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Speculative Constitutions in Ursula K. Le Guin's Hainish Cycle and the Rights of Nature

Ted Hamilton

Abstract. This paper examines two speculative examinations of humanity as a unified species and agent of ecological change: Ursula K. Le Guin's Hainish Cycle and the rights of nature movement. Le Guin's Cycle imagines the slow interplanetary reintegration of human polities against a backdrop of cultural and environmental difference. I read the novels of the Cycle as an allegory for the rights of nature movement, which seeks to synthesize traditional and modern knowledge in a legal solution to ecological crisis. Both discourses, I argue, productively imagine a new historical understanding of humanity's place on Earth, but they provide a weak theory of law's capacity to initiate and institutionalize this new understanding. In place of a static theory of history and legal revolution, I propose a dynamic view of how narrative projects like the rights of nature contribute to cultural and political change. This comparative reading shows the utility of speculation in law and literature.

Keywords, environment, science fiction, rights of nature, history, allegory

At the end of Ursula K. Le Guin's novel *The Telling* (2000), an emissary of a transplanetary union called the Ekumen negotiates a deal with local rulers on the planet of Aka. The Akans — who for the past several decades have embarked upon a vicious campaign of scientific and cultural modernization spurred by the introduction of Ekumen technologies — will continue to receive instruction on interplanetary travel and communication from the Ekumen. In return, the Akans will cease suppressing, censoring, and expunging the millennia-old life philosophy known as “the Telling.” This philosophy — a spiritual and ethical system, a school of medicine, a “way” that guides humans through history and the natural world, an “active homeostatic balance”¹ — is of interest to the Ekumen emissaries cataloging the cultural expressions of the dozens of human communities that their union is slowly binding together. But the preservation of the Telling is also

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a necessary bulwark against the “active forward-thrusting imbalance”² of the Akans’ modernizing push, a push that the emissary compares to the Spanish conquest of the Aztec and Inca.³

Ten years after the publication of Le Guin’s novel, another sort of negotiation took place in Cochabamba, Bolivia. The Indigenous-led Movement for Socialism had recently ratified a new Plurinational Constitution, and Bolivian Indigenous activists joined advocates from around the world to promulgate a vision of ecological governance in the shadow of the climate crisis. Speaking in the voice of “the peoples and nations of Earth,” the resulting Universal Declaration of the Rights of Mother Earth stated that

we are all part of Mother Earth, an indivisible, living community of interrelated and interdependent beings with a common destiny ... the capitalist system and all forms of depredation, exploitation, abuse and contamination have caused great destruction, degradation and disruption of Mother Earth ... [we] proclaim this Universal Declaration of the Rights of Mother Earth, and call on the General Assembly of the United Nation to adopt it, as a common standard of achievement for all peoples and all nations of the world.⁴

I propose that the bargain between the Ekumen and the Akans — to preserve traditional knowledges while embracing technological modernization, to maintain spiritual and ecological balance in the pursuit of progress — is the same promise offered by the movement for the rights of nature. More specifically, my thesis in this essay is that Le Guin’s speculative fiction and the speculative law of the rights of nature proffer a constitutional resolution to the crisis of historical imagination produced by global ecological crisis. This resolution promises to remove the contradictions between natural and human history and between humanity’s dual roles as agent and victim of Earth systems disruption. In both instances this resolution takes the form of a supranational legal regime whose capacity to reorder human-natural relations is, I maintain, overstated, but whose speculative function as a regulator of historical imagination is nonetheless productive.

The discourse of the rights of nature invites us to see the distinction between human and natural history as a category error, one imposed by a worldview variously defined as anthropocentric, modern, Western, capitalist, or colonial. The past may therefore be rewritten in a way that epistemologically corrects an ontological misattribution: humans were always part of nature, and nature always “had” rights, but spurious divisions and denials of rights occluded these facts and led to ecological malaise. What’s more, the legal unity of humans and nonhumans

allows for a consciously determined environmental future. Natural entities will have rights; humanity's frightening ecological agency will be curbed by those rights-bearers; and our ecological vulnerability will be ameliorated by this check on our ambitions.

Le Guin's Hainish Cycle — which includes *The Telling*, *The Left Hand of Darkness* (1969), various short novels, stories, and novellas, and the two novels that I read closely in this chapter, *The Word for World is Forest* (1972) and *The Dispossessed* (1974) — provides an allegory for this crisis and resolution of historical understanding. The Cycle narrates encounters between more and less advanced humans on various planets; in each instance, what had seemed to be a universal planetary history gives way to a broader interplanetary history. The existence of a vaguely sketched League of All Worlds or Ekumen provides a horizon of opportunity for dispersed human communities as they exit their planetary provincialism and enter into a new cosmopolitan unity. I argue that certain characters and technologies that facilitate this transition — such as Selver, the violent “god” of the Athsheans in *Word*, or the “ansible” technology which allows for instantaneous interstellar communication in *The Dispossessed* — are allegories (intended or not) for the rights of nature. They promise to bridge the gap between past and future “regimes of historicity,” which François Hartog defines as “the way in which a given society approaches its past and reflects upon it.”⁵

But there is a catch: both the rights of nature discourse and Le Guin's cycle evince an aporia regarding the historical agency of the law. In the Hainish Cycle, the unifying legal body for the galaxy's humans — the League, the Ekumen — is described in such sketchy terms by its emissaries that this very indirection and silence becomes significant. The same is true for the lack of analysis offered by nature rights advocates regarding the political and judicial institutions that are meant to introduce and enforce their revolutionary legal technology. I argue that this evasion is symptomatic of a weak theory of law's capacity to initiate historical change, and I will consider the implications of this problem for the broader question of historical self-understanding, focusing on the “containment” of historical movement by static categories. Finally, drawing on narrative and poststructuralist views of the law, I sketch out a possible response to this problem. Rather than viewing the rights of nature or the Ekumen as institutional prescriptions, we might treat them as critical concepts capable of jump-starting a new natural-historical dynamism, a processual and ultimately open-ended renegotiation of historicity that uses the grammar of the law as a means (rather than as an end) for imagining an escape from anthropocentric history.

