

MORE THAN HUMAN RIGHTS

An Ecology of Law, Thought and
Narrative for Earthly Flourishing

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Journey to the Cedar Wood

Robert Macfarlane

The best arguments in the world won't change a person's mind. The only thing that can do that is a good story.

—Richard Powers, *The Overstory*, 2018

Because I am, I suppose, a storyteller as well as a scholar, I want to begin this chapter with a story. One of the oldest of stories, in fact, which I hope might offer a valuably long view of several of the issues close to the heart of the contemporary rights of nature field. The story comes from the *Epic of Gilgamesh*, the earliest written narrative poem in world literature, which was first set down in the Sumerian language as cuneiform script on baked-clay tablets,

the oldest of which have now been dated to around 2200 BCE. Central to the Sumerian *Gilgamesh*, and indeed to all subsequent versions—including the Standard Babylonian version, upon which most modern translations of *Gilgamesh* are chiefly based—is an episode known variously as “The Cedar Forest” or “The Cedar Wood.”

“The Cedar Wood” describes how the god-king Gilgamesh and his wild friend Enkidu set out on foot to a distant forest of cedars in an expedition that, at least at first, has the feel of a military raid, a test of masculinity, and a devotional ritual, all at once. Before Gilgamesh and Enkidu reach it, the Cedar Wood is a sacred and sentient place. In language unusually ornate for Akkadian poetry, the epic underscores the forest’s harmony and beauty: the call-and-answer of birdsong “fill[s] the forest with resounding joy,” in Sophus Helle’s recent translation.¹ Andrew George and Farouk Al-Rawi note that the Cedar Wood episode contains “one of the rare passages of Babylonian narrative poetry that is given over to the description of nature”²: it has, therefore, a strong claim to being the earliest known passage of nature writing in any language. In the Standard Babylonian version, the Cedar Wood is specifically characterized in animist terms; it possesses agency, voice, and awareness. It “exults” (George’s translation),³ it has a “mind” (Helle’s translation)—the “mind of the forest.”⁴

Protecting the wood is a guardian forest spirit called Humbaba. Humbaba is a shape-shifting being—only described in the poem by means of metaphor rather than denotative language—whose seven

1 Sophus Helle, *Gilgamesh* (New Haven, CT: Yale University Press, 2021), 43.

2 Andrew George and Farouk Al-Rawi, “Back to the Cedar Forest: The Beginning and End of Tablet V of the Standard Babylonian Epic of Gilgamesh,” *Journal of Cuneiform Studies* 66 (2014): 69.

3 Andrew George, *The Epic of Gilgamesh* (London: Penguin, 2019), 37.

4 Helle, *Gilgamesh*, 190.

magical auras give him the power to exclude those who would harm the forest's heart. He is, explicitly, a manifestation of the Cedar Wood's ancient life and liveliness. He also, of course, represents the Indigenous human presence in the forest.

After many days' travel, Enkidu and Gilgamesh reach the Cedar Wood's brink, armed with huge swords and with axes weighing 120 pounds each. There, on the edge of the forest—in a resonantly dramatic pause—they hesitate, struck into awed silence by what lies before them, “marvelling . . . at the lofty cedars.”⁵ This moment of mute hesitation is, we might say, the instant in which post-Mesolithic human history trembles on the brink of a new, maximally extractive-destructive relationship with nature. There is still time to step back, to turn away, and to leave the forest undesecrated.

This does not happen. Gilgamesh and Enkidu cross the threshold and devastate the forest. “Destroy Humbaba, the guardian of the cedars,” cries Enkidu to Gilgamesh, “Destroy him, kill him! Crush his mind!”⁶ First—in a preperformance of colonialism's treatment of countless Indigenous communities—they systematically strip Humbaba of his protective auras, rendering him helpless and hopeless. Humbaba begs for mercy and offers an annual tithe of lumber in return: a tenancy relationship with these new masters. Enkidu and Gilgamesh ignore his pleas and, in a shocking spree of violence, cut off his head with their axes, tear the tusks from his jaws, and then slice out his lungs, which Enkidu grips by the windpipe and holds aloft.

