, in Mann Borgese’s narrative, it is Howard who tries to manipulate statistics by outsmarting the “priesthood” because “the Pythia’s tripod stands in the stuffiness of many a statistician’s Delphi.”<sup>332</sup> The statistical office is now the new, other Delphi. On the fourth of July, Howard sits alone at home, watching from his windowsill the crowd clogging the streets outside in a blazing heat. Howard also keeps statistics and carefully registers all proceedings on index cards,

The papers predicted that there were going to be 384 dead, victims of this mad traffic, before the festivity was over. Howard most assuredly was not going to be one of them. They were to be five less than last year, and twenty-seven more than on Labour Day. Last year the prediction had come true with amazing precision. And the other years.<sup>333</sup>

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<sup>332</sup> Elisabeth Mann Borgese. “Delphi Revisited.”, p. 70.

<sup>333</sup> Ibid, pp. 69-70.



Nevertheless, Howard sees a way to influence the statistics, and thus to prove that freedom of will and choice exist: the statement of the statistical office that people in the city posted exactly 802 unstamped postcards annually encourages Howard to manipulate the statistics and arbitrarily increase the numbers by fifty percent by posting four hundred unstamped postcards within the city limits randomly throughout the year.

But this matter with the unstamped postcards was different. Here he could act; belie the priesthood of statistics. Impose his reason and initiative on a blind fate in which he did not want to believe any longer. Lonely, limping and grey inside, he was stronger yet than the Goddess who decreed such nonsense as the constant of unstamped postcards mailed annually in the city of X. It was a testcase for Howard. Not *his* free will only, Free Will as such was at stake.<sup>334</sup>

Howard anxiously awaits the announcement of the new annual statistics and is stunned to read in the newspaper that, again, exactly 802 unstamped postcards had been mailed within the city. Subsequently, he personally pays the responsible professor of statistics a visit, only to be mocked by the priesthood. The professor breaks out into a boisterous laughter and tells him, “Don’t you know, oh, don’t you know [...] don’t you know that *every year there is a crackpot who tries to upset the statistics.*”<sup>335</sup>

The individual, so it seems, does not have a free will and is at the mercy of the gods of destiny and the priests of statistics. Following the thesis that everything is narrative, here Mann Borgese’s criticism of absolute truth claims also indicates that knowledge is inter-subjective, and that one can never fully grasp the truth, only circle around a subject-matter, looking at it from different perspectives. Additionally, as Mann Borgese also points out in *The Language Barrier, Ascent of Woman*, and other earlier works, it is the interconnection with other people and social and natural environments

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<sup>334</sup> Ibid, p. 72.

<sup>335</sup> Ibid, pp. 75-76.

that inevitably influences behaviour and makes the individual permeable and more connected to *the other*. At the very end “Delphi Revisited,” an unknown narrator, who suddenly appears out of nowhere, reports that the protagonist Howard “had left his town and was travelling, Eastbound. Later I heard he had become a Buddhist monk.”<sup>336</sup> Metaphorically, Howard is turning away from Western epistemology and ontology towards more holistic worldviews. Mann Borgese has always situated these alternative approaches in Eastern and Indigenous philosophies, albeit without elaborating further on the historic and local roots of her cultural ecology.

#### **2.2.4 “Birdpeople”**

Against the background of Mann Borgese’s reflections on the continuities between the animal and human worlds and the use of animal intelligence and technology, the story “Birdpeople” is of importance. The story is also connected to Mann Borgese’s elaborations on natural and cultural evolution, as it tackles the question whether or not humanity can successfully take control over the evolutionary process. While Mann Borgese narrative posits potential benefits of humanity driving evolution in her early nonfiction, in her fiction she shows the horrors and dismay of humans taking evolution into their own hands. “Birdpeople” was first published under the title, “Vogelmenschen,” in German in 2001.<sup>337</sup>

“Birdpeople” tells the story of humans who have been genetically engineered using animal or bird genetic material the result of which is a grotesque, hybrid species,

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<sup>336</sup> Ibid, p. 76.

<sup>337</sup> Elisabeth Mann Borgese. “Vogelmenschen.” *Wie Gottlieb Hauptmann die Todesstrafe abschaffte*. Edition Memoria, 2001, pp. 20-35. Quotations are taken from the English original: MS-2-744\_15.

birdpeople, that has the capabilities to transform society in all areas. The story is divided into three parts: a prologue; a main part, “Images”; and an epilogue. In the prologue, the reader meets the creator of this new species, Professor Niklas Heinzelmann of the University of Berkeley. After reading a *New York Times* ad promoting genetically optimized children (using the slogan “for the first time, humans now are the masters of their own evolution”) free of inhabitable diseases and criminal behaviour, the professor decides that children should be able to fly like birds. It makes Heinzelmann think about the myth of Icarus and the scientist Werner von Heisenberg,

who had predicted that the technology of the future would be built into the human body: internalized like the technologies of the animal kingdom, through the eons: the sonar of bats, the compasses of migrating birds and fish, the weaponry, the fishing gear of the beasts of the skies, the lands, and the seas.<sup>338</sup>

Again, Mann Borgese points to the continuities between myth and modern science.

Professor Heinzelmann begins genetically modifying embryos by replacing human genes with those of bird species. As a result, humans now develop massive wing arms that enable them to fly on their own:

Because of its obvious advantages and because it was transmitted by a dominant allele, the flying trait spread rapidly within the human population, and within a few generations its absence was simply considered as one of the many recessive diseases to be screened in prenatal diagnostic tests. Fetuses with the *wingless* trait were eliminated.<sup>339</sup>

The second part of the narrative describes the impact of Heinzelmann’s creation on society. In an evolutionary process, within a few generations, birdpeople displace conventional humans from the gene pool and cause significant changes in all areas of

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<sup>338</sup>Elisabeth Mann Borgese. “Birdpeople.” MS-2-744\_15, p. 2. This first part of this quote is, as leitmotif, connected to *The Language Barrier* and also to *The Ascent of Woman*. Furthermore, there are connections to “The Not So Dumb Animals” and to *Chairworm and Supershark*.

<sup>339</sup> *Ibid*, p. 3.

society. Cars and airplanes become obsolete, new sports emerge, the world economy adapts to the changing needs of birdpeople. And since people can now fly without technological aids, a new way to travel is created: ecotourist co-migration. The bird people travel together with their animal conspecifics because navigation technology still only belongs to the natural equipment of birds. The birds show the birdpeople the way. However, during a journey together with some Canadian geese travelling from Yellowknife to Toronto, Miami and Cuba to Mexico, a serious incident happens that takes the bird-human world back deeply into the “perverse 20th century” in which everything “had gone completely haywire, *ad absurdum*”<sup>340</sup>.

From a literary-historical point of view, this momentous last formation flight of the ecotourists features a rather famous fictional character who is somewhat playfully drawn as one of the representatives of that very same twentieth century in which humans did not cooperate with nature and still ate animals:

The last one in the formation, sort of barely hanging on, was an odd fellow named Tobias Mindernickel. He did not talk like birdpeople; he did not walk like birdpeople. In a way he looked more like a 20th-Century person, but he was uglier than most. He had one long tooth, on his right side, that emerged from under his upper lip and hung over the lower lip. Often it had food rests sticking to it. It made him liable to drooling. His right eye was paralysed. Apparently he could see with it, but it did not move. It stared at you. He was always unshaven, ill groomed, and his flying lacked style and joy. He did not associate with the rest of the flock, except that he carried on with a young girl named Eve who did not seem to mind, but the affair was frowned upon by birds and birdpeople alike. It just was not done during eco-tourist co-migration when all energy was to be concentrated on the flight.<sup>341</sup>

With an intertextual wink, Elisabeth Mann Borgese resurrects the “weird bird” Tobias Mindernickel as a birdman from the eponymous 1898 story written by her father. But

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<sup>340</sup> Ibid, p. 6.

<sup>341</sup> Ibid, p. 10.

whereas Mindernickel stabbed his dog Esau in Thomas Mann's narrative, in Mann Borgese's version, he wrings the neck of a Canadian goose during a rest break, holds it over the fire, and then eats it together with the other birdpeople. After this crime, the geese hold court and the next morning, the bird formation flies northwards. The unaware and disoriented birdpeople follow the birds into the cold and, thus, into death.

In the epilogue the dramatic consequences are shown: "There were no more ecotourist co-migrations after that. The birds were not to be trusted, after all." Cars and planes reappear, and the question remains whether taking evolution into their own hands proved to be successful for humanity, "[t]aking evolution into our own hands' had been successful: Almost ... Whither humankind? We will never know."<sup>342</sup>

For Elisabeth Mann Borgese, the question 'whither humankind' became quite real towards the end of the 1960s when she became interested in matters of ocean governance and the international law of the sea. Rather suddenly, the opportunity arose to put her imagination into praxis and to persuade the world community of her concrete utopia of a new global order. While chapter two of this thesis introduces Mann Borgese's cultural critique and counternarratives in her early fiction and nonfiction work, the following part examines how Mann Borgese tried to reconcile imagination with reality through the ocean and the international law of the sea. It illustrates a tangible and mostly optimistic example of how the international community were to become the driver of cultural evolution in order to change the common narrative of humanity. Against the politico-historical background of UNCLOS III and international environmental movements,

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<sup>342</sup> Ibid, p. 10.

chapter three sheds light on the full extent of Mann Borgese's cultural ecology and recounts how she defended her utopian vision against the realists of her time.

## CHAPTER 3: UTOPIAN OPTIMISM: THE OCEAN AS A LABORATORY FOR A NEW WORLD ORDER

### 3.1 Historical Background

#### 3.1.1 Competing Narratives: The Common Heritage of Mankind and Sustainable Development

The Third United Nations Conference on the Law of the Sea (UNCLOS III) began in New York in December 1973 and ended—after eleven sessions—on December 10, 1982, in Montego Bay, Jamaica.<sup>343</sup> One hundred and nineteen nations initially signed the United Nations Convention on the Law of the Sea (UNCLOS) that “laid the foundation for modern regime-building for oceans because of its vision of the unity of the marine environment”<sup>344</sup> and reflected on the way in which the international community thought about nature and culture throughout the process, but the Convention would not come into force until 1994.<sup>345</sup> The objective was to adopt a comprehensive, internationally binding law-of-the-sea treaty. As is often the case with bigger and new projects involving large groups of stakeholders with divergent interests, everything took much longer than anticipated, mostly because of controversies surrounding the provisions of Part XI of the Convention. Especially the implications and interpretations of the concept of the common heritage of mankind concerning the deep seabed and the

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<sup>343</sup> The legal and political history of UNCLOS III, including Mann Borgese’s involvement and the controversy surrounding Part XI that led to the United States’ refusal to sign the Convention, has been adequately and sufficiently outlined and analyzed by Payoyo, Pagoda, Tuerk, Baker, and Meyer.

<sup>344</sup> Aldo Chircop, et al. “Introduction: Setting the Stage.” *The Future of Ocean Regime-Building. Essays in Tribute to Douglas M. Johnston* edited by Aldo Chircop, Ted L. McDorman, Susan J. Rolston, Martinus Nijhoff, 2009, p. 29.

<sup>345</sup> See Peter Jacques and Zachary A. Smith. *Ocean Politics and Policy. A Reference Handbook*. ABC-Clio, 2003, p. 15.

international institution organizing and regulating deep seabed mining, known as the International Seabed Authority (ISA), caused trouble. In legal terms, the provisions of Part XI of the Convention

attempted to reach the objective of equal participation in the deep seabed mining regime through a system of distributive justice. This meant restrictions imposed upon potential deep seabed miners, affirmative action benefitting non-mining States, especially developing countries, and conferring jurisdiction over deep seabed mining on the ISA, so that all States parties can equally, though indirectly participate therein.<sup>346</sup>

By the mid-1970s, most participants of UNCLOS III were of the opinion that the conference would come to an end quickly because the outlines of the treaty had been successfully negotiated. The fourth session of the Conference in New York in 1976 produced a revised, single negotiating text. Only the deep seabed issue remained unresolved. The strongest resistance to the seabed regime came from the industrialized countries, led by the United States at a late hour of the conference, following the election of President Ronald Reagan.<sup>347</sup> The majority of its biggest proponents belonged to the developing nations (Group of 77). In the end, the United States voted against adoption and consequently has not signed the Convention while accepting most parts of the Convention as customary law, with the exception of Part XI and a few other provisions. Although efforts were being made to reach a compromise and to achieve an agreement, the controversy was increasingly dominated by ideologically based criticisms of the seabed regime, especially by the United States' political right wing.

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<sup>346</sup> Helmut Tuerk. *Reflections on the Contemporary Law of the Sea*. Martinus Nijhoff, 2012, p. 41.

<sup>347</sup> See Jon M. Van Dyke, editor. *Consensus and Confrontation: The United States and the Law of the Sea Convention*. The Law of the Sea Institute, University of Hawaii, 1985.



Even though it was agreed in the rules of procedure to have a consensus process rather than a majority vote, the United States called for a recorded vote during the eleventh session because it became increasingly obvious that consensus could not be reached. Hence, UNCLOS was adopted on April 30, 1982 by 130 votes in favour, four against and with seventeen abstentions.<sup>348</sup> The Convention was signed in December of the same year at Montego Bay, Jamaica, by 119 delegations.<sup>349</sup>

The notorious Part XI of the UNCLOS comprises the legal regime for all activities conducted in the area beyond national jurisdiction (the Area). From a legal point of view, the ocean constitutes both a physical and juridical space. Both spaces display a considerable number of kinds of boundaries.<sup>350</sup> Given that the ocean, historically and in terms of culture, has always been experienced by humanity as the quintessential symbol for the dissolution of boundaries, for freedom, and as an elemental force that cannot be tamed by humans, it seems rather arbitrary and counterintuitive that the Convention divides ocean space into multidimensional zones with different legal regimes. This evidently shows that the majority of the international community tried to apply the legal traditions of sovereignty and property of the law of the land to nature to the ocean, at least to a large extent. Nature does not know and does not comply with such boundaries, even though the mental image of migratory fish stocks and other sea creatures showing passports and visas at ocean boundaries is rather amusing. But

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<sup>348</sup> The United States, Israel, Turkey, and Venezuela voted against the Convention. Among the seventeen abstentions were both the Federal Republic of Germany and the GDR, as well as the UK and the Soviet Union.

<sup>349</sup> International Seabed Authority Collection. *Ad Hoc Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Beyond the Limits of National Jurisdiction. Historical Documents 1968*, Vol. 1, edited by W. van der Wolf and C. Hoitink. ICA, 2018, p. xiii.

<sup>350</sup> See Douglas M. Johnston. *The Theory and History of Ocean Boundary-Making*. McGill-Queen's University Press, 1988.

particularly and in all seriousness, this means that a change of perspective that Mann Borgese called for, which sees the land as a continuation of the sea<sup>351</sup> and not vice versa, had not fully taken place during the law-making process despite the fact that the Convention states in its Preamble that the states parties to this convention are “conscious that the problems of ocean space are closely interrelated and need to be considered as a whole.”

The Convention defines the Area as “the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction.”<sup>352</sup> Although the precise limits are unclear, about 60 percent of the seabed belongs to the Area.<sup>353</sup> The waters superjacent to the Area fall under the doctrine of the freedom of the seas (High Seas) and this space and its resources are not part of the common heritage of mankind. The Exclusive Economic Zone (EEZ) constitutes the seabed, subsoil and water column up to 200 nautical miles (nm) measured from the baseline of the territorial sea. Although the territorial sea (12 nm) and contiguous zone (another 12 nm) are within the EEZ limit, they constitute separate maritime zones with different legal regimes. The EEZ is “a zone not of territorial, but of functional sovereignty.”<sup>354</sup> While coastal states have full sovereignty over their territorial sea, each only has sovereign rights and specified jurisdictions in the EEZ. The water column is subject to certain freedoms of the high seas, in particular international navigation and the laying of submarine cables and pipelines.<sup>355</sup> Hence the

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<sup>351</sup> Elisabeth Mann Borgese. *The Oceanic Circle*, p. 4.

<sup>352</sup> United Nations Convention on the Law of the Sea, Part I, Article 1.1.

<sup>353</sup> Boleslaw A. Boczek. *International law. A Dictionary*. Dictionaries of International law, No. 2. Lanham, Maryland, Toronto and Oxford: The Scarecrow Press, Inc. 2005, p. 256. For a definition of the continental shelf see *ibid*, p. 265.

<sup>354</sup> Helmut Tuerk. *Reflections on the Contemporary Law of the Sea*, p. 19.

<sup>355</sup> Boleslaw A. Boczek. *International law. A Dictionary*, p. 315: “The territorial sea is a belt of sea adjacent to the coast, over which [...] the coastal state has full sovereignty which also extends to the airspace above the territorial sea as well as to the seabed and subsoil.” And p. 270: The EEZ is “the marine

regime of the EEZ requires international cooperation as stipulated by UNCLOS. The EEZ, together with internal waters and territorial sea, includes coastal areas where land and water meet, areas which are made up of large, diverse ecosystems and are rich in population, resources, and other economic opportunities like tourism.<sup>356</sup>

Another one of the most economically and ecologically valuable parts of the ocean is the continental shelf, which “comprises the sea-bed and the subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its [coastal state’s] land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines [...]”<sup>357</sup> Although overlapping with the EEZ, the regime governing the continental shelf is separate. Coastal states have sovereign rights to explore and exploit the non-living resources over the continental shelf, but including sedentary species, and thus are especially interested in the determination of the outer limits. Here again, nature does not comply with artificial political boundaries and the juridical terms of article 76 of Part VI of the Convention on the continental shelf, which prompts coastal states to establish the outer limits of the continental margin “wherever the margin extends beyond 200 nm.”<sup>358</sup> In case a coastal state can scientifically show that the submerged “natural prolongation of its land territory” extends

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area [...] in which the coastal state has sovereign rights for the purpose of exploring and exploiting, conserving and managing the living and non-living resources of the waters and the seabed and its subsoil.”

<sup>356</sup> It is an interesting thought that this is the same space between the land and the sea which Thomas Mann saw as representative for the metaphorical limitations and continuities between reason and irrationality. Here, nature, i.e., the ocean, is being looked at from an entirely different perspective.

<sup>357</sup> Part VI of the Convention, article 76. See Renate Platzöder and Wolfgang Graf Vizthum, editors. *Seerecht. Law of the Sea. Textausgabe*. Nomos Verlagsgesellschaft, 1984, p. 122.

<sup>358</sup> Annex II of the Convention established the Commission on the Limits of the Continental Shelf to facilitate the implementation of the parts of the Convention that deal with the continental shelf. Coastal states submit all the data required in order to establish the outer limits of their respective continental shelves that extend 200nm to the Commission. See also Suzette V. Suarez. *The Outer Limits of the Continental Shelf*. Springer, 2008.

beyond the 200 nm limit, the outer limit is subject to two potential constraint lines, i.e., a distance limit up to 350 nm from the baseline of the territorial sea or 100 nm from the 2500-metre isobath. The area in between the 200 nm limit and the outer limits of the continental shelf is called Outer Continental Shelf (OCS) or extended continental shelf.<sup>359</sup> Article 82 imposes the obligation on coastal states, with the exemption of developing states that are net importers of the mineral resource of the continental shelf, to “make payments or contributions in kind” with respect to the production from the non-living resources of the continental shelf beyond 200 nm. OCS states enjoy a grace period during the first five years of production, and thereafter the payment or contribution in kind is calculated at one percent of total production and increases by one percent per year until seven percent is reached and continues to apply for the duration of production. Article 82 was negotiated as a *quid pro quo* for the loss of international seabed areas to broad margin states. Payments and contributions in kind are made through the Authority and are intended for distribution to other state parties, most especially developing states.

The OCS as determined by Article 76 reduced the size of the Area, even though Article 136 of Part XI declares, “the Area and its resources are the common heritage of mankind.” Activities in the Area are governed by Part XI and are subject to the payment of royalties to the Authority, “those who exploit it have to pay fees for their licences and activities in the Area. The revenue will be apportioned by the Authority on the basis of equitable criteria, with particular emphasis on the needs of developing countries.”<sup>360</sup> The activities in the Area concern only non-living resources of the Area, as Article 133 states

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<sup>359</sup> See International Seabed Authority. *Issues Associated With the Implementation of Article 82 of the United Nations Convention on the Law of the Sea. ISA Technical Study: No. 4*. International Seabed Authority, 2009.

<sup>360</sup> *Ibid*, p. xi.

that the term resources means “all solid, liquid or gaseous mineral resources *in situ* in the Area at or beneath the sea-bed, including polymetallic nodules.”<sup>361</sup> Elisabeth Mann Borgese understood the levies generated by the Authority as a form of international resource tax or royalty.

Furthermore, provisions of Part XI state that all activities conducted in the Area<sup>362</sup> will be governed by the Authority as an international organization with full legal personality acting on behalf of humanity as a whole, including future generations and “irrespective of the geographical location of States [...] and taking into particular consideration the interests and needs of developing states [...].”<sup>363</sup> Activities in the Area shall be carried out by state parties themselves, licensed contractors under the jurisdiction of sponsoring states, and also the operational arm of the Authority, the Enterprise when eventually established and operationalized. No state or other legal entity can claim sovereignty and states and operators can only acquire title to resources exploited from the Area in accordance with Part XI and in cooperation with the Authority. The Authority’s mandate to act for the benefit of mankind includes the equitable sharing of financial and economic benefits, the development of resources, the use of the Area for exclusively peaceful purposes, marine scientific research, promotion of technology transfer, marine environment protection, as well as the protection of human life.<sup>364</sup>

Additionally, the provisions of Part XII put all states under the obligation to protect and preserve the marine environment, including the various sources of pollution;

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<sup>361</sup> Renate Platzöder and Wolfgang Graf Vizthum, editors. *Seerecht. Law of the Sea. Textausgabe*, p. 140.

<sup>362</sup> See the Seabed Disputes Chamber Advisory Opinion from 1 Feb. 2011. “Responsibilities and Obligations of States Sponsoring Persons or Entities with Respect to Activities in the Area.”, paragraphs 82-97.

<sup>363</sup> United Nations Convention on the Law of the Sea, Part XI, Article 140.1.

<sup>364</sup> Renate Platzöder and Wolfgang Graf Vizthum, editors. *Seerecht. Law of the Sea. Textausgabe*, p. 141-145.

the provisions of Part XIII regulate marine scientific research subject to other rights and duties laid out in the Convention, and the provisions of Part XIV deal with the development and transfer of marine technology. All three parts, although governing issues of science, technology, and the environment in areas of national jurisdiction, promote international cooperation, understanding, and capacity building to a great extent, especially Article 202 of Part XII regarding scientific and technical assistance to developing states for the protection and preservation of the marine environment; Article 242 promoting international cooperation in marine science for peaceful purposes; and Section 2 of Part XIV regarding ways and means of international cooperation. Of course, the aforementioned provisions only provide an international legal framework and are respectful of the principles of sovereignty and jurisdiction of nation states, albeit always in connection with the Authority as the competent international organization concerning activities in the Area beyond national jurisdiction.

Next to sovereignty and the freedom of the high seas, the “two opposing fundamental principles of international law,”<sup>365</sup> the common heritage of mankind now represents a third principle,<sup>366</sup> or a narrative, new to the international community and led to profound confusion and ideologically induced criticism. If the common heritage of mankind is an accepted principle of international law, hypothetically there would be no

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<sup>365</sup> E.D. Brown. ‘Freedom of the High Seas Versus the Common Heritage of Mankind: Fundamental Principles in Conflict’, p. 521.

<sup>366</sup> See Scott J. Shackelford. “The Tragedy of the Common Heritage of Mankind”, p. 111. See also Elisabeth Mann Borgese and Arvid Pardo. “Ocean Management.” *Reshaping the International Order. A Report to the Club of Rome*, edited by Jan Tinbergen, Antony J. Dolman and Jan van Ettinger, E.P. Dutton & Co., Inc. 1976, 10.2.: “In conclusion, neither sovereignty nor freedom are suitable as a basis for a viable and reasonable equitable legal regime for ocean space under contemporary conditions. A new, international legal order must be created, based on a new principle which constrains both sovereignty and freedom in the common interest.”

reason not to extend it to other environments as a third option situated somewhere between capitalism and socialism. But things are more complicated than that.

Again, hypothetically, and in accordance with Mann Borgese's interpretation of UNCLOS and her extended idea of the common heritage of mankind, all of the above-mentioned provisions could provide the world community with a legal and institutional outline to deal with the most pressing contemporary global environmental and economic issues, especially in the light of climate change and the tremendous social changes caused and continuing to be caused by the digital revolution. If conceptualized and applied by states, these could, at least in part, serve as a model and framework for an international order based on the common heritage of mankind concept, impacting national and regional regimes as well the other objective of integrating questions of economic, environmental, and human development. Matters of economy, science, technology, and environment are interconnected not only in the ocean but on land as well. Mann Borgese's statement, "if there is a systems change in one part of ocean space, it will necessarily affect the whole ocean system,"<sup>367</sup> is true on an international scale for most global events that consequentially have effects regionally and locally. Of course, such an extension of the concept of the common heritage of mankind would require a shift in perspective and systemic change to such a vast extent that its realization seems highly improbable. But this, ultimately, was Mann Borgese's objective to achieve. For example, in *The Oceanic Circle*, Mann Borgese claims that Part XII of the Convention on the protection and preservation of the marine environment "contains what is still today the only existing comprehensive, universal, binding and enforceable international environmental law,"

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<sup>367</sup> Elisabeth Mann Borgese. "The Nexus Lecture. The Years of My Life", p. 13.

furthermore, providing a legal framework for other geographical regions and environments. If the international community is equipped with a legal toolkit in support of social, political, economic, and environmental change on global, national, and regional levels since UNCLOS III, it begs the question as to why a broad, comprehensive understanding of the common heritage of mankind concept has not found its way into mainstream political, legal, and cultural discourse.

The heated discussions surrounding Part XI of UNCLOS between industrialized and developing nations had first of all led to the perception of the common heritage of mankind as “essentially a concept of exploitation of and access to resources.”<sup>368</sup> The broader ethical and philosophical conceptualization of the concept as represented by Mann Borgese, Arvid Pardo, and others had, therefore, gotten lost in controversy. But perhaps more importantly, the idea of the common heritage of mankind, both as an ethical concept and as it was laid out in the provisions of the legally binding UNCLOS would have had a better chance to enter public consciousness to a greater extent, had it not been superseded by another, competing narrative, that of sustainable development.

The concept of *sustainable development*, first popularized by the Brundtland Report in the late 1980s in the light of a world-wide recession, a widening gap between developed and developing nations, and fears about the potential destruction of the environment, recognized the interdependence of ecology and economic development. It emerged as the dominant element within the contemporary socio-political narrative about human/nature relations and has been canonical for international environmental law since

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<sup>368</sup> Ian Brownlie. “Protection of the Global Heritage.” *American Society of International Law Proceedings*, Vol. 32, 1981, p. 36.



the Rio Summit in 1992, formally known as the United Nations Conference on Environment and Development (UNCED).<sup>369</sup>

In December 1983, the UN General Assembly established the Commission on Environment and Development, eventually known as the Brundtland Commission,<sup>370</sup> and appointed the former Prime Minister of Norway, Gro Harlem Brundtland, as its chair. The objective was to find strategies to eradicate poverty, especially in developing nations, by bridging gaps between economic development and environmental protection. *The Report of the World Commission on Environment and Development*, also known as the Brundtland Report and widely published under the title *Our Common Future*,<sup>371</sup> was transmitted to the United Nations General Assembly in August 1987. In the note preceding the Report, then UN Secretary General, Javier Pérez de Cuéllar, writes that the General Assembly “welcomed the establishment of a special commission that should make available a report on environment and the global problématique to the year 2000 and beyond, including proposed strategies for sustainable development.”<sup>372</sup> The term *problématique* was used by the founder of the Club of Rome, Aurelio Peccei, to describe complex developments in an interdependent world and was also used by Mann Borgese, for example, in *The Oceanic Circle*.

The Brundtland Report recognizes that “national boundaries have become so porous that traditional distinctions between local, national, and international issues have

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<sup>369</sup> Usha Natarajan and Kishan Khoday. “Locating Nature: Making and Unmaking of International law.” *Leiden Journal of International Law* 27, 2014, p. 577.

<sup>370</sup> United Nations General Assembly Resolution 38/161.

<sup>371</sup> Oxford University Press, 1987.

<sup>372</sup> United Nations General Assembly. Forty-second Session. Report of the World Commission on Environment and Development, A/43/427, 4 August 1987, p. 1.

become blurred”<sup>373</sup> and sees the integrated nature of global challenges as a new incentive for international cooperation. The concept of sustainable development is defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs,” and as “a process of change in which the exploitation of resources, the direction of investments, the orientation of technological development, and institutional change are made consistent with the future as well as the present needs.” Further, it is based on an assumption that “technology and social organization can be both managed and improved to make way for a new era of economic growth.”<sup>374</sup> The Brundtland Report definition of sustainable development has become the most widely used. Since, the terms *sustainable development and sustainability*,<sup>375</sup> much like the term *ecology*, are being used extensively in the realms of politics, economics, sciences, higher education, and popular culture.

Because the Brundtland Report essentially deals with the same global issues Elisabeth Mann Borgese saw as the potential extension of the provisions of UNCLOS to non-ocean related questions of economic and ecological development, the establishment of the concept of sustainable development meant a major turning point for the popularization and broader political acceptance of the concept of the common heritage of mankind. It seems that the international community apparently did not recognize the potential of UNCLOS and especially the common heritage of mankind as laboratory for

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<sup>373</sup> World Commission on Environment and Development. *Our Common Future*. Oxford University Press 1987, p. 258.

<sup>374</sup> *Our Common Future*, p. 43.

<sup>375</sup> The term ‘sustainability’ or ‘Nachhaltigkeit’ was first coined by Hans Carl von Carlowitz in his work *Sylvicultura Oeconomica oder Anweisung zur wilden Baum-Zucht* [Sylvicultura Oeconomica or the Instructions for Wild Tree Cultivation] in 1713 in connection to forestry and mining. Also see Jacobus A. Pisani. “Sustainable Development—Historical Roots of the Concept.” *Environmental Sciences*, Vol. 3, No. 2, 2007, pp. 83-96. The term ‘sustainable development’ goes back to the 1980 World Conservation Strategy. See Klaus Bosselmann. *The Principle of Sustainability: Transforming Law and Governance*, p. 1.

the creation of a more equitable and ecologically sustainable world order as Mann Borgese did. Even though Chapter 17 of Agenda 21 does express concern with respect to high seas fishing, marine pollution, and so on, none of the documents within the set of international agreements surrounding the Rio Summit explicitly make cross references to Part XI of the UNCLOS and the common heritage of mankind. Without showing any of the futuristic idealism similar to that of Mann Borgese, the Convention appears as the legal order for the world's oceans, whereas the Brundtland Report and the ensuing Agenda 21 were understood as comprehensive multilateral frameworks for the implementation of environmental and developmental initiatives and policies on a global as well as national and regional levels.

