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## ARTICLE

## NODE "POSSIBLES"

# The art of environmental personhood and the possibility of environmental statehood

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Date of submission: January 2023

Accepted in: April 2023

Published in: July 2023

## Recommended citation

Ward, Devon. 2023. "The art of environmental personhood and the possibility of environmental statehood". In: Pau Alsina & Andrés Burbano (coords.). "Possibles". *Artnodes*, no. 32. UOC. [Accessed: dd/mm/yy]. <https://doi.org/10.7238/artnodes.v0i32.411208>



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## Abstract

This paper examines the impact that the concept of environmental personhood has had on art and culture, and suggests that projects such as The Embassy of the North Sea hint at the possibility of environmental statehood. First, it reviews how the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 – which granted juridical personhood to the Whanganui River in New Zealand – inspired the creation of new works such as *Weathering, Embedding: Ochopee Trail, terra0, A Voice for the Eel*, and *F/EEL*. Next, a heuristic model called the agency-personhood continuum (APC) is used to identify the aesthetic tropes of environmental personhood. Analysis indicates that artworks that represent environmental personhood often utilize strategies of amplification, translation, performance, time compression, and metonymy. Finally, this paper seeks to encourage new discussions by suggesting that The Embassy of the North Sea and "Theatre of Negotiations" anticipate the concept of environmental statehood, which has the potential to provide greater protections for natural entities that span multiple countries – such as the Amazon River, the Andes, the Atlantic Ocean, and the Pacific Ocean. Theoretically, environmental statehood could also provide greater representation in supra-governmental assemblies such as the UN General Assembly. Ultimately, this article suggests that the culture-law feedback loop for environmental personhood presents a new ontological paradigm that provides greater recognition of the agency, identity, and sovereignty of natural entities.

**Keywords**

environmental personhood; environmental statehood; environmental sovereignty; agency-personhood continuum; agentials; performances of personhood

*El arte de la identidad ambiental y especulaciones sobre el estado medioambiental***Resumen**

Este artículo estudia cómo el concepto de identidad ambiental ha influido en el arte y la cultura, y sugiere que proyectos como la Embajada del Mar del Norte insinúan la posibilidad de un estado medioambiental. En primer lugar, revisa cómo la Ley de Te Awa Tupua de 2017 (Resolución de reclamaciones sobre el río Whanganui), que otorgó personalidad jurídica al río Whanganui en Nueva Zelanda, inspiró la creación de nuevas obras como Weathering, Embedding: Ochopee Trail, terra0, A Voice for the Eel y F/EEL. A continuación, se utiliza un modelo heurístico llamado continuo de agencia-personalidad (agency-personhood continuum, APC) para identificar los temas estéticos de la identidad ambiental. El análisis indica que las obras de arte que representan la identidad ambiental a menudo utilizan estrategias de amplificación, traducción, rendimiento, reducción de tiempo y metonimia. Por último, este estudio pretende abrir un nuevo espacio imaginario sugiriendo que la Embajada del Mar del Norte y el Theatre of Negotiations anticipan el concepto de estado medioambiental, cuyo potencial proporciona mejores protecciones para entidades naturales que abarcan múltiples países, como el río Amazonas, los Andes, el océano Atlántico y el océano Pacífico. Teóricamente, el estado medioambiental también podría proporcionar una mejor representación en asambleas supragubernamentales como la Asamblea General de las Naciones Unidas. En conclusión, este artículo sugiere que el ciclo de retroalimentación cultura-ley para la identidad ambiental presenta un nuevo paradigma ontológico que proporciona un mayor reconocimiento de la agencia, la identidad y la soberanía de las entidades naturales.

**Palabras clave**

identidad ambiental; estado medioambiental; soberanía ambiental; continuo de agencia-personalidad; agentes; comportamientos de personalidad

**1. Introduction**

There is a dynamic feedback loop between culture and law that can lead to a productive synthesis in which new ideas, concepts, and possibilities emerge.<sup>1</sup> Cultural activities have the capacity to influence legal decisions, which can generate new social discourses and, in turn, inspire the creation of novel artworks. The cycle then continues as new cultural discourses influence legal structures. This article focuses on one example of the culture-law feedback loop by examining the impact of the concept of environmental personhood on art and culture.

As a legal designation, environmental personhood has the potential to grant natural entities, such as rivers and forests, the same rights and responsibilities as other juridical persons, such as corporations and government agencies (O'Donnell & Talbot-Jones 2018). First, this article examines the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017, a case that granted the Whanganui River in New Zealand

environmental personhood. This decision sparked a broader cultural conversation about an expanded notion of agency, identity, and personhood for ecological entities and inspired the creation of new artworks.