Once Humbaba is dead, the two raiders turn their axes upon the trees themselves. They transform “the forest into a wasteland.”⁷ Gilgamesh cuts down the trees as far as the bank of the Euphrates,

5 Helle, *Gilgamesh*, 43.

6 Helle, *Gilgamesh*, 49.

7 Helle, *Gilgamesh*, 53.

while Enkidu locates the best timber from the felled cedars. The tallest of the trees is felled to fashion a temple door. They craft a raft from trunks and branches, load it with cedarwood and (probably—the text is unclear on this) the head of Humbaba, and set sail on it for their home city of Uruk. Uruk gives its name to modern-day Iraq, but we might also think of it as the *ur*-city, symbolically assuming an exploitative posture toward the wild periphery or nature.

As a result of Enkidu and Gilgamesh's actions in the Cedar Wood and afterward, disaster ensues: in the Seventh Tablet of *Gilgamesh*, we learn that the gods are so appalled by Humbaba's murder and the gratuitous devastation of the Cedar Wood that they avenge these acts, sending a sickness to slay Enkidu. Enkidu's death in turn raises a storm of grief in Gilgamesh that maddens him, driving him far from his city and his people.

"The Cedar Wood" episode is an astonishing story—an epic within the epic. In terms of genre convention, it fulfills the need for a testing journey in which the heroes can prove their might. Historically viewed, it is a military raid targeting the timber-rich resources of a neighboring realm—probably what is now Lebanon, where cedars grew in abundance—in order to plunder building materials for the timber-poor Mesopotamian region. It is also a warning that rings eerily clear—at least to my ear—across four millennia. For, in a chillingly specific way, Enkidu's death from a punitive disease following his devastation of the cedars is premonitory of the zoonotic spillover diseases (COVID-19 among them) that have arisen with such consequence from modern practices of deforestation and habitat destruction.

Intention is hard to reconstruct in a twenty-first-century poem, let alone one first set down more than four thousand years ago, but there are also strong signs that "The Cedar Wood" episode is intended as a parable of environmental mismanagement. Helle suggests that "Gilgamesh's crime," as judged by the gods, "is not that he defeats Humbaba, but that he turns down Humbaba's offer

to remain in the Cedar Forest and act as his vassal.”⁸ I read the episode differently, agreeing more with Helle’s later point that the contrast between the lushly detailed living forest, and the bluntly razed “wasteland,” is “the closest Babylonian literature comes to an ecological critique.”⁹

Thought of in terms of the contemporary rights of nature movement, “The Cedar Wood” episode of *Gilgamesh* openly offers a critique of the processes of de-animation and exploitation so often directed at earth entities, such as forests, rivers, and mountains, as well as the peoples who dwell with and within such entities, and recognizes their inherent animacy. The causal sequence runs as follows: at first the Cedar Wood is complexly, beautifully alive—*vivid* in the old sense of the word. Once its animacy has been violently suppressed, the wood may be rendered into pure resource, ready for extraction and conversion into goods. The cedars are wantonly felled, the forest razed into a wasteland—and calamity follows, in the form of disease, grief, and the destabilization of the governmental systems that enabled and encouraged the journey in the first place.

De-animation, exploitation, immiseration, global precarity: so the history of extractivist relations with the living world has proceeded in the four thousand years since *Gilgamesh*, bringing millions of people unimaginable affluence and material ease, immiserating billions more, and pushing the planet to the crumbling ecological edge upon which we presently stand. Uncanny, brutal, and catastrophic, “The Cedar Wood” episode is, we could say, the first of the tellings of all of the fellings.

