



From B.M. Keilhau and C.P.B. Boeck's mountain journey in 1820 (work by Carpelan included into the reminiscences from the journey in 1821). Cf. ms./plv. 1247 at the National Library of Norway, titled "Remembrance of the Mountain-journey in 1820. The drawings by Keilhau/Boeck are called /opptak/.

The difference between the *thing* we call nature and the history of the concept of *nature*, the practices that have constituted it, may have been sufficiently analysed (say, from Aristotle *via* Serres to Latour): the scale of practices constructing nature through landscaping, of course, are just as important. Here, the early 'geognostic surveys' by B.M. Keilhau from his journey in 1820 with his friend C.P.B. Boeck—the Sherlock Holmsen & Dr. Watson of early geology—is a case in point. Their "discovery" of the [Jotun mountains](#), was the first scientific *record* from the area.



From Thomas Østbye's movie [Civil disobedience](#). A scene in which the Norwegian police drills into a *papier mâché* model of the globe, in order to detach it from the chained demonstrators.

This record is of particular interest to us here, because the artistic and scientific practices were *not* entirely separate: analysis and portraiture are in close vicinity to one another, and are part of the same whole and job. In Norwegian language the words *opptak* (recording) and *oppdagelse* (discovery) are closely related. The scope of the National Library of Norway, in hosting a seminar on Keilhau—as part of the §112 series—was to scope the changes in nature on [a spot near Falketind, with a view over the Kolde-valley and the Hurungane range](#), that are likely caused by human activities, yet largely beyond the human scope.

The melting ice, the greening of nature, the increased altitude of the tree line, and the geological change in the ice- and rock *compounds*. Visible changes, given a variety of evidence ranging from early drawings by Keilhau and Boeck, and later photographic records. The point being not to collect impressionistic but precise evidence—as precise as possible—from the archives of conserved media at the [NLN](#). The question as to whether the archives *extend* nature, and constitute as such an *added* nature, is one that could contribute to make nature *obsolete*: which has been Latour's position: on the universal scale life is an *artefact*. Caught between the universe above/below.

Approximately 3km up and down, life starts changing into something else (which ultimately is *non-life*). This imagery of Latour—in [Down to earth](#)—Latour comes close to what in geology and

glaciology has been coined a [disordered system](#). That is, patterned phenomena produced in the area of *cross-pressure* between e.g. the rock-bed and ice-mass: producing a bed of regular hexagonal ice rods. The point being that rather than resembling the ice above and the rock below, these elements are strikingly *heterostructural* both in relation to the ice and to the rock.

If the *thin* “varnish” of life—between the *universe of the heavens* and another *universe towards the core of the earth*—is also conceived as a disordered system, we are considering a very slim interstitial area of interaction on 510M km<sup>2</sup> earth surface: *between* exogenous and endogenous processes of the heavens above and the earth below, with *no* underlying order (hence the term disordered system, since there are *also* systemic features). If there is an underlying principle it appears to be: whenever there is a crack something else settles in that crack and defines there.

It defines interactively in the form of local regularities relative to that realm: they are, in the sense analysed above, *emergent*. If what we call nature—or, life—results from the stacking of such emergent interactions (without underlying order), then human economics at first seems to behave according to the exact same principle. Transactions operate in the triangle between *mapping*, *foothold* and *interaction*: and it would seem that what we call the laws of nature and economics are exactly the same. However, the foothold of economics does not *seem* to seek balance.

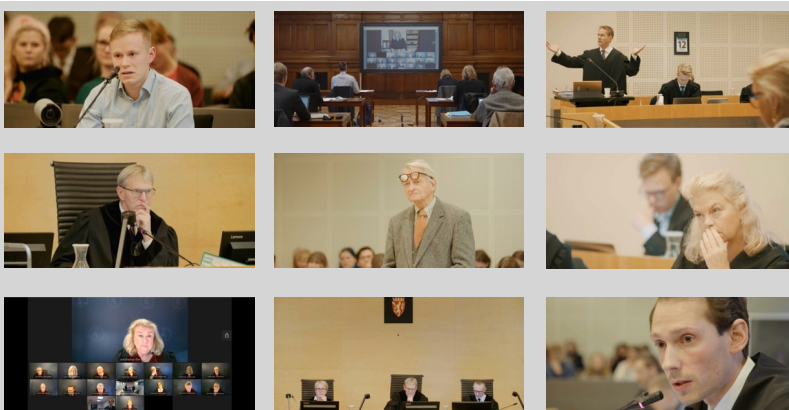
If *balance* is considered as a necessary condition for mapping, foothold and interaction as an [intra-active](#) phenomenon, then the techno-economic development in our current transactional culture would lead to the gradual/sudden dissolution of mapping, foothold and interaction. If these define what we call life then it clear that we are also setting life in peril. *If* the emergent, or self-ordering mapping of life (ranging e.g. from the hexagonal rods to DNA) is broadened to encompass all regularity in the life-realm defined by Latour, *then* we have a new working-problem.

That is, a new problem to work on: *if* the protocol of techno-economic transactions is *mimesis*—that is to imitate nature without really playing along with it—*then* playing along with it (by *re/inventing* balance) may *not* be natural. That is, if defining the balance between mapping, foothold and interaction, balance will be determined in a new way and with a characteristic human seal: it goes *public*. That is, we go public with *balance*: in the sense of ‘going public’ that covers the full range of private business on the stock exchange, to defining what we call *nature* as [res publica](#).

In fact, what the environmental paragraph of the Norwegian constitution states ([§112](#)), this is exactly what is called for. So, what we are scoping might therefore be a problem *inherent* in our legal system: since what obstructs constitutional law to articulate as material law, is what defines the separation between the legislative, executive and legal powers in our present democracies. That is, according to [Montesquieu’s vision](#). Clearly, his vision of balance may differ from one explored and proposed here: if the legislative and executive powers form a *disordered system*.

In such case, the jural power would be a hetero-structural balance emerging from *inter-actions* in the between-space of the legislative and executive power. For instance, by applying the jural principle of [proportionality](#)—from material law—on our Constitution: *with a clearly formulated*

*purpose and to an extent not greater than required*. The Constitution, as the bedrock of democracy, can be more than a set of guiding norms. And that a stronger role of the Constitution as a [balancing agent](#) is something that will have to come in time. See case-box below.



Professor Hans Petter Graver writes that “the door is closed to climatic court cases in Norway. When the courts abdicate the question is passed on to the judgement of history. It is presently unknown. It could be stern.”

His colleague Eivind Smith stated: “Happily the Supreme Court [...] makes it clear that the Constitution’s §112, as a rule, cannot be applied”. The latter statement would seem to indicate that it is not at the *legal* level, but it must be addressed to the *institutional* level of the courts in Norwegian governance.

Østbye, Thomas. (Dir. 2023). [Enhver har rett til](#). (Eng. All have a right to, §112 of the Norwegian Constitution). [movie]. Plymserafin. Greenpeace and Natur og ungdom, motioned to indict the Norwegian Government for the unconstitutionality of search-warrants for oil in the Barents Sea—the court case was lost (som claim sensationally).