

T. J. DEMOS

In early 2015, I co-curated *Rights of Nature: Art and Ecology in the Americas* at Nottingham Contemporary, an exhibition assembling the work of twenty artists and collectives.¹ The show traced how diverse practitioners have responded to a recent paradigm-shift in legality, which reconceptualizes relations between human and nonhuman life in ways radically different from property-based forms of past jurisprudence. While this legal transformation is global in scope, there has been an intensity of cultural developments in the Americas linking Indigenous movements, environmentalists, legal theorists, and activist-artists, which have defined newly egalitarian ways of being-in-the-world, founded on post-anthropocentric commitments that see humans and nature as inextricably intertwined. The outcome is nothing less than a juridico-political revolution that is redefining our relation to the world. From Bolivia's and Ecuador's enshrining of the rights of Mother Earth in their legal systems to the international Indigenous movement Idle No More that has joined First Nations peoples across the continent in environmental and native rights struggles, this bi-continental shift mirrors recent Western formations of new materialism, speculative realism, and object-oriented ontology in rethinking relations to nonhuman life—yet not without substantial conflicts.

One exemplary inclusion in *Rights of Nature* was Ursula Biemann and Paulo Tavares's *Forest Law* (2014), a double-channel video essay and mixed-media installation that explores the legal activism of Indigenous peoples in Ecuador's Amazon, a biodiverse, mineral-rich region polluted by decades of oil extraction. The video presents testimonies and factual evidence, defining an experimental forum of truth-telling that details a forensic, legal, economic, and cosmopolitical conflict. One trial, brought by members of the Siona, Secoya, Cofán, Waroani, and Kichwa peoples against Texaco/Chevron, in Lago Agrio, won a multi-billion-dollar settlement for compensation, remediation, and reparation in 2011, contesting what José Galíngua, leader of the Serayaku, describes as a “silent and gradual genocide”—even though, owing to the corporation's financial resources and legal appeals, the judgment is yet to be fulfilled.² These legal battles index a Latin America redefined by Indigenous environmentalism dedicated to “Nature or Pachamama”—the earth goddess worshiped by many Amerindians—“where life is reproduced and exists, has the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution,” as according to Ecuador's constitution.³

1. The exhibition was organized in collaboration with Director Alex Farquharson and Assistant Curator Irene Aristizábal. A digital, freely downloadable catalogue, including my essay “Rights of Nature: The Art and Politics of Earth Jurisprudence,” is forthcoming.

2. See the accompanying catalogue, Ursula Biemann and Paulo Tavares, *Forest Law—Selva Jurídica* (East Lansing: Broad Art Museum, 2014), pp. 55–59.

3. See <http://therightsofnature.org/wp-content/uploads/pdfs/Rights-for-Nature-Articles-in-Ecuadors-Constitution.pdf>.

Such ecocentric jurisprudence reconfigures human-nonhuman relations, extending legal standing to animal and environmental realms.⁴ Motivating its formation is not only the threatened ecologies of equatorial forests, but also catastrophic climate change tied to neoliberalism's growth-obsessed developmentalism. Some call it the Anthropocene, a new geological epoch driven by "human activities," though I opt for the alternate, Capitalocene, as discussed by Jason Moore and Donna Haraway, offering greater political traction in identifying the culprit—capitalism—and thereby resisting the false universalization of responsibility in implying that "humans" have altered our planet's systems.⁵ That said, the political alliances resulting from this move are far from straightforward, with some Western theorists objecting to Indigenous religious reverence of nature: Slavoj Žižek imperiously declares "there is no Mother Earth watching over us," and Alain Badiou proclaims that "rights of Nature is a contemporary form of the opium of the people."⁶ Yet these critiques reinforce a disconnect between academics and social movements, pointing to an additional value of Biemann and Tavares's research, which reveals the Indigenous activist origins of rights-of-nature legislation, stretching back to the formation of the Confederation of Indigenous Nationalities of Ecuador (CONAIE) in 1986. Militating for ecocentric revisions to the Bolivian and Ecuadoran constitutions, native activism has gathered enormous momentum in contesting industrial extractivism in Latin America and the corporate causality of climate change globally.⁷

My research for *Rights of Nature* thus raised alarms regarding object-oriented philosophy, especially where it theorizes post-anthropocentric, vitalist materialisms

4. For introductory literature on Earth jurisprudence, see Cormac Cullinan, *Wild Law: A Manifesto for Earth Justice* (Claremont, South Africa: Green Books, 2002); Peter Burdon, ed., *Exploring Wild Law: The Philosophy of Earth Jurisprudence* (Kent Town, South Australia: Wakefield Press, 2011); and Maude Barlow et al., *The Rights of Nature: The Case for a Universal Declaration of the Rights of Mother Earth* (San Francisco: the Council of Canadians, Fundación Pachamama, and Global Exchange, 2011).