This article then analyses the aesthetic strategies used to represent the concept of environmental personhood. What seems clear is that the art of environmental personhood shares some similarities with projects from fields like biological art and digital media, which often amplify the agency of nonhumans. However, the art of environmental personhood also relies on automation, performativity, complex actor-networks, metonymy, and the compression of time to represent nonhuman timescales. To show the difference between artworks that amplify nonhuman agency and artworks that represent personhood, a new heuristic has been developed called the Agency-Personhood Continuum (APC). It is a fluid analytic continuum that shows how increasing complexity and performativity can lead to representations of environmental personhood. The heuristic is used to assess artworks such as *Weathering*,

1. One of the most historic examples of the culture-law feedback loop involves *Brown v. Board*, 347 U.S. 483 (1954), a landmark case that resulted in the desegregation of public schools in the United States. *Brown v. Board* was only possible after a long-term campaign by lawyers such as Charles Hamilton Houston and Thurgood Marshall. After its passage, the feedback loop continued as the new law opened educational pathways for the next generation, thereby setting the groundwork for the US Civil Rights movement. Other examples include *Sierra Club vs. Morton*, 405 US 727 (1972), which included a dissent by Justice William Douglas, who wrote that environmental objects such as trees, rivers, and swamps should have legal standing, and *Obergefell v. Hodges*, 576 U.S. 644 (2015), a ruling that provided marriage equality to all couples.

*Embedding: Ochopee Trail, terra0, A Voice for the Eel and F/EEL*, all of which have a conceptual lineage that can be traced back to the personhood case of the Whanganui River.

In the spirit of the conference's theme "The Possibles", this article concludes by speculating about the next stages of the culture-law feedback loop. Projects such as the Embassy of the North Sea and *Theatre of Negotiations* hint at the nascent concept of environmental statehood. While environmental personhood provides rights for natural entities within a single country, environmental statehood could offer protection for transnational natural entities, such as the Amazon River, the Nile River, the Atlantic Ocean, and the Pacific Ocean. Ultimately, this article suggests that the culture-law feedback loop for environmental personhood presents a new ontological paradigm that provides greater recognition of the agency, identity, and personhood of ecological entities, and has the potential to lead to a possible world of environmental statehood and natural sovereignty.

## 2. Background: personhood for the Whanganui River

In 2017, the Whanganui River in New Zealand was granted juridical personhood, a status that provided the river and the surrounding ecosystem with the legal rights and responsibilities of a person. Notably, this is one of the first instances of personhood being granted to an environmental entity (O'Donnell & Talbot-Jones 2018). As a legal designation, personhood has the potential to protect the Whanganui River against individuals and organizations that seek to use the river solely as a natural resource without considering the long-term degradation. While a river cannot engage in legal proceedings, the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017, was a landmark decision that granted the river two legal guardians to oversee the protection of its rights: one New Zealand government official and one member of the local Māori tribe (O'Donnell & Talbot-Jones 2018). This model of legal guardianship offers a pragmatic approach that has been fundamental to recent discussions surrounding the rights of nature.

The impetus for Whanganui personhood was born out of successful cultural advocacy of the Māori belief system: whakapapa (Māori genealogy). According to Gwendolyn Gordon, in the world view of the Māori, the Whanganui River and its surroundings maintain a different ontological status: they are social beings in the Māori community. Gordon writes, "[f]or a Māori tribe (iwi), sub-tribe (hapu), or extended family group (whanau), a particular river or mountain might be an ancestor (tupuna)." (2018, 55-56). In other words, the Whanganui River is part of the social milieu of the Māori. They see the river not just as a person, but as a familial ancestor. By granting juridical personhood to the Whanganui, the New Zealand courts effectively acknowledged the Māori ontological framework.

Culturally, the Whanganui decision has had far-reaching effects, especially when considered alongside similar legal decisions made by other countries. The same year that the Whanganui River Claims

Settlement Act 2017 was passed, the High Court of Uttarakhand in India declared that the Ganges River, Himalayan Glaciers, and Yamuna River were legal persons (O'Donnell & Talbot-Jones 2018), and the Constitutional Court of Colombia granted personhood to the Atrato River (Villa 2017). In 2019, Bangladesh granted personhood to all of its rivers, and First Nations in the United States voted for a resolution to grant rights to the Klamath River (O'Donnell 2021: 648). In 2022, Mar Menor, a lagoon in Spain, was the first natural entity in Europe to be granted personhood (Morris & Schmitt 2022). All of these decisions have affected the ways in which we understand and treat natural entities due to the symbolic power of personhood. Chris Fowler writes, "Particular concepts of the person are bound up with specific ways of perceiving the material world and valuing its features" (2010: 366). Granting personhood to rivers has the potential to reshape the way one values and thinks about other natural entities. According to Gordon, "the legal structure underlying the personhood changes give them actual heft and can change the way people think about the rights of the environment" (2018: 87). At a time when environmental degradation is a recurring feature in news cycles, granting personhood symbolically shifted the conversation about an inanimate "it" to a discussion about an autonomous "who". While this ontological framework is more common in indigenous communities, it is rare in Western societies. Therefore, precedents such as the Whanganui personhood decision provide a glimpse into a new ontological potentiality that synthesizes indigenous cultural views with contemporary Western legal systems.

## 3. From legal precedents to aesthetics

According to Bruno Latour, the fields of law and philosophy are good at developing new concepts, but we need art, design, and literature to breathe life into these novel ideas (Latour 2020). Aesthetic gestures that are speculative, allegorical, material, narrative-based, and experimental may provide a fuller picture of the possibilities presented by discourse surrounding the rights of nature and the concept of environmental personhood. As Gordon writes:

"[S]ocial, political and material circumstances matter, as do ways of imagining. As such, a better question than the obvious ontological one – may nature properly be considered a person – is: how easily will we be able to imagine nature as a rights holder in each regime, and how will that imaginatory space energize the will to protect nature by means of these varied rights arguments?" (2018: 91).