The Brundtland Report acknowledges the common heritage of mankind in connection with UNCLOS III and the Convention, but otherwise does not make any groundbreaking remarks on the human/nature relationship other than situating humanity in 'harmony' with nature without explicitly seeing it as interconnected with nature or ecological systems. Principle 1 of the Rio Declaration on Environment and Development (UNCED), 1992, also proclaims, "human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature." In comparison to Mann Borgese's cultural ecology, the Rio Declaration puts much more weight on economy than ecology and comes across as very anthropocentric. Central capitalist assumptions on economic growth and development are not questioned. The UN 2030 Agenda for Sustainable Development<sup>376</sup> can be seen as a continuation of this but must be read in conjunction with the UN Framework Convention

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<sup>376</sup> A/RES/70/1

on Climate Change and its subsequent Kyoto Protocol, 1997 and Paris Agreement, 2015. When compared to the Declaration of the United Nations Conference on the Human Environment, 1972, the much younger Rio Declaration actually seems less progressive in its approach, although it is “reaffirming the Declaration of the United Nations Conference on the Human Environment [...] and seeking to build on it”<sup>377</sup>. Before the concept of sustainable development as an expression of neo-liberalism became mainstream and canonical, the international community seemed to have followed a less radical form of anthropocentrism, acknowledging both the increasing human influence on the environment and human dependency on the environment. The wording of the 1972 Stockholm Declaration poignantly reflects the beginnings of the international environmental movement. The Declaration first stresses “the need for a common outlook and for common principles to inspire and guide the peoples of the world in the preservation and enhancement of the human environment,” and then proclaims,

1. Man is both creature and moulder of his environment, which gives him physical sustenance and affords him the opportunity for intellectual, moral, social and spiritual growth. In the long and tortuous evolution of the human race on this planet a stage has been reached when, through the rapid acceleration of science and technology, man has acquired the power to transform his environment in countless ways and on an unprecedented scale. Both aspects of man's environment, the natural and the man-made, are essential to his well-being and to the enjoyment of basic human rights the right to life itself.
2. The protection and improvement of the human environment is a major issue which affects the well-being of peoples and economic development throughout the world; it is the urgent desire of the peoples of the whole world and the duty of all Governments.<sup>378</sup>

Furthermore, it alludes to the mission of the common heritage of mankind by stating that “[t]he non-renewable resources of the earth must be employed in such a way as to guard

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<sup>377</sup> Rio Declaration on Environment and Development. United Nations, 1992.

<sup>378</sup> Declaration of the United Nations Conference on the Human Environment. United Nations, 1972.

against the danger of their future exhaustion and to ensure that benefits from such employment are shared by all mankind.” Rüdiger Wofrum points out that “international environmental law rather uses the term ‘common concern of mankind’.”<sup>379</sup> Mann Borgese did not seem to make a fine distinction between the fields of international law of the sea and environmental law.

One could argue that the Brundtland Report and the concept of sustainable development consider nature as instrumental to human development and economic growth. Consequently, sustainable development has been criticized by some legal scholars for being defined in “largely anthropocentric terms”<sup>380</sup> and for being too focused on economic development and technological solutions. Seen from this angle, sustainable development mostly ignores the necessity for a fundamental change of consciousness regarding human/nature relationship in order to ensure environmental protection and the survival of humanity. This criticism is also reflected in Mann Borgese’s handwritten notes on the Brundtland Report that were probably drawn up some time after she had received it.

Before excerpting the most crucial points of the report, Mann Borgese states the premises of her cultural ecology in a logical rule of three on top of her notes: 1) culture is a continuation of nature; 2) human beings are part of nature; and 3) economy is part of ecology. Point two of her notes mentions “poverty as pollutant” in response to the sentence on page sixteen in the report that says, “[a] world in which poverty is endemic

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<sup>379</sup> Rüdiger Wofrum. “Common Heritage of Mankind.” *Max Planck Encyclopedias of International Law*, November 2009.

<sup>380</sup> Prue Taylor. *An Ecological Approach to International Law. Responding to Challenges of Climate Change*. Routledge, 1998, p. 325. Her husband, Klaus Bosselmann, argues that “[t]he concept of ‘sustainable development’ lost its core meaning somewhere between the 1980s and today.” See Klaus Bosselmann. *The Principle of Sustainability*, p. 1.

will always be prone to ecological and other catastrophes,” and point three continues with the need for international cooperation to manage ecological and economic interdependencies.<sup>381</sup> Mann Borgese was never against the idea of economic growth as a means of development. As will be seen later, it was more about the question how economic growth would be achieved, allocated, and measured. Already in 1972, she writes,

“A ‘zero-growth economy’ for the seas is the most utopian of all utopias—and worse still, is a rich man’s dream that would become a nightmare for the majority of peoples whose survival requires full development of the world’s resources. [...] The realistic alternative is to harness and rationally direct the forces of the Marine Revolution, minimizing its destructive side effects. Then the oceans can be bountiful.”<sup>382</sup>

The differences between Mann Borgese and Brundtland were, most of all, philosophical and ethical in nature. In an IOI paper from 1997 on ocean sustainable development, Mann Borgese offers some harsh criticism about the progress of the implementation of the 1992 Rio Agreements, assessing it as “high on formal action and promises, low on real commitments and tangible implementation.”<sup>383</sup> Moreover,

[i]ssues which are critical at this time and into the next century cover a wide range: Partly they are theoretical, of a philosophical and ethical nature, but how we deal with them will determine our attitudes and our actions towards our environment and the living beings with whom we share this environment.<sup>384</sup>

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<sup>381</sup> Mann Borgese’s notes on the Brundtland Report. No date. MS-2-744\_317-14.

<sup>382</sup> Elisabeth Mann Borgese. “Introduction.” *Pacem in Maribus* edited by Elisabeth Mann Borgese, Dodd, Mead & Company, 1972, p. xii.

<sup>383</sup> Elisabeth Mann Borgese. “Sustainable Development in the Oceans.” Undated. Most likely originated in 1997. MS-2-744\_323-1.

<sup>384</sup> Ibid. A defused and edited version of this analysis on sustainable ocean development was published as an article, “Sustainable Development in the Ocean,” in *Environmental Policy and Law* in 1997, in which she criticizes the lack of commitment of states and international funding agencies for the eradication of poverty in a less harsh way and applauds the establishment of most of the institutions in accordance with UNCLOS and post-Rio legal instruments, such as the International Sea-bed Authority, the International Tribunal for the Law of the Sea, the Secretariats for the Biodiversity and Climate Conventions, and the Commission on Sustainable Development. Moreover, she praises the IOI achievements in relation to Agenda 21 as a success story, especially the attempts to revitalize UNEP’s Regional Seas Programme in a more integrated manner.

Next to her realization that “intellectual inertia appears to be blocking progress towards a genuinely new economic order,” Mann Borgese reminds her audience of the cultural nature of legal and political decision-making, e.g., the ethical foundations that necessarily must substantiate any approach towards dealing with global challenges. She further showcases her understanding of humanism as an extension that includes all ‘living beings’—all humans and nonhuman animals.

In her 1995 monograph, *Ocean Governance and the United Nations*, Mann Borgese gets to the heart of this, “[h]umanity is supreme, but so is nature.”<sup>385</sup> For her, having a “vision” and “a change in attitude”<sup>386</sup> was pivotal, whereas for Brundtland, sustainable development ultimately “must rest on political will.”<sup>387</sup> Mann Borgese had obvious doubts about the validity of the report’s narrative regarding a vicious circle of poverty leading to environmental degradation and to even more poverty. Furthermore, she did not believe in the gospel preaching classical economic growth and political will as the only approaches to the problems of developing countries. In a later letter, she explains her ethical standpoint on the challenge of poverty in connection to environmentalism in developing countries:

I hate to see poor people treated as a nuisance that pollutes the environment, and therefore poverty has to be abolished. I think that before making these rather petty arguments, one has to start with some ethical concern: a call for social justice, a statement of the indecency and untenability of starvation in the midst of plenty.<sup>388</sup>

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<sup>385</sup> Elisabeth Mann Borgese. *Ocean Governance and the United Nations*, p. 245.

<sup>386</sup> Elisabeth Mann Borgese. “Sustainable Development in the Oceans.” MS-2-744\_323-1.

<sup>387</sup> *Our Common Future*, p. 17.

<sup>388</sup> Mann Borgese in a letter to Layashi Yaker, then Secretary General of the Independent World Commission for the Oceans. No date. Most likely originated in late 1997 or early 1998. MS-2-744\_244-2.

Despite, or perhaps because of, diverging foundational opinions and a sense of potential competition, Mann Borgese sought the route of cooperation. In a letter from November 1988, she invited Prime Minister Brundtland to the June 1989 Pacem in Maribus conference. Eventually, they had similar objectives, just different paths to achieving them. Sometime in February 1989, Mann Borgese received a negative reply from one of Brundtland's assistants. The Prime Minister would not be able to take part in the conference due to other commitments.<sup>389</sup>

In 1992, UNCED produced Agenda 21, a non-binding, comprehensive international environmental action plan under the aegis of the sustainable development concept. The Agenda comprehensively covers all socio-economic sectors in relation to environmental questions like poverty eradication; changing patterns of consumption and demographics; conservation and management of resources for development, including the protection of the ocean and the development of its resources; and strengthening the role of major groups like Indigenous groups, women, NGOs, workers, the business and industry communities, as well as the scientific community. As means of implementation the plan names technology transfer, international cooperation, education, and capacity building.

Chapter 17 of Agenda 21<sup>390</sup> deals with the topics of sustainable use and conservation of the marine environment and coastal areas under the precautionary and anticipatory principles, recognizing UNCLOS "as basis upon which to pursue the protection and sustainable development of the marine and coastal environment and its

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<sup>389</sup> Ibid. The Office of the Prime Minister in a letter to Elisabeth Mann Borgese, IOI, from 1 February 1989.

<sup>390</sup> United Nations Conference on Environment & Development Rio de Janeiro, Brazil, 3 to 14 June 1992, Agenda 21, paragraph 17.



resources.” At the same time, the Agenda calls for “new approaches to marine and coastal area management and development at the national, subregional, regional and global levels.” Although addressing the conservation and management of living resources in the high seas and promoting international cooperation and the transfer of technology to a certain extent, the Agenda puts more emphasis on national and regional efforts to sustainable development. Examples are questions of land-based pollution of the ocean and the introduction of integrated coastal zone management<sup>391</sup> as a major instrument for coastal states within their areas of jurisdiction in the Exclusive Economic Zone (EEZ), including requirements of bilateral and regional cooperation.<sup>392</sup> All of the approaches mentioned in the Agenda require implementation in terms of national laws and policies, as well as capacity building in form of scientific and technological means, human resources development, and education. The question of how developing states could achieve these non-legally binding objectives of Agenda 21 is answered in the following way:

The implementation by developing countries of the activities set forth below shall be commensurate with their individual technological and financial capacities and priorities in allocating resources for development needs and ultimately depends on the technology transfer and financial resources required and made available to them.<sup>393</sup>

Funding was to be made available through international sources, for example the Global Environment Facility (GEF) as well as through regional cooperation. Peter Payoyo points

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<sup>391</sup> Coastal zone management “recognizes each part of the coast as an important component of a larger ecosystem. To work with coastal systems holistically, coastal management must be integrated, or organized, at two levels: ecological and governmental. This effort is called integrated coastal management.” *Ocean Politics and Policies*, p. 23.

<sup>392</sup> “States individually or in cooperation with each other and with the support of international organizations, whether subregional, regional or global, as appropriate.” Agenda 21, repeated in several paragraphs.

<sup>393</sup> Agenda 21, paragraph 17.2.

out that the North-South dialogue and questions of international development had been finally taken up again at UNCED since the 1970s and after previous plans to establish a New International Economic Order (NIEO).<sup>394</sup> Although both Rio and Agenda 21 commit to international cooperation and capacity building, there is no mention of the concept of the common heritage of mankind and its institutional embodiment in the form of the International Seabed Authority within the context of sharing of benefits from resource exploitation and capacity building in developing states.

Another convention that came out of the 1992 Rio Summit is the Convention on Biological Diversity, an international legally binding treaty with the objectives of conservation and sustainable use of biodiversity in ecosystems and fair and equitable sharing of benefits arising from genetic resources. However, this convention initially did not address the question of sustainable development of biodiversity in areas beyond national jurisdiction (Article 4) while it was encouraging international cooperation, access to genetic resources on mutually agreed terms (Article 15), and the access to and transfer of technology to developing states under fair and most favourable terms (Article 16).<sup>395</sup>

From Mann Borgese's perspective, the international legal and political agendas and new institutions within the UN's framework resulting from the Rio Summit process all fell short of both her own understanding of the common heritage of mankind concept and the achievements that had already been reached with UNCLOS. She saw

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<sup>394</sup> Peter Payoyo. "Cries of the Sea: World Inequality, Sustainable Development and the Common Heritage of Humanity." Dissertation, Dalhousie University, November 1996, p. 226. Published by Martinus Nijhoff in 1997.

<sup>395</sup> The Convention on Biodiversity was opened for signature on 5 June 1992 at the United Nations Conference on Environment and Development and entered into force on 29 December 1993. See <https://www.cbd.int/history/default.shtml>.

shortcomings especially in their attempts to integrate environmental protection and economic development because the concepts of property and sovereignty were not put under scrutiny. While recognizing the need for trans-regional and international cooperation and capacity building in the light of increasingly blurry national boundaries, these legal and political agendas preferred to stay within the traditional, non-utopian, and universally accepted frameworks of international law, relations, and development. In

*Ocean Governance and the United Nations*, Mann Borgese writes,

The concept of the common heritage of mankind, thus defined, has a development dimension: It must be developed for the benefit of mankind as a whole. It also has an environment dimension: Resources and environment must be conserved for future generations. Further, it has a disarmament dimension, in the principle of the reservation for exclusively peaceful purposes. The integration of development and environment dimensions make it the best available basis for ‘sustainable development’, an otherwise dangerously underdefined principle. [...] Much new thinking is still needed on the economics of the common heritage. Since it is based on the concept of non-ownership, it will necessary differ from, and transcend, both the free-market and centrally planned economic theories of the past.<sup>396</sup>

The contended common heritage of mankind concept was displaced in favour of sustainable development. Nevertheless, or exactly because of this, the Rio agreements, Agenda 21, and the Convention on Biological Diversity received wide-ranging international praise and acceptance and are now, together with the UN Framework Convention on Climate Change and other subsequent agreements, essential elements in the foundation of international environmental and climate law and policy.

As Mann Borgese rather grumpily states in her 1997 interview with the CBC radio program, *Ideas*, “Rio outflanked UNCLOS.” It has been argued that the two mega-conferences, and therefore the proponents of UNCED and Sustainable Development on

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<sup>396</sup> Elisabeth Mann Borgese. *Ocean Governance and the United Nations*, p. 21.

the one hand and those of UNCLOS and the common heritage of mankind on the other, just followed two different mindsets.<sup>397</sup> Mann Borgese's comment about Rio outflanking UNCLOS indicates, in retrospect, that from her point of view, the events preceding and surrounding the 1992 Rio Summit must have looked like a major roadblock to her conviction of UNCLOS as the blueprint for a new international order based on the common heritage of mankind. Indeed, around the time of the Rio Conference, the Convention seemed to be in trouble, and, perhaps more accurately, UNCLOS itself 'outflanked' UNCLOS with the help of the contemporary economic *zeitgeist* of profit, privatization, and deregulation.

The problem was twofold: by 1992, UNCLOS, which was agreed on and signed a decade earlier, had not yet entered into force because the required number of instruments of ratification had not been reached.<sup>398</sup> Additionally, since July 1990, informal consultations were under way, initiated by the UN Secretary General, represented by Under-Secretary-General Ambassador Satya Nandan of Fiji, in response to objections of mostly industrialized states to the provisions of Part XI of the Convention. Objections to Part XI and, in particular, to the concept of the common heritage of mankind were preventing most industrialized states from ratification (for the most part, only developing nations had ratified the Convention at that time, which meant that they were hoping for

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<sup>397</sup> Douglas M. Johnston argues that "mega-conferences like UNCLOS III and UNCED are driven by collective 'working mind-sets' which, upon successful conclusion of the conferences, become 'paradigms' which later '...control relevant tasks of intellectual inquiry.'" See Edward L. Miles. "The Approaches of UNCLOS III & Agenda 21—A Synthesis." *Sustainable Development and Preservation of the Oceans: The Challenges of UNCLOS and Agenda 21*, edited by Mochtar Kusuma-Atmadja, Thomas B. Mensah, and Bernard H. Oxman, The Law of the Sea Institute, University of Hawaii, 1995, p. 17.

<sup>398</sup> 60 ratifications were conditional for the Convention to enter into force. It entered into force on November 16, one year after Guyana had become the 60<sup>th</sup> state to ratify it. See *The United Nations Convention on the Law of the Sea—a Historical Perspective*.  
[https://www.un.org/Depts/los/convention\\_agreements/convention\\_historical\\_perspective.htm](https://www.un.org/Depts/los/convention_agreements/convention_historical_perspective.htm).

the common heritage of mankind as a development tool),<sup>399</sup> in contrast to the United Nations' objective was universal participation. These informal consultations would culminate in the adoption of the Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 in July 1994. Consequently, large parts of Part XI were changed or made inoperative (see below). Against this background, Mann Borgese contacted Gro Harlem Brundtland one more time, asking for her assistance. In the urgent letter from March 17, 1991 she writes:

I am deeply concerned about current developments surrounding the United Nations Convention on the Law of the Sea. This Convention is the greatest and noblest achievement of the international community in this second half of the century—and we are about to waste it and lose it. [...] The only way to avert this danger is to ratify the Convention as quickly as possible. It really has to be this year, for two reasons: First, to stop this process of disintegration. And secondly, and more positively, to get ready for UNCED in 1992. People tend to forget that the Law of the Sea Convention contains the only existing, comprehensive, binding international environmental law, covering pollution from all sources. It is the first and only legal instrument that effectively integrates Environment and Development in sustainable development: Development of human, natural, and scientific/technological resources. It is the only existing legal instrument that provides for concrete enforcement measures as well as for a binding dispute settlement system for environmental issues. How can we go to Brazil and adopt new conventions if we refuse to ratify and use the one we already have? Without this global framework Convention solidly in place, all the new Conventions—which we also need—will be more castles in the air. [...] We need 15 ratifications this year. And it can be done. Our goal is to mobilize the small islands of the South Pacific and the Caribbean as well as the Nordic States and New Zealand. This can be done this year. The Nordic States could play a crucial role, entirely consistent with their foreign general foreign policy goals. Ratification by the Nordic States could have a decisive influence on the position of Canada. Can you help? I am writing a similar letter to Minister Stoltenberg, who is a good friend.<sup>400</sup>

A reply from Brundtland, if there was any, has not been delivered to posterity.

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<sup>399</sup> See the United Nations Chronological lists of ratifications of, accessions and successions to the Convention and the related Agreements. [https://www.un.org/depts/los/reference\\_files/chronological\\_lists\\_of\\_ratifications.htm](https://www.un.org/depts/los/reference_files/chronological_lists_of_ratifications.htm). Last updated on 8 April 2019.

<sup>400</sup> Elisabeth Mann Borgese in a letter to Gro Harlem Brundtland from 17 March 1991, MS-2-744\_317-14.

Elisabeth Mann Borgese was in her mid-seventies when the shockwaves of the Rio Conference with its follow-up agreements and the UNCLOS Implementation Agreement hit. Around the time of the mid-1990s, she was a part-time Lecturer in the Department of Political Science at Dalhousie University in Halifax (with the title Professor Emeritus). In April 1996, she accepted the invitation from Dalhousie to join the Faculty of Law as Adjunct Professor.<sup>401</sup> After her brother, Golo Mann, had died in 1994,<sup>402</sup> she became the Mann family representative as the sole remaining living child of Thomas Mann, which meant that she was responsible for administering the estate (mostly royalties from Thomas Mann's work published through the S. Fischer Verlag). During this time, Mann Borgese, who previously had remained in the background and was rather unknown in Germany, became increasingly visible and outspoken in the German public as Thomas Mann's youngest daughter. She was giving interviews to newspapers, magazines as well as television and radio programs in which she tried to set the family story straight or at least offer her sentiments about her late parents and siblings.<sup>403</sup>

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<sup>401</sup> Letter from Mann Borgese to Dalhousie President Tom Traves, 19 April 1996, MS-2-744\_348-16. See also MS-2-744\_349-14.

<sup>402</sup> According to a letter from Mann Borgese to Antonio (Tono) Eitel, then the head of the Department for International law at the German Federal Foreign Office, Mann Borgese learned of Golo's death while at La Guardia airport in New York City. On 16 May 1994, she writes: "Es war schon alles hübsch traurig—und noch dazu kompliziert durch die Beziehungen zur Witwe [Ingrid Beck-Mann] von Golo's verstorbenem Adoptiv-Sohn [Hans Beck-Mann, 1936-1986], eine Krankenpflegerin von Beruf, die ihn, wie auch meine Schwester Monika [1910-1992], wunderbar bis ans Ende gepflegt hat, sie aber gleichzeitig finanziell aufs gemeinste ausgeräubert hat—wie das bei Pflegern von vergreisten und nicht mehr zurechnungsfähigen reichen Patienten ja leider so oft vorkommt—so dass jetzt ein Prozess schwebt—ekelhaft, ekelhaft." ["It was all pretty sad—and complicated by the relationships with the widow of Golo's deceased adoptive son, a nurse by profession, who, much like for my sister Monika, wonderfully cared for him to the end, but at the same time financially has ransacked them—as is unfortunately so often the case with caretakers of old, not legally sane, and wealthy patients—so that now a process is hovering—disgusting, disgusting."] MS-2-744\_235-8. The situation had been rather complicated before as, according to the German literary historian and biographer, Tilmann Lahme and others, Golo's adoptive son was Golo's life partner/lover. Hans Beck left Golo because he wanted to get married and have his own family. The subsequent adoption has been interpreted as Golo's wish to stay connected to Hans Beck and have a family of his own as well. See Tilmann Lahme. *Golo Mann. Biographie*. S. Fischer Verlag, 2009.

<sup>403</sup> Most prominently among the articles published in German magazines in the mid-1990s about Mann Borgese and her work was a feature written by Kerstin Holzer for the *Focus* magazine in August 1996. For

Simultaneously, she travelled excessively and continued to be very actively involved in the day-to-day operations of the IOI, first as the chairperson of the IOI Planning Council, later as Honorary Chair. The IOI organizational structure underwent major changes.<sup>404</sup> In addition to the IOI headquarters in Malta and the Institute in Halifax, Canada, seven new IOI Operational Centres were established in Costa Rica, Fiji, India, Senegal, China, Japan, and South Africa between 1993 and 1997. The broad international acceptance of the sustainable development concept also meant that the IOI Training Programmes for researchers and policy advisers who were engaged in ocean management and mostly came from developing countries had to be adjusted to the new realities to stay relevant, not only in terms of content but also to secure funding.<sup>405</sup> The 1990s were demanding times. Taking into account her major achievements over time, Mann Borgese could have just retired, and have other, younger people deal with a world that suddenly had become very complex. But, of course, she did just the exact opposite.

Even though she tried to influence her colleagues in the United Nations who were taking part in the informal consultation sessions trying to achieve consensus on Part XI of

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the article, Holzer came to visit Mann Borgese at her home in Sambro, Nova Scotia, and in her story tried to intertwine Mann Borgese's work with her biography and family history. Holzer would subsequently publish a rather flawed biography about Mann Borgese in the Kindler Verlag in 2001. In the *Focus* article, Golo Mann's memories about an allegedly miserable childhood in the Mann family home are set in opposition to Mann Borgese's statements about her parents and her relationship to her siblings. See Kerstin Holzer. "Die Zauberbucht. In Halifax and der kanadischen Atlantikküste lebt und lehrt Thomas Manns letzte Tochter, Elisabeth." *Focus*, 5 Aug. 1996, pp. 52-55. MS-2-744\_339-3.

<sup>404</sup> See the "Information Report Submitted by the International Ocean Institute to the Commission on Sustainable Development October 1995." MS-2-744\_294-8.

<sup>405</sup> See e.g. the IOI Training Programme course report "The United Nations Convention on the Law of the Sea, Its Implementation and Agenda 21. Dalhousie University, Halifax, Canada, 9 June–15 August 1997." And "Course Report. The United Nations Convention on the Law of the Sea: Its Implementation and Agenda 21. Dalhousie University, Halifax, Canada, May 31–August 6, 1999. Of course, these training programmes gave Mann Borgese a chance to deliver her narrative about sustainable development and the common heritage of mankind. The title of one of her talks given during the 1997 Training Programme was "Sustainable Development. The Economics of the Common Heritage." Also: Elisabeth Mann Borgese. "Sustainable Development in the Oceans." *Environmental Policy and Law*, Vol. 27, No. 3, 1997, pp. 203-208.

the Convention, and simultaneously made serious attempts to lobby several countries into accelerating the ratification process<sup>406</sup>, she could not prevent the enforcement of major changes to Part XI and the subsequent adoption of the UNCLOS Implementation Agreement. However, this did not dissuade her from trying to tweak her narrative of international relations. In this narrative the common heritage of mankind would be upheld and expanded, not as an antagonist to the sustainable development concept, but as its co-protagonist. After the Convention finally entered into force in 1994, Mann Borgese followed two strategies that had proven to be very effective for her in the past: she published a book and founded a new international commission.

In her 1995 monograph, *Ocean Governance and the United Nations*, Mann Borgese attempts to show how UNCLOS and UNCED in conjunction with Agenda 21 could reinforce each other. She maintains that the Convention on the Law of the Sea “responds best to global challenges,” especially in the ways in which it draws connections between economic and environmental development, even though the Convention had been already been “overtaken by recent events, in particular, the United

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<sup>406</sup> Right after the round of consultations held from 2 August to 6 August 1993, during which the so called ‘Boat Paper’ from an anonymous source had made its rounds among the delegates which basically suggested to completely rewrite Part XI and, eventually, was used as a model for the subsequent Agreement, Mann Borgese wrote in a letter to “my colleagues in these consultations”: “We have reached a critical point. To make a bold statement: Either we complete these negotiations before the end of this year, or we will lose the Convention. [...] If, for all these, and other reasons, we cannot agree on rewriting Part XI, as we have attempted to do this week, we must come up with an alternative solution, a fail-back position, an emergency option, to cope with the reality of the present time, that is, the time from the coming into force of the Convention to the beginning of commercial sea-bed mining.” August 6, 1993. MS-2-744\_326-14. Also see various letters of the same topic to Carl-August (‘Gustle’) Fleischhauer, Legal Counsel, United Nations Secretariat, from 1993 and to other foreign politicians trying to convince and remind them of the importance of the Convention, which was, according to Mann Borgese, in itself more important than the ocean. For example, in a letter to Fleischhauer from August 8, 1993, she writes rather pessimistic: “Diese Convention ist weit wichtiger als die Meere, die wahrhaftig an sich wichtig genug sind. Wenn wir diese Gelegenheit verpassen, verlieren wir viel, was nicht wieder einzuholen ist. Und so, wie die Dinge nun laufen, verlieren wir’s.” [“This convention is far more important than the seas, which are truly important enough in themselves. If we miss this opportunity, we lose a lot, which cannot be recovered. And the way things are going, we’ll lose it.”] MS-2-744\_326-9.



Nations Conference on Environment and Development.”<sup>407</sup> Within this context, she situates Agenda 21 as a link between UNCLOS and UNCED. After analyzing UNCLOS and post-UNCLOS events, Mann Borgese offers a point-for-point examination of the overlaps of the Rio Declaration, the UN Framework Convention on Climate Change, the Global Convention on Biological Diversity, and Agenda 21 with the provisions of UNCLOS. Unsurprisingly, she discovers that many of the principles, articles, and programs of the respective Rio-related agreements were either already embodied in the provisions of UNCLOS or could potentially reinforce them, predominantly provisions in Parts XII (protection and preservation of the environment), XIII (marine scientific research), XIV (development and transfer of marine technology), and XV (settlement of disputes). The commonalities with Part XI (the Area) of the Convention seem to be limited, albeit Mann Borgese might have underestimated the future impact and developments surrounding the Convention on Biological Diversity. But the concept of the common heritage of mankind is absent in all Rio-related and post-Rio documents. Furthermore, she welcomes the establishment of regional clusters for sustainable development because IOI was already advocating for the establishment of regional centres for the development and transfer of marine technology. A detailed analysis as to whether Mann Borgese was correct in every point of her examination of the relations between all of these instruments of international law and relations would exceed the scope of this dissertation and miss the point. By using lists as a means of comparison, this chapter in Mann Borgese’s monograph is constructed in such a way so that readers might

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<sup>407</sup> Elisabeth Mann Borgese. *Ocean Governance and the United Nations*, p. 1.

only fully comprehend it by reconstructing her argument with the respective documents on hand or with a very detailed background knowledge.

However, it can be said that Mann Borgese remains partial to UNCLOS and the common heritage of mankind, and that her analysis is not entirely objective in nature. This becomes especially emergent in the conclusion of chapter three (“UNCLOS and UNCED”), in which she summarizes, “the contributions of the UNCLOS/UNCED process to the restructuring of the United Nations.” She calls for a new UN forum for the coordination and integration of marine policies and programs to better reflect the preamble of the Convention. The preamble states, “the problems of ocean space are closely interrelated and need to be considered as a whole.” In her last point, she postulates, “the broadening of the concept of the common heritage of mankind to include living resources and the economics of the common heritage.” The way in which this is presented as the “conceptual innovation” of the UNCLOS/UNCED process, the conclusion of Mann Borgese’s chapter reads as if this was already a factual reality. She clearly had not changed her mind about the value of sustainable development and kept steering the course of the common heritage of mankind as the foundation for all development.

Remarkably, Mann Borgese’s style of writing in *Ocean Governance and the United Nations* differs greatly from all her other nonfiction in that it is more analytical and academic without the playful juxtaposition of science and imagination, the interplay of fact and fiction, that is characteristic for her work. Except for a brief paragraph in the conclusion of the book, the tropes in connection to her leitmotif of the evolutionary continuity of nature and culture are absent. This is also true for the theme of utopia. Her

text is set in present times without any hint of explicit utopianism. Only in the conclusion she writes, “It is difficult to maintain ‘a vision of the future’ [...] and yet it is more necessary than ever.”<sup>408</sup> During the second part of the 1990s, Mann Borgese’s tone of voice had become more somber, impatient, and, in some letters, almost angry at times.

For *Ocean Governance and the United Nations*, this change of tone of voice and style can only be partly explained by the academic place of publication, Dalhousie University’s Centre for Foreign Policy Studies. Perhaps Mann Borgese was slightly overwhelmed by the complexities and numbered details of the new developments in international development and law. It might also explain why the idea of intertextuality and knowledge sharing was pushed to academically acceptable limits in chapters four (“Integrating Development and Environment Concerns: New Economic Theories), five (Managerial Implications of Sustainable Development), and six (Marine Sciences and Technologies in the New Ocean Regime) of the monograph. The academic style of writing showcased in the use of vocabulary and the complexity of syntax differs to such a great extent from Mann Borgese’s own writing style that she should not only have thanked Krishan Saigal, then the Executive Director IOI Malta, in the acknowledgements for his “invaluable contributions” to the above mentioned chapters, but should have made him the co-author of the book.<sup>409</sup> She simply was not an expert in detailed economic and managerial questions, but rather in command of the big picture narratives.

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<sup>408</sup> Elisabeth Mann Borgese. *Ocean Governance and the United Nations*, p. 243.

<sup>409</sup> Chapter 5 of the monograph was subsequently published as an article in the *Ocean Yearbook*, naming Krishan Saigal as co-author. “Managerial Implications of Sustainable Development in the Ocean.” *Ocean Yearbook*, Vol. 12, 1996, pp. 1-18. Of course, it remains an assumption that Mann Borgese included large passages written by Saigal in her book without citation. But the wording in some passages simply does not fit with Mann Borgese’s use of language. For example, she never connects the clauses of her sentences with ‘thus’; she uses the descriptors ‘principle’ or ‘concept’, never ‘doctrine’ when referencing the common heritage of mankind; and, in general, a more complex syntax and the increased use of progressive or gerund forms (-ing forms) are apparent in these chapters. German native speakers tend to use progressive and

Another element in the endeavour to uphold and expand the narrative of the common heritage of mankind was the founding of the Independent World Commission for the Oceans (IWCO; the Brundtland Commission was officially called the World Commission on Environment and Development) in Tokyo December 1995. Simultaneously, it serves as another indication that Mann Borgese reacted with a steady impatience and sometimes stubbornness to the new realities of the late 1990s.