5. See Jason W. Moore, "The Capitalocene," 2014, www.jasonwmoore.com/.../The_Capitalocene_Part_I_June_2014.pdf; and "Anthropocene, Capitalocene, Chthulhocene: Donna Haraway in Conversation with Martha Kenney," in Heather Davis and Etienne Turpin, ed., *Art in the Anthropocene: Encounters Among Aesthetics, Politics, Environments and Epistemologies* (London: Open Humanities Press, 2015), pp. 255–70. For more of my own take on this subject, see my series of essays on the visual culture of the Anthropocene, written for the Fotomuseum Winterthur during May–June 2015 at <http://blog.fotomuseum.ch/author/tj-demos/>.

6. Slavoj Žižek, "O Earth, Pale Mother!," *In These Times*, June 17, 2010, http://inthesetimes.com/article/6079/o_earth_pale_mother; and Oliver Feltham, *Alain Badiou: Live Theory* (London: Continuum, 2008), p. 139. Badiou's critique resurrects certain—misguided, in my view—Leftist rejections of ecology as a vector of political struggle. See Jean Baudrillard in 1970: "In the mystique of environment this blackmail toward apocalypse and toward a mythic enemy who is in us and all around tends to create a false interdependence among individuals. Nothing better than a touch of ecology and catastrophe to unite the social classes." Cited in Felicity Scott, *Architecture or Techno-Utopia: Politics after Modernism* (Cambridge, Mass.: MIT Press, 2007), p. 235.

7. See, for instance, Benjamin Dangl, "Neoliberalism, the Left, and the Politics of Pachamama," *Common Dreams*, April 25, 2014, <http://www.commondreams.org/views/2014/04/25/neoliberalism-left-and-politics-pachamama>; and Salvador Martí Puig, "The Emergence of Indigenous Movements in Latin America and Their Impact on the Latin American Political Scene: Interpretive Tools at the Local and Global Levels," *Latin American Perspectives* 37, no. 6 (November 2010), pp. 74–92.

that resemble key elements of Amerindian cosmologies, yet commonly fails to register such connections or credit native philosophies and legal cultures.⁸ As such, Indigenous thinkers—such as anthropologists Kim TallBear and Zoe Todd—have identified the neo-colonial tendencies of the “ontological turn,” which at best risks negligence by overlooking non-Western knowledge systems, and at worst, unthinkingly perpetuates long histories of appropriation and disavowal.⁹ Might this disturbing aspect of speculative realism follow from its practitioners’ common marginalization of the politics of human subjectivity in their emphasis on nonhuman ontologies and distributed networks of agency? Locating these debates more directly in current politico-environmental conflicts—as do select artistic models—provides a much-needed corrective, one that stands to democratize epistemologies in opening up a new “ecology of knowledges” (of local and global cosmologies alike) that supports social justice rather than reinforces Western colonial orders.¹⁰

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8. One exemplary exception is Eduardo Kohn, *How Forests Think: Toward an Anthropology Beyond the Human* (Berkeley: University of California Press, 2013).

9. See Kim TallBear, “Beyond Life/Not Life: A Feminist-Indigenous Reading of Cryopreservation, Interspecies Thinking and the New Materialisms,” lecture at UCLA, November 5, 2013, <https://www.youtube.com/watch?v=TkUeHCUrQ6E>; and Zoe Todd, “An Indigenous Feminist’s Take on the Ontological Turn: ‘Ontology’ Is Just Another Word for Colonialism,” *Urbane Adventurer: Amiskwacî*, October 24, 2014, <https://zoeandthecity.wordpress.com/2014/10/24/an-indigenous-feminists-take-on-the-ontological-turn-ontology-is-just-another-word-for-colonialism/>.

10. For more on “an ecology of knowledges” that “is the epistemological stance from which it is possible to start thinking about the decolonization of science and, thus, the creation of new types of relationships between scientific knowledge and other knowledges,” see Boaventura de Sousa Santos, João Arriscado Nunes, and Maria Paula Meneses, “Introduction: Opening Up the Canon of Knowledge and Recognition of Difference,” in *Another Knowledge Is Possible: Beyond Northern Epistemologies*, ed. Boaventura de Sousa Santos (London: Verso, 2007), esp. p. xlix.