8 Helle, *Gilgamesh*, 206.

9 Helle, *Gilgamesh*, 206.

Ecuador's Modern-Day Cedar Wood

I have recounted and analyzed this episode in *Gilgamesh* in detail partly because I am fascinated by it; partly because—as I'll discuss below—there is a contemporary “Cedar Wood” that is currently threatened by destruction, which has recently being partially protected by a powerful rights-of-nature ruling; and partly because one way to characterize the rights-of-nature field is as a powerful and growing counterforce that seeks to reverse the processes of de-animation, destruction, and extraction first dramatized in *Gilgamesh*. Across diverse landscapes and lawscapes, rights-of-nature declarations often name their subjects (rivers, forests, mountains, etc.) first as animate (from the Latin *anima*, meaning “spirit” or “life”), and then by extension as rights-bearing juristic “persons.” As the Indian rights-of-nature thought-leader and activist Shrishtee Bajpai has put it: “a series of events by courts or governments across the world has made the beginning of a radical shift from an extractive mindset to one where nature is being understood as a living being.”¹⁰

A version of the Cedar Wood of *Gilgamesh* exists in Ecuador. Northwest of Quito, eighty miles or so south of the Colombian border, is a 4,800-hectare area of cloud forest and premontane tropical forest known as Los Cedros—the Cedars. An exceptional 85 percent of Los Cedros is still primary forest (i.e., it has never been disturbed at scale), and the forest is contained within the Chocó phytogeographical region, one of the most biologically diverse and endemic habitats on Earth. Los Cedros is currently home to around two hundred species at high risk of extinction, five of which are on

10 Shrishtee Bajpai, “A Living Hill: Reflections on Animistic Worldviews, Stories, Resistance and Hope,” Heinrich Böll Stiftung, September 10, 2020, <https://in.boell.org/en/2020/09/10/living-hill-reflections-animistic-worldviews-stories-resistance-and-hope>.

the Ecuadorean government's "critically endangered" list.¹¹ It also protects the headwaters of four major river watersheds and the populations (human and other-than-human) who thrive on those rivers downstream. There are more than four hundred bird species at Los Cedros, including more than a dozen species of glittering hummingbirds, as well as six species of cats, including ocelot, puma, and jaguar. The invertebrate population is beyond expression: hundreds of species of moth and butterfly, countless bees, beetles, and flies, many as yet unrecorded by scientists. Research by mycologists have identified 727 unique species of fungi in the Los Cedros Reserve, representing 229 genera, 101 families, forty orders, and seventeen classes in four different phyla.¹²

In 2017 the Ecuadorian government announced hundreds of new concessions for mining exploration, spread over 2.9 million hectares of the nation.¹³ Many of those concessions overlapped with protected forests (so-called *Bosques Protectores*, of which Los Cedros is one; the designation is relatively weak in terms of protection and conservation), Indigenous territories, headwater ecosystems, and biodiversity hotspots, in direct violation of Ecuador's globally famous 2008 constitutional guarantee to recognize and respect the rights of nature. Two of those concessions were granted within the bounds of Los Cedros. A small Canadian mining company, Cornerstone Capital Resources (CCR; since absorbed by a much larger

11 "Ecuador: Los Cedros Reserve," Rainforest Concern, accessed July 12, 2023, [https://www.rainforestconcern.org/projects/los-cedros#:~:text=Los%20Cedros%20Reserve%20protects%20over,government%20\(*Roy%20et%20al.](https://www.rainforestconcern.org/projects/los-cedros#:~:text=Los%20Cedros%20Reserve%20protects%20over,government%20(*Roy%20et%20al.)

12 R. Vandegrift, D.S. Newman, and B.T.M. Dentinger et al., "Richer than Gold: The Fungal Biodiversity of Reserva Los Cedros, a Threatened Andean Cloud Forest," *Botanical Studies* 64, no. 17 (2023), <https://doi.org/10.1186/s40529-023-00390-z>.

13 "Los Cedros and the Rights of Nature," Los Cedros Reserve, accessed July 12, 2023, <https://loscedrosreserve.org>.