Already in May 1994, Mann Borgese gave a “strictly confidentially” account of her advanced plans to Tono Eitel who, in 1995, became Ambassador at the Permanent Mission of the Federal Republic of Germany at the UN in New York.<sup>410</sup> Indeed, the Brundtland Commission served as model for IWCO, but it was specifically designed to propagate the narrative of the common heritage of mankind. During the planning process of the establishment of the Commission in a letter to her old friend, Layashi Yaker, formerly the president of the IOI Board of Trustees who would later become the Commission’s Secretary General, Mann Borgese is very openly discusses her general unhappiness and that of others involved with international development with recent post-Rio issues:

Of course there has been a lot of follow-up [of the Brundtland Report, J.P.] which the Brandt Commission and the others did not enjoy: that is, follow-up in terms of new conferences, establishment of the CSD [Commission of Sustainable Development], the GEF [Global Environment Facility], etc. In real and practical terms, however: in terms of real implementation, there has not been much either. Just yesterday there was a long article in the papers, pointing out that really

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gerund forms less because they do not exist in German. This is mostly substituted by using subordinate clause forms, especially relative clauses. This is not the first time that Mann Borgese’s use of language was thematized. In a letter to Mann Borgese from 29 October 1979, Arvid Pardo wrote: “The introduction is good, but your English style is excessively conversational particularly towards the end and you let your biases show too clearly. Perhaps it might be useful to review the article critically; minor editing should be sufficient.” Correspondence between Mann Borgese and Pardo between the 1960s and 1980s can be found in MS-2-744\_96-18, 104-32 and 108-1.

<sup>410</sup> Elisabeth Mann Borgese in a letter to Tono Eitel from 16 May 1994. She and Eitel seemed to have a very trusting and respectful relationship and also visited each other. MS-2-744\_235-8.

nothing has been done and, as we know, funding is shrinking rather than expanding. [...] I don't think we can draw much from this precedent. If we want to wait for a GA–UNESCO Assembly!–resolution asking for our establishment, we should have to wait until doomsday cometh!<sup>411</sup>

While the last international committee Mann Borgese helped establish, the IOI, developed into a successful NGO and need to be seen as a grand achievement of Mann Borgese's, the opposite must be said about IWCO. IWCO had about thirty members, a chair, and six vice-chairs representing different areas of the globe, honorary members, and consultative eminent persons. With the official approval of the UN Secretary General, its purpose was to generate public awareness and “world attention” on issues of sustainable development of marine areas, to examine interlinkages between UNCLOS, UNCED, and other instruments of international law concerning the world's oceans. Furthermore, it was to examine the ability of states and developing states to implement sustainable development by conducting regional hearings about marine management and development in cooperation with the IOI. Another objective was to prepare and publish a report with recommendations to the international community and broader public in celebration of the United Nations Oceans Year in 1998.<sup>412</sup> The report, *The Ocean: Our Future* (the Brundtland Report was titled *Our Common Future*) was edited by Mario Soares, Chair of the Committee and former President of Portugal.<sup>413</sup> By the time the report was printed, Mann Borgese, Vice-Chairman of the Committee for the Northern Hemisphere, had already declared her resignation from IWCO.

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<sup>411</sup> Elisabeth Mann Borgese in a letter to Layashi Yaker from 13 December 1994. MS-2-744\_244-2.

<sup>412</sup> See “Meeting of the Preparatory Committee of the Independent World Commission for the Ocean. Lisbon, Portugal, 30 June 1995.” MS-2-744\_243-8.

<sup>413</sup> *The Ocean: Our Future*, edited by Mario Soares, Cambridge University Press, 1998.

Allegedly, the Chancellor of the Peace University in Costa Rica, Dr. Robert Muller, suggested to Mann Borgese the establishment of such a World Commission.<sup>414</sup> Together with IOI Headquarters in Malta<sup>415</sup>, Mann Borgese initiated and coordinated the preparatory process, including the recommendation of members of the Commission who were predominantly people she already knew from UNCLOS III or who were somehow connected to IOI. Initially among them were Arvid Pardo; Carl-August Fleischhauer; the German Minister for the Environment, Angela Merkel; Ronald St John Macdonald, the former president of UNCLOS who was also involved with UNCED and the Agenda 21; Tommy Koh; and the former chair of the United Nations Committee on the Peaceful Uses of the Seabed and the Ocean Floor, Alexander Yankov. It must have felt a little bit like the good old times of the preparations for UNCLOS III at the beginning of the 1970s. Mario Soares agreed to chair the Commission, while Ambassador Layashi Yaker from Algeria, whom Mann Borgese had also known since UNCLOS, was appointed as Secretary General. When Soares and the Executive Committee were taking over responsibilities from Mann Borgese and IOI, tensions were already manifesting. Mann Borgese complained about a lack of communication, while Soares was of the opinion that Mann Borgese was exceeding her authority and felt it necessary to remind her that “actions of the Executive Committee should be carried out in a concerted manner.”<sup>416</sup> Their correspondence shows that Mann Borgese repeatedly tried to interfere in the selection of commission members and advisors in cases when Soares did not seem

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<sup>414</sup> Elisabeth Mann Borgese in a letter to Mario Soares from 6 November 1995, MS-2-744\_244-3.

<sup>415</sup> Krishan Saigal drafted an extensive background paper on the Commission during its preparatory phase. “Background Note on the Independent World Commission for the Seas and the Oceans.” April 1995, MS-2-744\_243-10.

<sup>416</sup> Mario Soares in a letter to Elisabeth Mann Borgese from 9 August 1995. MS-2-744\_244-3.

willing or at least reluctant to follow her recommendations.<sup>417</sup> After a rather vicious letter sent on Christmas 1995 from the former IOI Director and marine biologist, Sidney Holt,, accusing Mann Borgese of trying her “level best to prevent [his] appointment to IWOC,”<sup>418</sup> Mann Borgese offered Soares her resignation from the Commission for the first time in January 1996. Of course, she did not step down without reminding the Commission’s Chair that it was she who initially brought the Commission to life through hours of work and a donation of \$50,000.<sup>419</sup> In the end, Mann Borgese did not resign, and Holt managed to stay on as a member until November 1997. But the next crisis was already on its way.

After some financial troubles in 1997, this time, the new upheaval was about the final report for which, according to Mann Borgese, not enough background papers from developing states, i.e., from the South, were commissioned. After receiving the draft volume of background papers, Mann Borgese wrote to Layashi Yaker, expressing her

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<sup>417</sup> To provide an example of a rather manipulative attempt to influence Soares in a letter from Mann Borgese to Soares from 21 December 1995: “The opportunity in front of us is great indeed—the world is expecting a lot of this Commission, and we can make a real contribution to the shaping of the international order of the next century! Thank you for your leadership. It is a great privilege to have this opportunity to work under your guidance. [...] I am attaching a letter just received from Professor Swaminathan. To refresh your memory, Swaminathan was on our approved list of candidates for membership in the Commission. We told him, accordingly, that he should expect a letter of invitation from you. As late as September, Mario Baptista Coelho assured me the matter would be taken care of.” MS-2-744\_244-3.

<sup>418</sup> Holt’s letter continues: “Elisabeth, I do not wish to engage for three years in guerilla warfare with you, inside and outside the IWCO—but I am prepared to do so if forced to. There will be no repeat of the IOI story, in which, having been elected as Chair of the Planning Council, you and your protégé Saigal demarginalized me (and thus the Council) to the extent we were not even informed of an impending PIM! So I really suggest you call it off, cut the hypocrisy, and let us, as you apparently would wish, work together with other Members in a constructive way. Meanwhile I shall get on with doing what I need to do for the IWCO, as a Member, as a Member of the Executive Committee, and as General Editor.” Sidney Holt in a letter to Elisabeth Mann Borgese from 24 December 1995. MS-2-744\_244-3.

<sup>419</sup> “But it is clear, unfortunately that there is no room for Dr. Holt and myself on this Commission. One has to go. And since I do not expect that Dr. Ruivo will drop his old friend, I offer herewith my resignation from the Commission. I do this with deep regret. We all know that this Commission would not exist had I not invested uncounted hours of work, all the energy and force of persuasion I could muster, plus \$50,000 of my own, in its preparatory phase and for the initial fund raising.” Mann Borgese in a letter to Mario Soares from 3 January 1996. MS-2-744\_244-3.

overall dissatisfaction with its content, “I am not happy at all. [...] The interests of developing countries have been neglected starting with the first session of the Commission in Tokyo. It was clearly the perspective of the ‘North’ that prevailed.” Especially the content of the introductory chapter written by Sylvia Earle, a respectable US-American marine biologist, sounded alarming to Mann Borgese,

I cannot find my hopes for a more equitable and more peaceful world in the next century triggered by the developments in ocean law and governance, reflected in this piece of work with its Vasco da Gama—Henry Kissinger parameters and its evidently total ignorance of the Law of the Sea Convention and the so-called “common heritage” (put in quotation mark), which ‘like it or not, will forevermore... ‘ [...] This piece cannot be corrected It has to be discarded. I am sorry to have to be so negative.<sup>420</sup>

Consequently, the piece was not included in the final version of the Commission’s report, *The Ocean: Our Future*, because it did not follow Mann Borgese’s narrative about the common heritage of mankind as the foundation for a new global order. Mann Borgese was more pleased with the edited second version of the draft which she must have received towards the end of 1997. Nevertheless, she sent Layashi Laker twelve pages of editorial notes and suggestions for improvements combined with her best wishes for the New Year.<sup>421</sup>

The final straw was reached when, in March 1998, Layashi Laker officially resigned from his post as IWCO’s Secretary General. Unofficially, he was asked by Soares to resign because of an alleged breach of contract. Mann Borgese was outraged by these developments and accused Soares in her letter of resignation of the intentionally removal of Laker “by a small internal fraternity, in a sort of *coup*, totally lacking

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<sup>420</sup> Elisabeth Mann Borgese in a letter to Layashi Yaker from 29 September 1997. MS-2-744\_244-3.

<sup>421</sup> Elisabeth Mann Borgese in a letter to Layashi Yaker. Undated. MS-2-744\_244-2.



transparency.” Additionally, she accused the Commission of discriminating against developing countries and representatives of the South,

I have had many occasions to object against the ‘Northern’ orientation of the work of the Commission. The removal of Mr. Yaker is the straw that breaks the camel’s back. The way Mr. Yaker has been treated brings back the painful memory of the way your Coordinator had dealt with another man from the Third World, the excellent Executive Director of the IOI [Krishan Saigal. J.P.], an Indian, who had done so much to make the establishment of this Commission possible. [...] One of the purposes of our Commission was to help bridging the gap between North and South. It has miserably failed to fulfill this mandate.<sup>422</sup>

Indeed, Soares actions seemed to have followed the objective to constrain Mann Borgese’s influence within the Commission by removing her confidants and eventually herself from any influential positions. This happened after Mann Borgese had yet again exceeded, as seen from Soares perspective, her authorities by interfering with the editorial process of the final report to a great extent and had repeatedly been complaining about a great North-South divide within the Commission. According to official IOI history, “The agenda of the IWCO was comprehensive, and probably due to that did not do full justice to bridging the North-South perceptual gap as regards sustainable development.”<sup>423</sup>

Mann Borgese was forced, at least publicly and professionally, to adjust her worldview and terminology in her work in the light of the new realities of sustainable development, biodiversity, and global governance. She tried to tap into the expert knowledge of her peers and colleagues in order to understand the consequences of these new developments, which were then incorporated into her work. But she never fully

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<sup>422</sup> Elisabeth Mann Borgese in a letter to Mario Soares from 24 February 1998. MS-2-744\_244-3.

<sup>423</sup> Krishan Saigal. “The Years of Transition: 1993-1998.” *The IOI-Story. International Ocean Institute. Dreiviertel Verlag*, undated, p. 44.

seemed to be convinced about the direction the international community was taking during the 1990s because their efforts, from her perspective, fell short of what had already been achieved with the international law of the sea and the common heritage of mankind.<sup>424</sup>

During the 1990s, it appeared that utopia was a place that did not exist; at least utopia seemed to be unachievable. Of course, Mann Borgese did not abandon her utopian optimism in any way; she just had to adapt it to a certain degree. She recognized that progress had been made, among other things, in terms of environmental protection and awareness by introducing precautionary and anticipatory approaches. It was understood that ecosystems in which everything is connected and that influence each other require regional and international cooperation for them to be managed and protected.<sup>425</sup> Further, the fact was established that many resources are finite and thus had to be used and managed in a sustainable way in order to last for future generations. And, the link between environment and international development had been re-established. But a change in consciousness and attitude had not happened and the narrative had not fundamentally changed. It all was to be conducted under the umbrella of unmodified economic and social systems that, according to Mann Borgese, were structurally

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<sup>424</sup> In a letter from 12 February 1993 to Professor Adalberto Vallega, who was interested in Agenda 21 and coastal management, Mann Borgese writes, “My comment on the subject matter is that you should not forget the Law of the Sea Convention. It is fundamental for the implementation of Chapter 17 of Agenda 21, for coastal management (the great fashion today!) and the interaction between ocean management and coastal management. Moreover, this is going to be a very important year for the further development of the Law of the Sea: It is indeed likely that this year we will reach 60 ratifications, which will be a crucial moment.” MS-2-744\_95-7. The wording and characterization of coastal management as “the great fashion today” with the following exclamation point is hyperbole for ironic effect. Mann Borgese thought that coastal management put too much emphasis on areas of national jurisdiction in the ocean, without transcending the concepts of property and sovereignty and disproportionately benefitting coastal states.

<sup>425</sup> This development is reflective of a general international trend during which the nation state plays a less important role in policy making and development initiatives and is overtaken by globalisation and regionalisation. See Jan Nederveen Pieterse. *Development Theory*. Sage, 2010.

incapable of dealing with the modern complexities of the world. From her point of view, the traditional concepts of sovereignty and property were still prevalent; the future of work in industrialized states and the eradication of poverty and need for capacity building in developing states and other parts of the world had not been addressed satisfactorily. The interdependencies of environmental protection, economic equity, and peace had not been comprehended in their full potential, and with it the need for integrated and interdisciplinary means of education.

Elisabeth Mann Borgese's publications during the second half of the 1990s illustrate the ways in which she had been struggling to accept the dominance of the concept of sustainable development in comparison to the common heritage of mankind. Her comments are sometimes inconsistent and keep faltering between appraisal and harsh criticism of sustainable development.

In an essay about the common heritage of mankind for the twenty-first century published in a collection of essays in honour of Peter Serracino Inglott in 1997, Mann Borgese first claims, "The United Nations Conference on Environment and Development (Rio, 1992) has integrated the concept [the common heritage of mankind, J.P.] into the evolution of contemporary thinking, broadening it so as to constitute a basis for the emerging world order of the next century," and then declares, "the time of the common heritage of mankind is not over. It is yet to come."<sup>426</sup> In the following pages of her essay, she seems to be very positive about the potential of sustainable development, but only because she is using the term interchangeably with that of common heritage and defines

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<sup>426</sup> Elisabeth Mann Borgese. "The Common Heritage of Mankind for the Twenty-First Century." *Interfaces. Essays in Honour of Peter Serracino Inglott*, edited by Joe Friggieri and Salvino Busuttill, University of Malta, 1997, pp. 189-192.

the concept substantially according to the characteristics and dimensions of the common heritage of mankind.

In 1998, in her last monograph, *The Oceanic Circle*, Mann Borgese writes, “Part XII [of the Convention] is [...] the mother of the great United Nations Conference on Environment and Development (UNCED, Rio de Janeiro, 1992) which could not have happened without it.”<sup>427</sup> In her 1999 Nexus Lecture, “The Years of My Life,” she, at first, shows a bit more mercy:

The Convention marks a point of breakthrough in the history of international law and relations. It is the beginning of a process, continued and developed through the United Nations Conference on Environment and Development (1992) and its many follow-up conferences, conventions, agreements and programmes, and pointing towards the new political, social, and economic world of the twenty-first century.<sup>428</sup>

But in the next paragraph she calls out the substantial hollowness of the term sustainable development, reminding her audience about what UNCLOS had already achieved by introducing the concept of the common heritage of mankind as a “novel principle into our legal and economic world order,”

The Common Heritage principle is of fundamental importance, not only for the oceans, but as basis for sustainable development in general. ‘Sustainable development’ either is nothing, a tautology, because development that is not sustainable is no development; or it is the new name, the new form of ‘humanist socialism’ or ‘socialist humanism’ that we need for the next century.<sup>429</sup>

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<sup>427</sup> Elisabeth Mann Borgese. *The Oceanic Circle*, p. 113. Chapter 17 of Agenda 21 actually refers to Part XII of the Convention “as the preeminent statement of the international law on the protection of the marine environment.” See Edward L. Miles. “The Approaches of UNCLOS III and Agenda 21—A Synthesis.” *Sustainable Development and Preservation of the Oceans: The Challenges of UNCLOS and Agenda 21. Proceedings The Law of the Sea Institute Twenty-Ninth Annual Conference*, edited by Mochtar Kusuma-Atmadja, Thomas A. Mensah, and Bernard H. Oxman, The Law of the Sea Institute, 1995, p. 16.

<sup>428</sup> Elisabeth Mann Borgese. “The Nexus Lecture. The Years of My Life.”, p. 13.

<sup>429</sup> Ibid. Mann Borgese’s term of ‘socialist humanism’ more or less corresponds with the terms ‘cultural ecology’ and ‘posthumanism’.

In her address, “The Philosophy of Ocean Governance” (most likely dating from the late 1990s), Mann Borgese seems to have accepted the developments that resulted out of the Brundtland Report, Agenda 21, and the Rio Conference. For example, she points out that integrated ocean and coastal management begins with coastal communities on a local and regional basis. But she also emphasizes once more, by way of comparison to the common heritage of mankind, that the concept of sustainable development was not at all that novel,

*Sustainable development* [EMB’s emphasis] comprises the economic and environmental dimensions of the *Common Heritage* concept. The *ethical* dimension is maintained by the emphasis on *equity* and *the eradication of poverty* as a condition for making development sustainable. Only the peace/security dimension is left out, remains unmentioned, although it is self-evident that neither economic development nor the protection of the environment can be pursued in the absence of peace and security... Just as in the case of the Common Heritage concept, the integration of the various dimensions of the sustainable development concept implies an *integrated, trans-sectoral and interdisciplinary approach*.<sup>430</sup>

Not much later, in an article about the common heritage of mankind, considered to be her last important publication before her death in 2002, she returns to her comparison between sustainable development and the common heritage of mankind and her previous interchangeable definitions of the concepts,

[...] ‘Sustainable development’ has environmental, economic, ethical (equity), legal and institutional implications. This may have a familiar ring, because it takes us back to the opening pages of this essay, to the definition of the concept of the common heritage of mankind. The ‘attributes’, ‘aspects’ or ‘dimensions’ are identical in both cases.<sup>431</sup>

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<sup>430</sup> Elisabeth Mann Borgese. “The Philosophy of Ocean Governance.” MS-2-744\_139-1. Not dated.

<sup>431</sup> Elisabeth Mann Borgese. “The Common Heritage of Mankind. From Non-Living Resources to Living Resources and Beyond.” *Liber Amicorum Judge Shigeru Oda*, edited by Nisuke Ando et al., Kluwer Law International, 2002, p. 1332.

But she also criticizes the term sustainable development as being too vague in its definition and complains about the reductionist approaches of the UN in general and Agenda 21 in particular:

‘Sustainable development’ is a term that has been used, overused and abused in various ways to cover the most diverse intentions and activities. [...] Sustainable development rests, depends, on peace and security. Without peace and security there can be neither economic development nor protection of the environment. At the same time, there can be neither peace nor security without equitable economic development, including the elimination of poverty, and without environmental conservation or environmental security. Unfortunately, Agenda 21 ignores this interdependence and indivisibility, and the whole structure of the UN system is still too sectoral to take up the challenge.<sup>432</sup>

Independent of the accuracy of Mann Borgese’s criticism, her emphasis on the complexity and interconnectivity of issues of international security, economic development, and the environment is important here because, as we will see in more detail later, it showcases another element of her cultural ecology in which culture, in this case political and economic questions, is continuously linked to nature, in this case environmental protection and justice. This continuum thus includes both human and environmental rights without pitting one against the other, which more specifically means that, according to Mann Borgese, policies on energy and climate as well as all other environmental legislation cannot be detrimental to already poor people.

On the other hand, economic policies and legislation must benefit all through taxation, royalties, or otherwise, and cannot be detrimental to the environment or a threat to environmental justice. By way of circular reasoning, this constitutes both the prerequisite of peace and security as well as the result. As we have already seen, this line of thinking that positions human rights and environmentalism on a continuum and thus

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<sup>432</sup> Ibid.

goes beyond humanism is, in its basic forms, already predominant in *The Language Barrier* and other publications during that timeframe in the first half of the 1960s.

Finally, Mann Borgese concludes,

the whole sustainable development process will either come to naught, or will have to be based on the concept of the common heritage of mankind: not only in the oceans, that great laboratory for the making of a new world order, but globally. In accordance with the cultures of the vast majority of humankind, its application must be extended from the wealth of the oceans to wealth in general, not to be owned by humankind, whether individually or collectively, but to be held in trust, and to be administered on the basis of cooperation between civil society and the institutions of governance, at local, national, regional and global levels, with special consideration for the needs of the poor.<sup>433</sup>

Very similar to her ideas of social organization and governance outlined in *Ascent of Woman* and in the aftermath of its publication, in her more concrete utopian vision in the early 2000s the concept of property is replaced by that of a collective trusteeship and management, while the concept of sovereignty is replaced by a web of national, regional, and global complexity. Her conviction that this must be based on cooperation as the driver of progress and equity can be traced all the way back to Mann Borgese's interpretation of cultural evolution driven by cooperation and not by competition and struggle. In comparison to earlier writings about the common heritage of mankind, it is noticeable that the term *developing nations* is replaced and broadened by the term *civil society* and by the more general expression *needs of the poor*.

### **3.1.2 Ocean Frontiers and Chairworm & Supershark**

During the 1990s, Mann Borgese also made more successful and whimsical efforts to draw public attention to the ocean and the common heritage of mankind. Within

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<sup>433</sup> Ibid, p. 1333.

the framework of a more balanced human/nature relationship, these attempts were also somewhat connected to the Rio Summit in 1992 and the emergence of sustainable development. Just around the time of the United Nations Conference on Environment and Development she published two books: the nonfiction, *Ocean Frontiers*,<sup>434</sup> and the fairy tale for “children 8 to 80,” *Chairworm & Supershark*.<sup>435</sup>

In *Ocean Frontiers*, the work of different oceanography institutes from different parts of the world, among them the Bedford Institute of Oceanography in Nova Scotia and the Alfred-Wegener Institute in Bremerhaven, Germany, are introduced to an amateur readership interested in ocean matters and science in twelve photographically illustrated chapters. *Ocean Frontiers* (1992) is the last monograph of a series of broadsheet books, with high quality illustrations about various ocean matters, written by Elisabeth Mann Borgese and published by Harry N. Abrams. The first was *The Drama of the Oceans* in 1975, followed by *Seafarm: The Story of Aquaculture* in 1980, and *The Mines of Neptune* in 1985, in which she explains the different phases of the not-yet possible process of ocean mining on the basis of an imagined mining project. This series of books deals with ocean related topics provided Mann Borgese a chance to deeply familiarize herself with topics she in which did not originally have expertise and to draw public attention to them. Additionally, their publication provided a source of funding for IOI. *The Drama of the Oceans* sole purpose was to generate funds for the newly founded IOI in the mid-1970s.<sup>436</sup>

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<sup>434</sup> Elisabeth Mann Borgese. *Ocean Frontiers. Explorations by Oceanographers on Five Continents*. Harry N. Abrams, 1992.

<sup>435</sup> Elisabeth Mann Borgese. *Chairworm & Supershark*. The Mill Press Limited, 1992.

<sup>436</sup> See Elisabeth Mann Borgese’s correspondence with her literary agent John Schaffner from August 6, 1973: “Obviously I want you to have your share in it but the main purpose of the book is to get money for the newly established International Ocean Institute whose finances are as yet very frail, and which has a big



While all of her other nonfiction monographs look at ocean matters from the more theoretical perspectives of the international law of the sea and international relations and development issues, this series of books empirically and emphatically explores the human/nature relationship by portraying the practical sides of living and working at and with the world's oceans, both historically and contemporarily. *The Drama of the Oceans* follows a dramatic, three-act structure, "The Scene," "The Actors," and "The Drama" as the chapters are arranged. It monumentally introduces the ocean space and different ocean stakeholders by using the terms drama and theatre metaphorically. The book promises that catastrophe, caused by the traditional legal and economic concepts of property and sovereignty, in the final act can be avoided by the appearance of a new law of the sea with the common heritage of mankind as the protagonist in shimmering armour.

*Seafarm* and *The Mines of Neptune* both present the ocean as a source for living and non-living resources, respectively, as means of regional and international development. *Ocean Frontiers* delivers a platform for showcasing ocean sciences and interdisciplinarity. In hindsight, all of these books remain utopian because the common heritage of mankind has not been able to supersede traditional legal concepts to the fullest extent; aquaculture, although a rapidly growing industry, as imagined by Mann Borgese as fish farms located in the ocean, is environmentally problematic. This is why the trend goes into the direction of fish farming in facilities on land; deep-sea ocean mining is still not technologically and financially feasible; and interdisciplinary research and teaching,

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job to do during the next two or three years. I am therefore turning over all royalties to the Institute." MS-2-744\_95-4.

despite being an often used buzzword in academia with many different interpretations, has yet to gain a much broader acceptance within the traditionally discipline-based organization of institutions of higher education.

Mann Borgese's convenient and preferred place of publication was always the Harry N. Abrams publishing company, usually specialized on art and illustrated books. Fritz Landshoff (1901-1988), once Mann Borgese's object of soul-crushing, unrequited love for many years when she was a teenager,<sup>437</sup> was one of the publisher's Executive Vice Presidents until 1986. Landshoff had published many high ranking exiled German authors and novelists during the Nazi era in the Querido Verlag based in the Netherlands, among them Thomas, Heinrich, and Klaus Mann. He was and remained a friend of the family who later became an influential publisher in New York. This relationship is another example of Mann Borgese's wide-ranging international network. Fritz Landshoff's long-time connection to the Mann family was also the reason why Harry N. Abrams published one illustrated volume of Thomas Mann's interwar period diaries in 1982.<sup>438</sup>

By the early 1990s, Mann Borgese's direct contact person at Harry N. Abrams was Paul Gottlieb. On April 2, 1992, Mann Borgese contacted him to express her concern about the deadline and the date of publication of the "Oceanography book." She was late delivering the material, but *Ocean Frontiers* was supposed to be published "in time for

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<sup>437</sup> See Kerstin Holzer. *Elisabeth Mann Borgese. Ein Lebensportrait*. Fischer Taschenbuchverlag, 2003, p. 86ff.

<sup>438</sup> *Thomas Mann's Diaries 1918-1939*. Harry N. Abrams, 1982. On 18 March 1994, Paul Gottlieb from Harry N. Abrams writes to Mann Borgese, "On another matter I must do something about the next volume of your father's diaries. To be honest I really think this should be published by another house, but I would really like to talk about this with you before making any decision. [...] My point is we only published those diaries because of Fritz's involvement. I think we did a beautiful job of designing and producing the book, but certainly it was so atypical for us that I am sure another house would do better with it." MS-2-744\_319-12. Thomas Mann's US-American publishing house usually was Alfred A. Knopf.

the big conference on Environment and Development in Brazil in June [1992].”<sup>439</sup> Even though *Ocean Frontiers* is about the work and research initiatives of the many oceanography institutes around the globe, its subtext promotes interdisciplinarity and knowledge sharing according to UNCLOS and the common heritage of mankind. The book’s epigraph is a quote by the rather modern educational thinker John Amos Comenius (1592-1670), “Knowledge, mastered and shared, could change the world.” In her introduction, Mann Borgese presents oceanography as exemplary for interdisciplinary research because of the many different perspectives the ocean has to offer. In turn, this multiperspectivity requires the involvement of various academic disciplines and often forces academics to leave the safety of their ivory towers behind to do and promote research as well as cooperate with all ocean stakeholders involved. Referring indirectly to Part XIII (Marine Scientific Research), Article 246 of UNCLOS, Mann Borgese gives her very own and rather loose interpretation of marine scientific research in the Exclusive Economic Zone (EEZ) and on the continental shelf,

Marine scientific research in these areas is no longer ‘free’. Researchers need the consensus of the coastal State, which may entail bureaucratic delays as well as, perhaps, a shift of the focus of research: Oceanographic research should be relevant, henceforth, not only to the researching State and its institutions, but also to the coastal States under whose jurisdiction it is conducted, and which now have the right to participate in the research and share its results.<sup>440</sup>

Oceanography, according to Mann Borgese, with its commitment to interdisciplinary research and its mandate to regional and international knowledge sharing, had the potential to become a model for land-based science and academia as a whole, just like the entire new international law of the sea.

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<sup>439</sup> Elisabeth Mann Borgese in a letter to Paul Gottlieb from 2 April 1991. MS-2-744\_319-12.

<sup>440</sup> Elisabeth Mann Borgese. “introduction.” *Ocean Frontiers*, p. 12.

On April 17, 1991, Mann Borgese wrote again to Paul Gottlieb, this time on a more pleasant matter. Mann Borgese had a new book to offer the publishing house,

A few months ago, while travelling on a plane between Jamaica and Halifax, I suddenly wrote a book for children. Many of my friends have seen it, and maybe it works. In any case, a first-rate young Jamaican artist is presently working on the illustrations for this book, and we would like to see it published in 1992—the big year for the ocean environment.<sup>441</sup>

Again, Mann Borgese is referring here to the United Nations Conference on Environment and Development, but she probably was also anticipating the coming into force of UNCLOS within a narrow timeframe. Hence, she wanted *Chairworm & Supershark*, her tale about the international law of the sea for all children between the ages of eight and eighty, to be published by Harry N. Abrams in time for the big and internationally important events.

The publishing house did not like the book and declined,<sup>442</sup> Consequently, it was published by The Mill Press in Jamaica in September 1992 with a first edition of a thousand copies for which Mann Borgese paid the printing expenses of approximately \$19,000 and kept the rights to it. It was translated into Italian, French, with plans to translate it to other languages as well. The German version was published as “Thronwurm und Superhai” as part of the second volume of Mann Borgese’s collection of short stories, *Wie Gottlieb Hauptmann die Todesstrafe abschaffte* (2001). Even though The Mill Press and the very well-connected Mann Borgese shared the efforts at

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<sup>441</sup> Elisabeth Mann Borgese in a letter to Paul Gottlieb from 17 April 1991. MS-2-744\_319-12.

<sup>442</sup> In a letter from 16 March 1994, Mann Borgese, looking for an US-American distributor for her book, writes to Paul Gottlieb: “Your people did not like it when they saw the dummy with the illustrations a couple of years ago. In the meantime, it was published, I dare say, in a very handsome edition in Jamaica.” Two days later, Paul Gottlieb replies, “It is true we didn’t like it but I am always willing to look.” MS-2-744\_319-12.

marketing the “children’s environmental book,” distribution seemed to be difficult, especially in the US. Kingfisher Books in New York, for example, was very interested in the artwork of the book’s illustrator, Laura Facey, but felt that the text was “too much a treatise and not enough an entertainment to get children involved.”<sup>443</sup>

The beast fable *Chairworm & Supershark* is, in comparison to Mann Borgese’s dystopian fiction dealing with the crisis of the individual in post-individualistic times, the only optimistic short story. Within an allegory of ideas, animals, creatures of the sea, and the human characters on land represent different concepts. The overall plot allegorizes UNCLOS and Mann Borgese’s understanding of the common heritage of mankind. The fable represents Mann Borgese’s only positive fictional illustration in which her cultural ecology in connection to the international law of the sea has been translated into a fictional account part for part. This is done to such a high degree that the characters in the narrative are excessively recounting the moral of the fable, instead of showing the motives and dispositions behind the story.

In the story, an omniscient narrator addresses the reader directly and explains what a Chairworm is and which group of people are behaving like predatory Supersharks. Interestingly, Mann Borgese turns perspectives in this narrative by giving the sea creatures a voice and agency. They talk like humans, not behave like them. Instead, from their ocean perspective, they are expressing their disbelief about the human actions and the events on land that are threatening the ocean environment.