This call to action opens the door to many new questions: what strategies do artists use to translate environmental personhood from the realm of the legal, logical, and conceptual into the domain of the allegorical, analogical, and experiential? What mediums and narratives have been used to represent this concept? What does the art of environmental personhood look, sound, feel, taste, and smell like? Ultimately, the question is: what are the aesthetic tropes and phenomenological experiences of environmental personhood?

To answer the phenomenological question, one must look to the spirit of the personhood decisions. One of the goals of granting personhood to a river is to grant it more agency within legal frameworks. A river that is a juridical person has greater protections than a river without personhood. Similarly, artworks that seek to represent environmental personhood also aim to amplify the agency of nonhuman actants, so their presence is more readily felt by humans. Nevertheless, there are plenty of artworks that amplify the agency of nonhuman actants without rising to the level of representing personhood. In the fields of biomedicine and digital media, amplifying nonhuman agency is a common technique. Artists often create aesthetic gestures that translate the subtle activity of microbes, living tissues, data, or digital processes into the *umwelt* of the human through large-scale installations, sonic amplifications, or video projections. One can look at biological artworks such as *Futile Labor* (2015) by Ionat Zurr *et al.*, and *cellIF* (2015) by Guy Ben-Ary *et al.* In digital media, data-based agential amplification is apparent in projects such as *Abstract Causation* (2017) by Kyran Tan. However, none of these artworks claim to represent personhood. Instead, they emphasize the phenomenological experience of a specific agential process without focusing on concepts of identity and personhood. This comparison reveals that the amplification of agency is a necessary strategy to represent personhood, but it is not a sufficient condition for an artwork to embody personhood. Therefore, the question remains: what other aesthetic strategies are necessary to represent environmental personhood?

#### 4. A framework for the art of environmental personhood: the agency-personhood continuum (APC)

The agency-personhood continuum (APC) is a conceptual model for identifying artworks that represent environmental personhood. It presents two typologies for artworks that amplify agency: *agentials* and *performances of personhood*. *Agentials* are works that amplify the activity of a localised subject – an organism, object, or process – into our range of our sense perception. However, the agential subject does not have enough complexity to rise to the level of personhood. On the other hand, *performances of personhood* are projects that amplify the agency of complex actor networks such as a river, swamp, or forest. Therefore, the APC is a sliding continuum in which complexity builds from left to right, from *agential* to *performances of personhood*.

This heuristic model may be useful for artists and designers who work with biomedicine, digital media, or programmatic structures. However, the APC is one of several analytic tools. Just as one can conduct an analysis that focuses on formal, semiotic, socio-historical, feminist, materialist, or phenomenological questions, one can use the APC to highlight particular qualities about agency, identity, and personhood

within an artwork. In this sense, the APC may serve as a teaching tool for burgeoning artists and designers as they study existing works.

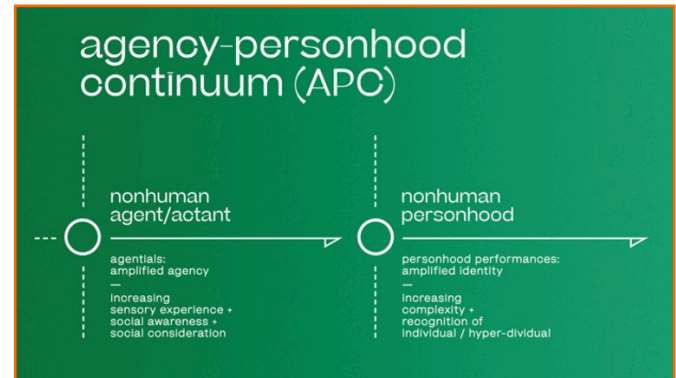


Figure 1. Agency-personhood continuum (APC) diagram. Source: own creation

An example of an *agential* is the 2021 bio-digital installation *Weathering* (figure 2). *Weathering* is a sound installation that amplifies and translates the metabolic activity of microbes into the human *umwelt* via sound production so that their presence is more readily felt. The aim of this *agential* is to provide greater awareness of the microbial actor-networks that exist below the surface of our perception.

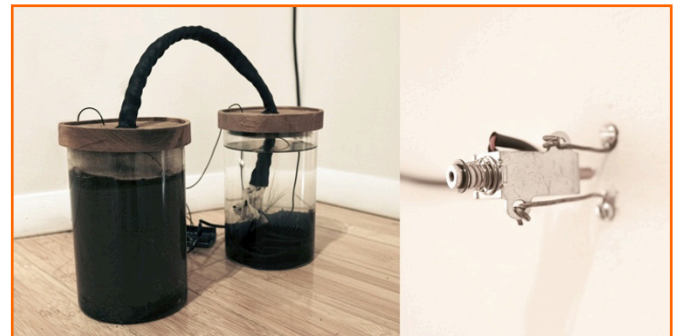


Figure 2. *Weathering*, 2021 (battery made of mud, water and bacteria, glass, wood, copper wire, Arduino, solenoid). Source: own creation