In this way, I treat the Hainish Cycle and the rights of nature movement as particularly useful documents of speculative discourse. Thanks to its broad temporal scope and anthropological method, Le Guin's Cycle offers a rare fictional example of a comparative philosophy of history, in which various regimes of

historicity are put into conversation and conflict across deep time; this makes the Cycle more valuable for my purposes than texts that might interrogate the specific cultural context of the rights of nature efforts described below. Furthermore, this literary speculation about the nature and history of change — and law’s role in regulating change — is mirrored by nature rights’ own speculative approach, which uses a type of legal fiction to suggest solutions to the human-nature rift and the crisis of historical imagination. In other words, I have chosen literary and legal texts that are analogous in their metahistorical ambition. This comparison, I hope, serves as an example of how law and literature encounter each other on the fraught terrain of environmental imagination and politics.

THE LAW’S “REUNION OF HUMAN BEINGS AND NATURE”

The 2010 World People’s Conference on Climate Change and the Rights of Mother Earth in Cochabamba was called in response to the failure of international climate negotiations in Copenhagen in 2009. It took place amid a newly assertive South American left populism and a rising Indigenous movement; the call to recognize universal nature rights was thus born of a particular political-ecological context in which the failures of neoliberal development and rising concern for environmental issues such as mining and deforestation motivated a search for alternatives to capitalism and (neo-)colonialism. The high point of the rights of nature movement had occurred two years earlier, when Ecuador ratified a new constitution. It was the world’s first to include nature rights. The most relevant provision reads:

Article 71. Nature, or Pacha Mama, where life is reproduced and occurs, has the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes. All persons, communities, peoples and nations can call upon public authorities to enforce the rights of nature. To enforce and interpret these rights, the principles set forth in the Constitution shall be observed, as appropriate. The State shall give incentives to natural persons and legal entities and to communities to protect nature and to promote respect for all the elements comprising an ecosystem.⁶

As is often the case with constitutional generalities, these articles are vague: one does not quite know what to make of nature’s right to “respect” for its existence, maintenance, and regeneration; nor are the state’s obligations well-defined. Indeed, the provisions’ ambiguities have proven vexing for Ecuadorian jurists. Nearly a decade and a half after the fact, the environmental effects of

constitutionalizing nature rights are unclear.⁷ But my interest here does not lie in the immediate utility of nature rights; it lies instead with the historical imagination that justifies them.

A guide to the rights of nature authored by environmental attorney Julio Prieto Méndez and published by the Constitutional Court of Ecuador provides one of the clearest articulations of that historical imagination in its South American variety. “In the ancestral times of Ecuador, relations between people and with nature flowed from natural sources,” Prieto Méndez writes. “These relations were impacted by the arrival of modernity, as our ancestral conceptions of nature were substituted for a foreign inheritance from modern Europe. This rationality did not only affect the relation between humans and nature; the rationalist notion of natural rights also altered relations between humans.”⁸ Colonialism and then the Industrial Revolution exacerbated the alienation between people and their environment. But growing awareness of ecological precarity has brought “a return to biocentric concepts”⁹: “[T]he rights of nature are based on a biocentric foundation, built principally on historical and ecological components, with a mix of two elements: one which stems from a return/recognition of ancestral wisdom, and another from the awakening of ecological consciousness.”¹⁰

The key moments of Prieto Méndez’s account are omnipresent in defenses of the rights of nature: the violation of nature’s balance by colonial and capitalist growth; the global imposition of an anthropocentric ontology; and contemporary ecological crisis. Omnipresent, too, is the sense that the oppressed must take hold of the future to cure the material and ideological alienation of humans from their environment. This historical imagination was evident in the 2008 Ecuadorian Constitution: its preamble “celebrat[es] nature, the Pacha Mama (Mother Earth), of which we are a part and which is vital to our existence” and declares the Ecuadorian people “heirs to social liberation struggles against all forms of domination and colonialism, and with a profound commitment to the present and to the future.”¹¹ The double concern for ecological and social (or historical) justice is evident in other recent advances for the nature rights movement. In 2016, the Constitutional Court of Colombia recognized the legal personhood of the Atrato River, which flows through a region populated by Indigenous and Afro-Colombian communities. Significantly, the court framed its recognition of nature rights in a broader story about an implicit “ecological constitution” and “biocentric focus” in Colombian law: “According to this interpretation,” the court wrote, “the human species is just one event in a long evolutionary chain that has lasted for billions of years, and is thus in no way the master of other species, biodiversity, natural resources, or the fate of the planet. Nature is thus an authentic subject of rights that must be recognized by the state.”¹² This decision was followed by the recognition of the legal personhood of

other rivers in Colombia, as well as that of the Colombian Amazonian biosphere. In the past five years, similar decisions have been reached by courts, municipal bodies, and legislatures in Mexico, Panama, India, and New Zealand, often in the context of environmental conflicts between states and Indigenous populations.¹³ What I want to emphasize here is how the prescriptive theory of nature rights emerges from a descriptive narrative about colonial subjugation and evolutionary interdependence. As I will argue below, with assistance from Le Guin's Hainish Cycle, the relationship between this prescription and this description is best viewed as a dynamic and imaginative one, in which the law serves to provisionally institutionalize the historical imagination embodied in the narrative while resisting formal closure.

Another intellectual source for the idea of nature rights (and the one most commonly cited in the Anglophone legal academy) is Professor Christopher Stone's 1972 law review article "Should Trees Have Standing? — Toward Legal Rights for Natural Objects."¹⁴ Stone argues that granting rights to nature would be the most straightforward manner of protecting environmental interests, and relies heavily upon the socially constructed nature of legal rights: corporations, ships, trusts, and children already hold rights, and — despite some procedural difficulties in determining capacity, interest, and reciprocal obligations — such "non-traditional" rights prove relatively easy to adjudicate and defend. Though likewise motivated by a concern for mounting ecological crises, Stone's historical justification for granting nature rights departs sharply from the typical account presented by South American advocates. In place of a narrative about colonialism and the synthesis of Indigenous and Western worldviews, Stone presents a millennia-long expansion of the "very narrow circle" of ethical concern, from individual to tribe to society and finally to nature.¹⁵ Stone proposed that nature rights could provide not only concrete legal advantages but also an imaginative supplement, or what he calls the "psychic and socio-psychic aspect" of rights.¹⁶ Stone's notion of an ever-expanding ethical circle is the main narrative trope in the Western liberal nature rights discourse. It was used by ecologist Aldo Leopold in his essay on "The Land Ethic," where he writes that the "extension of ethics ... is actually a process in ecological evolution."¹⁷ And in his landmark historical survey *The Rights of Nature*, Roderick Nash traces the notion of an expanding ethical circle across several centuries of Anglo-American political and legal thought. Grounding the rights of nature in the natural rights tradition of the United States, Nash describes the movement as "marking out the farthest limits of American liberalism"¹⁸ and writes that radical environmentalism, including the call for nature rights, "can be understood not so much as a revolt against traditional American ideals as an extension and new application of them."¹⁹