The sea creatures are organized in the “Great Council of Tubeworms, Giant Clams, Pale Crabs and Little Bacteria, who live on the deep seabed in the middle of the

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<sup>443</sup> Wendy Barish, Associate Publisher at Kingfisher Books in New York City in a letter to The Mill Press from 13 April 1993. MS-2-744\_95-7.

world ocean.” The Chairworm is the head of this council. They live together in harmony with the metals and gasses in the deep sea “which everybody down there is enjoying as it belongs to all of them. It is their Common Heritage.” Supersharks are humans who “have forgotten that they are a link in the Long Chain, and that you kill yourself if you kill your own kind. No thinking animal would ever do that.” Almost like the chorus in ancient Greek tragedies, not only the sea creatures but all the animals are commenting in dialogue form on the actions of the Supersharks, thereby showcasing their entirely different perspective on the one hand, and the interconnectedness of humans and animals, nature and technology on the other: “‘Humans build homes as skillfully as the ants or the termites, only bigger,’ said the rabbit.” “‘They’ve copied our radar,’ snapped the bat.” “‘And our sonar as well,’ hissed the shark.” Echoing especially on her elaborations in *The Language Barrier* from 1965, the ‘Long Chain’ represents Mann Borgese’s understanding of the human/nature relationship in which humans are part of nature and technology is rooted in nature as well.

Besides Mann Borgese’s philosophy of continuity, all of the ocean issues and concepts she found most revolutionary in their expressions in the Convention and the international law of the sea are allegorized here: the concept of sovereignty represented in ocean space and by creeping jurisdiction and arbitrary jurisdictional zones and boundaries; the concept of property represented by living and non-living resources like migrating fish stocks and sea-bed mining; and environmental protection represented by pollution. In short, all the human, economically driven actions in the ocean,

‘They erect boundaries around their land: fences, fortresses, barbed wire, and they write on them in screaming letters: *This is mine: Keep out!*’

‘And just listen,’ said the albatross, ‘now they have taken their boundaries and pushed them far out into the sea—farther than a seagull can fly.’ ‘And of course,’

continued the albatross, ‘we could have told them that boundaries wouldn’t work in the sea. Did the Supersharks really think boundaries could swim?’

And the little fish swam over them laughing, ‘Yes, that’s yours all right! We’ll keep out,’ they said, while swimming back and forth, giggling over the boundary that could not hold them.

‘Sometimes,’ said the penguin, ‘I wish those boundaries had held up after all. For it is not only the little fish that pass. All the mess the Supersharks make on land [...] and their forgetfulness about being a link in the Long Chain... all that mess passes too. The seaweeds are turning weird and the fish and the birds and the dolphins are beginning to sicken. Things are happening that have never happened before.’

‘And the boundaries go down,’ said the lobster, ‘and they crash on the sloping sea floor, and they tumble and slide in the mud and kick up clouds of sediment.’ [...]

When news of the concerning developments in the ocean reaches the Great Council and the Chairworm, the narrative mirrors to the UN’s system. While the UN General Assembly adopted resolutions and established committees, the Chairworm decides that the situation is urgent enough to send a message to the Supersharks through the seals chosen as ambassadors. The message, by no means ecocentric nor anthropocentric, but rather reflective of Mann Borgese’s cultural ecology, calls for cooperation among humans and among humans and nature by sharing resources, technology, and knowledge while protecting the ocean environment. The message continues that ocean space is indivisible and tells humans to “bring the Law of the Sea to the Land.” In the narrative, it is Solon the Seal who is washed ashore where he encounters a little girl named Marta and to whom he delivers the message from the Great Council of Tubeworms of the ocean to the Supersharks on land,

‘The oceans belong to all the links of the Long Chain. They belong to you too, Supersharks, but not to you alone. You must change your ways. You must learn to share. Things are different in the sea and you cannot carry your bad earth habits into the ocean, which is our CommonHeritage.’ [...] ‘The Law of the Sea says’, continued Solon, ‘forget boundaries. The ocean is one’ [...] ‘If you work with us, instead of poisoning us, we will help you. We’ll share the great commonwealth of the ocean [...] We’ll share all the food we have, and the medicines, and the

power of tides and waves and currents, and all the gold and silver and copper and zinc. But you must share them too.’

Later, Marta tells her classmates about the seal’s message. Miss Oldtime, the teacher, disagrees. According to her, nothing will change, “Our world is the way it is. People will always keep fighting and grabbing and wasting and messing,” whereupon a little boy named Arvid, interjects by delivering the moral teaching of this fable: “No, they won’t. Everything changes.”

Characters with telling names and borrowed features of real-life people are also playful literary techniques Mann Borgese somewhat adopted from her father. Twenty-five years before the publication of *Chairworm & Supershark*, in 1967, the real Arvid Pardo, Permanent Representative of Malta to the United Nations, delivered a very similar message to all the ‘Supersharks’ gathered in the UN General Assembly.

### **3.1.3 Arvid Pardo’s Tale of the Deep Sea**

Even before UNCLOS III began, different worlds—and with it, different narratives—collided. When Malta, considered to be part of the developing nations at that time, raised the question of the jurisdiction of the deep seabed in the United Nations General Assembly in 1967, the United States instantly became seemingly suspicious.<sup>444</sup> But simultaneously, the whole international community admitted that rapid technological change, an increased use and exploitation of the world’s ocean, and the increasing extension of national jurisdiction by many coastal states<sup>445</sup> augmented the necessity of a

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<sup>444</sup> See United Nations General Assembly. Twenty-Second Session. *Official Records*. A/6695; A/C. 1/952.

<sup>445</sup> President Truman set an example of the creeping jurisdiction of coastal states with his September 1945 proclamations on the “Policy of the United States with Respect of the Natural Resources of the Subsoil and Sea Bed of the Continental Shelf” and on the “Policy of the United States with Respect to Coastal Fisheries



new, comprehensive law of the sea treaty. There was a general worldwide agreement on the need for a new law of the sea<sup>446</sup> and “the conference brought together all states representing the widest range of ocean related interests.”<sup>447</sup> In 1972, Elisabeth Mann Borgese summarized the global mood and the wide-ranging developments that led to this need in the following way, next to “grave new problems of development and disarmament,” “scientific and technological breakthroughs have opened the hidden depths, and in the process they have raised a host of ecological issues related to the increasingly acute concern for the total human environment.”<sup>448</sup>

The international law of the sea is comprised of a body of customs, agreements, and international regimes to balance the rights and responsibilities of states and facilitate international cooperation. State sovereignty and jurisdiction is limited to defined spaces and uses, e.g., transportation, fisheries, the conservation and exploitation of resources and maritime security. A coastal state’s authority is confined to defined outer limits and its differences with other states are subject to a regime for the settlement of disputes. Simply put, the law of the sea is a body of international law that provides a framework for regulation and governance of the ocean, i.e., it deals with the questions about who is allowed to do what and where in the ocean and allocates roles to international organizations to facilitate global and regional cooperation. It situates the ocean as a locus of trade, a place of traffic as in shipping and navigation and of science and other specific interests, as well as a source of food and a place of peaceful uses. With the beginning of

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in Certain Areas of the High Seas” respectively. The US proclamations were followed by similar proclamations from Chile, Ecuador, and Peru in 1952. The Conventions Adopted by the United Nations Conferences on the Law of the Sea from 1958 did not solve the problem of creeping jurisdiction.

<sup>446</sup> See James K. Sebenius. *Negotiating the Law of the Sea*. Harvard University Press, 1984, p. 75.

<sup>447</sup> Payoyo, p. 125.

<sup>448</sup> Elisabeth Mann Borgese. “Introduction.” *Pacem in Maribus*. Dodd, Mead, & Company, 1972, p. xi.

UNCLOS III, the international community was once more reminded that the ocean had always been a place of international relations.

Historically, the answers to the age-old questions about law, ownership, and freedom in the ocean have ranged between the two dichotomic principles of *mare liberum* (Hugo Grotius, 1609) and *mare clausum* (John Selden, 1635). The former idea implies that the sea is international space and can be used freely by all nations and was developed in reaction of the Netherlands to the Spanish attempt to the exclusive claim of the sea route to India. In opposition, *mare clausum* states that the sea can be appropriated. Grotius, as an advocate of Natural Law, argued in his *Mare Liberum* that God or nature gave the earth and its resources as common property to all humanity and that the concept of private property did not exist during a primal state of civilization. Over time, and with the emergence of sedentism and agriculture, the use and consumption of resources required a clear claim of ownership. Grotius concluded that due to its sublime and forceful nature, the ocean itself could not be appropriated, alienated, or divided and allocated through treaties. The ocean's resources, however, could be claimed as property, according to Grotius, and it was also seen as natural to carry on commerce in the ocean because commerce in itself carries the potential to unite people from different parts of the world. This required both the freedom of navigation as well as the overall respect of the freedom of the seas. The German legal scholar and theorist of natural law, Samuel Pufendorf, agreed with Grotius at the end of the 17<sup>th</sup> century, but differentiated two different categories of ownership and resources, according to which property claims are necessary for limited resources in order to avoid conflict, whereas they are unnecessary

for resources deemed inexhaustible like air, water, and light (energy).<sup>449</sup> With the beginning of the 20<sup>th</sup> century that brought with it an accelerating global mobility of people and goods, enhanced technology, and the slowly increasing awareness of the biosphere's vulnerability, things became more complex.

Until the beginning of the 20<sup>th</sup> century, however, while Grotius' notion of *mare liberum* was widely recognized through the doctrine of the freedoms of the high seas, increasingly large parts of the ocean were being claimed as territorial waters.<sup>450</sup> In legal terms, the concept of the freedoms of the high seas meant that the global ocean beyond territorial waters constituted a *res communis*, thus belonging to all nations, whereas its resources were believed to be a *res nullius*, not belonging to anyone, and, therefore, free to be appropriated and to become the property of whomever would be able to explore and exploit its resources.<sup>451</sup>

On a side note, the historical dominance of these two competing legal concepts is also an explanation in part as to why both the industrial and the developing states could not agree on the legal content and meaning of the concept of the common heritage of mankind during UNCLOS negotiations because most industrialized nations, including especially the US, were holding on to the understanding that the deep seabed and its resources are not subject to sovereign appropriation, but open to utilization by any state technologically able to mine the seabed.<sup>452</sup> Of course, developing nations were not capable of seabed mining, but some were hoping for equal benefits and others were also

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<sup>449</sup> See Gunter Scholz. *Philosophie des Meeres*. Mareverlag, 2016, pp. 75-83.

<sup>450</sup> See Helmut Tuerk. *Reflections on the Contemporary Law of the Sea*, p. 3.

<sup>451</sup> Alexandre Kiss. 'The Common Heritage of mankind: Utopia or Reality?', pp. 423-424.

<sup>452</sup> Adam Boczek. *International law. A Dictionary*, p. 257.

in favour of technology and knowledge sharing to eventually facilitate direct participation in deep-sea mining.

Over time, scientific developments and technological progress had enabled further explorations of the ocean and its potential resources. With the prospective ability to broaden the boundary between land and sea, i.e., to expand accessibility to the ocean and therefore jurisdiction, came the need for a new order of the seas. The ocean as an international common-space area had to be managed and new boundaries and rules had to be put into place because Cornelius van Bynkershoek's 'cannon shot rule' to determine the seaward limits of a state's territorial sea had become rather obsolete. The first attempt to codify the Law of the Sea was made by the International Law Commission in the mid-1950s and the convening of the first United Nations Conference on the Law of the Sea (UNCLOS I) in Geneva in 1958, which adopted four separate international treaties: Convention on the Territorial Sea and Contiguous Zone; Convention on the Continental Shelf; Convention on the High Seas; and the Convention on Fishing and Conservation of Living Resources of the High Seas.<sup>453</sup> While successful to point, UNCLOS I left the business of agreement on the outer limits of the territorial sea unfinished. The follow-up second UN Conference on the Law of the Sea (UNCLOS II) in 1960 convened to address the limit of territorial sea ended in failure. This failure would help set the stage for the famous address of Ambassador Arvid Pardo in 1967, at that time the Permanent Representative of Malta to the UN.<sup>454</sup> In turn, this would put in motion the negotiations

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<sup>453</sup> See <https://legal.un.org/avl/ha/gclos/gclos.html>.

<sup>454</sup> Arvid Pardo (1914-1999) had an academic background in History and Law. After Malta had gained its independence from Great Britain in 1964, Pardo served as the Maltese ambassador to the UN and simultaneously as ambassador of Malta to the US, as non-resident ambassador of Malta to the Soviet Union and as Malta's High Commissioner to Canada from 1967 to 1971. Until 1971 he led the Maltese Delegation in the UN Seabed Committee before he was dismissed by the Prime Minister of Malta, Dom Mintoff, who had returned to office in 1971. Pardo then became a Visiting Fellow at the Center for the Study of

towards the establishment of the Seabed Committee and the development of the agenda for the future UNCLOS III.

Several historical circumstances provided the conditions for a political willingness of the international community to take action on the international law of the sea. After World War II, it became painfully apparent during the Cold War that the newly independent states of the Global South were, in comparison to the Global North, technologically and economically underdeveloped. In 1960, the UN General Assembly adopted the Declaration on Granting Independence to Colonial Countries and Peoples (Resolution 1514) and established the United Nations Conference on Trade and Development (UNCTAD), in 1964, with the mandate to close the north-south divide and to promote a New International Economic Order (NIEO) in order to enable economic as well as technological development of 'Third World' countries.

At the same time on the other axis, the world was politically divided into the eastern and western blocks which led to an arms race and an unprecedented belief in technological progress, in particular, nuclear power and aerospace as Cold War technologies spurred peoples' imaginations and fears. In conjunction with the ecocide of the Vietnam War and the astonishing success of Rachel Carson's *Silent Spring* (1962), this led to an "ecological revolution" beginning in the US and instigating the dawn of global environmentalism. These developments found its first civil, political, and legal expressions in the Earth Day celebrations across the US in 1970 and then in the United Nations Conference on the Human Environment in Stockholm in 1972, establishing the

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Democratic Institutions before he was able to continue his work as Fellow and Coordinator of the Marine Studies Program at the Woodrow Wilson International Center for Scholars in Washington, D.C., and later at the University of Southern California.

United Nations Environmental Programme (UNEP). The Stockholm Conference also served as a catalyst for the establishment and strengthening of Ministries of the Environment in several countries and furthermore established the United Nations Regional Seas Programme working on the implementation of marine policies and marine environmental protection initiatives on a regional basis.<sup>455</sup>

Simultaneously, networked or integrative thinking emerged in the Natural Sciences again with James Lovelock's Gaia theory in 1972 and the biologist Barry Commoner's first law of ecology that, "everything is connected to everything else."<sup>456</sup> Within this context of economics and environmental concerns two other themes came to light, casting long neo-Malthusian shadows of pessimism: population growth and the depletion of resources. In 1968, biologist, Paul R. Ehrlich, warned in his book, *The Population Bomb*, about the consequences of human overpopulation against the backdrop of a decline in the world's resources supply. In the same year, Garrett Hardin, professor of biology, published his article, "The Tragedy of the Commons," in *Science* in which he plays on the perceived dichotomies of human rights and environmentalism, as well as the concepts of the commons and private property by associating population growth, pollution, and the depletion of resources in the unregulated commons,

Picture a pasture open to all. It is to be expected that each herdsman will try to keep as many cattle as possible on the commons. Such an arrangement may work reasonably satisfactorily for centuries because tribal wars, poaching, and disease keep the numbers of both man and beast well below the carrying capacity of the land. Finally, however, comes the day of reckoning, that is, the day when the long-desired goal of social stability becomes a reality. At this point, the inherent logic of the commons remorselessly generates tragedy. [...]

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<sup>455</sup> The Regional Seas Programme "divides the World Ocean into sixteen regional sections. Each region then develops its own ocean management in a way that reflects its individualized needs and opportunities in handling pollution and coastal waters." *Ocean Politics and Policy*, p. 48.

<sup>456</sup> See Joachim Radkau. *The Age of Ecology*. Polity, 2014, pp. 79-181.

To couple the concept of freedom to breed with the belief that everyone born has an equal right to the commons is to lock the world into a tragic course of action. Unfortunately, this is just the course of action that is being pursued by the United Nations.<sup>457</sup>

His suggested an answer to the problem: as there would not be any technical solutions, the only way to avoid global tragedy would be to set limitations to freedom. But by that he did not mean the ecological and economic management of the commons' resources for the benefit of all, but a limitation to reproductive freedoms, or, as he puts it, “[f]reedom to breed will bring ruin to all.”<sup>458</sup> Finally, in 1972, the Club of Rome published *The Limits to Growth*. This report about a scientific prognosticate computer simulation that considered the exponential growth of the economy together with the population growth and the use of resources over time came to the concluded that limits to growth will be likely, provided that humanity does not change its consumption and production habits. Elisabeth Mann Borgese, the only female founding member of the Club of Rome, in hindsight evaluated the report as “not very helpful.”<sup>459</sup>

The political and intellectual climate during the 1960s and early 1970s, as well as the enthusiasm and anxiety accompanying major technological progress, gave rise to more unconventional and sometimes utopian ideas. To some degree, the narrative of the modernist anthropocentric idea about the necessity to dominate nature for the sake of progress seemed to be shifting towards a new ‘ethics of responsibility’ towards nature. In his 1979 monograph, *Das Prinzip Verantwortung (The Imperative of Responsibility)*, 1984), Hans Jonas calls for a new ethic for the technological age, i.e., an ethic for the

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<sup>457</sup> Garrett Hardin. “The Tragedy of the Commons. The population problem has no technical solution; it requires a fundamental extension in morality.” *Science*, vol. 162, 1968, pp. 1246.

<sup>458</sup> Ibid.

<sup>459</sup> Interview with Wolf Gaudlitz, 1999.

future that reflects the changes in the human/nature relationship. Because of humanity's evolving power over nature, nature has become a human responsibility. Rewording Kant's categorical imperative as an ethic of the past, Jonas develops his ecological imperative, "[a]ct so that the effects of your action are compatible with the permanence of genuine human life."<sup>460</sup> Jonas' new environmental ethics situates humans within the continuum of nature,<sup>461</sup> as nature is understood to have an inherent value that needs to be sustained and preserved by humanity for the benefit of both present and future generations. Turning traditional ethics on its head was Jonas' answer to the changing perception of the human/nature relationship of the time.

Within a legal context, two treaties dealt with international common space areas in the 1960s, the Antarctic Treaty, which entered into force in 1961 and the Outer Space Treaty, the legal framework of International Space Law from 1967, which prohibits the installment of weapons of mass destruction in outer space and limits the use of the Moon to exclusively peaceful purposes. The 1979 Moon Agreement or the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, adopted by the UN General Assembly in Resolution 34/68 and entered into force in 1984, furthermore puts jurisdiction over the Moon into the hands of the international community and also declares the Moon and its resources to be the common heritage of mankind. The connections between international space law and the international law of the sea during that time are both interesting and remarkable as very little was known

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<sup>460</sup> Hans Jonas. *The Imperative of Responsibility. In Search of an Ethics for the Technological Age*. The University of Chicago Press, 1984, p. 11.

<sup>461</sup> See Theresa Morris. *Hans Jonas's Ethic of Responsibility. From Ontology to Ecology*. State University of New York Press, 2014, p.8.



about the international common space areas of the moon and the deep sea. Both were, to use Mann Borgese's words, more or less still engulfed in myth.

Obviously, due to the Space Race between the US and the Soviet Union during the Cold War, the Moon and its exploration was of special interest and both nations invested a lot of money in research to carry out space missions. On the other side, undersea exploration was popularized by Jacques-Ives Cousteau with his book and documentary *Silent World* (1956) and by Jacques Piccard's seabed explorations supported by the US Navy starting in 1960.<sup>462</sup> But deep-sea research was yet in its infancy. The discovery of organic life at depths of 3000 meters, for example, was sensational and purely coincidental when a team of geologists were exploring the deep seabed in 1977. Until then, it had been believed that there could be no life in the deep-sea because there was no light. In 1965, J. L. Mero, a businessman who showed great interest in the exploitation of deep-sea resources, published his book, *Mineral Resources of the Sea*, and the potential economic impact of seabed mining. He predicted that seabed mining was to become feasible within the next twenty years, and claimed that a limitless resource of manganese nodules could be found and harvested on the ocean floor. In anticipation of a global shortage of mineral resources, the possibility of deep seabed mining was investigated by some Western states until the beginning of the 1980s but was deemed unviable due to great technological difficulties.<sup>463</sup>

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<sup>462</sup> In 1934, William Beebe and Otis Barton were able to dive 765 meters deep into the ocean using their submarine bathysphere. Thomas Mann subsequently used the scientists' reports about their exploration for chapter XXVII of his novel *Doctor Faustus* (1947) in which the protagonist Adrian Leverkühn travels down into the sea in a "bullet-shaped diving bell."

<sup>463</sup> G.P. Glasby. "Lessons Learned from Deep-Sea Mining." *Science*, Vol. 289, No. 5479, 2000, pp. 551-553.

The Moon, however, had better marketing and was turned into a symbol of national culture and identity in the US during the Cold War. But similar to the way in which US-President John F. Kennedy and then Lyndon B. Johnson were able to re-imagine the moon as another expression of the American New Frontier starting in 1961, it seems that Arvid Pardo wanted to ignite a re-imagination of the world's oceans and the international law of the sea with his initiative in front of the First Political Committee of the United Nations General Assembly to declare the non-living resources of the deep-sea bed in the area beyond national jurisdiction to be the common heritage of mankind. Of course, Pardo was very much aware of the powerful historical connotations of the ocean as both an international delimiting and connecting element. But he also had personal and political reasons to put the ocean back on the international community's agenda.

Malta, surrounded by the Mediterranean sea, had gained political independence from Great Britain in 1964, but remained financially dependent on the UK. Shortly before his death, Pardo revealed his underlying motives for his UN initiative: he wanted to "put Malta on the map internationally," hoping to turn Malta into a significant player in marine environment issues, especially in the Mediterranean, leading to economic and political advantages.<sup>464</sup> Much like Elisabeth Mann Borgese, Pardo fell into the ocean quite by accident, initially not having much knowledge about the law of the sea and the ocean environment. Malta had previously introduced two unrelated and rather unsuccessful previous initiatives to the General Assembly when, according to his own account, Pardo learnt at a cocktail party about the US being interested in the mineral resources of the sea. After carefully having looked into the matter, he concluded that the

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<sup>464</sup> See Arvid Pardo. "The Origins of the 1967 Malta Initiative." *International Insights. Dalhousie Journal on International Affairs*, vol. 9, no. 2, 1993, pp. 65-70.

law of the sea was very much outdated, and that it would be in Malta's interest to initiate a new discussion about it by way of thematizing the resources beyond limits of national jurisdiction.

As Shigeru Oda points out in his 1977 overview on developments in the law of the sea between 1966 and 1975, the Maltese proposal did not take the international stage *deus ex machina*. There were gradually increasing discussions about possible different regimes for the ocean and the ocean floor on many different levels during that time. Already prior to 1967, there was something in the water, as non-governmental organisations, among them, for example, the Law of the Sea Institute established in Rhode Island in 1965, and members of the US Senate were making suggestions about a regime for the ocean floor and the international control of deep-sea resources. Claibourne Pell, Senator for Rhode Island, proposed an international regime for the ocean and its floor based on the Antarctica and Outer Space Treaties and suggested a licensing system for the exploration and exploitation of deep-sea resources. His proposition led to deliberations in the US Congress and, also in response to Pardo's subsequent UN address, to many more draft resolutions opposing an international regime and in favour of the freedom of the high seas.<sup>465</sup>

Apparently, it was Pardo's politically motivated decision to initially "limit the Maltese proposal to the seabed beyond national jurisdiction" to "avoid unnecessary suspicion and opposition." At the same time, he could not anticipate the impact of the ghosts that he had incited, "I have no difficulty in admitting that neither the government of Malta nor I then saw the tremendous innovative potential of the common heritage

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<sup>465</sup> See Shigeru Oda. *The Law of the Sea in Our Time—I. New Developments, 1966-1975*. Sijthoff, 1977, pp. 3-12.

concept”<sup>466</sup>. With this statement, he is insinuating both the highly ideological debates about the concept of the common heritage of mankind that continued throughout the law of the sea negotiations and the powerful impact Elisabeth Mann Borgese had on both the concept and his life. As Mann Borgese later put it, “It was, in a way, the very abstrusity of the notion of the seabed that made it possible to smuggle the marine revolution into the United Nations. In reality the seabed has no independent existence. In a way it was a myth, albeit one of the most creative myths in history”<sup>467</sup>. Also in the early 1970s, Mann Borgese stated that this ‘marine revolution’ “potentially is a revolution in international relations,”<sup>468</sup> indicating that from very early on she recognized the potential of ocean matters as possible drivers for the establishment of a different world order able to deal with the interconnected and complex challenges of the 20<sup>th</sup> century and beyond.

On Wednesday, November 1, 1967 at 10:30am, the Permanent Representative of Malta to the United Nations packaged all of the above-mentioned dominant contemporary narratives in his speech addressing the First Political Committee of the UN General Assembly in New York for the first time. Agenda item 92 was the

Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind.<sup>469</sup>

Pardo argued that new technological developments would lead to an unprecedented strategic importance of the ocean, enabling new political, economic, military, and

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<sup>466</sup> Arvid Pardo. “The Origins of the 1967 Malta Initiative.”, pp. 66-69.

<sup>467</sup> Elisabeth Mann Borgese. “Introduction.” *The Commonheritage of mankind . Selected Papers on Oceans and World Order 1967-1974 by Arvid Pardo*. Malta University Press, 1974, p. xii.

<sup>468</sup> Elisabeth Mann Borgese. “Introduction.” *Pacem in Maribus*. Dodd, Mead, & Company, 1972, p. xi.

<sup>469</sup> United Nations General Assembly. Twenty-Second Session. *Official Records*. A/6695; A/C. 1/952.

environmental complications. He feared the creeping extension of the national jurisdiction of coastal states into the high seas that would allow the most powerful states of the Western hemisphere to place weapons of mass destruction on the bottom of the ocean and to harvest mineral resources on the sea floor. Next to the dangers of weapons of mass destruction and nuclear waste, Pardo put a lot of emphasis on future technologies like commercial ocean farming and fish husbandry as sources of food. More imminent to Pardo, however, were the possibilities of the national appropriation and the commercial exploitation of mineral resources located on the ocean floor in the deep sea. Quoting the numbers in Mero's *The Mineral Resources of the Sea* excessively, Pardo told the international community the tale of the vastness of resources in the deep sea and the economic potential of manganese nodules, which, in hindsight, led to a disproportionate preoccupation with deep sea-bed mining and the legal provisions governing the development of resources in the Area and the legal and economic status of the Authority during UNCLOS III negotiations. Pardo warned the international community that the implementation of such new technologies could lead again to the disadvantage of not only landlocked states, but especially to developing states that were without the political, financial, and technological capacities to seek a stake in the exploitation of resources or to protect themselves from the environmental consequences of other states harvesting ocean resources. Furthermore, the use of the deep sea and the ocean floor for military and economic purposes, together with pollution, would eventually alter the ocean environment. According to Pardo, current international law encouraged and allowed all of these activities in the ocean. Hence, he called for "an effective international regime over the sea-bed and the ocean floor beyond a clearly defined national jurisdiction for the

benefit to all.” His long-term goal was the creation of an administrative international agency in the role of a trustee for all countries “with wide powers to regulate, supervise and control all activities on or underneath the ocean and the ocean floor.”

Around 3:00 pm the same day, Pardo concluded his speech by proposing a draft of a comprehensive new treaty “clearly defining the outer limits of the continental shelf subject to national jurisdiction and establishing generally acceptable principles with regard to the use of the deep seas and the ocean floor.” The establishment of the outer limits of the geophysical extension of a coastal state, i.e., the continental shelf, is scientifically difficult to determine and internationally contested (see, for example, the several claims to the OCS in the Arctic). Therefore, the size of the area beyond national jurisdiction in the ocean which had been the main topic of Agenda item 92 lacked definition, and that was to become problematic in terms of the common heritage of mankind and the international legal regime. As the longer-range principles that had to be established, he listed the following:

- (a) The sea-bed and the ocean floor, underlying the seas beyond the limits of national jurisdiction as defined in the treaty, are not subject to national appropriation in any manner whatsoever.
- (b) The sea-bed and the ocean floor beyond the limits of national jurisdiction shall be reserved exclusively for peaceful purposes.
- (c) Scientific research with regard to the deep seas and ocean, not directly connected with defence, shall be freely permissible and its results available to all.
- (d) The resources of the sea-bed and ocean floor, beyond the limits of national jurisdiction, shall be exploited primarily in the interests of mankind, with particular regard to the needs of poor countries.
- (e) The exploration and exploitation of the sea-bed and ocean floor beyond the limits of national jurisdiction shall be conducted in a manner consistent with the principles and purposes of the United Nations Charter and in a manner not causing unnecessary obstruction of the high seas or serious impairment of the marine environment.

The phrase, “common heritage of mankind,” was used only once at the very end of Pardo’s speech when he asked the General Assembly to adopt a resolution recognizing that “the sea-bed and the ocean floor are a common heritage of mankind and should be used and exploited for peaceful purposes and for the exclusive benefit of mankind as a whole.” Because Pardo, at first, did not define the term common heritage of mankind, lawyers and policy makers were confounded as to what its meaning and implications were in legal terms, as there had been no universally accepted definition of the term. Over the course of time, variations of the principles Pardo had listed in his speech became usually associated as the content of the concept of the common heritage of mankind.<sup>470</sup>

When Pardo introduced the concept and its principles, international law traditionally had been dealing with relations between nation states, not with international common spaces and an entity called *mankind*. International law was enforced by states, individually or collectively, but a truly international machinery as an institutional embodiment of the common heritage of mankind in possession of power to enforce International law did, which still does not exist to a full extent. Pardo’s foray into the international community convening at the UN General Assembly was the exposition of an attempt to change the narrative from international competition, colonialism, and potential nuclear destruction towards international cooperation for the benefit of all, including environmental protection. The controversies between industrialized and

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<sup>470</sup> See Prue Taylor, Rüdiger Wolfrum. ‘The Principle of the Common Heritage of Mankind’; Rüdiger Wolfrum. ‘Common Heritage of Mankind’, *Max Planck Encyclopedia of Public International Law*; Kemal Baslar. *The Concept of the Common Heritage of Mankind in International Law*; Scott J. Shackelford ‘The Tragedy of the Common Heritage of Mankind’, *Stanford Environmental Law Journal* 28 (2009), pp. 109-169; John E. Noyes. ‘The Common Heritage of Mankind: Past, Present, and Future’; Helmut Tuerk. *Reflections on the Contemporary Law of the Sea*.

developing states surrounding Part XI of the Convention can be seen as symptomatic of shifting narratives in the Anthropocene threatening to alter the global order and with it established conceptualizations of social and political identity.

For the time being, Pardo's efforts turned out to be successful: six weeks after his speech, the Assembly established an Ad Hoc Committee "to study the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction" (later the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction or just 'Seabed Committee' which also acted as preparatory body for UNCLOS III after 1970). In 1970, the Assembly adopted the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction. As Pardo later put it, it declared that "there existed an area (unspecified) of the seabed which is beyond national jurisdiction; that this area and its resources were a common heritage of mankind; that all questions relating to the marine environment were interconnected."<sup>471</sup> The resolution stated that "all activities regarding the exploration and exploitation of the resources of the area and other related activities shall be governed by the international regime to be established."<sup>472</sup> Although the UN General Assembly resolutions act more like recommendations and are mostly seen as non-legally binding, the Canadian, journalist Clyde Sanger, called this declaration "the high point of Arvid Pardo's brand of internationalism"<sup>473</sup>. The UN General

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<sup>471</sup> Arvid Pardo. "The Origins of the 1967 Malta Initiative.", p. 67 and General Assembly Resolution 2749 (XXV).

<sup>472</sup> UN Documents. Resolution adopted by the General Assembly 2749 (XXV). Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction. Twenty-fifth session, agenda item 25a, 12 December 1970, A/RES/25/2749.