When a viewer first encounters *Weathering*, their primary experience of the work is visual. They see only a series of wires running along a gallery wall. At one end, the wire connects to a metallic device – a solenoid – that taps against the wall with an intermittent and unpredictable rat-ta-tat-tat that echoes throughout the room. As one follows the wires back to their source – around the corner and into the next room – one finds two glass vessels and a microcontroller resting on the floor. One glass chamber is the anode, which contains the electrogenic bacteria immersed in mud. The other chamber is the cathode, which contains water and a metallic mesh. Together, they form a microbial fuel cell (MFC): an organic battery made from mud, water, and bacteria. The bacteria in the MFC break down organic matter and produce small voltages, 10-300 millivolts, that are fed into an Arduino microcontroller. Using voltage as a tell-tale sign, the microcontroller senses the activity



of bacteria and triggers the solenoid to open and close in rapid succession. The result is a sound installation that generates a stochastic, intermittent tap against a wall any time microbial activity reaches the voltage threshold. Through the act of translation, *Weathering* functions as an *agential* that amplifies our awareness of the microbes' metabolism.

One example of a performance of personhood is the artwork *Embedding: Ochopee Trail, Florida, US* (figure 3) created in 2021.

*Embedding* is a durational video that documents a walk through the Ochopee Trail in the Everglades, the largest protected swamplands in Florida. The trail itself is 24 kilometres (14.9 miles) long and the original video lasts 5 hours. However, one hour of the video has been condensed into 10 minutes. By speeding the video up, the viewer leaves the human timescale and gets a glimpse of a larger ecosystem.

This aesthetic strategy is akin to *The Green Planet* and other nature documentaries that use timelapse videos to show vines spinning their tendrils in a spiral formation like a lasso as they climb a tree. Because vines exist on a slower timescale, we can only appreciate their agency once their movements are sped up to match our umwelt. Similarly, *Embedding* re-presents the experience of the artist walking through the Everglades by compressing the video to reveal blurred swathes of palmettos that take on a painterly quality. The result is a video in which the human perspective gives way to a holistic, ambient view of a nonhuman person: the Everglades.



Figure 3. *Embedding: Ochopee Trail, Florida, US, 2021*, (digital video, 10:00). Source: own creation

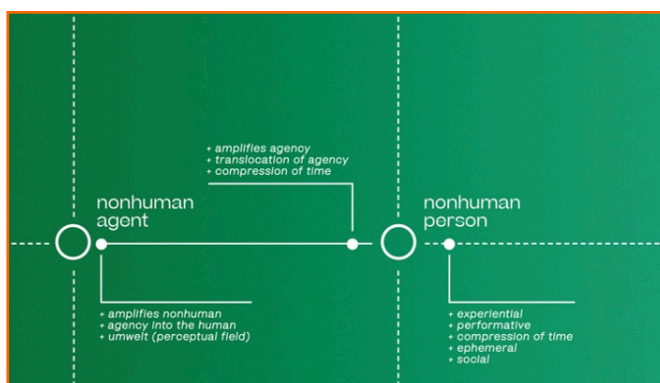


Figure 4. Diagram of aesthetic strategies on the agency-personhood continuum (APC). Source: own creation

## 5. The art of environmental personhood

After using the APC to distinguish between *agentials* and *performances of personhood*, two projects – *terra0* and the Embassy of the North Sea – are presented as case studies to identify the aesthetic tropes of environmental personhood. Three common patterns are observed in addition to the amplification of agency. First, these works often rely on ephemeral performative acts created by humans or nonhumans (e.g., performances of code, living organisms, ecological systems, etc.). Instead of permanently affecting a site, they are preserved using documentation strategies like photography, time-based media, and the presentation of artifacts. Second, audio-video representations of environmental personhood rely on time compression or expansion. This strategy translates the nonhuman timescale into the human umwelt. Finally, semiotic tropes of metonymy are used: one part of an ecosystem stands in for the whole environmental entity. The following case studies provide a closer analysis and, together, hint at future directions.

### 5.1. Case study 1: *terra0*

*Terra0* is an artwork that proposes using blockchain technology and smart contracts to create an automated steward for a forest. The concept for the artwork was first presented as a white paper in 2016 by Paul Seidler, Paul Kolling, and Max Hampshire. According to the authors, *terra0* “creates a scenario whereby the forest, augmented through automated processes, utilises itself and thereby accumulates capital” (Seidler, Kolling & Hampshire 2016: 1). Theoretically, this would enable a forest to have greater agency, security, and autonomy in a marketplace.

For a forest to own itself, several steps are required. First, someone would need to purchase a plot of land that contains a forest. Then, they would sign the forest over to a smart contract equipped with the following automated processes: the maintenance of a blockchain ledger on a decentralized server, the assessment of the current market value of the forest's timber, and the sale of logging licences to accrue profit. While the forest would initially be indebted to the project initiator, over time it could pay off its debt through the sale of logging rights. According to the authors, a “forest bought for €10,000 can be paid off after approximately 33 years via wood production alone” (Seidler, Kolling & Hampshire 2016: 5). After this point, the forest would, in theory, be fully autonomous. It could continue to sell a portion of its timber and the profits could be used to purchase more land.