As seen especially in the Ecuadorian constitution and in the proposals by Stone and Leopold, there is a sense among nature rights advocates that granting

legal personhood to nonhumans represents a significant shift in the law's operations: it inaugurates a world-historical transformation of human-environmental (and perhaps human-human) relations. This is the narrative aspect of the project that I wish to highlight here: the rights of nature are a legal fiction that imagines, and seeks to put into practice, ecological truths and social desiderata. Crucially, this is an anthropocentric, or at least anthropogenic project: it is up to humans to repair humanity's damage, and lawmaking is a consummately human activity, even when done for the benefit of nonhumans. Hence the need for a unified humanity to revise its own historical self-understanding: Jodi Adamson argues that the 2010 Cochabamba conference rejected the "reified poles of 'past' and 'present' or 'ancient' and 'modern'" and used the idea of nature rights to "build a more livable political world where humans acknowledge the right of 'sentient beings' — forests, rivers, mountains—to maintain and continue evolutionary cycles."²⁰ But such a program comes in the midst of profound ecological crisis that challenges very the meaning of the human. According to Dipesh Chakrabarty, "in becoming a geophysical force on the planet, we have also developed a form of collective existence that has no ontological dimension ... The fact that the crisis of climate change will be routed through all our 'anthropological differences.'"²¹ In response to this dilemma, the rights of nature discourse imagines a universal humanity — "We, the peoples and nations of Earth" — that is part of a universal living community: "we are all part of Mother Earth, an indivisible, living community of interrelated and interdependent beings with a common destiny."²² Crucially, this unified humanity is called into being as a *response* to the problems caused by the old, Western Enlightenment, patriarchal concept of "man." It is only *because of* the "anthropological differences" signaled by Chakrabarty and the divergent cultural and historical experiences of nature that this imagined unity is possible. It is, in short, a synthesis of traditional and modern, Indigenous and Western, spiritual and scientific worldviews.

Of course, what is distinctive about its particular mode of discourse is its appeal to the normative and coercive force of the law. When I return to the rights of nature below, I will focus on how this appeal to law and state power distorts the movement's historical imagination, and how an alternative way of conceiving legal activism and imagination might resolve the tension. First, however, I will turn to what I identify as an allegory before-the-fact of the rights of nature movement: Le Guin's Hainish Cycle. Interpreting the nature rights discourse through Le Guin's fiction allows us to examine in richer detail the narrative and imaginative aspects of legal reform proposals, and clarifies the nature of the tension common to both: a conflict between stasis and dynamism. After my reading of Le Guin, I will make my argument regarding the "containment strategies" present in both discourses before offering a way of rethinking their speculative projects in light of a more flexible and processual view of historical change.

LE GUIN'S ALLEGORY OF UNIVERSAL HISTORY

Though Le Guin noted that she never planned a Hainish Cycle or sketched out its fictional history in detail, a basic framework emerges over the course of its tales: about a million years ago, the first humans from the planet Hain began colonizing other worlds, including Earth (commonly referred to as “Terra” in the Cycle). At some point the first Hainish civilization collapsed, leaving dozens of human communities isolated from each other and on their own unique paths of biological and cultural evolution. Around the present day or near-future, humans from some of the more advanced planetary societies — including Hain and Terra — regain the capacity for interplanetary travel and establish a League of the Worlds that aims to reunite humanity. This League is beset by internal divisions, resistance, and attack, and eventually collapses. Later, a third unifying effort is launched under the banner of the Ekumen, which is more a knowledge-sharing and trade-coordinating body than a sovereign entity. In the words of the Ekumen envoy Genly Ai in *The Left Hand of Darkness*, its purpose is “Material profit. Increase of knowledge. The augmentation of the complexity and intensity of the field of intelligent life. The enrichment of harmony and the greater glory of God. Curiosity. Adventure. Delight.”²³ Most of the drama in the works of the Hainish Cycle stems from encounters between emissaries of the League or the Ekumen and the peoples of the unenlisted worlds.

The Cycle thus presents episodes within a species-history, focusing on characters who attempt to understand their actions against the backdrop of local, planetary, and galactic change: this is the combination of “deep” and “shallow” history that Chakrabarty identifies as a major historiographical challenge of the Anthropocene.²⁴ Within this structure, Le Guin can play with narratives of cultural and political progress, comparing, for example, the violent arrogance of Terran conquerors in *Word* with the pacifist anarchism of Anarres natives in *The Dispossessed*, while using the shared Hainish heritage as a kind of constant against which to examine anthropological difference. In my view, this structure is most useful when it serves Le Guin’s vision of dynamic utopia, of a unified humanity always in the process of construction, and least useful when it manifests as a closed institutional form, namely the Ekumen legal order that I discuss below. Like the rights of nature discourse, Le Guin’s work encourages readers to question progressive anthropocentric narratives and to construct in their stead malleable projections of our species future. In their reading of the novel, Daniel Davison-Vecchione and Sean Seeger focus in particular on Le Guin’s anthropological method, which relies upon observer-participant characters to report on the content of her fictional societies. They write that “Le Guin ensures that her speculative anthropology articulates both a synchronic account of webs of human meaning-making and a diachronic account of the modification of those webs over

time.”²⁵ In other words, her Cycle reveals the dynamic nature of historical understanding and of the need to imagine and build, rather than merely document and ratify, new human-natural relations.