<sup>473</sup> Clyde Sanger. *Ordering the Oceans. The Making of the Law of the Sea*. University of Toronto Press, 1987, p. 35.



Assembly, on the same day, further decided to convene the Third United Nations Conference on the Law of the Sea in 1973.<sup>474</sup> It became the task of the First Committee of the Conference to design the International Seabed Authority (ISA) that was to implement the international seabed regime. The common heritage of mankind concept and the international seabed regime were incorporated into the Informal Single Negotiation Text and finally into Part XI of the United Nations Convention on the Law of the Sea as of December 1982.

However, towards the end of the 1970s, the narrative was beginning to change again from the utopian ideals of the early 1960s and 1970s towards more contemporary economic and political realities. This meant a shift away from international cooperation and back to economic and political competition and deregulation. The industrialized states wanted a weak International Seabed Authority that would work as a licensing agency and registration office. On the other hand, the developing nations wanted the Authority to be the only operator exploring and exploiting mineral resources in the Area. They were in favour of a strong international seabed regime because the Group of 77 saw a new source for revenues and a chance for a more equal world order:

Clearly, the Law of the Sea portion of the North-South dialogue is being negotiated from self-interested positions. The developed nations wish to preserve their right to exploit the resources of the ocean floor for their exclusive profit. Conversely, the Group of 77 wishes to insure Third World access to the seabed's riches [...].<sup>475</sup>

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<sup>474</sup> See Peter M. Leitner. *Reforming the Law of the Sea Treaty. Opportunities Missed, Precedents Set, and U.S. Sovereignty Threatened*. University Press of America, 1996, p. 268 and General Assembly Resolution 2750 C (XXV).

<sup>475</sup> Bradley Larschan and Bonnie C. Brennan. 'The Common Heritage of Mankind Principle in International Law', p. 320.

In 1976, Henry Kissinger suggested a “parallel system” in which the Authority would license states and corporations to exploit the seabed, while the Enterprise would itself exploit the deep seabed on behalf of the developing nations. Elisabeth Mann Borgese strongly criticized this compromise as being impractical and going against the common heritage of mankind concept,

The ISA’s Enterprise was to embody a new form of active, participatory cooperation among industrialized and developing countries. Sharing the common heritage of mankind was to replace the humiliating concept of foreign aid. This sharing was to be the historic significance of the Enterprise. Now by a sleight of hand, we are faced with a completely different concept.<sup>476</sup>

The Enterprise neither had financial nor technological means to mine the seabed, but would stand in strong competition with private companies, she argued. Arvid Pardo thought “the UN institution will be unlikely to compete in the real world.”<sup>477</sup> Private investors were most likely to invest their money in businesses that operated under a free enterprise system. Additionally, they were probably not willing to share their technology. Mining companies wanted minimal government interference. In their opinion, too many regulatory burdens would make it nearly impossible to raise capital, especially with such a risky adventure as deep-sea mining.<sup>478</sup> Later, Mann Borgese commented on Kissinger’s suggestion in a more ironic way, “[T]he Conference never quite recovered from it. In the course of the tedious negotiations to spell out this compromise the text defining the parallel system became ever more abstruse and remote from reality.”<sup>479</sup> Even for Mann Borgese, the attempts to spell out the rules in detail for an industry that had not yet

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<sup>476</sup> Ibid, p. 324.

<sup>477</sup> *Ocean Science News*, 13 October 1980.

<sup>478</sup> See Conrad Welling. ‘A View from the Industry’, *Consensus and Confrontation: The United States and the Law of the Sea Convention*, edited by Jon M. Van Dyke. The Law of the Sea Institute, University of Hawaii, 1985, pp. 233-235.

<sup>479</sup> Elisabeth Mann Borgese. ‘The Law of the Sea’, p. 47.

existed seemed to be a bit too utopian. But US negotiators were concerned that the US Senate would not ratify the Convention if the treaty left important economic questions unanswered and subject to uncertainty.

In March 1981, US President Reagan announced a comprehensive review of the draft treaty. In his statement on January 29, 1982, Reagan proclaimed that most provisions of the treaty were acceptable with the exception of the deep seabed mining provisions.<sup>480</sup> The Reagan administration feared that the Convention could set a precedent on systems of world governance and theories of international economic relations. Of course, that was exactly what Mann Borgese had in mind. The possible outcomes Reagan feared were Mann Borgese's basic objectives. The US rejection strongly reflected the contemporary conservative *zeitgeist* and the Part XI controversy became increasingly dominated by ideologically based criticisms. The Republican politician John Breaux, the then Chairman of the House Fisheries Subcommittee, was alarmed that the US might be in the danger of making a

wholesale giveaway of its technology to developing nations for absolutely nothing in return. To mandate the transfer of mining technology is part of the trend in line with the 'new international economic order' being pushed by many developing nations. This redistribution of wealth is being agreed to by some developed nations and an 'apology for colonialism'. How did we get into this mess?<sup>481</sup>

With the beginning of the 1990s and in order to secure general acceptance, i.e., consensus of the Convention, The UN Secretary General invited interested parties to informal negotiations between 1990 and 1994. After the Cold War, ended and both industrialized and developing nations lost interest in fighting over potential benefits of

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<sup>480</sup> Statement on United States Participation in the Third United Nations Conference on the Law of the Sea January 29, 1982. <http://www.reagan.utexas.edu/archives/speeches/1982/12982b.htm>.

<sup>481</sup> *Ocean Science News*, 13 October 1980.

deep seabed mining. As all parties involved concluded that deep seabed mining was still not technologically nor financially feasible, the goal was to make the Convention universally acceptable by loosening the provisions of the Convention detailing the international seabed regime. In 1994, the Agreement Relating to the Implementation of Part XI of the 1982 Convention on the Law of the Sea was adopted.<sup>482</sup> The text of Part XI was amended to accommodate the legal regime of the Area to a more market-friendly approach.

While the 1994 Implementation Agreement reaffirmed that the Area and its resources are the common heritage of mankind and is “mindful” of the importance of the environmental aspects of the Convention, the implementation of Part XI stands very much under the aegis of cost effectiveness and minimization. Member states of the Convention are not obliged to provide funding to the Enterprise as the operational arm of the Authority. Additionally, the Agreement fundamentally restructures the framework of the International Seabed Authority by making the Enterprise dysfunctional and dependent on the Secretariat of the Authority which performs the functions of the Enterprise until it begins to operate independently. But without the financial and technological means, the Enterprise cannot explore and exploit any resources on its own, only through joint-ventures with private or public contractors and “in accord with sound commercial principles.”

Less emphasis is put on the transfer of technology. Section five of the Agreement states that, although cooperation may take place and the promotion of international

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<sup>482</sup> See Agreement Relating to the Implementation of Part XI of the 1982 Convention on the Law of the Sea of 10 December 1982. *The International Seabed Authority Collection*, Vol. 1, edited by W. van der Wolf and C. Tofan, ICA, 2010 and also [https://www.un.org/depts/los/convention\\_agreements/texts/unclos/closindxAgree.htm](https://www.un.org/depts/los/convention_agreements/texts/unclos/closindxAgree.htm).

cooperation is desired, the transfer of technology and the sharing of knowledge can only take place under commercial terms and conditions and under the protection of intellectual property rights, “The Enterprise, and developing states wishing to obtain deep seabed mining technology, shall seek to obtain such technology on fair and reasonable commercial terms and conditions on the open market or through joint-venture arrangements.”<sup>483</sup> This was criticised by Pardo, Mann Borgese and others as being an almost impossible task, because neither the Enterprise nor developing states are able to compete with those states and private companies that have the technological and financial means to explore and eventually exploit resources of the deep sea.<sup>484</sup>

The institutional embodiment of the common heritage of mankind was pronounced dead, but the concept itself had been enshrined in international law. However, the developments between the late 1970s and 1990s did not make Mann Borgese lose neither her optimism nor her fundamental belief in the common heritage of mankind concept. Once again, her practical and optimistic side prevailed,

All this is remote from the spirit of common heritage. The practical task is not to lament the past but to regain momentum, to encourage ratifications, and to see what can be done to make this new International Seabed Authority as useful as possible to the international community, especially among developing countries, and to retrieve the flagging spirit of the common heritage.<sup>485</sup>

It was different for Pardo. Only a couple of years after his historic speech in front of the UN General Assembly, the proclaimed ‘father of UNCLOS’ became increasingly pessimistic with the development of negotiations. In February 1977, Pardo writes in a

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<sup>483</sup> Agreement Relating to the Implementation of Part XI of the 1982 Convention on the Law of the Sea of 10 December 1982. *The International Seabed Authority Collection*, Vol. 1, edited by W. van der Wolf and C. Tofan, ICA, 2010, p. 300.

<sup>484</sup> Elisabeth Mann Borgese. *Ocean Governance and the United Nations*. Centre for Foreign Policy Studies, Dalhousie University, 1995, p. 45.

<sup>485</sup> Helmut Tuerk. *Reflections on the Contemporary Law of the Sea*, p. 44.

letter to Mann Borgese, “But the treaty is almost certainly likely to be one-sided and the common heritage reduced to very little.”<sup>486</sup> In 1980, he comes to the conclusion that “from my view, the conference is a disaster.”<sup>487</sup> His pessimism eventually led to a state of depression, “During the past few weeks I have been almost unable to work. For some reason I have been very depressed.”<sup>488</sup> One of the alleged reasons for his mental unrest could have been the end of his “service with the government of Malta”<sup>489</sup> in 1973 after a change in government two years prior, which effectively was the end of Malta’s leading role in the law of the sea developments. Another reason may have been that Pardo’s plans for reforming the Law of the Sea were much more extensive than he had disclosed in his 1967 address. In the aftermath of his speech, Pardo shifted his focus from the non-living resources in the deep sea-bed beyond areas of national jurisdiction to ocean space as a whole. Pardo’s *Ocean Space Treaty* (see below) only intended for just one boundary separating territorial waters (200nm) from the high seas. All dimensions of the high seas were to be administered by the international community under the common heritage of mankind concept. In 1993 he writes,

As may be easily seen, we failed to achieve nearly all our objectives. Instead of nearly the entire ocean environment being administered by the international community as a whole, nearly the entire ocean environment is being claimed by coastal states.<sup>490</sup>

While Mann Borgese was able to maintain, at least publicly, her optimism throughout the whole UNCLOS III process, and indeed until the end of her life, Pardo “was bitterly disappointed by what he thought was a dilution, even a betrayal of his ideas. I [EMB], on

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<sup>486</sup> Arvid Pardo in a letter to Mann Borgese on 28 February 1977. MS-2-744\_98-18.

<sup>487</sup> *Ocean Science News*, Vol. 22, No. 40, 1980.

<sup>488</sup> Pardo in a letter Mann Borgese. Not dated, probably from 1980. MS-2-744\_98-18.

<sup>489</sup> Arvid Pardo. “The Origins of the 1967 Malta Initiative.”, p. 66.

<sup>490</sup> *Ibid*, p. 69.

the contrary, was surprised to see how much of his original design had survived the wrangling of the political arena from which no concept can emerge in its virginal purity.”<sup>491</sup>

### **3.2 Elisabeth Mann Borgese’s Cultural Ecology**

#### **3.2.1 Law: From the Deep Seabed via Ocean Space to World Communities**

Elisabeth Mann Borgese’s cultural ecology in its concrete expression of the societal subsystems of law, economics, as well as science and technology, characterized first and foremost by her ecological worldview. It enabled her to see the individual, society, and the world at large as a web of interconnected complex and integrated systems. Only this way can her internationalism in the form of cooperation and her stance against the concepts of sovereignty and property be understood. In substance, Elisabeth Mann Borgese’s vision of the ocean as a laboratory for a new world order based on the common heritage of mankind originated even before the start of the UNCLOS III process and did not change much over time. As we have already seen, only during the 1990s, and especially towards the end of that decade, did she try to reconcile the common heritage of mankind concept with the new and among the world community, the very popular idea of sustainable development. The developments following UNCED (Rio, 1992), political and economic changes as well as some technological and scientific advances over the course of history forced Mann Borgese to slightly adjust her utopian vision. Overall, she remained true to the core of her extended idea of the common heritage of mankind.

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<sup>491</sup> Elisabeth Mann Borgese. ‘The Years of My Life’, p. 14.

However, her writings dating from between the late 1960s and well into the 1980s showcase the essence of her utopian vision featuring the common heritage of mankind as basis for a new ocean regime and a new global order. Writings originating between 1968 and the beginning of UNCLOS III expose the concrete legal and political dimensions of her cultural ecology. In 1968 and the following years, Mann Borgese first debunked the myth of the deep seabed and ocean floor in favour of ocean space as a whole. Following that, the notion of all-natural ocean resources replaced the myth of manganese nodules and other non-living resources on the seabed beyond the limits of national jurisdiction. Even though Mann Borgese was of the opinion that “ocean space may hold our attention much longer than the seabed,”<sup>492</sup> it too was almost a “transitory concept,”<sup>493</sup> merely a phase serving as a model and precedent for the evolution of new world order.

According to Mann Borgese, the new order was structured in the form of ‘world communities’ and organized based on the concept of the common heritage of mankind and self-management. Mann Borgese imagined these world communities as functional, internationally integrative systems having each their own constitution and organs. Together with the still existing nation states, she imagined them as elements within the overarching system of a world government in which everything is connected.

The concept of self-management was taken from Yugoslav political and constitutional theory from the late 1950s and 1960s (see below) trying to integrate the diverse political and cultural Balkan landscape within a socialist order,

Narrowly conceived, its focus is on workers’ participation in decision-making as a means to democratize society, provide for economic growth and to generally

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<sup>492</sup> Elisabeth Mann Borgese. “A Constitution for the Oceans.” *The Tides of Change. Peace, Pollution, and Potential of the Oceans*, edited by Elisabeth Mann Borgese and David Krieger, Mason/Charter 1975, p. 342.

<sup>493</sup> Ibid.



improve the quality of work life. In its widest ramification, self-management may be conceived as the running-thread binding together the world communities, nations and micro-organizations with the same principle. As an organizational principle, it challenges the traditionally hierarchical and pyramidal structure of organizations inherited from the ancien regime based on property, power and sovereignty.<sup>494</sup>

In addition to the narrower political understanding of self-management as a collectivist and self-directed organizational model of workers and producers on the micro-level and the state on the macro-level, Mann Borgese understood self-management as “an ideology which transcends the dualistic concept of man versus society; it abolishes the dichotomy between owner and non-owner, manager and worker, manual work and intellectual work, work and learning, work and leisure.”<sup>495</sup> This shows that self-management shares characteristics of self-organization within complex systems where, in opposition to the Newtonian scientific paradigm featuring the more linear machine metaphor as an organizational form, it “refers to a spontaneous emergence of collaborative behaviour among elements in a system.” One of its key elements “is the creation of order out of chaos, the integration of elements perceived as disorder into a larger, more encompassing organization.”<sup>496</sup>

Mann Borgese believed that technological and economic developments demanded international integrative approaches of representation and management going above and beyond existing efforts and capacities of the UN system. Her idea of international governance is based on a complex system of functional clusters instead of territoriality.

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<sup>494</sup> Mohit Bhattacharya. “Review of *Self-Management: New Dimensions to Democracy* by Ichak Adizes and Elisabeth Mann Borgese, editors.” *India Quarterly*, Vol. 33, No. 1, 1977, p. 79.

<sup>495</sup> Ibid, pp. 79-80.

<sup>496</sup> Alfonso Montuori. “Foreword: Edgar Morin’s Path of Complexity.” *On Complexity* by Edgar Morin, Hampton Press, 2008, p. xxxv.

These clusters are comprised of different internationally integrated communities representing different areas or sectors; for example, the ocean or higher education. Imagining an entirely new world system needs to be seen as the quintessence and pinnacle of Mann Borgese's utopianism and as the substance of her vision of the ocean as a laboratory of such a new world order. By elevating cooperation over individualism and competition, Mann Borgese's utopian narrative is putting an end to the sovereign nation state as the main actor of international law and takes the concepts of private property and ownership with it into oblivion.

Mann Borgese first use of her now famous expression of "the ocean as a great laboratory"<sup>497</sup> in print the introduction to *The Common Heritage. Selected Papers on Oceans and World Order 1967-1974* by Arvid Pardo (1975). During the same time, between December 1974 and Summer 1976, Mann Borgese and Pardo, in the role of specialists for ocean management, were involved with a project concerned with 'Reshaping the International Order (RIO)',<sup>498</sup> initiated by the Club of Rome and coordinated by Jan Tinbergen, a Dutch economist who had just won the Nobel Prize in economics in 1969. In a manuscript probably dating from the early 1980s, Mann Borgese officially establishes the connection between her philosophy of continuity between nature and culture and the common heritage of mankind where she calls for a universalisation of the common heritage of mankind,

endowed with legal and economic content at a time in which absolute ownership and absolute sovereignty have to be reconsidered in the light of ecological,

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<sup>497</sup> Arvid Pardo. *The Common Heritage. Selected Papers on Oceans and World Order 1967-1974*. Malta University Press, 1975, p. v.

<sup>498</sup> Elisabeth Mann Borgese and Arvid Pardo. "Ocean Management." *Reshaping the International Order. A Report to the Club of Rome*, edited by Antony J. Dolman, E. P. Dutton & Co, 1976, pp. 305-317.

economic, and technological interdependence and a new perception of the individual as part of the community and of the human species as part of nature.<sup>499</sup>

Mann Borgese's ideas for a ground-breaking new global order based on a constitution for the oceans are rooted partially in her prior work with G. A. Borgese on the Preliminary Draft of a World Constitution during the 1940s. But they also constitute a major expression of her more abstract thoughts about the nature/culture relationship and the web of complex interconnections and continuities between the individual, society, and nature that she was able to develop starting the 1950s after her husband's death. This argument is in partial disagreement with Patricia Mallia's and David Testa's thesis based on Agustín Blanco-Bazán's and Sunil M Shastri's respective essays published in the eighteenth volume of the *Ocean Yearbook* in 2004, claiming,

it is clear that Elisabeth's approach to the CHM principle in the context of the law of the sea was 'basically a derivative of the philosophy of the Constitution of the World'. She constituted the intellectual link between 'the Utopian academic efforts of the Chicago Committee to Frame a World Constitution and the global political efforts to frame [...] a Constitution for the Oceans'.<sup>500</sup>

This much-too-linear connection between her works is fundamentally established in the literature, mostly because Elisabeth Mann Borgese, being a bit of an unreliable narrator, often draws a direct line in her rare autobiographical texts between her previous work on the world constitution and the law of the sea without mentioning her own pivotal work during the 1950s and 1960s<sup>501</sup>. The connections and associations between her early

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<sup>499</sup> Arvid Pardo and Elisabeth Mann Borgese. "The Common Heritage of Mankind and the Transfer of Technologies." Undated, MS-2-744\_179-39.

<sup>500</sup> Patricia Mallia and David Testa. "Elisabeth Mann Borgese, Gender and the Law of the Sea.", p. 110.

<sup>501</sup> For example, in her text titled "Arvid Pardo. Retrospect and Prospect" from 1999. MS-2-744\_345-4. She further explains, "The main author of that Constitution had been my husband, G.A. Borgese, very actively assisted by myself. The motto of that Constitution had been *Pax opus iustitiae*—Peace is the result of justice, or, in other world peace must be founded on international social justice, including the end of colonialism and of economic inequity. Economic equity, however, could not be attained on the basis of the

independent work and that deals with the law of the sea can only be seen by reading and analysing the interrelations of them closely. Hence, Mallia, Testa, et al. are not entirely wrong with their claims, only too reductionist in their analysis. They missed the other connections that appear to be not as linear. In other words, it is a simple matter of different ways of knowledge organisation—the question is which one is more convincing. Of course, Mann Borgese’s interests and belief in the system-transforming powers of written constitutions as well as her internationalism are based on her involvement with the World Federalists in Chicago. Furthermore, it is true that the World Constitution shares many similarities with the concept of the common heritage of mankind and can be seen as its precursor. But this is only just part of a more complex and slightly meandering story.

In “Arvid Pardo. Retrospect and Prospect” (1999), Mann Borgese describes the impact of Pardo’s UN General Assembly speech on her; it “struck like lightening, or I should say, like enlightening. I contacted him immediately and invited him to come to the Center, which he did early in 1968.”<sup>502</sup> Looking at the manuscript of Pardo’s address again, her enthusiasm becomes easy to understand. On the one hand, given her background knowledge, she certainly must have realized and recognized the potential of his common heritage of mankind proposal including an international regime. On the other hand, it was most likely the style of his speech which also gained her attention:

The dark oceans were the wombs of life: from the protecting oceans life emerged. We still bear in our bodies—in our blood, in the salty bitterness of our tears—the marks of this remote past. Retracing the past, man, the present dominator of the

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present economic systems, whether Marxist or capitalist. These systems had to be transcended by one which declared “the four elements of life”—*water*, which included both the oceans and fresh water; *land*, which included the minerals below the surface; *air*, which included the atmosphere and outer space; and *fire*, which included energy—to be the commonproperty of all mankind.”

<sup>502</sup> Elisabeth Mann Borgese. “Arvid Pardo. Retrospect and Prospect”, 1999, MS-2-744\_345-4.

emerged earth, is now returning to ocean depths. His penetration of the deep could mark the beginning of the end for man, and indeed for life as we know it on this earth: it could also be a unique opportunity to lay solid foundations for a peaceful and increasingly prosperous future for all peoples.<sup>503</sup>

Pardo's poetic style of writing bears some resemblance to Mann Borgese's own writing style because he is using similar evolutionary tropes by connecting the old ocean as the place of origin of natural evolution to the new ocean to which humanity is now able to return to with unprecedented, potentially destructive forces due to the developments of cultural evolution. Pardo ends this paragraph of his speech on an optimistic note, indicating that the scientific and technological developments not necessarily must lead to destruction, but could potentially open the paths towards a better future for mankind. Mann Borgese cannot have overlooked this hint of utopianism in Pardo's text. And while Mann Borgese had already experimented with the question of the potential effects of unlimited scientific and technological progress on the conception and identity of the individual in her monograph *The Ascent of Woman* and in her pessimistic short stories, Pardo writes in 1970,

Science and technology are giving us power previously attributed to God alone. Advances in medical science, biology, and physics suggest that in a not too remote future it may be possible greatly to prolong useful human life and to create new forms of life; perhaps even a new man.<sup>504</sup>

At the end of the 1960s, both Mann Borgese and Pardo believed in the advance of the industrial revolution into the depths of the ocean entailing an extension or relocation of human activity and living space into the ocean within the next two decades. Moreover,

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<sup>503</sup> United Nations General Assembly. Twenty-Second Session. *Official Records*. A/6695; A/C. 1/952. First Committee, 1515<sup>th</sup> Meeting, Wednesday, 1 November 1967.

<sup>504</sup> Arvid Pardo. "Development of Ocean Space—An International Dilemma." *Louisiana Law Review*, Vol. 31, No. 1, 1970, p. 45.

Pardo, as were many of his contemporaries, was very anticipatory in his views about environmental degradation of the ocean and the atmosphere,

The dumping of radioactive wastes, intensified offshore exploitation of mineral resources, particularly petroleum; the runoff of chemicals and insecticides, such as D.D.T.; the effect of increasing air pollution for instance, lead from the internal combustion engine is carried into the atmosphere and has a fallout rate into the sea of some 100,000 tons per year-all these are subjecting the ecology of the coastal margin of industrial countries to unendurable strains.<sup>505</sup>

He and Mann Borgese feared that pollution and the depletion of living and non-living resources as corollaries of advanced global technological and scientific progress would eventually lead to international disputes. Consequently, they were of the opinion that individual states and the international community need to come to terms with limitations to the laissez-faire economy and scientific and technological advances in order to use economic levers and technology constructively for the benefit of humanity instead for the destruction of nature and, therefore, humanity.

Documents in the Halifax Elisabeth Mann Borgese Archive located at Dalhousie University show that between the late 1960s and the 1980s Mann Borgese and Pardo met regularly and had an intense exchange of letters. They discussed the evolution of UNCLOS III excessively and commented on the progress and setbacks of negotiations. Attached to these letters were often drafts of articles or statements about ocean related topics. Both Mann Borgese and Pardo asked each other regularly for feedback and help on their respective texts, a practice that often resulted in the revision of several paragraphs.<sup>506</sup> This *modus operandi* makes a possible answer to the question of who

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<sup>505</sup> Ibid, p. 48.

<sup>506</sup> See, for example, the edited copy of Elisabeth Mann Borgese's essay "Expanding the Common Heritage" from 1978. MS-2-744\_176-9.

influenced whom during this period of time as complex and fluid as the ocean itself. The correspondence further illuminates the development from a relationship based on the mutual interest of two scholars in the international order of the oceans towards a very personal friendship,<sup>507</sup> which Mann Borgese later described as follows: “His influence on my thinking and on my life is commensurate only to that of my parents and my husband.”<sup>508</sup> What can be said with more certainty is that Pardo was a realist, often dissatisfied and impatient with the progress and quality of his work and others’, whereas Mann Borgese was more idealistic and optimistic. This difference can also be seen in the ways in which they retrospectively wrote about each other’s respective work. In 1993, Pardo writes about Mann Borgese and the common heritage of mankind,

Since my departure from Maltese service, the concept of a common heritage of mankind has been substantially developed by a number of writers, in particular Professor Elisabeth Mann Borgese. [...] Professor Borgese and some others believe that the common heritage principle should form the basis of international law on matters concerning humanity as a whole, such as the environment, climate, technology or food resources. However, in a strictly legal and political sense, the common heritage concept has been adopted by the international community only with regard to the seabed and its resources beyond the limit of national jurisdiction. The economic significance of this is a matter for speculation since the limits of the continental shelf under national jurisdiction have not been clearly established.<sup>509</sup>

For Mann Borgese, however, the story of UNCLOS III has always begun with Pardo’s “historic address.” Throughout her texts over time, whenever she mentions the Maltese initiative, she tends to mythologize Pardo’s efforts. For example, she writes “On

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<sup>507</sup> Based on the correspondence in the Halifax Mann Borgese Archive, some of which is now closed because someone must have decided it was too personal, one could argue that they were having an affair. But this is a rather non-academic, albeit widely known hypothesis. Pardo was married to Margit Claeson.

<sup>508</sup> Elisabeth Mann Borgese. ‘The Years of My Life’, p. 11.

<sup>509</sup> Arvid Pardo. “The Origins of the 1967 Malta Initiative.”, p. 68.

November 1, 1967, Arvid Pardo rose in the First Committee of the General Assembly of the United Nations [...]”<sup>510</sup> Mann Borgese also claims,

Pardo was of course fully aware, from the very beginning, that it was inadequate to apply the common heritage concept only to the nonliving resources and restrict its application to the international seabed area. From the very beginning, he recognized the essential unity of ocean space which he considered to be the common heritage of mankind.<sup>511</sup>

This may or may not be completely accurate because it is difficult to verify her claim in retrospect. However, it is a well-working narrative within Mann Borgese’s framework of understanding of the common heritage of mankind as well as a tool to spread her enthusiasm for a new order of the oceans based on a complex, ecological worldview.

The timeframe between the UN General Assembly’s resolution in the aftermath of Pardo’s speech to establish first the Ad Hoc Committee to study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and then to convene UNCLOS III is almost more interesting than the UNCLOS proceedings themselves because it generated many different ideas about ocean governance, showcasing the respective maximum demands before negotiations started. Among them is Mann Borgese’s *Ocean Regime Draft Statute* (1968) and a revised version from 1970. Both documents constitute an expression of Mann Borgese’s utopian vision of the ocean as laboratory for a new international world order based on the common heritage of mankind concept in the pure form.

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<sup>510</sup> Elisabeth Mann Borgese. “Introduction.” *The Common Heritage of Mankind. Selected Papers on Oceans and World Order 1967-1974 by Arvid Pardo*, p. xii.

<sup>511</sup> Elisabeth Mann Borgese. “The Common Heritage of Mankind: From Non-Living to Living Resources and Beyond.”, p. 1316.



The Center for the Study of Democratic Institutions in Santa Barbara took up the topic and study of oceans in February 1968. The first planning session on the Law of the Sea, attended by many members of the Ad Hoc Committee, scientists, and Arvid Pardo took place from February 24 to 26 under the leadership of Elisabeth Mann Borgese. In a memo summarizing the meeting that she circulated among staff and participants in March of that year, Mann Borgese first points out the “feed-back action”<sup>512</sup> between space law and the law of the sea. After all, the first Moon landing was to happen sooner than later, and it was one of the big and fascinating topics of this time. The “reservation exclusively for peaceful purposes,” for example, was borrowed from the Outer-Space Treaty. The preferred use of the terms, *ocean-space* and *ocean-space treaty* by Mann Borgese and Pardo, also originated as a reference to outer space. The group tried to find answers to the complex questions Pardo’s suggestions had prompted in order to be able to provide recommendations. They identified three major issues that had already permeated Mann Borgese’s thinking for quite some time: sovereignty, property and ownership, and (international) cooperation. The issues of sovereignty and ownership were linked to the lack of definition of the area beyond the limits of national jurisdiction, ocean ecology, and the common heritage of mankind. The question of international cooperation was linked to the possible and unprecedented establishment of a regime as a trustee of all humanity.

According to Borgese’s report, the group of scientists pointed out that it is “impossible to separate the use of the ocean floor and the seabed from superjacent waters.” Perhaps that had already occurred to her before, but afterward, Mann Borgese

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<sup>512</sup> For all of the below: Elisabeth Mann Borgese. “Center for the Study of Democratic Institutions Memorandum. Conference on the Law of the Seas.” 11 March 1968, MS-2-744\_218-33.

insisted on the indivisibility of ocean space, and that all aspects of the law of the sea have to be connected due to ocean ecology,

Thus, the use of the extranational submarine areas in the interest of mankind is inextricably linked with the use of the waters, with the problems of the traditional freedom of the seas, with fishery, conservation, with navigation—and any treaty or other international arrangement must take account of this.

Another question discussed was the meaning of the common heritage of mankind as a legal and philosophical concept as well as an economic and social theory. Different interpretations of the concept were entirely plausible, Mann Borgese writes in the summary, and thus summarizes fundamental interpretative questions about the concept,

It may be construed to mean that everyone, nation or person, has free access to the exploration and exploitation of the common resources. But does this not mean, in practice, that free access is preempted by the rich and the powerful and the technologically developed? Another interpretation that was advanced was that it meant a common share in the revenues derived from the exploitation of the common property resources. Not as though this would make things any easier. For would it mean that ownership be vested in an international, extra-national, or supranational organization, however defined and however related to the U.N.—an organization which would then assign rights to use to nations and enterprises, or to enterprises through nations? Would it mean that this organization, however defined, would be vested with territoriality, and, consequently, with sovereignty? Or does it mean that ‘ownership’ or ‘common property’ is vested in nobody, but that rights to use be assigned by the organization to nations and enterprises, so long as they use these rights ‘in the common interest of mankind?’  
[...] The fact is that, not unlike the concept of ‘sovereignty,’ the concept of ‘ownership’ or ‘property’ is in crisis today, West, East and in the middle. This is largely due to the progress of technology: wealth, today, is no longer created by reified ownership of land, water, or other resources and the implicit right to use or misuse them. Wealth is created by technology, by education, organization and design—which is ‘owned’ by no one.

