

## NOTES FROM THE FIELD

# Voice of nature: the trial. An artistic response for environmental justice

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## 1 Introduction

In 2019, the project *Voice of Nature: The Trial* was staged as ‘a restorative court unit’ in the Old Court in Ghent (Belgium), with the goal to investigate ecocide and the possibility of creating a new approach for the justice system. The project aimed to experiment with how law and justice can serve the ecosystem by proposing a ‘new type of courtroom’ and designing a new form of trial in which the voice of nature can be heard.

*Voice of Nature: The Trial* explored the difficulties of granting personhood to other-than-humans, or how to make a mountain or a river into a legal entity. The audience was invited into a process of transformation through the realms of fiction, magic and documentary, guiding them to become law-bearers for nature. In order to propose a new type of ‘verdict’ in the form of a restorative contract, my team and I experimented with combining elements from a conventional court, restorative justice practices as well as transformative rituals. The utopia was that humans and other-than-humans come together to find a collective language, focused on inter-being, intersectionality and restoration.

From the court, the project has developed into a ‘Kinstitute’, a utopian public service acting as kin to other-than-humans and focusing on long-term projects dedicated to climate justice, environmental crimes, ecocide and the possibilities of proposing justice through artistic, juridical, ritualistic and restorative justice practices.

## 2 New spaces for justice: a restorative court

Using trials in a theatrical context and mock trials in justice systems is nothing new (Bernat & Duyvendak, 2013; Rau, 2014; see also Rivers, 2012). What is new in the project presented here, is the speculative justice proposal to redesign not only the court room, but also to have an active role for a restorative approach to ecocide, by acknowledging multispecies victims and environmental harm beyond human impact. The performance *Voice of Nature: The Trial* is mobile and has a hybrid architecture. The preferred space for the performance is the criminal court; however, this performance can also be adapted to other places of justice,

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such as law faculties, parliaments and abandoned courts. The scenography formulates a new proposal for the classical set-up of the courtroom. All known elements and roles are present in the performance but are transformed into new assemblages where everyone inside the room is complicit in the ecocide crime, as victim, perpetrator and judge. During the four hours of the performance, the courtroom transforms into an ecosystem, a regenerative space.

Architecturally and performatively, the attention is brought to the centre by giving attention to the many shapes in nature, as well as to the organicity and principles of interconnectedness to the whole. The space brings the audience into ever-changing constellations, shifting lights, soundscapes and materials. There are moments for sitting, walking, taking part in rituals and signing a restorative contract for the earth.

### **3 Law, restorative justice and rituals: connecting the whole**

The trial in this case is ecocide. The trial aims to benefit from the strategies of restorative justice and to listen to the many witnesses, either human or other-than-human. What I mean by a restorative process in this case is also the decolonisation of our anthropocentric self to consider a potential reconciliation with nature. The script assembles a fictional lawsuit inspired by documented material collected in Ecuador during field research about the ecocide taking place in Lago Agrio inflicted by Texaco and Chevron oil companies, as well as research about the inspiring successful court case from the Sarayaku community.

For the process, we interwove the Western juridical system, restorative justice and ceremony/ritual. The participatory performance helps the audience experience the many possible conjugations we experiment, in order to invent a new vocabulary and create a new language that represents the complexity of the different systems.

We bring together several domains, namely: a) trauma, as experienced due to violence, colonialism, extractivism and separation with nature; b) juridical system, as a way to represent the different forms of agency and accountability: silent victims, accomplices, accused ones and the ones in power; c) ceremonies, as ways of learning our history, recognising earth system, the planetary cycles, decolonising the self, purification and sacrifice; d) restorative justice, as ways and processes where we reclaim responsibility, dignity, respect, trust, restoring, renewal and forgiveness.

### **4 Restorative justice and art responses: earth contract**

Art no longer functions only as a representation of social life but has a more active role, as a possibility and space in between, to imagine and transform society. Aiming to bridge artistic methodologies with restorative justice, the proposed 'earth contract' is a pre-figurative proposal for a restorative contract with the earth.