Australian mining conglomerate), was given a permit for gold and copper exploration in cooperation with the Ecuadorian state mining body, ENAMI—despite the Ministry of Environment’s own specification of Los Cedros as among its “Areas of Priority for the Conservation of Biodiversity in Ecuador.”¹⁴

A protracted legal battle to protect Los Cedros was subsequently initiated by the reserve’s founder and former owner, Josef DeCoux, who felt that conventional forms of protest against the concessions had reached the end of the road and that the courts were the only recourse left to him to protect Los Cedros. Working with a criminal (rather than constitutional) lawyer, DeCoux brought a case that slowly moved upward from the provincial courts all the way to the Constitutional Court of Ecuador. On November 10, 2021, to worldwide interest, and to the surprise of many in Ecuador, the constitutional court ruled that the Los Cedros Reserve should be protected from activities that threaten the natural rights of the forest. This case for the first time explicitly applied Ecuador’s constitutionally guaranteed rights of nature to legally titled “protected forests”—and its force was considerable. ENAMI and CCR were compelled to suspend their activities in the area and to evacuate their machinery and infrastructure. The ruling was described as the “case of the century” in respect of the precedent it sets for future comparable actions in other jurisdictions where the rights of nature are guaranteed at constitutional level, as well as the precedent of support it provides for other Ecuadorian communities and ecosystems threatened by large-scale extractivism.¹⁵

Eight months after the ruling was handed down, I cointerviewed two of the key actors in the case: DeCoux and Justice

14 “Los Cedros and the Rights of Nature.”

15 Rebekah Hayden, “Saving Los Cedros Is ‘Case of the Century,’” *The Ecologist*, November 26, 2020, <https://theecologist.org/2020/nov/26/saving-los-cedros-case-century>.

Agustín Grijalva Jiménez, the judge and academic who handed down the 124-page ruling on the case. These conversations with DeCoux and Grijalva Jiménez were revealing of the complexities surrounding the ruling's derivation, implementation, and consequences.¹⁶ Until the November ruling, Grijalva Jiménez explained, the constitutional articles guaranteeing the rights of nature in Ecuador had rarely been given force through legal expression, though a number of courageous rulings by lower-court judges had used the constitutional articles concerning rights of nature to delay, if not to evict, mining activity elsewhere in Ecuador. "We tried to go beyond what these judges had contributed," Grijalva Jiménez said, and to "understand that the rights of nature is a worldview in which natural living *systems* are holders of rights." The constitutional guarantee of Pachamama/Mother Nature's "right to existence and its right to re-generation," he said, gave him vital legal "leverage"; "Our huge advantage was that [rights of nature] is in the constitution!"

When I asked Grijalva Jiménez about the definition of *life* that he and his team had arrived at concerning Los Cedros (i.e., the nature of *aliveness* or beinghood inherent in the forest, of which the ruling protected the rights), he said that "the forest helped us": an openly animist phrase that recalls the reference in *Gilgamesh* to the forest's "mind." Grijalva Jiménez principally meant that Los Cedros's astonishing abundance and diversity of life—as recorded in the substantial body of published scientific papers concerning floral-faunal-fungal-invertebrate life in the region, many of which were submitted as evidence in the case—offered considerable cumulative testimony to what was at stake in terms of the preservation of "life" in the reserve, or the prevention of its flourishing. By contrast, Grijalva Jiménez said he was taken aback at how little

16 All subsequent quotations from DeCoux and Grijalva Jiménez, personal interviews with the author and César Rodríguez-Garavito, June 24, 2022, and June 17, 2022.

scientific-biological evidence the mining companies and the state were able to provide concerning the territory under threat of exploitation. “It shows how the state in Ecuador doesn’t really have [a] scientific basis on which to apply environmental regulations,” he said; “as a judge, this helped me in the argument.”