The particular narrative mode under which I want to analyze the Hainish Cycle is allegory. In short, I take Le Guin’s interplanetary history of the reconstruction of a lost human unity to be an allegory for the ecologically inspired crisis of historical imagination (with the rights of nature being one response to that crisis). Just like our present ecological moment, the Hainish Cycle calls forth questions about species agency and planetary politics and about the meaning and use of universal history. The Cycle does so by presenting what appears to be an epic of fantastical space flight and interspecies encounter but is really — or is also — a statement of political ecology. Allegory, in Angus Fletcher’s definition, “says one thing and means another. It destroys the normal expectation we have about language, that our words ‘mean what they say.’”²⁶ Allegory, even more than other modes like metaphor, encourages readers to find a “hidden meaning.”²⁷ (At least in the Romantic conception, metaphor and symbol are considered to be signifiers of “real” organic unities between spirit and matter, whereas allegory is, in Coleridge’s terms, explicitly “mechanical” and “conscious” of its fiction.²⁸) The “hidden meaning” I find in the Hainish Cycle is the ecologically inspired crisis of historical understanding.

How, then, does Le Guin’s Hainish allegory further this project? In *Word*, a military expedition from Terra (Earth) arrives on Athshe to log timber, now a rare commodity on the home planet. The Terrans don’t know quite what to do with the native Athsheans, who are short, green, furry, and completely non-violent. The Athsheans’ worldview is defined by their fluency in dreaming: they take conscious control of their dreams and conceive “dream-time” to be as real as “world-time.” Le Guin narrates the confrontation between the Terran and Athshean humans by alternating between close third-person perspectives, showing how individuals on each side of this sub-species divide fail to understand each other. The novel begins with the perspective of Captain Davidson, an aggressive and misogynistic Terran officer: “Two pieces of yesterday were in Captain Davidson’s mind when he woke, and he lay looking at them in the darkness for a while.”²⁹ This opening signals the role that competing temporalities will play in the conflict that ensues, as Davidson’s “yesterday,” his understanding of the past and how it shapes the present and future, will remain fractured and obscured. Davidson cannot understand why the Athsheans do not work harder, and why there should be any resistance to the Terrans’ logging enterprise. His is a stereotypical Western progressivist perspective: “this world ... was literally made for me. Cleaned up and cleaned out, the dark forests cut down for open fields of grain, the primeval murk and savagery and ignorance wiped out, it would be a paradise, a real Eden. A better world than worn-out Earth.”³⁰

But when delegates from the newly founded League of the Worlds arrive, this tidy historical and ontological structure is thrown into doubt, and Le Guin's interest in metahistorical inquiry becomes clear. The Hainish claim to be the ancestors of all humans, putting them in the place of historical primacy and making the Terrans and Athsheans equal heirs to a common human heritage; Davidson doubts the veracity of these claims.³¹ Later, during negotiations over the Terran's ill-treatment of the Athsheans, an unspecified narrative voice makes the following observation of the Hainish, who have been "civilized" for a million years: "They lived the social-intellectual life with the grace of a cat hunting in a garden, the certainty of a swallow following summer over the sea ... Nobody seemed to fit the human skin so well. Except, perhaps, the little green men?"³² The high degree of Hainish cultural sophistication is described as natural elegance (intimations here of the collapse between natural and human history); the less "sophisticated" Athsheans, whom Davidson views as subhuman, are considered just as consummately human — the implication being that Terrans are somehow in the middle. Any notion of evolutionary development that would place the Terrans (or, more particularly, white, male Terrans) at the helm of humanity is debunked. This exposure of the fallacious — or, less pejoratively, *fictional* — anthropocentric narrative is similar to the biocentric revisionism of the rights of nature movement. In both instances, the failure of the old story calls out for the elaboration of a new one.

In keeping with his allegorical function as a colonial archetype, Davidson instigates a war by raping an Athshean woman, whose husband Selver then commits the first murder in his species' history. Through his acts of violence, Selver attains the status of a god among the Athsheans, though it is a dubious distinction: he has to leave the dream-time for complete immersion in the world-time, and the old "paths" and "ways" are forever changed by his campaign of resistance.³³ In other words, the undifferentiated time before the Terran invasion has come to a close, and a new historical epoch (perhaps the first historical epoch) is inaugurated; with this change comes a severing of the essential ties between dreamers and the forest that surrounds them. As a Terran anthropologist discovers, "dream" and "root" are the same word for the Athsheans;³⁴ Selver brings a new thing, killing, "across the bridge between the dream-time and the world-time" and in so doing changes his world from its roots.³⁵ As Ian Watson discusses, this equivalence of environment and social psychology had given the Athsheans a "harmony" and "psychological equilibrium" that the Terrans lack; the forest serves as an "external collective unconscious."³⁶ In other words, they experience an organic unity of spirit and matter, a nature without history. When the roots of dreaming and of the forest are broken — a result both of the Terran invasion and of Selver's resistance — this unity comes to an end.

Le Guin thus allegorizes, for the Athsheans, the loss of the state of nature. For the Terrans, on the other hand, she allegorizes the loss of the state of

history. This is symbolized by another moment of waking. Lyubov, the expedition's resident anthropologist and the Terran who best understands the Athsheans, rises from bed with a headache that provokes phonetic slippage: the headache feels like an awl, which leads to "awl, drill, ill, pill, Oh God ..." ³⁷ Thinking that the Athsheans, with the gift for dreaming, would be able to consciously dispel a headache, Lyubov remembers that there is now a war between his people and theirs, and thinks: "But not now, the world is too much with us, ow, ow, ow above the right ear I always hear Time's winged chariot hurrying near" ³⁸ Semantic contiguity (awl, drill) gives way to phonetic contiguity (drill, ill, pill), representing the breakdown of meaning. "The world is too much with us" signifies an unwelcome intrusion of reality into the Terran dream of historical exceptionality. And "Time's winged chariot hurrying near" is a line from Andrew Marvell's "To His Coy Mistress" (noted by Watson ³⁹), appearing in the poem at the moment when the speaker recalls that mortality will prevent his "vegetable love" from extending endlessly to the future. In other words: there will be no more old nature for the Athsheans and no more old history for the Terrans; everything has changed.