Later, in an article for the *San Diego Law Review* in 1978, Mann Borgese points out that “[f]or outsider or newcomer to international law and the law of the sea, it is difficult to conceptualize the precise meaning of this new concept, which remains somewhat

rhetorical and ethereal”<sup>513</sup>. Indeed, many different possible interpretations and especially the deviations from more traditional concepts and principles of law made it more complicated for lawyers, academics, politicians, and commentators alike to accurately define and work with the concept, as the following examples from the juridical literature suggest:

What is this concept, ‘the common heritage of mankind?’ Is it a legal principle, moral principle or what? And what are its substance and implications?<sup>514</sup>

There appears to be no exaggeration for me to say that the common heritage of mankind concept has proven to be one of the most sweeping and radical legal concepts that have emerged in recent decades. [...] Nobody so far, however, has been able to provide a definitive answer to the question of whether the common heritage of mankind concept will go down in history only as a speculative concept and an exciting experiment in theoretical research, or whether it will be translated into political and legal reality.<sup>515</sup>

When we ask these questions about the CH principle we discover that its meaning is less than clear, despite several decades of use of the principle in international law.<sup>516</sup>

In 1983, Rüdiger Wolfrum confirms the view that “no fully agreed definition of the notion exists due to the fact that the application of the common heritage principle varies in the different legal regimes referring to it or being based upon it.” He identifies three original components of the common heritage of mankind in connection to the oceans that have been adjusted and extended over time,

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<sup>513</sup> Elisabeth Mann Borgese. ‘A Constitution for the Oceans: Comments and Suggestions Regarding Part XI of the Informal Composite Negotiating Text’, *San Diego Law Review* 15 (3, 1978), p. 376.

<sup>514</sup> E.D. Brown. “The Consequences of Non-Agreement.” *The Law of the Sea: A New Geneva Conference: Proceedings of the 6<sup>th</sup> Conference of the Law of the Sea Institute*, edited by L.M. Alexander. Rhode Island, Kingston, 21-24 June 1971, p.16.

<sup>515</sup> Levan B. Imnadze. “Common Heritage of Mankind: A Concept of Cooperation in Our Interdependent World?” *The Law of the Sea in the 1990s: A Framework for Further International Cooperation: Proceedings the Law of the Sea Institute Twenty-Fourth Annual Conference, July 24-27, 1990, Tokyo, Japan*, Vol. 24, p. 312.

<sup>516</sup> John E. Noyes. “The Common Heritage of Mankind: Past, Present, and Future.” *Denver Journal of International Law and Policy*, Vol. 40, No. 1-3, 2012, p. 449.

The inauguration of the world community as the owner of the sea-bed, (the status of the sea-bed), the demand that the marine resources should be used for the benefit of the developing countries, and the establishment of a respective institutional regime.<sup>517</sup>

Prue Taylor, a legal scholar and major advocate for the common heritage of mankind as an international legal principle, defines the common heritage of mankind as

an ethical concept and a general concept of international law. It establishes that some localities belong to all humanity and that their resources are available for everyone's use and benefit, taking into account future generations and the needs of developing countries. It is intended to achieve aspects of sustainable development of common spaces and their resources, but may apply beyond this traditional scope.<sup>518</sup>

She furthermore explains the practical implications states face with this new legal regime, "States become charged with a legal responsibility to prioritize and act consistently with the common interests of all humanity. They are no longer free to act solely in their individual national or collective self-interests. CHM creates a kind of trust."<sup>519</sup> It postulates a demand for a shift from liberal individualism towards more collective approaches. At the centre of this lies a change of consciousness as a premise for a more equal and environmentally sustainable global order based on extended social control and management. Prue Taylor's description of the characteristics of the common heritage of

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<sup>517</sup> Rüdiger Wolfrum. "The Principle of the Common Heritage of Mankind." *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, Vol. 43, 1983, p. 315.

<sup>518</sup> Prue Taylor. "The Common Heritage of Mankind. A Bold Doctrine Kept Within Strict Boundaries."

<sup>519</sup> Prue Taylor. "The Common Heritage of Mankind: Expanding the Oceanic Circle." *The Future of Ocean Governance and Capacity Development. Essays in Honor of Elisabeth Mann Borgese (1918-2002)*, edited by International Ocean Institute–Canada, Brill Nijhoff, 2018, p. 143. Taylor also outlines the latest developments in the Law of the Sea in her article, namely the United Nations Implementing Agreement to UNCLOS regarding a regime for the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction (high seas). Taylor argues, "the need for radical change foreseen by Arvid and Elisabeth, articulated as the principle of CHM, is now much more urgent than ever before," and that the common heritage of mankind "must be used as the overarching normative concept for a whole of ocean space regime; encompassing the seabed, the water column, surface and space above, as an interconnected ecological whole. In this way, CHM extends across and co-ordinates priorities and interaction within and between all pre-existing ocean jurisdictions."

mankind already sounds familiar because these also permeate Mann Borgese's work from the very beginning. However, this demand for more cooperation and less competition has been met with great resistance.

In terms of Mann Borgese's own understanding of the common heritage of mankind concept, she generally shares Pardo's notion of the concept with the basic characteristics he listed in his 1967 speech. In an article from 1997, she lists five major attributes of the common heritage of mankind:

1. it cannot be appropriated
2. it must be managed for the benefit of humankind as a whole, with special regard for the needs of poor countries
3. since humankind as a whole includes not only present generations but future generations as well, the common heritage of mankind must be conserved as shared with future generations
4. the common heritage of mankind is reserved exclusively for peaceful purposes [...]<sup>520</sup>

According to Mann Borgese, these attributes provide the concept with several different "dimensions," namely a developmental, an environmental, a disarmament, and an ethical dimension. The ethical dimension is especially important for Mann Borgese because "the management of resources [...] must be based on *equity*—equity among present generations and equity between present and future generations."<sup>521</sup> Further, she argues that with the entry into force of UNCLOS in 1994, the common heritage of mankind has become a principle of international law as *jus cogens*, meaning a peremptory norm without derogation. She substantiates this by citing Article 310 (6) of the Convention "that no Party to this Convention may be Party to any convention, treaty or agreement

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<sup>520</sup> Elisabeth Mann Borgese. "The Common Heritage of Mankind for the Twenty-First Century." *Interfaces. Essays in Honour of Peter Serracino Inglott*, edited by Joe Friggieri and Salvino Busuttil, University of Malta, 1997, p. 190.

<sup>521</sup> *Ibid.*

that is in violation of the Common Heritage principle.”<sup>522</sup> However, the status of the common heritage of mankind as *jus cogens* is a matter of interpretation.<sup>523</sup>

The most important way in which Mann Borgese was able to extend Pardo’s notion of the concept is her vision of the common heritage of mankind as the foundation of a new international world order, encompassing all resources, including energy and communication, as well as science and technology. It would be incorrect, however, to conclude that Mann Borgese developed her extended idea of the common heritage of mankind over time. She actually had laid out the full extent of her utopian vision of the ocean as a laboratory for a new world order well before the official opening of UNCLOS III in 1973. In her writings originating from the 1990s, including her last monograph, *The Oceanic Circle*, she is only repeating the legal and economic attributes and her functional expansion of the common heritage of mankind she developed in her writings during the late 1960s and early 1970s at the Santa Barbara think tank and the Pacem in Maribus Convocations in preparation of UNCLOS III.<sup>524</sup>

Parts of her summary of the 1968 meeting at the Institute in Santa Barbara already hint at a larger vision based on her ecological thinking and on her conviction that the complexities already inherent in ocean matters would eventually be applicable to the land as well. This is especially prominent in the last point she makes about the deliberations of possible meanings of the common heritage of mankind concerning wealth creation

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<sup>522</sup> Ibid, p. 191.

<sup>523</sup> See *United Nations Convention on the Law of the Sea. A Commentary*, edited by Alexander Proelß, Beck/Hart, 2017.

<sup>524</sup> See also Elisabeth Mann Borgese. “Expanding the Common Heritage.” MS-2-744\_176-9, 1978. And the Summary records of meetings of the First Committee, 3<sup>rd</sup> Meeting, A/CONF.62/C.1/SR.3. During the meeting on July 12, 1974, Mann Borgese advocates as a representative of the IOI in favour of an ecological unity of ocean space and “the extension of the concept of a common heritage of the sea-bed to one of ocean space.”

through technology, education and organization. This text passage does not just constitute a summary of the discussion but reflects Mann Borgese's own opinion about the contemporary state of the concepts of sovereignty and property that she had already developed to a certain extent in *Ascent of Woman*. It shows the evolution of a very broad and modern understanding of the common heritage of mankind that moves away from the perspective of an industrial economy based on resources towards a complex and integrated information economy based on knowledge and technology. More so than ever, this is our contemporary reality. More precisely, it indicates that already in 1968, Mann Borgese's interpretation of the common heritage included next to ocean space and all its resources technology, science (including education), economics, and later food and genetic resources<sup>525</sup>. Such an inclusive approach embracing and integrating all societal subsystems would ultimately transfer the common heritage of mankind concept from the ocean to the land.

Going back to the memorandum on ocean planning session Mann Borgese compiled, the group in Santa Barbara, in the end, arrived at the recommendation about the 'wicked problem' of the common heritage of mankind,

the principle that the seabed and ocean floor, however defined, and the subsoil thereof, are the common heritage of mankind and should be used, explored and exploited, for the common interest of mankind.<sup>526</sup>

And that territoriality was not vested in the regime, but that the regime

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<sup>525</sup> See Elisabeth Mann Borgese. "The Common Heritage of Mankind: From Non-living to Living Resources and Beyond." *Liber Amicorum Judge Shigeru Oda*, edited by N. Ando et al., Kluwer 2002, pp. 1313-1334. In 1974, Mann Borgese writes, "There is no reason why the concept of the common heritage of mankind should remain limited to ocean resources. Eventually all resources, including food, will have to be managed globally, cooperatively, with the participation of all nations for the benefit of all people [...]." Elisabeth Mann Borgese. "The common heritage. Only when satellite detection of national resources is governed by international law will it benefit mankind." *Ceres*, 1974, p. 55.

<sup>526</sup> Elisabeth Mann Borgese. "Center for the Study of Democratic Institutions Memorandum. Conference on the Law of the Seas." 11 March 1968, MS-2-744\_218-33.

assigns and regulates the right to use such space and resources, such assignments to be made to States or to public or private national or international corporations or undertakings, of individualist or collectivist economy, subordinated in each and all cases to the interest of the common good.<sup>527</sup>

The organizational framework of the international regime for the ocean that was to be established as the trustee of humanity developing and administering common resources and redistributing profits was the third major issue. It was supposed to “provide for a new kind of voluntary cooperation to develop the common ocean resources and redistribute the commonwealth.”<sup>528</sup> In order to embody the principle of trusteeship, the regime’s governing body was to consist of a Commission that was responsible to a Maritime Assembly. The Assembly consisted of three or four chambers, the first of which would consist of members elected by the UN General Assembly, the second of international cooperatives, labour organizations, industry representatives, etc. The third would represent scientists. Further, the group recommended the establishment of a Maritime Planning Agency coordinating all UN ocean and law of the sea initiatives, their respective Secretariats for Ocean Mining, Fisheries, and Deep-Sea Oil Extraction, as well as a Maritime Court.

The meeting was adjourned with the stipulations that the Center for the Study of Democratic Institutions keeps continuing the work on the law of the sea, including the preparation and publication of a draft ocean treaty as a framework for an international regime. Simultaneously, the consultations in the United Nations Seabed Committee and the preparations for UNCLOS III were ongoing. In the following few years, the Center sponsored five conferences leading up to the *Pacem in Maribus* Convocation in Malta in

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<sup>527</sup> Ibid.

<sup>528</sup> Ibid.



1970, which eventually initiated the founding of the IOI in 1972 with its headquarters in Malta and the objective of bridging the gap between theory and practice. Later in 1968, the Center published, *The Ocean Regime. A Suggested Statute for the Peaceful Uses of the High Seas and the Sea-Bed Beyond the Limits of National Jurisdiction*, by Mann Borgese. A revised, *Ocean Regime Draft Statute*, followed in December 1970 and was published in the appendix of the 1972 volume *Pacem in Maribus*.<sup>529</sup> Her first official publication about ocean matters had to be a model charter or constitution because, according to Mann Borgese, “this is the most fruitful way of envisioning the future.”<sup>530</sup>

The 1968 version followed the recommendations of the group’s first meeting at the Center, but also went beyond them. In the introduction, Mann Borgese returns briefly to her more poetic style of writing using tropes that emphasize once more the continuities between the old and the new, i.e., between natural and cultural evolution: “Mankind, pushed off the edge of overcrowded continents, finds itself at a turning point in its evolution. Advanced technology returns man to his pristine nature [...]”<sup>531</sup> Also, her tendency to juxtapose fact and fiction in support of her preferred narrative emerges once again when describing the “growing excitement about ocean space,” and that all of the emerging resolutions and draft treaties “turn on the four points Arvid Pardo [...] proposed [...] on November 1, 1967.” She then lists the points he made, continuously using the term, “ocean space beyond the limits of national jurisdiction,” in connection to the common heritage of mankind. First, not all suggestions and recommendations about a

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<sup>529</sup> Elisabeth Mann Borgese. “The Ocean Regime Proposal.” *Pacem in Maribus* edited by Elisabeth Mann Borgese, Dodd, Mead & Company, 1972, pp. 329-358.

<sup>530</sup> Elisabeth Mann Borgese in an interview with *The New Scientist*, June 25, 1970. MS-2-744\_179-39.

<sup>531</sup> Elisabeth Mann Borgese. *The Ocean Regime. A Suggested Statute for the Peaceful Uses of the High Seas and the Sea-Bed Beyond the Limits of National Jurisdiction*. Center for the Study of Democratic Institutions, 1986, pp. 1-2.

new order for oceans made within and outside of the Seabed Committee were in favour of Pardo's points, especially not those regarding possible restrictions to the areas of national jurisdiction. Mann Borgese, however, creates the illusion in her introduction that Pardo's version has already been declared to be commonsense. Second, "ocean space beyond the limits of national jurisdiction" is a very broad and somewhat inaccurate conceptually, at least when referring to Pardo's first speech in front of the UN General Assembly.

Pardo started using the term *ocean space* only afterwards, most prominently in his "Draft Ocean Space Treaty," a working paper submitted to the United Nations Seabed Committee in 1971. In the first draft of a comprehensive treaty, Pardo defines ocean space as a "single ecological system," more precisely as "the surface of the sea, the water column, and the sea-bed beyond internal waters."<sup>532</sup> He divides ocean space into national waters with a breadth of 200 nautical miles and international waters beyond national jurisdiction. Pardo also includes a wide-ranging extension of the common heritage of mankind to both living and non-living resource exploitation, scientific exploration, transfer of technology, etc. in areas of both national and international jurisdiction. The purpose of this important document leading up to UNCLOS dealing with all issues of international law of the sea was to "show how the common heritage concept could be implemented in the marine environment as a whole."<sup>533</sup>

Mann Borgese's first draft of an ocean regime, published a couple of years earlier, does not constitute a comprehensive law of the sea treaty. To a great degree, it only

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<sup>532</sup> "Draft Ocean Space Treaty" Submitted by Malta to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction. 23 August 1971, A/AC.138/53

<sup>533</sup> Arvid Pardo. "The Origins of the Malta Initiative.", p. 67.

focuses on the delimitation of ocean space, the common heritage of mankind, and the international regime as the embodiment of the concept. There are two reasons for this: other areas of the law of the sea, like hot pursuit, piracy, and navigation were too ocean-specific and not as connected to Mann Borgese's all-pervasive philosophical underpinnings. They simply did not show as much potential to serve as an exemplary pattern of a prospective international order.

The fundamental principles Mann Borgese lists in her draft, *Ocean Regime*, declare ocean space as an “indivisible ecological whole”; both the high seas and the seabed beyond areas of national jurisdiction are to be the common heritage of mankind, whereas national jurisdiction is delimited to twelve nautical miles from the shore line; all natural resource—both living and non-living—are “common property of the peoples of the world”; the exploration of the seabed must only be done for peaceful purposes; the same is true for the freedom of scientific research including international cooperation. In the somewhat more radical revised *Ocean Regime Draft Statute* from December 1970, the legal continental shelf is delimited by the same boundary as the territorial sea, and Mann Borgese drops the term “common property” in favour of “for the benefit of all mankind.”<sup>534</sup> Furthermore, Mann Borgese now names more conditions under which freedom of research can take place, among others, cooperation and participation of the nations in whose territory research is being undertaken, as well as the accessibility of data to all nations.

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<sup>534</sup> Elisabeth Mann Borgese. *The Ocean Regime Draft Statute. Revised, December 1970*. MS-2-744\_175-21. Article III, fundamental principles, section A: “The natural resources of the High Sea and on or below the seabed as defined by this Statute are the common heritage of mankind. They must be developed, administered, conserved, and distributed on the basis of international cooperation and for the benefit of all mankind.”

The biggest difference between Mann Borgese's draft treaty and the recommendations resulting from the initial meeting of the group in Santa Barbara, as well as from Pardo's draft version, is that Article I determines that the whole draft treaty is about the establishment of an international regime with the status as a juridical person "for the Peaceful Uses of the High Seas and of the Sea-Bed Beyond the Limits of National Jurisdiction." Moreover, Section C of the fundamental principles of Mann Borgese's *Ocean Regime* clearly states,

The International Regime for the Peaceful Uses of the High Seas and of the Sea-Bed Beyond the Limits of National Jurisdiction shall provide a framework for the future pattern of international organization.<sup>535</sup>

Shigeru Oda comments in 1977 that "this proposal [...] appeared to represent the fairly idealistic ideas of the author herself [...]. In spite of the title 'Ocean Regime', this draft was in fact a proposal for establishing an international agency."<sup>536</sup> This proposal, as well as the revised version from 1970, also includes the structure and mechanisms of the institutions of the regime, consisting of a Maritime Commission, the Maritime Assembly, the Maritime Planning Agency, and the Maritime Court. The Maritime Assembly as the supreme organ was to consist of five chambers, or Maritime Secretariats, dealing with politics, fisheries, mining, shipping and communication, as well as science. In a sideswipe at Chapter 17 of the Agenda 21, Mann Borgese, in what can be considered to be her last major article, published in 2002, reflects on her draft ocean regime from 1968. She comments that through the establishment of the five secretariats or chambers of the Assembly "integrated ocean management was thus assured."<sup>537</sup>

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<sup>535</sup> Elisabeth Mann Borgese. *The Ocean Regime*, p. 10.

<sup>536</sup> Shigeru Oda. *The Law of the Sea in Our Time*, p. 40.

<sup>537</sup> Elisabeth Mann Borgese. "The Common Heritage of Mankind: From Non-living to Living Resources and Beyond.", p. 1314.

In the same article, she mentions in a footnote that the model for the structure of the Assembly was adopted from the Yugoslav constitution “from 1958” (actually 1953), which was based on the principles of social ownership, a concept similar to the common heritage of mankind, and self-management. Newspaper articles about Mann Borgese published in the early 1970s repeatedly report about her fascination with the Balkan area, and also mention that she had taught herself Serbo-Croatian to better study Yugoslav constitutional law.<sup>538</sup> In one interview, Mann Borgese says

I am fascinated by Yugoslavian political theory. I go there three or four times a year [...] Yugoslavia is the world in microcosm; Serbs, Croats, Slovenes and others live there peaceable together. [...] They are a model for the world: Five nations living together, speaking five different languages. Switzerland, that other world microcosm, is a fossil; Yugoslavia is in a state of flux; it is developing. It has come out with a political theory which is original, that has what it takes.<sup>539</sup>

Given the development of Yugoslavia’s history and the bureaucratic and technocratic sides to the socialist state that do not necessarily evoke democratic ideals,<sup>540</sup> Mann Borgese’s appraisal of the world-changing potential of this governance model can certainly be called utopian, idealistic, romantic, and, perhaps, a bit dangerous. However, seen from her perspective during that time, her enthusiasm is more justifiable. Her relationship to the country and her belief in its political theory as a model for an international regime of peace also delivers a better explanation for her desperation and

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<sup>538</sup> *International Herald Tribune*, Friday, May 30, 1969. MS-2-774\_125-23.

<sup>539</sup> *New Scientist*, 25 June 1970. MS-2-774\_125-23.

<sup>540</sup> Yugoslavia became independent from the Soviet Union in 1948 and subsequently operated as a socialist federal republic under the leadership of Josip Broz Tito. The 1953 constitution introduced whereas the 1974 constitution of Yugoslavia reinforced the principles of social ownership and self-management.

pessimistic outlook during the Balkan wars during the 1990s and the outbreak of the Kosovo War at the end of the decade with the involvement of NATO forces.<sup>541</sup>

The emergence of the concept of sustainable development in the 1980s, the reinvigoration of neo-liberalist forces during the same time, and historico-political developments in the Balkans during the 1990s further explain why Mann Borgese stopped mentioning the Yugoslav model of self-management in her later work. Instead, she opted for terms like Eastern or Oriental philosophies or ‘Gandhism’ when explaining the intellectual foundations for a new global order.<sup>542</sup> Overall, it is noticeable that in her later work the influences of evolutionary and complexity theories that actually build the foundation of her philosophy of continuity fade more into the background. In *The Oceanic Circle* (1998), for example, Mann Borgese evokes Gandhi’s metaphor of the ever-widening oceanic circles as background for her vision of a more decentralized, albeit connected and integrated social organization. Nevertheless, the influence of the Yugoslav constitutional model and the impression it had on Mann Borgese must not be underestimated and we will see the full extent of it later, after a closer look at the objectives of an international regime for the ocean according to Mann Borgese.

More so than in the original draft ocean regime from 1968, Mann Borgese carves out the objectives of the ocean regime in the revised version,

1. The Regime shall safeguard the ocean environment as an essential reservoir of life and shall transmit this common heritage of mankind legally intact and ecologically viable to future generations.
2. The Regime shall seek to harmonize the activities of science, industry and politics in the use of ocean space. [...]

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<sup>541</sup> See, for example, the interview Mann Borgese gave the German journalist Wolf Gaudlitz in March 1999. *Elisabeth Mann Borgese in einem Gespräch mit Wolf Gaudlitz. Mein Vater der Zauberer–meine Liebe das Meer*. Bayerischer Rundfunk, 1999.

<sup>542</sup> See, for example, *The Oceanic Circle* from 1998.

3. The Regime shall seek to harmonize the interests of all nations, regardless of their ideology or state of development, by increasing the participation of all people in the management of the ocean environment and its resources. [...]<sup>543</sup>

While the memo by Mann Borgese about the earlier meeting in Santa Barbara already hinted at a more extended understanding of the common heritage of mankind, her draft, *Ocean Regime*, together with its revised version, provides a much better understanding of the legal aspects of Mann Borgese's cultural ecology. Overall, the international regime and its institutions are the embodiment of the common heritage of mankind. Its task is to manage, administrate, and distribute common spaces and resources which cannot be appropriated by any single nation or corporations. All three of the listed objectives are an expression of Mann Borgese's lens of ecology through which she observes the ocean, the international community, society, and the individual. The first objective explicitly names the "ocean environment" as a complex system within which everything is connected, and which needs to be seen as an ecologically and legally whole. This means that culture and nature in the ocean are inherently connected, where the legal boundaries and other legislation as well as all human activity in the ocean need to be in accordance with nature and furthermore in support of the protection of the environment in order to conserve the ocean and its resources for future generations. Mentioning future generations in this context represents an anticipation of the concept of sustainability.

The second objective calls for an integrative approach of science, industry, and politics as societal subsystems that are also connected. Here again, major facets of human

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<sup>543</sup> Elisabeth Mann Borgese. *The Ocean Regime Draft Statute. Revised, December 1970*. MS-2-744\_175-21.

culture or cultural evolution are not only connected with each other, but also to nature. Simultaneously, this constitutes a call for inter or transdisciplinary cooperation.

The third objective postulates international cooperation beyond east/west and north/south divisions with peace and security as its foundation. The call for direct participation and capacity building in ocean management and its resources goes beyond the redistribution of wealth through royalties and taxes and implies the sharing of technology and knowledge. For Mann Borgese, such an international ocean regime

encompassing politics science, and industry and one interlinking national and international competencies [...] may well become the prototype of international organization in the 21<sup>st</sup> century. [...] They may give rise to a network of international management systems based on the principle that not only the oceans but the earth and its resources are the common heritage of mankind , a system of world communities which will cement world peace in a way not known in past centuries.<sup>544</sup>

Indeed, a system of world communities was Mann Borgese's ideal conception of an international order, and thus constitutes her only concrete description of how the ocean could serve as a "great laboratory." The ocean with its international regime as imagined by Mann Borgese was to be the first management system or community in an array of world communities.

At the beginning of the 1970s, Mann Borgese dealt with three closely interlinked topics at the Center for the Study of Democratic Institutions: the ocean regime, the Yugoslav constitutional model based on non-ownership and self-management, and the world communities project as the culmination of her utopian thinking. Her archive materials show that between 1969 and 1974, she did extensive research about the Yugoslav version of socialist federalism relying particularly on the work of Jovan

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<sup>544</sup> Elisabeth Mann Borgese and David Krieger. "Introduction." *The Tides of Change*, p. xv.



Djordjevic. Djordjevic, a professor of constitutional law at Belgrade University, in his function as the President of the Constitutional Court of Serbia as co-authored the 1963 Yugoslav constitution, and he also wrote an article in the 1972 volume of *Pacem in Maribus*. In 1975, Mann Borgese (together with Ichak Adizes) published, *Self-Management: New Dimensions to Democracy*.<sup>545</sup> This collection of essays resulted out of a seminar at the Center for the Study of Democratic Institutions about various aspects of self-management.

Mann Borgese's book project, *World Communities*, was delayed repeatedly and, in the end, never materialized (despite the fact that she already had a contract with the publishing house. Holt, Rinehart and Winston<sup>546</sup>). But despite her simultaneous involvement with competing projects, such as the Pacem in Maribus meetings, the founding of the International Ocean Institute, the publication of *Drama of the Oceans*, and the beginning of UNCLOS III, Mann Borgese managed to publish a paper about the world communities in *The Center Magazine* (vol. IV) in the Fall of 1971 and organized the World Communities Conference at the Center in the following year.

Because the idea of a web of interconnected world communities as the organizational pattern of the global order is based on the Yugoslav model of self-management, Mann Borgese also published an article, "The Promise of Self-Management" in *The Center Magazine* in 1972. In this article, she is asserting that self-management "transcends property, power, sovereignty, and closed systems." She also claims, "the theory and practice of self-management is likely to catch the imagination and

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<sup>545</sup> Ichak Adizes and Elisabeth Mann Borgese, editors. *Self-Management: New Dimensions to Democracy*. ABC-Clio Press, 1975.

<sup>546</sup> See Mann Borgese's correspondence with the publishing house MS-2-744\_79-13 and also with her literary agent.

mobilize the activities of hundreds of millions of people all over the world during the last quarter of our century.”<sup>547</sup> Mann Borgese’s use of the term *imagination* catches the eye here because she evidently sees the imaginative act as a premise for social mobilization. But it will not be “the theory and practice” of a political or legal novelty that sparks the common imagination, but more likely different kinds of narratives featuring these alternative ways of organization and, ultimately, living in the world.

Furthermore, Mann Borgese explains that self-management is the fundamental organizing principle of the Yugoslav society on both a micro- and a macro-level, meaning that enterprises, organizations, and the state are self-organizing in the collective management and decision-making. This is based on the principle of social property or the “negation of ownership,” and, quoting Jovan Djordjevic almost directly, articulating “the relations among people much more than relations between people and things.”<sup>548</sup> In Mann Borgese’s view, Yugoslav federalism consisted of different autonomous but interacting, polyvalent, and participatory communities organized from bottom-up and based on the concept of non-ownership.

Regarding the “disintegration of ownership,” Mann Borgese identifies four interconnected developments in her article leading modern societies towards a system of self-management: technological progress, environmental concerns, resource management, and shifts in wealth-producing factors due to developments in information technology. According to Mann Borgese, technological progress enabled humanity to better access the spaces beyond the limits of national jurisdiction or “beyond the limits of

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<sup>547</sup> Elisabeth Mann Borgese. “The Promise of Self-Management.” *The Center Magazine*, 1972, p. 54. MS-744\_163-24.

<sup>548</sup> *Ibid.*, p. 55. See also Jovan Djordjevic. “Remarks on the Yugoslav Model of Federalism.” *Publius*, Vol. 5, No. 2, 1975, pp. 77-88.

ownership rights”; for example, outer space and the ocean. In Mann Borgese’s view, both outer space and the ocean were declared the common heritage of mankind by international law as an expression of “the principle of non-appropriability, the negation of ownership, the concept of social ownership writ large.”<sup>549</sup> The rise of environmental concerns has, according to Mann Borgese, “a strong technological component, but it also has a *Weltanschauung* component, it reflects a less anthropocentric view of man in his environment and a new reverence for nature, of which we are part.”<sup>550</sup> Consequently, only through restrictions and social control could the environment be protected. The same is true for resource management. With “shifts in wealth-producing factors,” Mann Borgese characterizes shift from an industrialized economy to a more knowledge and information-based economy in which skills and learning are more important than physical labour and in which “skill, know-how, education, and organization, however, are not ‘owned’ by anybody. They are the common heritage of mankind.”<sup>551</sup>

Having laid the theoretical groundwork, Mann Borgese proceeds to tell the evolutionary narrative about humanity moving towards a new social order consisting of interconnected self-managing communities and based on the concept of the common heritage of mankind,

For a few hundred years, we have been living in an era of nation-states. We have been living in a hierarchical, vertical order; in a closed order, based on property, power, and sovereignty; in an order dominated by Western, Judeo-Grecian-Roman values.

Now we are regrouping. We are going to live in a post-national or trans-national era in which nations will still exist but they will no longer be the sole actors, or even the protagonists, on the scene of world history, because other interests and other forms of organization—economic and cultural—are taking their place alongside and across the nation-state. We will live in a horizontal order, where

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<sup>549</sup> Ibid, p. 57.

<sup>550</sup> Ibid.

<sup>551</sup> Ibid, p. 58.

men again participate in the decisions affecting them; we will live in an open order, with everybody being part of a number of overlapping subsystems organizing his work, leisure, economic life, cultural and spiritual life, and moving freely within these subsystems; and we will live in an order based no longer on property, nor on power, nor on sovereignty, for all these concepts are eroding under our eyes.<sup>552</sup>

Mann Borgese's complex system of social organization consists of interacting world communities on a macro-level, of interacting self-governing nations on a median-level, and of self-managing enterprises on a micro-level and are "based on the same principles so that each part reflects the whole and the whole reflects each part."<sup>553</sup>

In the last part of her article, Mann Borgese returns to the topic of human nature. With an assumption of the continuity between the individual, society, and nature as premise, the socio-historical shifts and changes (or in Mann Borgese's words "forces of integration and disintegration") necessarily will have deep impacts on the individual as well. As already stated, Mann Borgese believes the individual, much like the nation state and its accompanying concepts of sovereignty and property, to be in a state of crisis. This is due to a modern understanding of the individual as, quite literally, an indivisible whole, endowed with a free will, independent from other individuals, and dissociated from society and its environment. But, Mann Borgese says, "we are mostly kidding ourselves." In reality, "man is not really an individual, but a network of interacting forces, a shifting nodal point of influences. Statistically we really can whittle him down to non-existence."<sup>554</sup> Mann Borgese argues that only through self-awareness of the individual existence as a complex system connected to other complex systems the individual will gain autonomy again. The ability of seeing the world as "a network of interacting forces,"

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<sup>552</sup> Ibid, p. 59.

<sup>553</sup> Ibid, p. 60.

<sup>554</sup> Ibid, p. 60.

a heightened awareness of existing complexities and continuities between nature and culture will eventually lead to human interaction, participation, and self-organization,

just as the self-managing subsystem creates and re-creates its autonomy by interacting in the participatory structures of the wider community, just as the nation creates and re-creates its sovereignty by interacting in the network of world communities.<sup>555</sup>

Mann Borgese's "ideology for the postindustrial man" thus understands the world as a complex system, comprising multiple self-managing, interacting communities or agents in non-hierarchical and non-linear ways. Therefore, Mann Borgese's narrative transcends boundaries, dualisms, and dichotomies that for centuries have characterized the human condition. In fact, they still do, as we continue to erect boundaries between the I and the non-I, between us and others, between persons and the bureaucracy (between the PhD candidate and the Faculty of Graduate Studies), between disciplines, between "owner and non-owner, manager and worker, manual work and intellectual work, work and learning, work and leisure."<sup>556</sup> Throughout her work, Mann Borgese tears down all of these boundaries. She is rightfully calling this shift in perspective deeply humanizing. In its potential to increase attunement, to create a sense of harmonious belonging in the world, and to build capacities, it changes the ways in which humans connect and interact with others and with otherness in general. This way, humanity might come to realize that this otherness is not a detriment, but a part of the whole. It is also deeply utopian in the ways in which it tries to answer the question of how we want and need to live in the future.