In other phrases that were strikingly animist in tone, Grijalva Jiménez told us in the interview that “the strong voice of life” (i.e., of the forest) had proved “stronger than even the legalistic framework” and that he and his fellow justices had all felt “the call of life” in and from Los Cedros. He praised the important roles played by writers, artists, photographers, and filmmakers, as well as scientists, in evoking the uniqueness of Los Cedros to the judges; he also drew attention to the testimony of Indigenous people of the region, among them the mayor of Cotacachi, who spoke in Kichwa at the opening of the hearing, developing what Grijalva Jiménez described as “the Indigenous view of Nature as Mother.” By testifying evocatively to Los Cedros’s aliveness, Grijalva Jiménez said, these various contributions helped “make sensible to the judges” something of the irreplaceable uniqueness of the habitat: “If you see all that beauty, all that biodiversity, all that *life*, emotions play a role.” Toward the end of our interview, he said that in his ruling he had tried to use “language with aesthetic and emotional dimension” and that he was glad that some ecologists had described parts of his ruling as “like poetry.” The Ecuadorian constitutional commitment to the rights of nature, Grijalva Jiménez declared in the text of his ruling, “is not rhetorical lyricism, but a transcendent statement and a historic commitment, which, according to the constitution, calls for ‘a new way of living together as citizens, in diversity and harmony with nature.’”¹⁷

17 Agustín Grijalva Jiménez, Judgment for CASE No. 1149–19–JP/20, Corte constitucional del Ecuador, Quito D.M. November 10, 2021, 31, 10. Translated by DeepL from Spanish into English; italics present in the original.

The interview with DeCoux revolved more around the on-the-ground consequences of the ruling and the considerable challenges of its implementation. On the positive side, DeCoux confirmed that the mining companies had entirely pulled out their operations from Los Cedros. However, local opinion in several of the communities that border Los Cedros has been shifted against the reserve and DeCoux. “You have to understand that this area [has become] totally controlled by mining company interests,” DeCoux told us, describing how mining companies had pursued a “socialization” process of creating animosity toward the reserve and weaning people off farming livelihoods and onto mining company money. Over time, this had “turn[ed] us,” DeCoux said, “into the villains of the place.” Following the November ruling, the mining companies gathered their local workforce in three of the communities and fired around forty people. “I had the communities on my side,” DeCoux told us, “but today they’re after my throat.” Furthermore, though the companies have pulled out on the ground, the footprint of their leases has not yet been removed from the Ecuadorian government’s master map of mining concessions. DeCoux calculates that this removal will require further legal action and, until it does, the Cedar Forest’s staggeringly abundant life remains under threat. “Nobody trusts the . . . government not to reissue the mining concessions,” said DeCoux. “We still have mining concessions on top of us, which are going to be hellish hard to move.”

Versions of Personhood

Though the cases of these two Cedar Woods are separated by more than four thousand years, clear elective affinities exist between them—and both also provoke certain questions that are central to broader modern rights-of-nature thinking; questions that I would like to conclude this essay by exploring a little further. Three issues in particular declare themselves. The first concerns the causes, risks, and

gains of the common conceptual slippage in rights-of-nature discourse between the categories of what might be called (Western) “legal personhood” and (animist/Indigenous) “ancestral personhood”, as assigned to rivers, mountains, forests, and other earth entities. The second, relatedly, concerns the definitions of *aliveness*, *being*, or *life* in respect of such earth entities. The third concerns the roles of art in shaping and communicating rights-of-nature thought and rulings.

Turning in more detail to the first and second of these issues: these two broad categories of “legal” and “ancestral” personhood are often either collapsed into one another in rights-of-nature discussions or required to impersonate one another—while in fact remaining distinct entities. One aspect of this category confusion concerns the well-known problem of corporations or limited-liability companies already possessing legal personhood in the eyes of national and international law. How is it possible to recognize the rights-bearing beinghood of a river or forest in ways that are philosophically and legally category-distinct from “other-than-human” entities or systems, such as corporations, that function in blind fealty to fiduciary duty and are frequently the means of bringing destruction to rivers and forests? The confusion of legal and ancestral personhoods can also bring considerable risk of colonization by stealth of Indigenous law and ontology as they become entangled with liberal-legal conceptions of personhood and rights.