As noted by Julia D. Gibson and Kyle Powys Whyte, *Word* is easily read as an allegory of extractive colonialism and Indigenous resistance. ⁴⁰ The same is true of the Hainish novel that I cited at the beginning of the chapter, *The Telling*, in which a similar historical discontinuity between an old, ostensibly more natural existence and a modern, technological era is introduced by extraplanetary visitors. In this way we might map Le Guin's allegory onto the story told by many rights of nature advocates: humanity lived in harmony with nature, and knew itself to be part of nature, until capitalism and colonialism overturned the order of things.

But in both novels there is an additional, overarching historical framework that qualifies and relativizes any individual planet's narrative of lost unity: the Hainish origin story. The Athshean social forest-mind and the eponymous lifeway of *The Telling* are not, it turns out, some originary state of harmony, but rather minor moments in a much longer human story; for the Terrans, too, what at first appears to be a universal history ("this world ... was literally made for me" ⁴¹) turns out to be particular and provincial. The framing narrative of the Hainish expansion — millions of years of ebbing and flowing human unity — is vaguely drawn. Within it, secure historical analogues to Earthly history, such as the pre-/post-colonial stories sketched above, are put at a critical distance by virtue of their emplotment within this framing narrative. Historical situations that connote pastness in Earthly terms — pre-Terran Athshe or the Telling before the Akan revolution — belong to a speculative future of interplanetary travel. The relation between past, present, and future is further complicated by the diegetic relation between the individual Cycle stories, in which the characteristics of each

local culture provide little guide to where, historically, we are in the framing narrative: *The Dispossessed* takes place in *The Telling's* Past, *Word* take place some time between the two of them, *The Left Hand of Darkness* is somewhat later. The Cycle thus provides an allegory both of the emergence of a historical sense belonging to a unified humanity and of the inherent narrative ambiguities belonging to such an historical sense. Line-drawing between states of nature and historical modernities is always provisional; the past belongs partly to the future, and vice versa. Lost, too, is any traditional grounding of history in nature: neither Earth nor Athshe is humanity's original home, and no single planet or biosphere can serve any longer as the background for a species narrative. This accounts for Le Guin's success in representing historicity, or the fact of being immersed in history. As Davison-Vecchione and Seeger argue, her incorporation of "social antagonism, cultural contestation, and historical contingency" allows her to balance a "transcendent" and an "immanent" approach to historical structure and content.⁴² Such a dynamic balance is also the promise of the rights of nature, which announces a new, transcendent vision of humanity's place on the Earth while inviting conflict over the provisional nature of any political ecological settlement.

Here I follow the lead of Elizabeth Deloughrey, who in *Allegories of the Anthropocene* examines how "allegory has been revitalized and reinvented to represent this perceived disjunction between humans and the planet."⁴³ Attending in particular to the Anthropocene's revision of historical understanding and its challenge to visions of the future, Deloughrey examines allegorical work from postcolonial and Indigenous perspectives that "provincializes" the Anthropocene (riffing on Chakrabarty's *Provincializing Europe*).⁴⁴ She follows Walter Benjamin and Paul de Man in identifying how allegory establishes and then disrupts correspondences between fictional worlds and the world outside the text, namely nature and history: there is "an aporia or discontinuity between the subject and the external world that allegory creates at its representational core."⁴⁵ For example: contemporary readers of *Word* might be prompted to defamiliarize their own historical self-understanding, disrupting previously unquestioned narratives of progress or human supremacy. This defamiliarization involves questioning the distinction between nature and history, and the Hainish Cycle's metahistorical relativism prescriptively dispenses, I think, with the natural history/human history distinction metabolized by the nature rights discourse. On the one hand, nature is always historical and there is no "outside" or "prior" to human history: the states of nature of the Athsheans and other humans are mere episodes in the long Hainish expansion, contraction, and resurgence. On the other hand, history is naturalized: Lyubov's phonetic and semantic slippage and the rebuke of Davidson's earthly providentialism by the appearance of the naturally civilized Hainish represent the dissolution of an anthropocentric historical sense (the

“naturalization” here being less a communion with the non-human environment than a contextualization within interplanetary deep time, similar to the Constitutional Court of Colombia’s avowal that “the human species is just one event in a long evolutionary chain that has lasted for billions of years”).⁴⁶ My point here is not to endorse particular definitions of nature and history, but to emphasize the contingency of such definitions. In Le Guin’s Cycle, “both the world inhabited by the characters and the world inhabited by the reader are historicised and seen in relation to one another,”⁴⁷ a fictional approach that militates against the type of formal closure that a new legal order like the Ekumen or the rights of nature might otherwise represent.

A second allegorical element I want to discuss is a piece of technology: the ansible. The ansible, in Le Guin’s world, is a small device that allows instantaneous communication across any distance — most importantly, between planets located light-years apart. In the diegetic time of *Word*, the ansible is newly developed, arriving with the representatives of the newly formed League of All Worlds. One of these emissaries states: “The time-gap for bodies remains, but the information lag does not. As you can see, this is as important to us as an interstellar species, as speech itself was to us earlier in our evolution. It’ll have the same effect: to make a society possible.”⁴⁸ The ansible’s origins are narrated elsewhere in the cycle. In *The Dispossessed*, Le Guin relates the invention of the technology through the story of Shevek, a native of the desert planet of Anarres. Anarres is a satellite of Urras, from which a group of anarchist dissidents fled a few centuries before the novel’s action to establish an experimental community. By Shevek’s time, the anarchist experiment has both succeeded — there are no laws or lawmakers, resources are equally distributed, individuals have freedom to pursue their own projects and lifestyles — and begun to atrophy: the spirit of adventure has waned, the teachings of Anarres’ founders have ossified into dogma, and bureaucracy stifles individual initiative and creativity. A gifted physicist whose theories are dismissed by a complacent scientific establishment, Shevek decides to travel to Urras to seek out collaborators and to satisfy his own yearning for variety. Faced with a world split between a prosperous but staggeringly unequal capitalist state and an authoritarian, socialist state — an allegory of the Cold War — Shevek finally overcomes his own self-doubt to arrive at a scientific breakthrough. Relying upon speculations by a Terran scientist named Ainsetain (Einstein),⁴⁹ he manages to synthesize the Simultaneity and Sequency theories of time into a General Temporal Theory.