Interestingly, the *terra0* white paper directly references the Whanganui River as an inspiration for the artists' investigations into the changing notions of personhood (Seidler, Kolling & Hampshire 2016: 2). Like the case of the Whanganui River, *terra0* questions whether personhood needs to be solely focused on the human individual. However, while the Whanganui River was granted personhood as the result of a legal decision, *terra0* attempts to provide personhood to a forest using smart contracts and the acquisition of property:

“Blockchain technology and smart contracts enable nonhuman actors to administer capital and therefore to claim the right to property for the first time... [O]ne would assume that objects which have gained the right to property are entitled to similar personal rights as natural persons” (Seidler, Kolling & Hampshire 2016).

They suggest that smart contracts which are legally entitled to act autonomously on behalf of a forest might also be a means of granting that forest personhood. While juridical personhood for a forest – whether it relies on smart contracts or not – is a question likely to be decided by local legal systems, as a thought experiment, *terra0* raises many compelling questions about changing notions of autonomy, identity, and the technical means by which these might be achieved in a market-based economy.

Despite these conceptual inquiries, the question remains: what media, forms, and sensory perceptions are called upon to embody *terra0*? As an artwork, it exists in numerous mediums. First, it is a narrative construct that exists as a white paper and a website. It can be discussed in person or online and written about by media organizations (Czilwik 2017, Eby 2018). As a narrative, it utilises a thought experiment to breathe life into the discussion of nonhuman personhood. Second, *terra0* exists as a codebase on GitHub that can be accessed and tinkered with from any geolocation with an internet connection. In this sense, *terra0* is participatory, interactive, and collaborative. There is an element of play and DIY curiosity that allows one to begin to understand the logical structure behind *terra0*. Third, it exists as a series of visual media including photographs, a logo, branded clothes, and installations that are shown in public galleries. As visual media, *terra0* can be observed, identified, distinguished from other artworks, and circulated on social media.

One of the most iconic *terra0* photos is a centrally aligned medium shot of a pine forest with a neutral angle. Here, the forest is a mixture of sturdy pine bark scales protecting strong trunks that are enmeshed amongst viridescent undergrowth. The effect is a confident, emerald image that is lively and vibrant. In the centre of the forest is a stake with a tall, rectangular white flag that displays three repeating icons of a tree. The flag possesses myriad symbolic connotations, the most obvious of which is a surveyor’s property marker. In this sense, the stake designates the forest property line and consequently the line where *terra0* personhood begins and ends. However, the shape and size of the rectangular flag is also reminiscent of the mediaeval heraldic banners that adorned castle gates. Read this way, the three repeated trees function like a familial crest and the banner signifies the forest’s territorial sovereignty, kinship, and autonomy. A third interpretation sees that the flag has the same proportions as a tradeshow banner. In this case, the symbol of three trees functions as a logo that identifies an economically independent juridical person. Notably, the *terra0* symbol fulfils many of the criteria of a good logo as set out by Paul Rand. The logo is clearly

visible, distinctive, memorable, universal, and timeless (Rand 1991). The semiotic ambivalence of the photo lends itself to combinatory meaning. All three of these interpretations – the property marker, the heraldic flag, and the trade show banner – can simultaneously be accurate. The *terra0* flag symbolizes the discussions of nonhuman property rights and the autonomous economic individual that would theoretically be managed by an automated smart contract.

Ultimately, this photograph hints at the fourth way to experience *terra0*. Since the publication of the initial white paper in 2016, *terra0* has expanded to become an art collective responsible for the creation of *Flowertokens* (2018), *Premna Daemon* (2018), *Morphology Panels I - III* (2018), *NFT ERC-721* (2021), and *A tree; a corporation; a person. (DAO #01, Black gum tree, Pittsburgh PA)* (2022). The sheer range of media that now represent *terra0* precludes a singular phenomenological experience. It is now more akin to a diffuse, transmedia performance that functions like a brand that produces content meant to circulate through digital and physical media. It generates visually compelling photographs that can garner attention and thereby spread quickly on social media (Denny 2023).<sup>2</sup> Its members write articles for online publishing platforms that explain its artworks (*terra0* 2021). They generate physical prints and collateral to distribute their ideas. Ultimately, the phenomenological experience of *terra0*’s version of environmental personhood is similar to the ambient, amorphous experience of contemporary corporate personhood. It may be audio, visual, or narrative-based and it looks toward a progressive future world: the classic hallmarks of a marketing campaign that promotes brand awareness.

Given that the original artwork *terra0* was a thought experiment that investigated how environmental personhood might be achieved through market-based solutions, it seems fitting that it should progress toward the same aesthetic experience one has with a corporate brand. While corporate personhood “has a tenure dating back to ancient Roman Law” (Gordon 2018: 63), brands today have an ever-present aesthetic reach within contemporary life. Similarly, *terra0* has grown into a larger actor-network, which has given it greater agency within digital cultural life.