For example, as discussed in their excellent recent article on riverine rights, Elizabeth McPherson and Rahul Ranjan et al. note that the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 in Aotearoa/New Zealand has been criticized by Indigenous scholars such as Carwyn Jones for failing to recognize the key discrepancy that exists in the act between “legal personality” as understood within Western rights law and the “Māori worldview that natural landscape

features have their own *mauri* (or life force).”¹⁸ Contrastingly, Alessandro Pelizzon and Anne Poelina et al., in their work on the Martuwarra River in Western Australia (and other riverine cases, including the Whanganui and the Atrato), find that rights-of-nature rulings—precisely *because* they are required to accommodate spiritual, ancestral, and sacred visions of rivers, forests, and mountains—are already disrupting the “materialist ontology” of traditional legal personhood into/toward “a pluralist, ecological and integrated worldview.”¹⁹ They note, among other examples, that the Waitangi Tribunal, which laid the groundwork for the Te Awa Tupua Act, characterized the river “in language that reflects the living, sacred and ancestral elements as well as the idea of voice,” and they conclude that many of the riverine rights judgments are, in fact, and excitingly, “gesturing toward an even more distinct category of personhood, one in which the plurality of worldview often demonstrated by the many Indigenous peoples involved is reconciled in novel terms.”²⁰

One of the distinctions between legal and ancestral personhood relates to the conception of *life* that inheres in these categories. Broadly put, the animist recognition of *personhood* in a forest, river, or mountain seeks to name and honor the compound, interdependent more-than-human life present in that earth entity and often also seeks to name and honor the reciprocity of that life with human

18 Elizabeth Macpherson, Axel Borchgrevink, Rahul Ranjan, and Catalina Vallejo Piedrahita, “Where Ordinary Laws Fall Short: ‘Riverine Rights’ and Constitutionalism,” *Griffith Law Review* 30, no. 3 (2021): 461.

19 Alessandro Pelizzon, Anne Poelina, Afshin Akhtar-Khavari, Cristy Clark, Sarah Laborde, Elizabeth Macpherson, Katie O’Byrne, Erin O’Donnell, and John Page, “Yoongoorrookoo: The Emergence of Ancestral Personhood; Martuwarra River of Life,” *Griffith Law Review* 30, no. 3 (2021): 514, 516.

20 Alessandro Pelizzon, Anne Poelina, Afshin Akhtar-Khavari, Cristy Clark, Sarah Laborde, Elizabeth Macpherson, Katie O’Byrne, Erin O’Donnell, and John Page, “Yoongoorrookoo: The Emergence of Ancestral Personhood; Martuwarra River of Life,” *Griffith Law Review* 30, no. 3 (2021): 515.

forms of well-beinghood. But how is this life to be recognized or measured? Is it in some way quantitative and transferable? Is it a site-specific biocultural property, differently textured and manifested across human and more-than-human geographies? Is it a force, indefinable in language but unmistakable in encounter?

The “new animisms” of which I, Amitav Ghosh, and Graham Harvey, among others, have written speak to the diverse contemporary ways in which forms of life are being recognized in places and earth-beings who have historically been placed, at least in Western post-Cartesian worldviews, as beyond the shifting frontier that separates “life” from “not-life.” One of the issues under dispute in the Los Cedros judgment was that of the “liveliness” or “aliveness” of the forest. This was demonstrated to Grijalva Jiménez and his team principally by scientific research papers but also in nonquantitative, holistic, even mystical ways that have left their residue both in the formal language of Grijalva Jiménez’s judgment and in his accounts of how “the forest . . . spoke” to him and his colleagues.