The details of this theory are rather sketchy, but it involves a resolution of one of Zeno’s paradoxes, a version of which Shevek gives to a student: “you are throwing a rock at a tree, and if you are a Simultanist the rock has already hit the tree, and if you are a Sequentist it never can”⁵⁰. In other words, Shevek seeks a theory of time that can encompass both being and becoming, and he

arrives at it not through any particular scientific discovery but through an embrace of methodological ambiguity:

He had been groping and grabbing after certainty, as if it were something he could possess. He had been demanding a security, a guarantee, which is not granted, and which, if granted, would become a prison. By simply assuming the validity of real coexistence he was left free to use the lovely geometries of relativity; and then it would be possible to go ahead ... thus approached, successivity and presence offered no antithesis at all. The fundamental unity of the Sequency and Simultaneity points of view became plain.⁵¹

Ignoring the suggestion by his Urrasti hosts that he use his new theory to gain a technological advantage over the Hainish and Terrans, Shevek decides near the end of the novel to share his breakthrough with an ambassador from Terra so that it might be used by all humanity. Echoing the remarks made about the ansible in *Word*, the Terran ambassador tells Shevek that his idea “would make a league of worlds possible. A federation. We have been held apart by the years, the decades between leaving and arriving, between question and response. It’s as if you had invented human speech! We can talk — at last we can talk together.”⁵² Both Shevek and the ambassador see in this prospect the salvation of their home planets. Shevek describes Anarres as a world built on a beautiful idea, but laments that his people have “cut ourselves off. We don’t talk with other people.”⁵³ The ambassador, in turn, tells Shevek that “my world, my Earth, is a ruin. A planet spoiled by the human species ... We controlled neither appetite nor violence; we did not adapt. We destroyed ourselves. But we destroyed the world first. There are no forests left on Earth ... [we] forfeited our chance for Anarres centuries ago, before it ever came into being,”⁵⁴ prompting this reflection by Shevek:

“You don’t understand what time is,” he said. “You say the past is gone, the future is not real, there is no change, no hope. You think Anarres is a future that cannot be reached, as your past cannot be changed. So there is nothing but the present, this Urras, the rich, real, stable present, the moment now. And you think that is something which can be possessed! ... But it is not real, you know. It is not stable, solid — nothing is. Things change, change.”⁵⁵

Shevek’s insistence that history is always in motion, that the future is always to be constructed, echoes his synthesis of Simultaneity and Sequency: presence is

only possible thanks to process. Le Guin thus offers a two-sided critique of historical determinism and complacency. There may be better and worse human pasts — the Anarres experiment and the Athshean forest culture are painted in positive moral contrast to Urrasti profit-seeking and Terran ecocide, for example — but neither a golden age nor a holocaust guarantees any particular future. Change — the awareness and advancement of change — is the only historical imperative. Selver and the ansible embody this imperative, demonstrating how change is not chosen but might be consciously directed toward just ends. In both *Word* and *The Dispossessed*, the just end is figured by integration into an interplanetary union that promises to transcend war and domination. The allegorical analogue here is to the rights of nature regime, which likewise promises a transcendent solution to colonial environmental relations.

STASIS, DYNAMISM, AND THE NEW HISTORICAL SENSE

But, as is already implicit in my readings above, this is an all too sketchy resolution to the productive problematization of historical sense. I referred above to “a constitutional resolution to the crisis of historical imagination produced by global ecological crisis.” In the Hainish cycle, this resolution takes the form of the League of All Worlds and the Ekumen, with the ansible serving as technological catalyst. In the rights of nature discourse, this resolution takes the form of state-mandated, rights-based synthesis of Indigenous knowledge, decolonial politics, and multi-species collectives, on the one hand, with ecological science, globalized environmental governance, and legal personhood, on the other. These resolutions are constitutional in two senses: both as establishments of a new formal political order as well as in the more abstract sense of changing the fundamental organization of social relations, most relevantly here the historical relations between peoples and ecosystems. In this final section, I will briefly sketch a critique of the way these constitutional resolutions are imagined before offering a reconstructive reading of Le Guin and the nature rights discourse. The upshot, I hope, will be a more dynamic interpretation of the possibilities of speculation.

To reverse the order of the readings above and to begin with a critique of the Hainish Cycle, the problem with the Ekumen (here referring to its final form depicted in *The Telling* and *The Left Hand of Darkness* as well as the anterior League of All Worlds seen in *Word* and *The Dispossessed*) is that it is an idealized and undertheorized state form. This problem is ironic for Le Guin in light of the extended meditation on state power that is *The Dispossessed*. The description of the Ekumen’s purpose offered by its ambassador in *The Left Hand of Darkness*, quoted above, suggests a certain lack of definition: “Material profit. Increase of knowledge. The augmentation of the complexity and intensity of the field of intelligent life. The enrichment of harmony and the greater glory of God.

Curiosity. Adventure. Delight.”⁵⁶ Scattered references to the Ekumen’s composition elsewhere in the Cycle fail to add clarity: in the novella *Forgiveness Day*, for example, union spokesmen say that “the Ekumen does not interfere with the social, cultural, or economic arrangements and affairs of any people ... Full membership for any nation or people that wishes it is contingent only on absence, or renunciation, of certain specific methods of warfare”;⁵⁷ an envoy remarks that “the idea of the Ekumen was to offer a way. To open it. Not to bar it to anybody.”⁵⁸

This paucity of detail is not necessarily a deficit in work of speculative fiction, and the individual narratives of the Cycle do not suffer for the vagueness of the interplanetary federation (and its concomitant challenge to historical sense) that lies on the horizon of each. But when we consider the Cycle as a fictional investigation into how historical senses are created, undermined, and synthesized, then designating a quasi-state institution as the agent of reform raises analytical problems. Among these are: what powers of coercion does the Ekumen enjoy? Does the Ekumen genuinely represent the interests and worldviews of its constituent societies, or is primarily a vehicle for the projects of the Hainish? Is membership in the Ekumen bestowed upon individuals, or upon preexisting political formations — and what happens when the Ekumen is asked to resolve conflicts between them? In short, readers must be attentive to Le Guin’s imaginative silences regarding the historical agency of the Ekumen, as they carry the risk of conveying — quite contrary to the dynamic spirit of Shevek’s theory of time — a Hegelian resolution in a final state form. Le Guin provocatively raises the question of how humanity might confront a regime change in historicity, only to prematurely answer that question through the unsatisfactory promise of the benevolent Ekumen state and its resolution of the crisis of historical imagination. Another way to put this is that Le Guin offers readers a static idea that forecloses her dynamic theory.