The question remains how Mann Borgese imagined the macro-level of her complex narrative about world order. How does the world communities project as the

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<sup>555</sup> Ibid.

<sup>556</sup> Ibid.

concrete articulation of Mann Borgese's notion of the ocean as a laboratory for a new world order look like? After she concluded the work on her ocean constitution, Mann Borgese was planning to "try an entirely new approach to world government." In 1971, in her essay about "World Communities," she proceeded from the assumption that there would be a functioning international ocean regime by the mid-1970s and the establishment of a working world government within the next "30 or 50 years from now."<sup>557</sup> She imagined energy, other resources, science, and technology to be managed globally through international regimes based on the common heritage of mankind. Within this system, nation states still exist as self-managing elements with the responsibility to preserve different cultural identities and cultural pluralism, but without military forces and full state bureaucracies. While all of the five or six communities floating in international space are interlinked with each other and with a world government, the system also includes the nation states. According to Mann Borgese's plan, "national (territorial) and functional (transnational) structures theremove [sic! Probably 'then move'] as though in a counterpoint composition,"<sup>558</sup> meaning that independent parts are interlinked in ways in which they can create an overall harmony.

Mann Borgese considered the ocean regime as the first one of these communities, setting a precedent for the new international order. In an accompanying note or speech to her paper on world communities addressed to her fellow colleagues at the Center, she says, "All of this would be as utopian as the old form of world federalism was, if we had not actually already started on the road, if the ocean regime were not something that is

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<sup>557</sup> Elisabeth Mann Borgese. "World Communities." MS-2-744\_147-1, 1971.

<sup>558</sup> Ibid.

already tangibly realistic.”<sup>559</sup> Next to the world oceans, universities built another cluster or international community within the system, representing *learning society* and managing science and technology as the common heritage of mankind. Energy, all other land-based resources, and communications need to be managed internationally as functional communities as well. With communications, Mann Borgese had first and foremost satellites in mind because the internet and other communication technologies did not exist, at least not to the extent these technologies are dominant.

In the first chapter, “The Human Universe,” of what is most likely the manuscript of her planned monograph about the world communities that she never completed for publication, Mann Borgese tells the story of the necessary evolution of the world state. As should be the case in all good narratives, at the centre of her story is crisis. But in this case it is not the crisis of the individual, but the closely connected crisis of the nation state, “This world community, in fact, is unified today by technology and its network of communications more tightly than the nation-State was at the heyday of its glory and power.”<sup>560</sup> But first, she has to put away with—in her opinion—a false narrative about world order development. She actually characterizes this as a story boringly stringing together seemingly linear events that needs to be replaced by a better story, expressing the complexity of events. Once again, Mann Borgese shows that she is a storyteller who understood the world and human evolution as both represented in as well as constructed through complex narratives. At the beginning of the chapter she writes,

We used to look at the world this way: Man. Man founded the family. Then families gathered in tribes. Then tribes merged in cities. Cities united in nations. Nations began to join in regional federations. These, eventually, will establish one super world federation. Each step at its time. [...] But it is not a good story

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<sup>559</sup> Ibid.

<sup>560</sup> Elisabeth Mann Borgese. “The Human Universe.” MS-2-744\_147-1, not dated, p. 13.

anyway. It is a childish story. A childish way of looking at the world. [...] Even a minimum exposure to contemporary science suggests a different story. Mankind is a system. A universe that started expanding with a whimper somewhere in the East, maybe a million years ago. An expanding, very loosely integrated universe, with all sorts of motions and pulsations. Forming clusters, constellations, solar systems, planets, molecules, atoms. More or less interacting, according to the amount of energy or information available.<sup>561</sup>

With “contemporary science,” Mann Borgese means complexity, systems theory, or the “paradigm of the creative universe”<sup>562</sup> that requires a new way of thinking and changes the ways in which we are looking at the world. This new perspective is described by scientists as “synthetic and holistic rather than analytic and reductionist,” recognizing “the collective, cooperative, and organizational aspects of nature.”<sup>563</sup> Concretely, Mann Borgese is describing the change from a linear and reductionist worldview to a complex and dynamic one that is conveying ecological characteristics to questions of social order. She emphasizes that this massive change in perspective is not only relevant for the sciences and nature but is also affecting all areas of life in an interdisciplinary way. Moreover, it influences the ways in which we tell stories and create narratives, as they can both represent and shape worldviews.

Mann Borgese then tell the stories of the rise and fall of the nation state as well as the ascent of a new global order in an evolutionary fashion by arguing that systems and subsystems sometimes develop in parallel lines, sometimes in opposite directions, but always in “phases of pulsation.” Hence, the “dissolution of the nation state” happens simultaneously with the emergence of internationalism. These phases or processes of

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<sup>561</sup> Elisabeth Mann Borgese. “The Human Universe.”, pp. 1-2.

<sup>562</sup> Alfonso Montuori. Foreword: Edgar Morin’s Path of Complexity.”, p. xxix.

<sup>563</sup> Paul Davies. *The Cosmic Blueprint. New Discoveries in the Nature’s Creative Ability to Order the Universe*. Simon and Schuster, 1989, p. 2. Taken from Alfonso Montuori. Foreword: Edgar Morin’s Path of Complexity.”, p. xxix.



change over time from multi-ethnic complex of territories to nation states and from nations states to international integration that are corresponding with each other,

It is the end phase, with its ripeness and sophistication, the ‘loosening up’ phase, of the national community that resembles the phase of condensation—starting from a high mark of sophistication and ripeness—of the world community. This, in turn, reveals features of likeness between the end phase and the initial phase of the national community on the one hand, between the ‘condensing’ world community and developing and primitive communities on the other, and, in the most general sense, between the postnational and the prenatal world order.<sup>564</sup>

Similar to Mann Borgese’s description of the crisis of the individual in *Ascent of Woman*, the phase of the crisis of the nation state constitutes the one we are currently situated in.

Thus, it is again worthwhile and necessary to pause for a close reading of how Mann Borgese portrays this crisis because the “process of modernization [...] could not but create imbalances, ruptures, hideousness. As it still does today, whenever there is collision between tradition and technology, between the old and the new.”<sup>565</sup> It is quite fascinating to read with how much timeless precision Mann Borgese is able to predict contemporary cultural drifts and political tendencies within a narrative from the perspective of the early Cold War 1970s. Even though she is mainly talking about the North-South divide between developed and developing nations, she is generally portraying tensions which, from our contemporary perspectives, sound very familiar. It is the pretty accurate description of a world which is full of uncertainty, complexity, and ambiguity articulated in international as well as national challenges,

This world community, on the other hand, with its universal language, which is technology, is horizontally divided into two classes. There is an international class, the jet set, inhabiting the nonterritorial empire, or subculture, of American Express credit cards and diners clubs, of airports and Hilton Hotels. Amazingly alike, all over the world. And then there is the national class. The picturesque,

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<sup>564</sup> Elisabeth Mann Borgese. “The Human Universe.”, p. 3.

<sup>565</sup> Ibid, p. 6.

photographable, folkloristic poor. Those who don't travel and don't speak English. The 'national'—a mixture of cultural, economic, social, religious and racial elements, take, in the world community, the place the minority occupies within the national State. Their claim to 'sovereignty', against the disintegrating 'foreign policies' of the overdeveloped, in truth 'international' powers and the increasing encroachment of worldwide economic interests presents a new form of class struggle. This, in turn, gives rise to the so-called wars of national liberation, corresponding, exactly, to the race and minority riots and guerillas at the national level, with which they therefore inevitably link up into a novel cluster of problems. And the world community does not know what to do about them, especially at a time when such wars of national liberation tend to escalate into major wars, involving the superpowers and their atomic arsenals. If only we had a world government, idealists say, with a world police force enforcing disarmament and world law and order, we wouldn't have to worry.<sup>566</sup>

Read from a contemporary perspective, this narrative of a world in which nationalism, populism, and economics, as well as military protectionism are again on the rise, featuring world leaders of the old powers looking backwards to seemingly better and simpler times and trying to ignore or resist the influences of overarching economic, technological, and environmental global forces. A world in which some cultural groups feel left behind due to massive social changes caused by globalization and the digital revolution and who feel like “strangers in their own land.”<sup>567</sup> They are under the impression that their identity is being threatened from within by the powerful emergence new groups of previously marginalized communities fighting for the recognition of their identities. From the outside come immigrants and refugees either looking for better economic and educational opportunities or fleeing from wars, violence, and increasingly from environmental dangers, such as the effects of climate change. And a world where vulnerable cultural groups blame economic, political, and intellectual elites for their sometimes real, sometimes perceived miserable living situations; elites, who then, in turn,

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<sup>566</sup> Ibid, pp. 13-14.

<sup>567</sup> See Arlie Russell Hochschild. *Strangers in Their Own Land: Anger and Mourning on the American Right*. The New Press, 2016.

often tend to look down at them. Truth has become a fleeting concept, a complex system. If everything is indeed narrative, it could also have negative consequences, giving rise to a confusing high number of sometimes foreign, sometimes contradictory perspectives. How are we going to cope?

The 1970s, especially the beginning of the decade, opened up a window for political, legal, and economic imagination that then rather quickly closed again with the beginning of the 1980s. Elisabeth Mann Borgese's utopianism, too, was at its peak during this time. In a letter to Robert 'Bob' Hutchins from May 1975, Mann Borgese addresses her future research plans with the Center for the Study of Democratic Institutions, and lays out elements of her "world order project," which was supposed to keep her occupied for years to come. The project as "practical philosophy in the most literal sense" was supposed to entail the Law of the Sea, the Law of Energy, the Law of the Atmosphere, and the Law of the Land and its Resources.<sup>568</sup> In the end, it never came to a realization of Mann Borgese's utopian vision for a new world order with the ocean as the great laboratory. When Mann Borgese wrote to Hutchins, he was already a "Life Fellow" at the Center and had retired due to age and major illness. At this time, she must have been well aware of the dissolving state of the Californian think tank. James Real writes about the Center in the same year, "A mordant air permeates the stark pile on the lush Santa Barbara hill that houses the 50 officers, fellows, and staff who make up the Center for the Study of Democratic Institutions."<sup>569</sup> Three years later, in 1978, Mann Borgese left the Center and the US for Halifax, Canada, and became a Senior Killam Fellow at Dalhousie University where she stayed until her death in 2002. But primarily, the non-execution of

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<sup>568</sup> Elisabeth Mann Borgese in a letter to Robert Hutchins from 15 May 1975, MS-2-744\_183-14.

<sup>569</sup> James Real. "The Center for the Study of Democratic Institutions: Great Issues, Great Crises.", p. 38.

Mann Borgese's world order plans can be explained by the fact that the precedent for this new global order, namely the ocean regime and the reformation of the international law of the sea, in general, took much longer to acquire than imagined. These circumstances led Mann Borgese to shift her focus back to the oceans and the law of the sea after the founding of IOI and the official beginning of UNCLOS negotiations, especially after she had become a member of the Austrian Delegation in 1976. During this long process, as the window for political and legal imaginations was slowly closing again, it seems that Mann Borgese did not develop any major new ideas, but was mostly trying to maintain and to help bring across as much as possible of her utopian vision through UNCLOS III and beyond without losing sight of the bigger, overall transforming vision of an international order consisting of a complex system of interacting world communities based on the common heritage of mankind.

### 3.2.2 Economics

Overall, Elisabeth Mann Borgese's thoughts on economics are in line with her cultural ecology. In an essay from 1995 about how she would like to leave the world to her grandchildren she writes,

The market [...] will not conserve the environment within which economic development is supposed to take place. We need a new economic theory, integrating economics and ecology as part of integrating culture and nature, cultural evolution as part of natural evolution.<sup>570</sup>

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<sup>570</sup> Elisabeth Mann Borgese. "The World I Want to Leave to My Grandchildren." *Federico Mayor. Amicorum Liber. Solidarité, Egalité, Liberté. Solidaridad, Inigualdad, Libertad. Solidarity, Equality, Liberty. Le Livre d'Hommage Offert au Directeur Général de l'UNESCO par ses Amis à l'Occasion de son 60<sup>e</sup> Anniversaire*, Bruylant, 1995, pp. 995-1010.

The only contemporary economic theory that more or less shares Mann Borgese's objectives for the future without completely overthrowing the market-based system is Christian Felber's theory of Economy for the Common Good calling for systemic economic change that is not primarily profit-oriented, promoting human rights, justice, and sustainability instead of competition. According to a recent paper,

[t]he Economy for the Common Good (ECG) is a comprehensive and coherent economic model and is being practiced in hundreds of businesses, universities, municipalities, and local chapters across Europe and South America. It represents an alternative to both capitalism and communism. It emerges out of a holistic worldview and is based on 'sovereign democracy,' a stronger democracy than exists today.<sup>571</sup>

However, Felber's theory only intends a transformation of sovereignty with the objective to give more direct decision-making powers to the sovereign, the people, "standing above the legislature, the government, every international treaty, and every single law"<sup>572</sup>, which is somewhat dangerous (see BREXIT) and contrary to Mann Borgese's emphasis on governmental forms of representation on local, regional, and international levels that are systemically connected to each other. Further, this theory supports putting limits on all kinds of property without abolishing the concept all together. Thus, in comparison to Mann Borgese's extended vision of the common heritage of mankind embodying a whole new mindset with wide-ranging consequences for all societal subsystems and in contrast to her sovereignty-transcending utopia of world communities, this theory still falls short in terms of comprehensiveness.

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<sup>571</sup> Christian Felter and Gus Hagelberg. "The Economy for Common Good. A Workable, Transformative, Ethics-Based Alternative." *The Next System Project*, February 2017, <https://thenextsystem.org/the-economy-for-the-common-good#6-democracy-and-trade>.

<sup>572</sup> Ibid.

Elisabeth Mann Borgese's extended notion of the concept of the common heritage of mankind going hand-in-hand with her complexity thinking, constitutes the foundation of her vision for new ways of economic action. Again, the ocean as a complex ecosystem serves as a model and precedent for an economic theory that was not land-based nor Eurocentric or entirely based on Western cultural values, "[...] the particular nature of the ocean environment magnifies the issues challenging contemporary economic thinking in general." According to Mann Borgese, a theory of economics as part of a broad ecological worldview acknowledges that everything is connected must be based on "equity and cooperation" instead of "conflict and competition."<sup>573</sup> But although Mann Borgese's understanding of the common heritage of mankind as a legal and philosophical concept based on non-ownership, participation, and cooperation implies major ramifications to economics as a societal subsystem, she was never able to develop her own theory of the economics of the common heritage of mankind because this field was very much outside her expertise, or, in her words, was in need of further research. Instead, she first tried to connect the concept of the common heritage of mankind and new law of the sea with the simultaneously emerging movement demanding a New International Economic Order (NIEO) during the mid-1970s. When "the fragment of a now all but lost political imagery"<sup>574</sup>—NIEO had disappeared by the 1980s—Mann Borgese turned to the theory of dowry and patrimony by the Italian economist, Orio Giarini,<sup>575</sup> as the basis for an economics of the common heritage of mankind. In the 1990s, IOI initiated a major study about the connections of ecology and economy in

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<sup>573</sup> Elisabeth Mann Borgese. "Caird Medal Address." *Marine Policy*, Vol. 25, 2001, p. 392.

<sup>574</sup> Nils Gilman. "The New International Economic Order. A Reintroduction." *Humanity*, Spring 2015, p. 3.

<sup>575</sup> Orio Giarini. *Dialogue on Wealth and Welfare. An Alternative View of World Capital Formation: A Report to the Club of Rome*. Pergamon Press, 1980.

Western and non-Western knowledge systems.<sup>576</sup> But just as is the case with all other societal subsystems within the new complex order, Mann Borgese was of the opinion that technological and scientific progress as the drivers of complexity and other integrative global processes necessitated major changes to economic theory in order to reflect and deal with these new realities,

Economic theory is in a state of effervescence, in our age of transition, just as most other theories. Some major factors of change that should be mentioned are: technological advances, the emergence of a new science paradigm, the increasing discrepancy between political space (the nation state) and economic space (the world, due to globalization of productive and financial systems), the general move away from narrow specialization towards comprehensive and systemic approaches, the growing importance of environmental and social impacts. These—and other—factors are transcending traditional economic theory no matter whether market-based or socialist.<sup>577</sup>

According to Mann Borgese, in the same ways in which traditional juridical theories, such as Grotius' *mare liberum*, do not act in accordance with major social changes anymore, the foundational economic theories of both Adam Smith, Karl Marx, and their descendants have had their time and are not capable to describe and guide economic processes in a post-industrialist society. These traditional ways of economic thinking, capitalist or socialist, were based on the concepts of property and ownership. Mann Borgese suggests transforming and transcending the concepts of ownership and sovereignty through different ways of management and social control. Mann Borgese further argues that despite some “prophetic insights” of Marx and Engels during their lifetimes, they could not see “the complex interaction between environmental and

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<sup>576</sup> See IOI. “Ocean Economics” MS-2-744\_324-27.

<sup>577</sup> Elisabeth Mann Borgese. “The Economics of the Common Heritage.” *Ocean & Coastal Management*, Vol. 43, 2000, pp. 763-764.

economic concerns, between Nature and Culture” and are, therefore, “inapplicable to the world of today.”<sup>578</sup>

Mann Borgese first seemed to get more interested in questions of economic theory when she and Arvid Pardo became members of the Reshaping the International Order (RIO) project, led by economist, Jan Tinbergen, in 1975. Within this context and around the same time, she and Pardo argued in favour of combining the efforts and objectives of the NIEO movement with the law of the sea.<sup>579</sup> NIEO was part of the process of decolonization with the objective to strengthen the economy of the global South by transforming “the governance of the global economy to redirect more of the benefits of transnational integration toward the developing nations.”<sup>580</sup> Mann Borgese argued in an article from 1977 that NIEO must be applied both on land and in the ocean and complained about the lack of integration, and that “the two developments are moving on separate and often divergent tracks.”<sup>581</sup> Again, Mann Borgese assessed the ocean as the great laboratory in which the “new international institutions in the oceans” that were being negotiated at UNCLOS during that time provide “the first occasion to create an

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<sup>578</sup> Elisabeth Mann Borgese. “The Common heritage of Mankind for the Twenty-First Century.”, p. 195.

<sup>579</sup> See Elisabeth Mann Borgese. “The New International Economic Order and the Law of the Sea.” *San Diego Law Review*, Vol. 14, 1977, pp. 584-596. And Elisabeth Mann Borgese. “The International Economic Order and the Law of the Sea. Background Paper.” International Ocean Institute, Malta, 1975. MS-2-744\_176-11. See also Arvid Pardo and Elisabeth Mann Borgese. *The New International Economic Order and the Law of the Sea. Occasional Paper No. 4*, International Ocean Institute, not dated (probably published around the same time), MS-2-744\_189-5.

<sup>580</sup> Nils Gilman. “The New International Economic Order: A Reintroduction.”, p. 1.

<sup>581</sup> Elisabeth Mann Borgese. “The New International Economic Order and the Law of the Sea.” *San Diego Law Review*, Vol. 14, 1977, p. 585. Similar to the situation and relationship between UNCLOS and UNCED here again Douglas M. Johnston’s hypothesis of “a collision of different mind-sets” can be helpful to explain the divergence between the emerging Law of the Sea and NIEO that did not allow the people involved to see the connections and the potential of parts of the Law of the Sea for international economic development. See Edward L. Miles. “The Approaches of UNCLOS III & Agenda 21—A Synthesis.” *Sustainable Development and Preservation of the Oceans: The Challenges of UNCLOS and Agenda 21*, edited by Mochtar Kusuma-Atmadja, Thomas A. Mensah, and Bernard H. Oxman, The Law of the Sea Institute, University of Hawaii, 1995, pp. 16-17.



institutional framework to embody the principles of the NIEO.”<sup>582</sup> The International Sea-Bed Authority (ISA) and its Enterprise were to be the first establishments of these institutional embodiments of the common heritage of mankind:

Situations exist in which the UNCLOS can and must create new forms of participation and cooperation in the management of the common heritage of mankind. If these forms are successful in ocean management, they can be adapted to other areas of international economic cooperation.<sup>583</sup>

However, during the second half of the 1970s and by the time Elisabeth Mann Borgese wrote these lines, UNCLOS negotiations had come to a deadlock with regard to ISA, the Enterprise and the common heritage of mankind. This is mainly the reason why Mann Borgese tried to connect UNCLOS with NIEO. By arguing in favour of the common heritage of mankind and its international embodiments in disguise of NIEO, she wanted to gain traction in order to push negotiations forward.

NIEO disappeared, and, in 1980, Orio Giarini published, *Dialogue on Wealth and Welfare*, which Mann Borgese then used as foundation for an analysis of the economics of the common heritage of mankind first in her own report to the Club of Rome, *The Future of the Oceans* (1986), and then, albeit in a slightly updated version, in her 1998 monograph, *The Oceanic Circle*. The respective chapter about the economic perspectives of the ocean later served as the foundation for her article about the economics of the common heritage published in *Ocean & Coastal Management* in 2000. Whereas Mann Borgese’s engagement with NIEO had mostly a strategic purpose, she tried to give the common heritage of mankind a more rigorous body of content.

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<sup>582</sup> Elisabeth Mann Borgese. “The New International Economic Order and the Law of the Sea.”, p. 585.

<sup>583</sup> *Ibid*, p. 588.

Giardini's economic theory is also based on the assumption that the world is a global interacting system. His dynamic concept consisting of "deducted value," "utilization value," and the oddly named "dowry and patrimony" is an early model of several theoretic attempts to calculate the GNP—the combined wealth and value of a nation—differently and in non-traditional ways, including not just the monetary value of final products and services but also the utilization value of these products and services over a longer time period, factoring in environmental effects and damages, and the combined value of interacting quantifiable and non-quantifiable activities. The idea of non-quantifiable or non-monetarized sectors imply that there are activities, areas and resources contributing to the overall wealth of a society whose value and impact cannot be measured in strictly monetary terms. Understood this way, wealth is comprised, among other elements, of the shared resources of air, water, and energy, unpaid work, human development, environmental health, and cultural values.<sup>584</sup> Mann Borgese later used the term *ecosystem services* to describe the non-quantifiable values of ocean economics.<sup>585</sup>

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<sup>584</sup> See Elisabeth Mann Borgese. "The Economics of the Common Heritage.", p. 771 & p. 777.

<sup>585</sup> Ibid, p. 775. The concept of Ecosystem Services recognizes the dependency of humans on nature's 'services' and tries to define the economic value of these services in order to protect the environment better: "Nature provides human society with a vast diversity of benefits such as food, fibres, clean water, healthy soil and carbon capture and many more. Though our well-being is totally dependent upon the continued flow of these 'ecosystem services', they are predominantly public goods with no markets and no prices, so are rarely detected by our current economic compass. As a result, biodiversity is declining, our ecosystems are being continuously degraded and we, in turn, are suffering the consequences." *The Economics of Ecosystems & Biodiversity. An Interim Report*. European Communities, 2008, p. 9. The leader of the TEEB Report, the environmental economist Pavan Sukhdev, is one of the strongest advocates of the idea to put monetary value on nature (see [https://www.ted.com/talks/pavan\\_sukhdev\\_what\\_s\\_the\\_price\\_of\\_nature?language=en](https://www.ted.com/talks/pavan_sukhdev_what_s_the_price_of_nature?language=en)). However, their reasoning could be interpreted in such a way that it stands in opposition to Mann Borgese's ideas. The intent to put value on nature in order to protect it and its resources indicates that the environment is at risk specifically because 'ecosystem services' do not belong to anyone and do not have markets and monetary value, thus indicating an imposition of market driven economic thinking upon nature, i.e., the imposition of contemporary cultural systems on natural systems. Mann Borgese, however, argues that we have to model our cultural systems according to natural systems in order to survive.

Mann Borgese calls Giarini's theory a "synthesis of economics and ecology,"<sup>586</sup> which is especially important when applied to the ocean. According to Mann Borgese, ocean resources increase the international and national "dowry and patrimony" to large extents, whereas "the question of sovereignty, over the long run, is as irrelevant to economic development as the question of ownership." As the words *dowry* and *patrimony* imply some sort of intergenerational heritage, Mann Borgese saw similarities to the concept of the common heritage of mankind. Moreover, Giarini's theory could be applied to the ocean because the "marine revolution postulates a synthesis between ecology and economy as a precondition for its lasting success" and "all major economic uses of the oceans interact."<sup>587</sup> In Mann Borgese's view, this was true for the ocean as a whole, but especially for Exclusive Economic Zones (EEZ) acting as *pars pro toto*,

Ocean management must be broadly interdisciplinary if it is to work at all. The very concept of the economic zone embodies this problematique of the oceans. An economic zone is not a fisheries zone, a zone for the protection of the environment, or a dumping or mineral mining zone. It is a zone for the management of all economic and ecological uses of the sea, considered in their interaction. The same concept is enshrined in the preamble to the Convention, where the signatories state that they are 'conscious that the problems of ocean space are closely interrelated and need to be considered as a whole.'<sup>588</sup>

Mann Borgese was looking in the realm of economics for solutions and innovations reflective of the new ways in which to see the world, namely as an integrated complex system. Over time, she tried to reconcile the elements of her very concrete utopian vision with then contemporary political trends, such as NIEO or different theories, trying to achieve the synthesis of ecology and economy, yet the core of her cultural ecology in form of the common heritage of mankind never changed. Mann Borgese's excursion into

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<sup>586</sup> Elisabeth Mann Borgese. *The Future of the Oceans*, p. 45.

<sup>587</sup> *Ibid*, pp. 52-53.

<sup>588</sup> *Ibid*, p. 54.

economics and the ways in which she understood it must be seen as just another expression of her cultural ecology in which nature and culture are inherently connected. Mann Borgese understood cultural evolution as an extension of natural evolution. Thus, elements of complex organizational systems in nature, such as the ocean, are supposed to serve as a model for a different cultural organization based on integration, cooperation, and equity.

### **3.2.3 Science and Education: The Need for Interdisciplinarity**

Knowledge and technology, in the same way as natural resources, are part of Mann Borgese's extended understanding of the common heritage of mankind, which means that the concepts of sovereignty and ownership have lost their validity because knowledge and technology, especially since the beginnings of the digital revolution, go beyond boundaries and cannot be owned by anyone,

New technology is knowledge based, information based [...] Knowledge and information will travel, no matter what fences the 'owner' may try to erect around it. It will travel wherever there is a 'recipient', i.e., human resources, educated and capable of absorbing and utilizing this knowledge and this information.<sup>589</sup>

The notion that knowledge and technology are common goods and need to be shared has, consequently, huge implications on intellectual property law. Even more so in the new global order as envisioned by Mann Borgese in which the transfer of technology and knowledge has a levelling effect, providing poorer countries and people with the opportunity of capacity building. In turn, this is beneficial to both humanity and the environment.

In the new paradigm, technology is not one-dimensional; it is not autonomous; it is not value-free. It has an economic dimension as well as a social, a cultural, and

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<sup>589</sup> Elisabeth Mann Borgese. "The Common Heritage of Mankind for the Twenty-First Century.", p. 201

an ethical dimension, and these can be ignored only at the risk of making the rich richer and the poor poorer. Technology development thus cannot be left to ‘the market’. It must be managed, for the common good, as part of the common heritage of mankind.<sup>590</sup>

That also explains and exemplifies as to why Mann Borgese intended universities and other institutions of higher education to have their own international cluster within the world communities project.

While this aspect of Mann Borgese’s cultural ecology is relatively well known,<sup>591</sup> it is worthwhile to look closer at the impact of Mann Borgese’s cultural ecology on the transfer of knowledge in terms of science and education. Her unabashed insistence on interdisciplinary approaches is rooted in her concept and philosophy of the common heritage of mankind and is not only of significance in connection with the ocean, but of general interest. One could say that interdisciplinarity represents the mindset of the common heritage of mankind as envisioned by Mann Borgese because it stands in opposition to capitalist socio-political agendas fostering competition and privatization. Contemporary mainstream conceptualizations of science and the disciplinary organization of (higher) education mirror the concepts of competition, reductionism, sovereignty, and ownership as criticized by Mann Borgese. Her practical philosophy of the common heritage of mankind “considering the individual at the same time as part of the human community and the human community as part of nature”<sup>592</sup> challenge and change the ways in which we consider knowledge and education and how knowledge is being organized and transferred.

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<sup>590</sup> Ibid, p. 203.

<sup>591</sup> Most recently, see François Bilet. “The Capacity Development Imperative.” *The Future of Ocean Governance and Capacity Development*, pp. 71-76.

<sup>592</sup> Elisabeth Mann Borgese. “The Common Heritage of Mankind for the Twenty-First Century.”, p. 200.

According to Mann Borgese, the ocean “forces you to think differently” because “everything flows, and boundaries are more fiction than reality as political boundaries economic boundaries, and ecological boundaries no longer coincide.”<sup>593</sup> In 1998, the Year of the Ocean, the *Pacem in Maribus* Convocation (XXVI) came together in Halifax, Nova Scotia, to study the implications of this *Crisis of Knowledge* for the ocean. In her opening address, Mann Borgese explains what the idea of complex systems means for the ocean environment,

If the whole system is complex [...], nonlinear, and unpredictable, each component [...] reflects the whole: Fisheries management, or the management of shipping, ports, and harbours as components of ocean and coastal zone management, is as complex [...] as the system as a whole, including scientific, environmental, economic, social, legal, cultural, and ethical factors; each of these subfactors can be broken down again into equally complex subsystems.<sup>594</sup>

One of the conclusions she draws from this complexity is that all ocean matters and marine sciences require a high degree of interdisciplinarity in order to better understand the ocean system. Since she believes the organization of the ocean as a complex ecosystem serves as a laboratory for humanity to explore major changes to its cultural systems and to reconnect with nature, interdisciplinarity consequently needs to become the mainstream organizational form of knowledge in and outside of academia. At the heart of Mann Borgese’s cultural ecology lies an ecological worldview based on complexity. It recognizes that everything is connected in nonlinear ways and able to create the most surprising reactions and impacts in form of feedback actions, thus creating a high degree of uncertainty as to how systems are behaving. As a result, her

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<sup>593</sup> Elisabeth Mann Borgese. “Caird Medal Address.”, p. 391.

<sup>594</sup> *Ibid*, p. 2.

worldview emphasizes the continuities between the individual, society, and nature that cannot be understood or contextualized by using reductionist approaches and methodologies. This means that sciences, including the humanities and social sciences (or Geisteswissenschaften), cannot remain comfortable within their respective disciplinary zones and boundaries if they want to arrive at a better understanding of systems (e.g., individuals, societies, and nature are complex systems). By focusing exclusively on isolated elements of these systems, more important connections and interlinkages within systems and among systems are overlooked. Whereas the system as a whole can never be understood in its totality, interdisciplinary approaches have the unique ability to shed light on connections and the spaces in between. This is understood by Mann Borgese to such an extent that interdisciplinarity becomes self-evident and undisputable as a scientific, academic, and educational mindset. That is why her contribution to the field of interdisciplinary studies is rather implicit and certainly was not intentional on her part as it was just the natural way of looking at things.

Complexity is also recognized by theorists and scholars of Interdisciplinary Studies as “the main driving force behind interdisciplinarity”<sup>595</sup> after the US National Academy of Science identified “the inherent complexity of nature and society” as one of the four main drivers of interdisciplinary research in 2005.<sup>596</sup> Economist, Erich Jantsch, (like Mann Borgese also a member of the Club of Rome) wrote about a systems approach in interdisciplinary higher education as early as 1970.<sup>597</sup> William Newell, the godfather of

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<sup>595</sup> Steph Menken and Machiel Keestra. *An Introduction to Interdisciplinary Research. Theory and Practice*. Amsterdam University Press, 2016, p. 34.