New-old animisms are invigorating many forms of environmental activism and protest at the moment, within and beyond the rights of nature field. In April 2021, for instance, a group of Indigenous women wrote to President Joe Biden to seek his protection of their sacred lands of Bears Ears, the desert region that then president Trump, with the connivance of Ryan Zink, had attempted to delist as a scheduled ancient monument, in order to issue mining permits for the area. “Our histories run deep,” the open letter from the women to Biden began: “We relate to these lands who are alive. We know the names of the mountains, plants and animals who teach us everything we need to know to survive.”²¹ Note the use of *who*, here, rather than *that*: “these lands *who* are alive . . . the mountains

21 Elouise Wilson, Mary R. Benally, Ahjani Yepa, and Cynthia Wilson, “Women of Bears Ears Are Asking You to Help Save It,” *New York Times*, April 25, 2021.

who teach us.” This is the “grammar of animacy” at work, to borrow Robin Wall Kimmerer’s memorable phrase for language use that recognizes aliveness and reciprocity in the other-than-human world.²²

Comparably, during the Standing Rock protests of 2016, a central premise of the resistance movement was that the Missouri River was *alive*. “When we cross the river, we pray to the river. We have a connection to the river,” said LaDonna Brave Bull Allard, tribal historian and cofounder of the water protector camps at Standing Rock, “The river is a living being and water is the first medicine of the world.”²³ This belief in a sacred, living river helped forge transnational connections between Indigenous and non-Indigenous groups from around the world; many who came to the protest site brought bottles of water from their own rivers and emptied them into the Missouri, symbolically creating a global confluence of living waters. *Underland*, my last book, was about the deep-time ethical and political imperative to “be good ancestors.”²⁴ Compellingly, at least to me, many Indigenous-led rights-of-nature campaigns recognize rivers, mountains, and forests explicitly as both “ancestors” and “inheritors.” That is to say, they complicate the time-flow of ethical responsibility and ask us to be good ancestors *to our ancestors*—for our river-ancestors will, in time, become our river-descendants; we have a responsibility both upstream and downstream in time to them.

For some time now I have been recording signs of a surging and widespread *public* (and non-Indigenous) animism, flourishing in surprising places and, particularly, as a response to contemporary ecological damage and climate grief. In July 2019, for instance, a funeral service was held for the Okjökull (OK) glacier in Iceland,

22 Robin Wall Kimmerer, “Speaking of Nature,” *Orion Magazine*, June 14, 2017.

23 Quoted in Bajpai, “A Living Hill,” 2020.

24 Robert Macfarlane, *Underland: A Deep Time Journey* (New York: W.W. Norton, 2019).

the first glacier to “die” from climate change. More than a hundred mourners attended, including Iceland’s prime minister, Katrín Jakobsdóttir, and former UN human rights commissioner Mary Robinson. *Glacier death* is a term used by glaciologists to designate the point where a glacier is diminished to the extent that its movement is stilled; it ceases to be a glacier and instead becomes a snow field. Coverage of the funeral service went globally viral; the event seemingly keying into a shared sense that we live upon an Earth increasingly stricken by the “double death” identified by the anthropologist Deborah Bird Rose—the doubleness, that is, of life being lost in the moment and with it the possibility of future flourishing, of life to come, thus also being diminished.²⁵ In 2020, after the Clark Glacier in Oregon was declared dead, the Oregon Glacier Institute organized both a funeral and a vigil for the ice; last year the death of the Basòdino Glacier in Switzerland resulted in a funeral so well attended that shuttle buses had to be hired to transport mourners to and from the site. Even if, in many of these cases, people have not truly believed that the glacier or river in question is a living or dead being, they have thought and behaved *as if* it were alive or were dead, and this *as-if* animism is, it seems to me, increasingly proving a force in its own right, as a catalyst for environmental activism generally, and for rights-of-nature campaigns specifically—including the young but vigorous campaign to assert the rights of my home river, the River Cam (which gives its name to Cambridge).²⁶

I turn finally to the third question raised by comparison of the two Cedar Wood cases: that of the roles of art in rights-of-nature discourse and ruling. In Grijalva Jiménez’s interview with us—and

25 Deborah Bird Rose, “Multispecies Knots of Ethical Time,” *Environmental Philosophy* 9, no. 1, Special Issue: Temporal Environments: Rethinking Time and Ecology (Spring 2012): 127–40.