My argument here is similar to the one made by Tom Moylan in *Demand the Impossible: Science Fiction and the Utopian Imagination*. Focusing on *The Dispossessed*, Moylan argues that the novel relies upon a “binary closure” that contrasts liberatory impulses with the “current social formation of male supremacy, world capitalism, and bureaucratic hierarchy, coded in a narrative of convergence and individual transformation of reality.”⁵⁹ The novel’s emphasis on Shevek’s individual integrity and its resolution of the Anarres/Urras conflict by means of a “social product” (the ansible) and a “new centralizing governmental structure ... made possible by that product” results in a “premature literary détente rather than in a radical exposure of all systems, even utopia, to the pull of the not yet realized emancipatory future.”⁶⁰ While Moylan is concerned with Le Guin’s imaginative failure to overcome heteronormativity and moral asceticism as impediments to collective freedom, I focus instead on the imaginative

closure represented by an idealized legal system. This emphasis is related to Nadia Khouri's critique of *The Dispossessed's* "inaccessible utopia," which she locates in the fact that Shevek's theory impossibly resolves the questions of material conflict raised by the novel's premise.⁶¹ For Khouri, the novel's "apparent dynamism" is undermined by recourse to an intellectual resolution of political conflict — similar to my argument that the Ekumen is a premature closure of the interesting questions of historicity raised by the text. "Becoming so suddenly the custodian of the theory which the frustrated hero must dispose of," Khouri writes, "the Hainish personifies an 'authentic' value which is superimposed upon the logic of the narrative. This salutary conclusion allows Le Guin a way out of her own impasse."⁶² Moylan and Khouri thus both diagnose static solutions to the novel's dynamic problematic like the legal closure that I have described. Where I differ from their accounts, however, is in finding imaginative resources within the novel to overcome this imaginative containment.

Turning to the related critique of the rights of nature discourse (some of which I previewed above), one finds a shared irony. Where Le Guin's fictive critique of colonialism and the state arrives at a positive endorsement of a political union binding all of humanity, nature rights' indictment of the institutionalized separation of humanity and nature leads to a program for ecological entitlements backed by the state. The contradictions that this resolution produces may first be approached by examining practical deficits in the recognition of the rights of nature. In Ecuador, the first use of nature rights by the federal government involved the military displacement of small-scale miners on the coast, even as large transnational mining companies were invited to develop new projects.⁶³ The Correa government consistently ignored the new rights provisions in permitting oil extraction in the rainforest.⁶⁴ Carolina Valladares and Rutgerd Boelens, who examine Ecuador's constitutionalization of nature rights as a provisional "epistemic pact" between Indigenous and nonindigenous actors, document various abuses under the new environmental law regime, including the forced relocation of Indigenous Cofán people into model ecological communities.⁶⁵

At a more abstract level, critics have pointed out how the rights of nature perpetuate gendered conceptions of humanity and nature. Miriam Tola writes that the Bolivian nature rights law "frames Pachamama as a benevolent mother whose re/productive powers, including the 'gifts' of oil, gas and lithium, are placed under state control. Through a process of colonial translation, the state turns this earthly force into a normatively gendered subject. It confers rights on 'her' while at the same time asserts its sovereignty over her mineral gifts."⁶⁶ The — perhaps obvious — fact that patriarchal, colonial, and capitalist power structures may continue to operate under the paradigm of nature rights is occluded by advocates' naivete regarding rights' transformative potential. Peter Burdon describes the rights of nature as "a minimalist alternative that can be

accommodated within the bounds of industrial capitalism,⁶⁷ while Ramiro Ávila Santamaria⁶⁸ and Laurel Fish⁶⁹ emphasize that translating Indigenous and ecological worldviews into the individualistic language of rights is far from a frictionless process. Considered in light of my discussion of historical imagination, these critiques sever any necessary connection between new laws and a new historical sense. The rights of nature may coexist with the conceptual distinction between humanity and the environment, with a gendered narrative of man subjugating a female nature, and with ongoing (neo-)colonial and capitalist expansion.

I now want to define an alternative reading of the rights of nature discourse, one that admits the law's incapacity to resolve the problem of historical understanding in the age of ecological crisis while granting an important practical function to the enunciation of rights for non-humans. This function is, first of all, expressive: we can see the extension of rights as a belated recognition of the imbrication of humans with their environment. Robert Cover, considering the role of narrative in law, quipped that "every narrative is insistent in its demand for its prescriptive point, its moral";⁷⁰ that is, legal recognition satisfies a demand for normative effectivity. If, according to Cover, "law may be viewed as a system of tension or a bridge linking a concept of a reality to an imagined alternative — that is, as a connective between two states of affairs, both of which can be represented in their normative significance only through the devices of narrative"⁷¹ — then this legal recognition adopts the nature rights narrative as a heuristic for understanding how to move toward a more ecologically just future. Constitutionalization is not rupture. The law's past survives in the law's future: the task is to navigate the temporal transition, not to imagine a short-circuit around it.

As the legal signification of non-humans as rights-bearing entities spreads, a "regulated process of repetition,"⁷² as Judith Butler puts it, may unfold in which new forms of environmental subjectivity develop: more responsible human subjects and increasingly powerful, or respected, or autonomous non-human subjects. This kind of movement should, one hopes, change the law itself by, in a rather indirect fashion, eroding foundational anthropocentric principles that have facilitated environmental degradation. Additionally, changes in legal rhetoric produce broader cultural change, contributing to a broader adoption of biocentric attitudes. Thus, when the Constitutional Court of Colombia announces that "the human species is ... in no way the master of other species ... Nature is thus an authentic subject of rights that must be recognized by the state,"⁷³ it contributes to (rather than directly inaugurates) the production of a reality where such might be the case.