## 5.2. Case study 2: the Embassy of the North Sea

The Embassy of the North Sea is a Dutch organization that was founded in 2018 in The Hague by an interdisciplinary collective of artists, designers, architects, lawyers, and scientists. Motivated by the idea that the North Sea ‘owns itself’ and requires greater social and political representation, the Embassy essentially acts as an intermediary between the North Sea and the public. It translates the current ecological state of the Sea into an experiential language that is accessible to the public with the explicit aim of garnering greater support for its mission. To this end, it supports a range

2. Outland’s – @outland\_art – “Conversations: Simon Denny & Terra0” – @terra0 – whitepaper opens with a question: can an augmented forest own and utilize itself? Twitter, February 22, 2023, 11:05AM, [https://twitter.com/outland\\_art/status/1628440963017482240/photo/2](https://twitter.com/outland_art/status/1628440963017482240/photo/2)

of artistic and educational activities that have been organized thematically into three phases: *listening* (2018-2022), *speaking* (2023-2026), and *negotiating* (2027-2030). The *listening* phase aims to collect and reinterpret data about the North Sea. The *speaking* phase aims to provide the North Sea with greater representation in political discourse. During the final phase, negotiations, the Embassy will “commit to diplomatic means of bringing about a more North Sea-inclusive democracy” (Embassy of the North Sea 2021). In essence, the Embassy is developing a decade-long advocacy campaign of cultural activities with the intent to generate enough public support to secure legal personhood for the North Sea.

Throughout the listening phase, the Embassy has supported a vast range of artistic activities that are effectively breathing life into the concept of North Sea personhood. In this sense, the Embassy is akin to a patron that hires artists to translate the nonhuman reverberations of the North Sea into the sensory domain of the human so that the public may better perceive and empathize with it. They have supported the creation of multi-sensory, multi-media, and performative works including *The Colour of the North Sea* (2019), *Forty Smells of the North Sea* (2019), *The Sea Mouth* (2019), *The Sound of the Sea* (2019), *Future Delta* (2020), *Underwater Noise* (2020), *A Voice of the Eel* (2020), *Ghost Reef* (2022) and *Moot Court: Embassy of the North Sea* (2022). In supporting such a prolific number of artworks, the Embassy of the North Sea has not only helped to establish the aesthetic tropes of North Sea personhood, but also the tropes of environmental personhood in general.

To understand the specific aesthetic configurations of North Sea personhood, two artworks, *A Voice for the Eel* (2020) and *F/EEL* (2020), are assessed below. One theme that is consistent in these works is the plight of the European eel, *Anguilla anguilla*. In both, the experience of the eel is a real issue and a metonymic device: the eel is a single organism that represents the difficulties faced by the entire ecology of the North Sea. If one listens to the concerns of the eel, one can begin to hear the voice of the North Sea. According to the Embassy of the North Sea:

“Much about the life of the eel remains a mystery. We do know that eels reproduce at great depths, in seawater, but no human has ever seen how it actually happens. The inland migration of elver has now fallen to less than 1% of its original level. Overfishing, migration barriers and climate change have been identified as the main causes of this fall in numbers.” (Embassy of the North Sea 2021).

Similar to the eel, much about the North Sea is unknown, yet we can see that climate change has had, and will have, a serious impact on its ecosystem. (Weinert *et al.* 2022) From increases in water temperatures to changes in acidity and salinity (Weinert *et al.* 2021), everything has changed. In this context, the eel acts as the grounding agent; it is the humanizing particular that helps us understand the greater whole that is the North Sea. Embassy projects that focus on the eel range from approachable, representational content – *A Voice for the Eel*, an underwater documentary – to abstract, performative, and immersive experiences like *F/EEL*. The sheer range of aesthetics provides a rich

variety of entry points for beginning to understand the plight of the eel and, consequently, the predicament of the North Sea.

### 5.2.1. *A Voice for the Eel*

*A Voice for the Eel* (2020) is a short documentary film created by landscape architect Thijs de Zeeuw, marine ecologist Maarten Erich, and artist Sheng-Wen Lo. The film begins above water and reveals three neoprene-clad divers entering the eels’ habitat in the water surrounding Amsterdam. After a short pause, the film cuts to the divers below the surface. During this part of the film, one of the most striking experiences is the mix of underwater sounds amidst the murky water. The repetitive, mechanical sound of a human breathing through a respirator, functions like a sonic refrain. It cements the fact that the audience is in an alien domain. The film cuts between scenes of life below the surface – algae, seaweed, darting schools of fish – until finally, a shot of a European eel is presented, centre-stage before a brilliant spotlight. The eel pauses, indifferent for a moment before it reverses course and darts away. The camera pans after the eel’s movement but to no avail. The eel has vanished. After this, much of the documentary is spent searching for the eel amongst more seaweed, fish, and rock formations along the seabed. A sense of loss enters the fore, and the viewer begins to wonder if that was, in fact, the only glimpse of the eel within the film. However, in the last few minutes, the eel is discovered again. It is shown, full-length in profile, cutting through the water with speed. The spotlight gleams in the eyes of the eel, giving it an air of intelligence and humanity. The viewer is meant to connect with the creature in the last few moments of the film. Then, the film cuts to the dive crew returning to the surface. They exit the outlandish underwater landscape and return to our native, oxygen-rich environment above water.