26 Lottie Limb, “River Cam Becomes First UK River to Have Its Rights Declared,” *Cambridge News*, June 22, 2021.

subsequently in conversation at Los Cedros itself, which Grijalva Jiménez and I visited together, along with other field biologists, artists, activists, and lawyers in October–November 2022—he discussed how important various artistic testimonies to Los Cedros had been during the judicial process in shaping and influencing his and his colleagues’ judgment. He also noted, with quiet and rightful pride, the “poetic” aspects of the language he had used in formulating his ruling. Similarly, the two rights-of-nature rulings handed down by the Uttarakhand High Court in 2017 were also both experimental in terms of what might be called their “creative writing,” drawing as they did upon literary, legal, and devotional sources (the sacred ecologies of Hinduism) in articulating their arguments and conclusions.²⁷

Here and elsewhere, I think, we are seeing examples of the disruptive power of rights-of-nature thought not only upon existing legal structures but also upon legal language, whereby efforts to give voice and representation to relational understandings of “beinghood” in respect of rivers, forests, and mountains are bringing about hopeful and long-overdue metamorphoses of the lawscape. As Ghosh writes, the emerging rights-of-nature field is “a profoundly hopeful development, because it indicates that even courtrooms, which are among the most redoubtable citadels of official modernity, are increasingly susceptible to the influence of that subterranean river of vitalism, which, after having been driven underground for centuries, is now once again rising powerfully to the surface around the world.”²⁸

More widely in the rights-of-nature field, literature and art are also often offering ways to see through and around what Rachele

27 Lalit Miglani v. State of Uttarakhand and Others, WPPIIL 140/2015 (High Court of Uttarakhand 2017); Mohd Salim v. State of Uttarakhand and Others, WPPIIL 126/2014 (High Court of Uttarakhand 2017).

28 Amitav Ghosh, *The Nutmeg’s Curse: Parables for a Planet in Crisis* (London: John Murray, 2021), 238.

Dini has called the “regimes of perceptibility” concerning environmental damage—that is to say, the systematic means used by state and corporate power to render invisible the slow violence of pollution and degradation that almost always arises from large-scale extractivist projects.²⁹ Fiction, poetry, nonfiction, music, film, and numerous other art forms, including oral storytelling and song, are proving surprisingly, even uniquely, capable of detecting, reckoning with, and conveying the human and more-than-human fallouts of ecological damage, in ways that exceed the capacities of other forms of discourse and representation (e.g., judicial, journalistic, regulatory).

In keeping with this idea, I end this essay with a section from Stephen Mitchell’s translation of the *Epic of Gilgamesh*, where Enkidu and Gilgamesh arrive at the Cedar Wood:

They had reached the edge of the Cedar Forest.

. . . They stood and listened. A moment passed.
Then, from heaven, the voice of the god
called to Gilgamesh: “Hurry, attack,
attack Humbaba while the time is right,
before he enters the depths of the forest,
before he can hide there and wrap himself
in his seven auras with their paralysing glare.
He is wearing just one now. Attack him! Now!”
They stood at the edge of the Cedar Forest,
gazing, silent. There was nothing to say.”³⁰

29 Rachele Dini, “‘Resurrected from Its Own Sewers’: Waste, Landscape and the Environment in J. G. Ballard’s 1960s Climate Fiction,” *ISLE: Interdisciplinary Studies in Literature and Environment* vol. 28 issue 1 (Spring 2021): 212. I’m grateful to Dr. Rob Newton for directing me toward Dini’s work.

30 Stephen Mitchell, *Gilgamesh: A New English Version* (New York: Free Press, 2004), 116–17.