In a recent study of colonial dispossession of Indigenous lands, Robert Nichols seeks to historicize ontological notions of property, land, and theft by

acknowledging the theoretical and practical power of “expressive insurgency”: the “non-instrumental” articulation of political and ethical demands in given historical conflicts.⁷⁴ One type of “expressive insurgency” Nichols identifies is Indigenous demands for nature rights, which “constitute an experiment in unraveling the proprietary logics of dispossession.”⁷⁵ Nichols goes on to argue that “movements to (re)animate the earth with forms of personhood and subjectivity are attempts to move obliquely to the settled (and settler) parameters of struggle. They are working to free us from the grip of a particular vocabulary”⁷⁶ — and so provide a ready-to-hand means of reconceptualizing human-environmental relations outside the Western historical experience. Most importantly for my purposes, Nichols is attentive to how “no particular legal or political form can be shielded from the abuses of power ... Such projects often must appeal for legal protection from the very states that have historically dominated and dispossessed Indigenous peoples.”⁷⁷

I call such a view of legal change “processual” and “dynamic” because it views the law as participating in, rather than standing above or intermittently interfering in, the flow of historical time. This point is likewise supported by my literary interpretation (via Le Guin’s allegory) of this legal discourse. History as flow, as contingency and surprise, is the idea I highlighted behind the definitions of allegory I provided above. In the words of Paul de Man, the allegory opens a “temporal void” for the reader, disturbing any fixed relationship between fiction and reality.⁷⁸ Allegories like Le Guin’s Hainish Cycle jolt us out of the seeming historical determinations that gave our status in the world an illusory solidity (even if, as I argue, Le Guin contains the effect of this jolt with the device of the Ekumen). What the allegory does for its allegorical object, then — what the Hainish Cycle does for the nature rights discourse — is to reveal that object’s own immersion in historical contingency (“its meaning, i.e., transience”). This is not to suggest that legal discourse is somehow less capable of fruitful speculation than literature. Indeed, I propose that we consider the rights of nature project as a hopeful, human project of imagining alternative futures — a project that, like the Hainish Cycle, summons a unified humanity to repair its relationship to the world(s).

CONCLUSION

In conclusion, I want to go a step further and put pressure on the distinction between “history” and “nature” in this thinking about allegory. There is an interesting exchange in the readings above between the qualities of stasis and dynamism, on the one hand, and the spheres of history and nature, on the other. History may be the story of predetermined human geological agency⁷⁹ in which “the rock has already hit the tree,”⁸⁰ or it may be a process that “is not stable,

solid”⁸¹ and that can always be fashioned anew (“We take on the historic challenge of collectively constructing a Unified Social State of Pluri-National Communitarian law).”⁸² Nature may be either “a biocentric foundation” giving rise to ecological mandates,⁸³ or it may embody the “balance of diversity which is the characteristic of life, of natural and social ecology ... change is life.”⁸⁴

If allegories like the Hainish Cycle can help to destabilize the history/nature dyad in a way conducive to thinking about the Anthropocene moment (thinking that includes “provincializing” the Anthropocene),⁸⁵ then I locate this destabilization in the exchange of stasis and dynamism between nature and history. That is: Le Guin’s Ekumen narrative reveals the arbitrary attribution of these properties to the concepts at hand, and it helps to show that the rights of nature discourse is best understood as a strategy of provisional stasis and dynamism. This discourse makes old foundations (biological nature and tragic history) move, and it proposes new foundations (the constitutional settlement between humanity and non-human nature). The comparison can be read in the other direction, too: in their overt challenge to traditional legal concepts of personhood and entitlement, the rights of nature pull speculative environmental narrative into the immediate world of political conflict. Nature rights are an example of legal fictions that, in Simon Stern’s words, “are brazen about their fabricated status.” But unlike legal fictions such as *filius nullius* (which labels an illegitimate child the “child of no one” for purposes of settling an estate),⁸⁶ the rights of nature should not be presumed to produce a single, inevitable result like the lack of inheritance or a resolution of the human-nonhuman divide. Instead, according to my reading, nature rights’ fictionality is more akin to the literary open-endedness of the Hainish Cycle’s fictionality. They ask to abolish an old *nomos* and name a new one. In the positive reconstruction I sketched above, they do this in free fashion, generating chains of subjectivating repetition via narrative and the bestowal of formal rights; they live in history while seeking to direct, if not control, its flow. The law, indeed, turns out to be a privileged instrument for this sort of play between stasis and dynamism, this forging of provisional foundations, thanks to its double commitment to authority and to reform and its suspension between performance and interpretation.

An emphasis on the narrative, expressive, and historiographic functions of the law allows us to view such a legal reform project as a dynamic intervention in historical imagination. Bracketing, or downplaying, the institutionalizing impulse of the discourse, we can see that its aspirational construction of a counter-narrative — counter to anthropocentrism, colonialism, and positive universal history — opens up space for new modes of subjectivity and new normative orders. Operating within the law, this discourse negotiates the demands of foundationalism and flexibility. Its dynamism, then, depends upon a constant movement between stasis and dynamism itself. Such a movement enables the critical

practice that interests me here: the destabilization of the categories of humanity/human history and nature/natural history. Key to this destabilization is the introduction of postcolonial historical perspectives into a provisional, negative universal history of humanity in the era of global ecological crisis.⁸⁷ The future cannot be legislated, but futural concepts can be guides to practice. Neither the Ekumen nor the rights of nature provide immediately actionable answers to the question of what comes next. But they do give form to a dynamic imagination of history and nature.

DISCLOSURE STATEMENT

No potential conflict of interest was reported by the authors.

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79. Chakrabarty, "Postcolonial Studies," 13-14.
80. Le Guin, *The Dispossessed*, 349.
81. *Ibid.*
82. Bolivia (Plurinational State of)'s Constitution of 2009, Preamble, https://www.constituteproject.org/constitution/Bolivia_2009.pdf.
83. Prieto Méndez, 30.
84. Le Guin, *The Dispossessed*, 96, 165.
85. Deloughrey, 2.
86. "Legal and Literary Fictions," in *New Directions in Law and Literature*, ed. Elizabeth S. Anker and Bernadette Meyler (Oxford: Oxford University Press, 2017), 314, 316.
87. Antonio Y. Vázquez-Arroyo, building on Adorno, proposes a "negative universal history" "whose mapping of the past opens up spaces for breaking with the racist and Eurocentric conceits found in the production of the historical narratives that have at once nourished and curtailed our political theorizations." "Universal History Disavowed: Critical Theory and Postcolonialism," *Postcolonial Studies* 1, no. 4 (2008), 468.

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