

Understanding the Rights of Nature: A Critical Introduction

Mihnea Tănăsescu, Bielefeld: transcript Verlag, 2022, 168 pp. €40.00 (paperback); Open Access (e-book), ISBN 9783839454312, 9783837654318 and 9783839454312¹

Granting rights to nature has become increasingly common in disparate parts of the world: from the rights of nature (RoN) provisions written into the Ecuadorian Constitution to the legal entity status granted to Te Urewera in Aotearoa/New Zealand and, for example, the rights recently accorded to Mar Menor in Spain. They have been promoted not only by specialized networks such as the Global Alliance for the Rights of Nature (GARN) but also by judges and, for instance, religious leaders like Pope Francis. As RoN are becoming a “go-to tool of emancipatory politics” (p. 14), *Understanding the Rights of Nature* provides a welcome reflection on the fundamental questions “what the rights of nature mean” and “how and why they are used” (p. 15).

Mihnea Tănăsescu’s main point in the book is that RoN are not a cure-all. To the contrary, granting rights to nature can have dire (unintended) consequences for both ‘nature’ and human (Indigenous) communities. Positioning RoN in a longer liberal tradition of rights expansion, he argues that they will not protect nature as long as the state can selectively employ RoN for its own agenda of economic growth, predicated on extractivist policies (Chapter 1). This drives home the important point that how RoN function in practice is deeply political and the extent to which they truly “[create] new relations through which environmental concerns may be differently expressed” (p. 17) depends crucially on the question whether they succeed in moving power away from the state.

Tănăsescu traces many of the pitfalls of RoN to an “ecothological” view that dominates much of RoN theory and practice (Chapter 2). Ecotheology, exemplified by the work of authors

¹ For the published version of the book review, please visit the *Environmental Politics* website at <https://www.tandfonline.com/journals/fenp20>

like Thomas Berry and Cormac Cullinan, operates through a grand narrative that takes Nature (with a capital 'N') to be “one living totality” of which the rights need to be recognized, constituting the culmination of an “expanding circle of moral concern” (p. 38). This view on RoN has important practical implications. Through its abstract principles, ecotheological thought translates into equally abstract legal provisions, which facilitate selective and strategic use of RoN by the state. Through its moralistic understanding of RoN, ecotheology, furthermore, suppresses alternative perspectives on ‘nature,’ especially Indigenous place-based, relational thinking about nature. Through weaving Indigenous thought into RoN discourse all the while such thought rarely supports its premises, ecotheology closes the window for truly radical solutions contained in Indigenous philosophies to enter broader discussions on what RoN arrangements might look like.

The author convincingly demonstrates the pervasiveness of the so-called ecotheology in the practice of RoN, reaching well beyond the Ecuadorian Constitution, the Law of Mother Earth in Bolivia (Chapter 3), and, say, the Universal Declaration of the Rights for Mother Earth (Chapter 5). Even in apparently place-based RoN, such as the legal personhood accorded to the Atrato river in Colombia and the Ganges and Yamuna rivers in India (Chapter 5), the kind of totality thinking characteristic of ecotheology surfaces, along with the imposition of associated concepts such as ‘guardianship’ and ‘humanity’ that often do not resonate with local philosophies.

At the same time, the book makes clear that there is more to RoN than its ecotheological incarnation, emphasizing the “internal diversity of the idea [of RoN]” (p. 16). It does so most concretely by going into two cases with a radically different history and way of thinking about RoN: the legal entity/personhood status of Te Urewera and the Whanganui river in Aotearoa/New Zealand (Chapter 4). Both resulted not from a push by RoN advocates but from negotiations between Māori groups and the New Zealand government about “who has ultimate

authority in governing the lands” (p. 78). The cases demonstrate that RoN do not need to be primarily about rights or Nature at all; RoN can also be employed to deal with specific questions of authority by carving out new governance arrangements. In the two Aotearoa/New Zealand cases, the open-ended governance settlements allowed for Māori ontology to gain hold, as displayed in the management plan of Te Urewera (Te Kawa) focused on managing people rather than the land (p. 83) and, for example, in a focus on acting as *representatives* of natural entities rather than as their *guardians*.

The Aotearoa/New Zealand cases serve the broader argument that, if RoN are to live up to the promise of acting as tools for emancipatory politics, they need to move beyond ecotheology’s focus on rights and totality thinking and involve the reshaping of existing power relations concerning specific people and places. The book thereby not only offers a critique of RoN but also offers ways forward, primarily by underlining the need to “[de-moralize] the rights of nature so as to allow for a diversity of views” (p. 31) and to bring about “as much political as legal innovation” (p. 152). It thereby accomplishes its critical objective of questioning dominant assumptions in work on RoN while stimulating the imagination to find new ways to making RoN work.

The book does sometimes read more like a critical *appraisal* rather than an *introduction* and some important questions raised by the author could have profited from additional pointers for future practice and theorizing. For example, as Tănăsescu points out towards the end, “in a world that is increasingly urban (...) there is an urgent need to think about what the rights of nature may mean in those settings as well, and what a right to restoration may mean in a densely populated environment” (p. 138). I also still wonder what prospects there are for RoN to promote “regenerative cohabitation” (p. 150) in localities lacking philosophies and traditions focused on a more responsible and reciprocal relationship with nature compared to the Western mainstream.

But despite these loose ends the book clearly succeeds in opening up the debate on what RoN *are, could, and should* be like. It comes at a time when RoN enthusiasm continues to grow and critical reflection seems a must to hold onto its radical potential to fundamentally reshape how we relate to the natural environment.

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