<sup>596</sup> Ibid.

<sup>597</sup> Erich Jantsch. “Inter- and Transdisciplinary University: A Systems Approach to Education and Innovation.” *Policy Sciences*, vol. 1, no. 4, 1970, pp. 403-428.

interdisciplinary studies in the US, suggests in a 2001 paper, “A Theory of Interdisciplinary Studies,”<sup>598</sup> that “an interdisciplinary approach is justified only by a complex system.” Drawing from systems and complexity theory, Newell’s model is treating the several disciplines as facets or subsystems that are connected by non-linear relationships. Through an analysis of interactions between the subsystems, an overall pattern might surface, and the researcher will be able to integrate disciplinary insights. In a top-down approach, the researcher can look at the “overall pattern of behaviour of the system and bottom up at the behaviour of individual sub-systems.” In the same article, Newell also points out that complex systems must be understood more metaphorically in the humanities, in which the idiosyncratic behaviours of individuals are mostly the centre point of analysis—which is debatable and only highlights a rather old-fashioned understanding of the ways in which research is being conducted in the humanities. Surprisingly, in a later article from 2007,<sup>599</sup> Newell abandons his thoughts on complexity and interdisciplinary theory in favour of an iterative step-by-step approach towards an interdisciplinary process that, in comparison to his earlier model, can almost be denoted as being linear.

In the Old World, French philosopher, Edgar Morin, influenced by ground-breaking scientific discoveries of the 1960s and 1970s as well as systems theory and cybernetics, argues in favour of a science and education that is reflective of the transition from a static view of the world to one that is process oriented and able to navigate the accelerated pace of globalization (what he calls a “planetary culture”) accompanied by

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<sup>598</sup> William Newell. “A Theory of Interdisciplinary Studies.” *Issues in Integrative Studies*, no. 19, 2001, pp. 1-25.

<sup>599</sup> William Newell. “Decision-making in Interdisciplinary Studies.” *Handbook of Decision Making*, edited by Goktug Morcol, CRC Press, 2007.



complex issues and higher degrees of uncertainty.<sup>600</sup> In terms of scientific method, this means focusing more on the way or “a path laid out in walking”<sup>601</sup> instead of results. According to Morin, fragmented learning and research “divided up into disciplines often makes us unable to connect parts and wholes [...]” Against this, he suggests to “place information into context and an entity”<sup>602</sup> to unearth connections. Furthermore, he stresses the mission of forms of education to foster mutual human understanding that requires a change of current mentalities in teaching and learning.

Against the backdrop of the ongoing digital revolution and changing attitudes towards knowledge production and consumption in higher education, Robert Frodeman takes a similar line. He calls out leading interdisciplinary thinkers too preoccupied with method and accuses interdisciplinary theorists of abandoning their special status as thinkers of the in-between or disciplinary border crossers.<sup>603</sup> Accordingly, he offers a specific interdisciplinary mindset which he calls “interdisciplinary virtues” rooted in the thought of Aristotle and Heidegger for whom, according to Frodeman, method hampers actual thinking, and, thus, will not lead to the truth. Frodemann identifies method as “purported signs of disciplinarity” and as nothing else than “organized commonsense.” In the place of methodological prescriptions, Frodeman argues,

skill at interdisciplinary work [...] becomes a matter of character rather than methodology. Interdisciplinary work requires the development of a peculiar set of virtues [...] These include openness to new perspectives, a willingness to admit the inadequacies of one’s own point of view [...] and generosity in interpreting the position and motives of others. [...] Aristotle noted [...] we acquire such virtues through embodying them in a practice until they become part of us.

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<sup>600</sup> See Edgar Morin. *Homeland Earth*. Hampton Press, 1999. And *Seven Complex Lessons in Education for the Future*. UNESCO Publishing, 2003. As well as *On Complexity*. Hampton Press, 2008.

<sup>601</sup> Alfonso Montuori. “Foreword. Edgar Morin’s Path of Complexity.”, p. xxv.

<sup>602</sup> Edgar Morin. *Seven Complex Lessons in Education for the Future*, p. 12.

<sup>603</sup> See Robert Frodeman. *Sustainable Knowledge—A Theory of Interdisciplinarity*. Palgrave Macmillan, 2014.

Arguably, the humanities offer an environment within which such virtues can be practiced and cultivated, especially through the practice of dealing with and interpreting narrative forms. There is a need for the humanities and all sciences to rediscover the narrative as a major tool and integrative device of interdisciplinary research, teaching, and learning. Not only because it can make for a better story,<sup>604</sup> but because narratives have, to use Elisabeth Mann Borgese's words, the power to "blur [one's] wonted perspective and open up a deep new one."<sup>605</sup>

According to Morin, "the observer should not just practice a method that permits her to shift from one perspective to another. [...] She also needs a method to access a meta-point of view on the diverse points of view, including her own point of view."<sup>606</sup> This implies an awareness of the construction of knowledge and of the different ways in which knowledge can be organized. It means the integration of the observer into the process and the ability to question one's motives and assumptions. Together with the bird's eye view on the network of perspectives, the ability to identify, analyze, comprehend, and respect diverse perspectives, including one's own, fosters a better understanding of complex issues and helps carving out previously hidden interconnections between the different elements. Presumably, it also has the potential to invigorate empathy or mutual understanding. The question is how to practice and cultivate such an interdisciplinary mindset and how to create self-awareness and alertness

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<sup>604</sup> See Ole W. Pedersen. "The Limits of Interdisciplinarity and the Practice of Environmental Law." *Journal of Environmental Law*, vol. 26, 2014, pp. 423-441. In my view, Environmental Law should not only be open to an "interpretive community." This argument just seems to be grounded in professional snobbery.

<sup>605</sup> Elisabeth Mann Borgese. *The Oceanic Circle: Governing the Seas as a Global Resource*. United Nations University Press, 1998, p. 3.

<sup>606</sup> Taken from Alfonso Montuori. "Foreword. Edgar Morin's Path of Complexity.", p. xxviii.

for the existence of many different perspectives, assumptions, or stories. Morin defines complexity as

the fabric of events, actions, interactions, retroactions, determinations, and chance that constitute our phenomenal world. But complexity presents itself with the disturbing traits of a mess, of the inextricable, of disorder, of ambiguity, of uncertainty. Hence the necessity for knowledge to put phenomena in order by repressing disorder, by pushing aside the uncertain. In other words, to select the elements of order and certainty, and to eliminate ambiguity, to clarify, distinguish and hierarchize.<sup>607</sup>

Morin's definition of complexity might as well be a definition of narrative. Narratives open up windows of complexity without trying to repress disorder or uncertainty and ambiguity. On the contrary, narratives, both fictional and nonfictional, often embody and foster exactly these characteristics. Thus, teaching and learning narrativity can help foster a better understanding of individual, social, as well as environmental complexities. It can create more resilience towards ambiguities and uncertainties by excavating hidden interconnections opening deeper meaning and imagination. This way narrative becomes a tool, simultaneously, for doing interdisciplinary research that is more interested in highlighting complexity by making visible the connections within a system or between different systems and creating new webs of meaning. As Sharon Woodill explains, "complexity is in the eye of the beholder" because complexity "is both a way of representing a world out there while at the same time constructing a world out there."<sup>608</sup> In this sense, one of the possible answers to the question, How we can best approach a world full of complexity, uncertainty, and ambiguity? is narrative; by realizing that everything is narrative and that the skills to identify, analyze, and use narrative forms will

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<sup>607</sup> Edgar Morin. *On Complexity*. Hampton Press, 2008, p. 5.

<sup>608</sup> Sharon Woodill. "Complexity is in the Eye of the Beholder."  
<https://sharonwoodill.com/2019/08/07/complexity-is-in-the-eye-of-the-beholder/>.

help us to find and create meaning. It is the stories we tell each other that have the power to impact and perhaps change our consciousness. Narrativity represents one of the most important ways of representing and constructing knowledge in complex times and circumstance.

Perhaps the following examples can shed more light on this. Listed among the different paradigmatic cultural shifts identified by Mann Borgese as manifestations of complex contemporary global challenges and that, according to her, lead to a redefined narrative of the human-culture relationship is “the emergence of a new scientific paradigm,”<sup>609</sup> based on new developments in quantum mechanics, complexity, and chaos theory. With this, Mann Borgese means the paradigm of “the creative universe” and singles out scientists Werner Heisenberg and Ilya Prigogine who both dealt with the ideas of uncertainty and complex systems. Russian Ilya Prigogine showed how complex systems with their constant feedback loops and habit of self-organization can induce chaos. Mann Borgese explains,

Generalized, the ‘new science paradigm’ tells us that the accumulation of more and more data may generate uncertainty rather than certainty and that the behaviour of complex systems cannot be predicted through linear projection but is inherently unpredictable.<sup>610</sup>

This differs greatly with the Newtonian mechanistic worldview and the Cartesian dualism on which large parts of traditional Western epistemology and the modern scientific method are based. Heisenberg postulated that the movement and position of individual particles cannot be determined precisely and that an object or phenomenon changes due

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<sup>609</sup> Elisabeth Mann Borgese. “The Philosophy of Ocean Governance.” Elisabeth Mann Borgese Fonds, Dalhousie University MS-2-744\_139-1. Undated.

<sup>610</sup> Ibid.

to the very process of observation. His uncertainty principle is probably best illustrated for non-scientists by Michael Frayn's 1998 play, *Copenhagen*.

The plot of the play is presented in a non-linear way and in which the ghosts of Heisenberg, Niels Bohr, and Bohr's wife Margrethe debate the possible reasons why Heisenberg came to Copenhagen in 1941. The more they speculate and the more possible explanations and theories they come up with, the deeper the uncertainty is becoming. A lack of certainty allows for multiple points of view. The play serves as a good example of the way in which showcasing and integration of multiple perspectives in narrative form highlights certain points and connections by trying different paths circulating around the truth, but never coming to the full conclusion of an absolute truth. The reader or the audience have to endure all the ambiguities and uncertainties that are central to the plot of the play.

Hence, the play exemplifies Heisenberg's theory and exposes how complex systems can pose huge problems for the reductionism of traditional science for which only parts of a system in isolation are of interest but never all of its connected properties. The "new scientific paradigm" can also be seen as a departure from the old narrative of the Enlightenment about the human/nature dualism in which, for Mann Borgese, "scientists thought that they knew much and were learning more and more so that in the future they [...] would be able to [...] make linear projections of processes and developments."<sup>611</sup> This rather cocky approach towards knowledge might also serve as an explanation as to why utopian thought has mostly gone out of fashion since the 19<sup>th</sup>

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<sup>611</sup> Elisabeth Mann Borgese. "The Crisis of Knowledge." *Ocean Yearbook* 15, edited by Elisabeth Mann Borgese, Aldo Chircop, and Moira McConnell. University of Chicago Press, 2001, p. 1.

century. Scientific rationality seems to obliterate the need for visionary ideas.<sup>612</sup> The new narrative featuring uncertainty is humbler, albeit traversed with an overwhelming feeling of inadequateness: “Today, we have recognized that the more we know, the better we know how little we know; that our knowledge will remain forever incomplete.”<sup>613</sup> Elsewhere, Mann Borgese uses the Japanese film, *Rashomon* (1950), as an example to create awareness for the different premises within different disciplines that make true integration difficult. In the film, the single event of a murder is shown from seven different perspectives without coming to a conclusion. In order to create new knowledge using true interdisciplinary approaches that eschew the reductionism of traditional science, these disciplinary barriers would have to be broken down.<sup>614</sup>

Even though a popular website among academics proclaims, “we are all just two drinks away from being interdisciplinary,”<sup>615</sup> current practices in research and teaching, the structure of institutions of higher education as well as the overall mindset do not seem to reflect this notion entirely. Predictions that interdisciplinarity will be at the heart of future education due to major cultural shifts caused by recent developments in science and technology still seem to be ignored to a great extent by educators and administrators alike. In some cases, interdisciplinary reorganization of programs and faculty is happening. But interdisciplinarity as mindset has not yet fully arrived in higher education because researchers and scientists are still expected to be grounded and specialized in a discipline. In Mann Borgese’s words, “Interdisciplinarity is easy to talk about, but

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<sup>612</sup> See also Boaventura de Sousa Santos. *Toward a New CommonSense. Law, Science and Politics in the Paradigmatic Transition*. Routledge, 1995, pp. 478-480.

<sup>613</sup> Elisabeth Mann Borgese. “The Crisis of Knowledge.”, p. 1.

<sup>614</sup> Elisabeth Mann Borgese. “The Flow of Environmental Research Findings into Environmental Education for the Future.” Lecture FIS UNESCO Workshop, Malta, 11 December (no year). MS-2-744\_326-6.

<sup>615</sup> See Shit Academics Say: <https://twitter.com/academicssay?lang=en>.

difficult to implement in practice. It requires a new type of academic lecturer.”<sup>616</sup> In fact, Mann Borgese embodies the quintessence of an interdisciplinary researcher,

Although not demanding in-depth expertise and specialization to quite the same extent that a discipline-based researcher might have, transdisciplinary research does demand a more philosophical or metaparadigmatic position that steps back to observe how different paradigms shape the construction of knowledge [...].<sup>617</sup>

Mann Borgese put this approach into practice both as an interdisciplinarian in her own work as well as in the IOI Training Programme<sup>618</sup> that bring together academic experts, industry representatives, and civil servants from all over the world in an interdisciplinary discourse. In several radio interviews with German journalists,<sup>619</sup> she stated that her teaching philosophy was grounded in experience and the practical application of international law and politics, admitting that her students often exhibited a better foundation in theoretical knowledge. Hence her educational objective was to learn from each other and found formal examinations to be a waste of time.

Additionally, she outlined the practical implications of this “new scientific paradigm” for education, research, and development within the context of environmental studies in an undated (but sometime after the Brundtland Report was published in 1987) lecture, “The Flow of Environmental Research Findings into Environmental Education for the Future,” which was presented during a UNESCO workshop in Malta. Even though parts of it come across as a bit outdated, her deliberations in its entirety are surprisingly up to date.

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<sup>616</sup> Elisabeth Mann Borgese. “The Training Programme of the International Ocean Institute.”, p. 95.

<sup>617</sup> Alfonso Montuori. “Foreword. Edgar Morin’s Path of Complexity.”, p. xvii.

<sup>618</sup> See Elisabeth Mann Borgese. “The Training Programme of the International Ocean Institute.” *Ocean & Coastal Management*, Vol. 40, 1998, pp. 93-97.

<sup>619</sup> For example, in her interview with the German journalist Wolf Gaudlitz for the Bayerischer Rundfunk in 1999.

According to Mann Borgese, the roles of education and research have been transformed tremendously,

The big issues of contemporary life—food, energy, environment, disarmament, development, employment—are increasingly interdisciplinary and cannot be straight jacketed into the traditional, sectoral educational system [...] We are witnessing momentous changes in the social structure, and the role of scientific research has assumed unprecedented social importance, breaking the divisions between disciplines and departments, transcending the walls of the ivory tower and penetrating government and industry.<sup>620</sup>

The basic purpose of education, according to her lecture, is not to prepare students for existing social, cultural, and economic contexts, but to teach skills needed to cope with new and ever-evolving systems. The task of educators is to teach students how to learn, which means an emphasis on teaching skills and competencies instead of feeding students information that will be outdated sooner or later. Furthermore, education must be participative and inclusive with the objective to eradicate poverty and to close the education gap between developed and developing countries. This is especially true for environmental studies. According to Mann Borgese, the interdisciplinary concept of environmental studies must be “infused” into every department of a university. These interdisciplinary courses must integrate learning and research which requires new teaching and learning methodologies that make use of the latest technology. In Mann Borgese’s opinion, research as the foundation of technological innovation and economic growth cannot afford to stay within the secure realms of the ivory tower. Results must be communicated to policy makers as well as to the wider public, and results must be shared as technology and knowledge also belong to the common heritage of mankind.

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<sup>620</sup> Elisabeth Mann Borgese. “The Flow of Environmental Research Findings into Environmental Education for the Future.” Lecture FIS UNESCO Workshop, Malta, December 11 (no year). MS-2-744\_326-6.



Elisabeth Mann Borgese's observations about the 'the new scientific paradigm' and its implications for science, research, and education constitute another expression of her cultural ecology; "It merely means that we are living in a world in which problems are truly interdisciplinary."<sup>621</sup>

Exemplary for Mann Borgese's reasoning for the need of interdisciplinarity in teaching and research as one of the necessary elements toward a more just and interconnected world order based on cooperation and communality is a very recent statement developed by language instructors and professors of area studies. Titled, "A new language-teaching narrative for a 21<sup>st</sup> century democracy," and circulated by the Canadian Association of Language Teachers of German (CAUTG) in September 2019, this pamphlet criticizes the three mainstream conceptualizations of language education in the US and other parts of North America. The first conceptualization features the narrative of language learning and teaching as an important contributor in terms of questions of national and international security, especially since the Cold War and currently within the context of international terrorism and espionage. The second narrative, according to the pamphlet, emerged around 1990 along with neo-liberalism and the beginnings of the digital revolution and, using the buzz words of capitalism, presents language education and knowledge as major assets, capital, and as investment into the future with the only objectives of personal career development and wealth accumulation. A third and more recent narrative highlights the health and wellness benefits induced by bilingualism using the tools and results of neurodidactic research.

Taken together, these narratives

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<sup>621</sup> Elisabeth Mann Borgese. MS-2-744\_143-3.

have outweighed all other considerations, including student backgrounds and interests, the pursuit of new forms of knowledge, discovery, and reflection, crucial new methods and directions in academic research, indigenous and endangered language preservation or reclamation, concerns with linguistic justice, and, last but not least, civic needs in a society with no fewer than 350 home languages.<sup>622</sup>

Furthermore, they have given rise to “monolingualism,” “linguistic nativism,” and “culturalism” as the potential dangers and weaknesses of language and area studies. Due to disciplinary and departmental divides, these out-dated narratives have also fostered toxic competition for enrollments and academic positions. To counter these developments, scholars supporting this statement suggest a new narrative emphasizing the social considerations of language teaching and learning and positioning language education as a matter of civic welfare, “We reassert as our professional idiom a sense of civic responsibility and social agency, by naming the language-teaching needs that befit a truly democratic society in the twenty-first century.”<sup>623</sup>

Although this pamphlet can be seen as just another attempt by scholars in the humanities to save their respective academic appointments, it does make a valid point. A positive and curious attitude towards language learning acknowledges global interconnections in a non-competitive way as it can take away fear and promote an understanding of otherness, meaning other people, cultures, and—as in seen in Mann Borgese’s elaborations on animal communication—nonhuman creatures or agents. Lera Boroditsky’s research on language and cognition,<sup>624</sup> for example, shows how different

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<sup>622</sup> “A new language-teaching narrative for a 21st-century democracy.” September 2019. <https://academeblog.org/2019/09/23/a-new-language-teaching-narrative-for-a-21st-century-democracy/>.

<sup>623</sup> Ibid.

<sup>624</sup> Lera Boroditsky is an Associate Professor of Cognitive Science at the University of California, San Diego (UCSD). See [https://www.ted.com/talks/lera\\_boroditsky\\_how\\_language\\_shapes\\_the\\_way\\_we\\_think?language=en](https://www.ted.com/talks/lera_boroditsky_how_language_shapes_the_way_we_think?language=en).

languages craft different realities, and that the languages we speak influence the way we think. Language both reflects and creates the foundational narratives which underscore and create culture. Thus, learning different languages provides learners with skillsets needed to identify and appreciate different perspectives and ways of seeing and comprehending reality within an increasingly complex world. It supports humanity in coming to terms with its situatedness within the often-inscrutable web of individuality, society, and nature. In terms of the future of academia, this leads to the conclusion that universities need to adopt the interdisciplinary mindset to a greater extent as is currently the case. Part of it is making language learning and narrativity an equitable and essential part of higher education across all fields. Potentially, such posthumanist approaches lead to a concept of education whose objectives are not to use knowledge to conquer and master 'otherness' for individual gain, but about creating an awareness and openness to the manifold interconnections between the individual, society, and nature. But because of systemic interconnections, the adoption of interdisciplinary mindset within academia, or within the social subsystems of science and education in general, will not be successful without the other subsystems likewise adopting the common heritage of mankind as a mindset.

## CHAPTER 4: CONCLUSION

Robert A. Goldwin, an US-American scholar and former special consultant to the White House and advisor to the US Secretary of Defense, dismissed the common heritage of mankind concept as “theoretical nonsense” that “jeopardizes one of the great foundations of international peace and prosperity—freedom of the high seas.” He could not understand that “so high-minded a person as Mrs. Borgese”<sup>625</sup> cared so much about manganese nodules. According to Goldwin, proponents of the common heritage of mankind principle not only religiously promoted a wrong narrative; they also got the facts wrong. He concludes, “the answer is ideology, the ideology of ‘the common heritage of mankind’, the single most sacred of UN sacred cows.” Trying to give the common heritage a true meaning he writes, “The only true resources are human understanding and the ability to make nature serviceable.”

Goldwin’s understanding of the human/nature relationship could not have been more contrary to Mann Borgese’s, and his characterisation of her advocacy of the common heritage of mankind could not have been more misguided. Mann Borgese did not care so much for manganese nodules as common heritage of mankind and as a small isolated part of the international law of the sea, but more so for the big picture, seeing the complex oceanic ecosystem as a model for a new social order within a global framework and the common heritage of mankind more as a mindset influencing all societal subsystems than simply as a principle of international law (*jus cogens*). For Mann Borgese, manganese nodules and the United Nation Conference on the Law of the Sea

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<sup>625</sup> Robert A. Goldwin. “Common Sense vs. ‘The Common Heritage’”, pp. 59-75.

(UNCLOS III) were the first phase of her utopian project within her cultural ecology, which was to fundamentally change the ways humanity treats nature and each other and the ways humans work and learn. She imagined a world order based on functional world communities, dynamically connected through a world government as well as through regional and local organisations, with global order be based on cooperation and sharing instead of competition and profit seeking. In Mann Borgese's vision, the concepts of property, ownership, and sovereignty would transcend the common heritage of mankind. A new economic theory would combine ecology with economics in a truly sustainable way. Interdisciplinarity in science and education would reflect the complexity of natural and cultural systems. Unfortunately, Mann Borgese, due to different circumstances, did not realize her concrete utopia, and perhaps she was not expecting to do so either. Instead, she helped create her mother of the oceans persona by advocating relentlessly for a comprehensive new international law of the sea featuring the common heritage of mankind to the largest possible extend. Meanwhile, she never let her grander project out of sight of which the ocean was only the first phase.

Mann Borgese reached the pinnacle of her utopian thinking in the late 1960s and early 1970s, before UNCLOS III even began. During UNCLOS III and especially afterwards, it was first and foremost her task to protect as much as possible her ecological worldview from the competing narratives of neo-liberalism and sustainable development. But overtime, her vision for a new world order never changed. Even though her idea of world federalism originated while working with her husband on the draft of a world constitution, she discovered the intellectual theories of cultural evolution and complexity

on which her utopia were based much later and further elaborated on them after her husband's death.

Her utopia is based on a philosophy of continuity between the individual, society, and nature that she developed mainly in her early writings between the late 1950s and the early 1970s, and found its expression in both her fiction and later nonfiction as articulation of her extended humanism and her understanding of the common heritage of mankind as mindset effecting all societal subsystems and our ways of living. In that sense, her cultural ecology is the leading theme of Mann Borgese's *oeuvre*, connecting her body of fiction with *Ascent of Woman* (her short stories, in addressing the crisis of the individual, take up on this topic that was already mentioned in *Ascent of Woman* without elaborating too much on it in favour of her "own utopia" for the future of humanity), *The Language Barrier*, and her political and juridical writings about the common heritage of mankind, including her objective to extrapolate the new international law of the sea into a global organizational structure of functional world communities, which can be seen as the pinnacle of Mann Borgese's optimistic utopianism.

On this basis, Elisabeth Mann Borgese set out to change the narrative about the future of humanity. According to her, there are two decisively different narratives underlying and guiding human behaviour. One narrative sees human beings as non-cooperative and unequal. The other one portrays humans as cooperative and equal. She argues that those narratives influence the way in which humans treat nature, and only the second one will lead to the survival of the human species because of its premise of humans being part of nature. It assumes that the origins of art, science, and technology are found in nature and that social organisation has evolved from nature. By means of

establishing communication between different forms of otherness, as well as through cooperation and love as the long-term drivers of evolutionary progress, such a narrative, in its essence, tries to re-establish the long-lost unity between nature and culture. At the very least, it potentially creates awareness for an improved human/nature (and human/human) relationship, giving other forms of life a chance to depart from the realm of otherness.

One could easily proclaim that the first narrative is currently dominant in most Western countries or countries influenced by Western thought. Concretely, it is the narrative underpinning contemporary forms of capitalism, permeating all societal subsystems as well the ways in which important parts of our personal lives are organized, and how we define gender norms, for example. The second, Mann Borgese's narrative, is the underlying narrative of cultural ecology featuring the common heritage of mankind, potentially—and especially in the extended ways in which Mann Borgese understood it—also fully permeating societal subsystems and individual conducts of life, but in much kinder, more balanced and sustainable ways, thereby fostering cooperation, sharing, open-mindedness, and curiosity towards the other. That is why Mann Borgese's cultural ecology is based on an extended humanism (or posthumanism) and does not see human rights and environmental protection including biodiversity conservation as dichotomies, but as false dichotomies. If a change of consciousness is to be the point of departure for a more equal and sustainable world order, first, the underlying narrative has to be changed.

The strategies Mann Borgese used to achieve such a change in narrative are manifold. She was a member of an influential think-tank promoting futuristic ideas about art, culture, and social order; she founded several international organizations, built a

wide-ranging international network of friends and allies with whom she cooperated, took part in international mega-conferences, and worked as a university professor teaching younger generations. Most importantly, however, she published a nearly unmanageable number of books and papers with the objective to promote her version of the story. Narratives are both an expression of complexity and can create complex structures, displaying many different perspectives in more or less formalized ways. A close reading of a broad selection of her writings must conclude that her most significant works, including her fiction and nonfiction and dealing with apparently diverse topics, are not only thematically connected through her cultural ecology, but also on a formal level through narrative strategies and techniques, especially through the use of plot, leitmotifs, and intertextuality. Elisabeth Mann Borgese was a storyteller whose style of writing reflected her philosophy of continuity in that it juxtaposed the old and the new, mythology and science, as well as imagination and science. Much like her father, Mann Borgese had no problems making theories and leading ideas of the time her own in order to incorporate them into her narrative.

Beginning in the mid-1990s, Mann Borgese not only used these strategies to promote her narrative of the common heritage of mankind against the counter-narrative of sustainable development, but also to influence the stories being told about her family history and about herself. Once it became obvious that the international law of the sea was to follow stronger neo-liberal forces working against the common heritage of mankind, thus making the ocean-as-a-laboratory for a new world order recede into the distance, Mann Borgese deferred her grand utopian project and only focused on the ocean, presenting herself and being presented as having everything to do with oceans and



as the mother of the ocean. This is still her prevailing dominant narrative. The other dominant narrative is following Mann Borgese's family history, situating her solely as Thomas Mann's youngest daughter and as the younger sister of her famous siblings. Again, Mann Borgese cannot be seen as completely irresponsible for these developments because of her public appearances as the last living child and representative of the Mann family after her brother Golo's death. Most famously, her appearance in Heinrich Breloer's docudrama, *Die Manns—Ein Jahrhundertroman*, a 2001 German miniseries, shortly before her death in 2001, shows how much she tried to tweak her family history. The correspondence between Mann Borgese and Breloer in her archives<sup>626</sup> reveals how much she had twisted Breloer around her finger, telling him which aspects of the sometimes-difficult family history to highlight and which not to mention at all. The honoraria Mann Borgese received for her contributions were channeled into scholarships for the Summer Course of the IOI, making the production company Bavaria Film one of the biggest donors to the IOI Summer Course in 1999. Biography can be a slippery slope sometimes and must therefore be treated as a narrative itself, only circling around the truth from different perspectives.

Against the backdrop of the contemporary challenges of the Anthropocene, Mann Borgese's imagination of a new global order, the future of work, and the human/nature relationship could not be more relevant. Based on the premise that narratives are representing a world while at the same time constructing reality, the examination of the narratives of nature and culture in Mann Borgese's work excavated her cultural ecology and the ways in which she tried to reconcile her utopian vision with the politico-historical

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<sup>626</sup> See the correspondence between Elisabeth Mann Borgese and Heinrich Breloer 1998-1999. MS-2-744\_360-6.

realities of her time. In response to the issues of the Anthropocene, new stories are being told, and they are being told differently. Old narratives are examined and re-interpreted from ecological and global angles. The story of Elisabeth Mann Borgese, her imagination, and the surrounding narratives may have the power to revitalize and change human consciousness and behaviour. At the very least, it makes us rethink traditional conceptualizations of identity, including our relationships to the ‘other’, be it human or non-human. This may also include contemplating the validity of traditional concepts international and environmental law are based on. Overall, Mann Borgese’s outlook on the future of humanity is positive and optimistic as she believed in the ecological force of the human species as the driver of cultural evolution and the ability to collectively imagine a more just and sustainable future. At the same time, her fiction pessimistically depicts humanity as the destroyer of human/nature relations without possessing the ability to imagine other ways of being in the world. In the end, Mann Borgese leaves us with the question ‘whither humanity’.

Going back to Dürbeck’s, Schaumann’s, and Sullivan’s observation about the two competing perspectives about human/nature relations featuring “humankind as [...] destroyer” on the one hand and humans as “designers of the earth” able to adapt on the other,<sup>627</sup> Mann Borgese’s contribution to the common narrative of humanity is a strong belief in the latter. Yet, at the same time, Mann Borgese fiction work reflective of the former. Within the ecosystem of Mann Borgese’s work, her pessimistic and dark short stories not only have the function to provide creative relief. First and foremost, they depict the crisis of the rational individual in its unsuccessful attempts to navigate an

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<sup>627</sup> Gabriele Dürbeck, Caroline Schaumann, and Heather Sullivan. “Human and Non-human Agencies in the Anthropocene.” *Ecozone@*, Vol. 6, No. 1, 2015, p. 120.

increasingly complex world. Perhaps it is the tension between these competing perspectives and between the individual and a globalized world that best describe our contemporary position in the Anthropocene. Similar to the perceived crisis of the modern individual around the turn of the century (around 1900) that is so extraordinarily well described in the German-language literature from that time, globalization, digitization, and the environmental crisis in the 21<sup>st</sup> century will necessarily lead to new conceptualizations of the self. With her suggestion to base these new conceptualizations on the common heritage of mankind as mindset permeating all areas of society, Mann Borgese proved to be much ahead of her time.

In terms of future research, the idea of narrative or narrativity as an interdisciplinary tool especially in the humanities and social sciences needs to be explored further and should be grounded more in interdisciplinary theory about research, learning, and teaching. As one of the biggest cultural forces, narrative can and should be used across all fields as an integrative device in order to explore and understand different perspectives within an increasingly complex world. For now, the examination of Elisabeth Mann Borgese's fiction and nonfiction work has shown that the differentiation between genres is not very useful when analyzing narratives from the perspective of the Anthropocene, as such boundaries only hamper scholarship. Posthuman scholarship in the Anthropocene will demand and require almost postinterdisciplinary approaches. In that sense, this dissertation in itself is exemplary of Mann Borgese's conviction that the complexity and boundlessness of the ocean makes us think differently.

In terms of research about Elisabeth Mann Borgese and her work, it was important to excavate her underlying philosophy of continuity connecting all her major

writings and then to situate her work within cultural ecology, post-humanism, narrative, and interdisciplinarity. Based on this research, it might be of interest to examine the actual impact of her ideas on UNCLOS and the international law of the sea. Furthermore, a commented and annotated edition of a selection of some of her most important fiction and nonfiction writings seems to be desirable to showcase the various connections shown in this dissertation to a wider audience. In a next step, Mann Borgese's work could be embedded in a wider network of ocean narratives.

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