Considering that this film was created during the *listening* phase of The Embassy’s campaign, its strength is that it utilizes accessible media that will likely be approachable to a general audience. Throughout the film, the camera is mostly stable, but it still incorporates organic motion in order to convey the immediacy of the experience. Every shot is decipherable, but the angles are, at times, almost extraterrestrial. Sometimes, the camera is very low, angled upward, thereby giving power, presence, and reverence to the subject. Other times, it is so close to the algae that it simulates the haptic-visual experience of claustrophobia for the viewer. In other situations, the camera is askew, simultaneously alienating and venerating the eel with a fresh perspective. By showing divers intruding on the eel’s environment, we begin to find common ground with this unusual organism, especially when we see it recoil from the divers’ light, fearful of capture. This simple, instinctual act of self-preservation helps collapse the vast experiential distance between humans and eel. This is the moment when *A Voice for the Eel* provides something akin to interspecies empathy and, consequently, the first step toward environmental compassion for the North Sea.



Using the APC to identify the aesthetic strategies in *A Voice for the Eel*, we can see that documentary relies on a first-person perspective and audio-visual media that utilize time compression to convey a sense of environmental personhood. This approach is similar to that of *Embedding: Ochopee Trail*. In both, the camera operators are also the performers who record their individual experiences of environmental personhood as they enter a new ecology. After the fact, they use the strategy of time compression to distil their experience of personhood into a concentrated video experience for an audience. While *Embedding: Ochopee Trail* maintains the sequential continuity of the film and speeds up each frame, *A Voice for the Eel* cuts from scene to scene, only showing the most impactful portions of the dive. The experience of personhood is preserved using a narrative arc. It is the metonymic quality of the video and the very act of navigating through the aquatic environment that ultimately makes this a representation of environment personhood for the North Sea.

### 5.2.2. F/EEL

*F/EEL* (2020), created by artists Sheng-Wen Lo and Yi-Fei Chen, is a participatory installation that uses the concept of an escape room to give human participants the experience of an eel migrating from the Sargasso Sea to the Netherlands. According to The Embassy of the North Sea, only 1% of eels succeed in this migration (Embassy of the North Sea 2020). One of the causes of such low migration numbers is the thousands of pumping stations, dams, and sluices in the waterways of the Netherlands (Keeken *et al.* 2020; Lo 2020). While these pumps are a vital part of human infrastructure, they have the side effect of occluding passages between shores, rivers, and canals.

In many ways, this artwork takes Thomas Nagel's seminal philosophical question about the possibility, or impossibility, of trying to understand the experience of another animal and turns it into an anxiety-inducing game. While Nagel asked, "What is it like to be a bat?", *F/EEL* asks participants to imagine "What is it like to be an eel migrating through a hostile underwater environment filled with rotary pumps, pollution, and traps?". To simulate this experience, participants don gloves and goggles and enter a long series of poorly-lit rooms containing numerous obstacles such as circulating fans, slippery ramps, and nets that will likely ensnare them. *F/EEL* differs from other escape rooms in that it offers no clues to its participants. They must simply wander through dark rooms with their arms outstretched and hope to find a clear passageway through trial and error. The result is an absurd, immersive experience that is as frustrating as it is humorous.

To document *F/EEL*, the artists produced a video featuring the aesthetics of surveillance cameras and night vision. A black-and-white recording is split into four quadrants, each of which reveals participants fumbling blindly through *F/EEL*'s maze (Lo 2020). In one quadrant, an unwitting participant walks into a large, padded rotating

fan that collides with their torso. In another, a participant confronts a wall that extends nearly to the ceiling. There is a small passageway above it which is accessible by a slippery fabric ramp. The participant attempts to climb this but quickly slips back to the floor. Another quadrant documents a participant leaving one room only to be caught in a tangled net. The passageway is revealed to be the entry point for a trap. According to the artists, only 20% of the participants successfully navigated through each room to completely escape the obstacles within *F/EEL* (Lo 2020). These low success rates help reflect the reality of eel migration. If a human participant cannot successfully traverse a synthetic, playful maze, how can an eel be expected to navigate our underwater infrastructure? *F/EEL* successfully conveys this concept to the whole body of the participants as they climb and fumble through the escape room.

Using the ACP to understand how *F/EEL* conveys the experience of environmental personhood, we can see that it relies on translation, participation, performativity, ephemerality, and immersion within a new environment. Artists Sheng-Wen Lo and Yi-Fei Chen interpreted data about eel migration and translated it into the human perceptual realm. Each room in *F/EEL* is meant to represent a different obstacle that an eel must overcome to complete its migration. The room that features a large rotating fan is akin to the propeller pumps and turbines that endanger the eel. The wall that participants must pass is like the hydraulic barriers used to control Dutch water levels. The pollutant section of the escape room is meant to reflect the poor water quality which has contributed to the accumulation of high concentrations of mercury and polychlorinated biphenyls (PCBs) in the muscle tissue of eels (Geeraerts & Belpaire 2010). The room with netting represents the plight of poachers on eel populations. Ultimately, the environment the artists create allows the participants to 'perform' the tragic experience of eel migration, thereby activating the core experiences of frustration and fear. The hope is that through this strategy of interspecies immersion, *F/EEL* provides participants with the opportunity for a closer connection and new appreciation with the plight of the eel as they pass through North Sea personhood.

## 6. Speculative possibilities: from the art of environmental personhood to the concept of environmental statehood

The Embassy of the North Sea utilizes aesthetic tropes similar to terra0. They both possess a clear visual identity, website, flag, and a host of visual media that are experienced physically and virtually. Both maintain a collective identity that represents organizers, artworks, and an environmental person. However, the Embassy of the North Sea points to something broader, and which may be a new development in the culture-law feedback loop that began with Whanganui personhood.

In the spirit of this conference's theme, "The Possibles", this article suggests that environmental personhood may not go far enough to protect the rights of nature. Currently, environmental personhood



has only been implemented within individual nation-states. In the case of the Whanganui, the river is fully enclosed within the territorial boundaries of New Zealand. The guardians that act on behalf of the Whanganui River are all citizens of New Zealand. But what about other natural entities whose borders extend far beyond a single country? For examples, one can look at the Amazon River, the Nile River, the Alps, the Mediterranean Sea, the Atlantic Ocean, and the Pacific Ocean. Even the North Sea extends beyond the borders of the Netherlands. If the Embassy secures personhood for the North Sea, what happens outside of The Netherlands? The Embassy would need to aim for something larger than environmental personhood. As the term *embassy* suggests, the cultural activity of the Embassy of the North Sea may hint at a movement beyond environmental personhood toward environmental statehood. The provisional term *environmental statehood* is offered as a means of providing sovereignty and greater protection to natural entities, such as rivers, lakes, seas, oceans, and forests that traverse multiple nation-states. Perhaps something akin to environmental statehood and North Sea sovereignty would provide the greater political agency in the supra-governmental forums like the EU and UN. There are signs that this is where the Embassy of the North Sea is headed. The final phase of the project from 2027 to 2030 is, after all, called *negotiations*, which may lead to a situation in which the Embassy of the North Sea presents its case before the UN General Assembly.

How might environmental statehood work within a global context? One suggestion comes from the *Theatre of Negotiations*, a large-scale collective performance developed in Nantes, France in 2015 that simulated the Conference of the Parties 21 (COP21), the annual international climate change conference. The *Theatre of Negotiations* was considered a pre-enactment: a theatrical performance with 200 students participating in a weeklong activity that is the equivalent of a Model United Nations Assembly. Students acted as delegates of different nations within the UN and worked to solve global issues focused on climate change. As a representative of a country, each student takes on that nation's policy perspectives and concerns. However, there was one twist: several student delegates represented environmental entities (Latour 2020: 00:38:50). Much of the inspiration for the *Theatre of Negotiations* was informed by Bruno Latour's understanding that nonhuman actors increasingly need to be included in prominent political discussions. Therefore, entities such as the Amazon, the Arctic, and the Sea all had delegates representing their interests during the *Theatre of Negotiations*. According to Latour, the mere presence of representatives for these natural entities changed the flow of deliberations (Latour 2020: 00:39:30). Greater attention and care were given to the concerns of the Amazon, the Arctic, and the Sea. Through conversations with other delegates, students were able to secure protections for the entities (Latour

2020: 00:40:24). Using the framework of the APC, we can see that the *Theatre of Negotiations* is a collective *performance personhood*, but it moves beyond mere personhood. Before the Model UN, the Amazon has discourse with other nation-states and, in effect, possesses sovereignty. Therefore, the *Theatre of Negotiations* presents a collective *performance of statehood*, a category on the APC that exists to the right of the *performances of personhood*. Collective *performances of statehood* have the potential not just to situate humans in an embedded system of ecological relations, but also to situate natural entities into the complex social milieu of humanity on a global scale. What the *Theatre of Negotiations* reveals is that representation in supra-governmental assemblies is vital to receive greater protections for natural entities. A future in which environmental statehood becomes a reality might see an amalgamation of different qualities from The Arctic Council, The International Union for Conservation of Nature (IUCN), and the International Tribunal for the Law of the Sea (ITLOS). Theoretically, there may even be a possible world in which a future environmental state aims for full member status within the United Nations General Assembly.

As a closing refrain – and to look toward the next stages of the culture-law feedback loop – we might reconfigure an earlier quote from Gwendolyn Gordon to reflect this new possibility of environmental statehood:

“How easily will we be able to imagine nature as a [sovereign entity], and how will that [conceptual framework] energize the will to protect nature by means of these varied rights arguments?”

## Conclusion

In the spirit of this conference's theme, “The Possibles”, this paper examines the impact of the concept of environmental personhood on art and culture, now and in the future. Legal determinations, such as the Te Awa Tupua (Whanganui River Claims Settlement) Act of 2017, that provide protections to environmental persons have affected both legal and cultural notions of identity. However, legal concepts need art, design, and fiction to breathe life into them. This paper presents the agency-personhood continuum (APC) as a fluid framework to organize and understand different creative practices, ranging from artworks that amplify the agency of nonhuman actants to performances that embody notions of environmental personhood and environmental statehood. Ultimately, by examining current artworks that draw inspiration from the concept of environmental personhood, this article speculates that environmental statehood is a possible new stage in the culture-law feedback loop. How might the concept of environmental statehood – natural sovereignty – generate further creative inquiry for art, design, and cultural production?

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