Maria Lucia Cruz Correia

The difference in this type of sentence relies on the relocation of agency, as the audience is guided to a process of decolonising themselves and opening themselves up for new type of kinship with the more-than-human world. This prepares the audience to step into the path of understanding of what a duty of care could mean when it concerns environmental harm, by opening their hearts to hear the voice of nature in themselves. Such contracts result in personal commitments, from small actions to long-term statements, from planting trees to not having a child; from civil disobedience to a decision to stop taking planes as a life commitment; from gathering with wolves to lobbying against corporations; from being nude more often to engaging in political protests.

## 5 Guardians of nature: duty of care

But how do we provide the framework to rethink our relationship with the environment and reclaim our position as guardians of nature? There we start by drawing attention to the function of art as the 'aesthetics of affect', by imagining the new, to induce direct and uninhibited experiences to find new ways of relating to each other, to the other-than-humans and to nature.

To be a guardian of nature means to hold a cosmological view of people as part of nature, not separate from nor above it, to abide to an ethic of reciprocity and to have a sacred regard for all living species as kin. As Māori people share in the Whanganui's declaration of identity, 'I am the river, the river is me'. However, it is not easy in many Western contexts to decolonise ourselves, the same way as it is not easy to recognise a river as a legal entity with rights. This requires a profound shift in political ontology, a demystification of what kinship can be in relation to earthly resources that goes beyond its economic value.

When we are able to achieve this shift, we are kindling the possibility of recognising the harm that has been caused to damaged landscapes, as we are able to restore the balance between humans and the natural world. Therefore, instead of an anthropocentric approach, we are encompassing an eco-centric vision, a cosmological understanding of the natural world. The challenge is to deeply understand the more-than-human world dimension and broader cosmological context. Another challenge is to understand the level of the harm that has been caused and mobilise or activate new avenues and resources to restore the disturbed balances in a more complete and sustainable way. Art can be an important tool and can provide an important space to enable and mediate this deeper understanding and dialogue with nature.

The following proposal is an artistic speculative model to become a guardian of nature – a legal representative of a non-human entity. It is a utopian legal toolbox that imagines the possibility of becoming an official guardian of nature, recognising the inseparability, interconnectedness and equal rights of the natural world: humans, mountains, rivers, seas, forests, animals. This artistic speculation was developed during a period of two intensive years of research. It is based on 365 exercises, rituals and embodiments to decolonise, restore and unfold my animistic self as a personal contract and earth-keeper, steward and protector of

the natural world. A guardian of nature is living and acting according to the following suggestions:

- 1 Custodianship is living from a place of reciprocity and equality with ecosystems and communities, human or other-than-human, and therefore a guardian should be able to articulate a relational jurisprudence, and formulate arguments to defend laws for equitable, reciprocal and balanced relationships with non-humans.
- 2 In order to defend a specific non-human in court, a guardian should have a history with the given non-human victim and to have a cultural and historical background of a specific place, honouring its ancestors and history.
- 3 Other-than-humans have their own spirit and abundant life which should carefully be protected from violence and extractivism, and therefore a guardian of nature should have an animistic relationship in order to understand and protect the cosmology of a non-human entity.
- 4 To uphold and protect the 'interests' of other-than-humans, an official guardian should be established and credited by legislation and accepted by local communities. A guardian should share their concerns with the community, feel supported and help the affected victims.
- 5 Other-than-human beings such as rivers, mountains, oceans ... should be considered as an indivisible whole, and therefore it is the interests of the whole body that is at stake – not just the part in front of your house – and there should be a duty to uphold a preventive strategy to address the whole. For instance, if your land is being contaminated, it will disrupt the whole system; this violation should be seen as a crime to one indivisible entity.
- 6 A guardian rejects the notion that nature is human property. If there are any territorial rights in relation to a specific other-than-human, it is in 'the heart of humans', with no ownership.
- 7 An active role of a guardian can be the dissemination of petitions to national parliaments, to formulate violation reports to national and international commissions by filing court cases against the inducer of the crime and violation. The guardian should be assisted by an environmental lawyer with expertise on earth jurisprudence.
- 8 A guardian should be able to prove the health and well-being of other-than-humans as intrinsically connected with the health of people, not only holistically but also scientifically, by collecting health reports and providing samples on toxicity and pollution levels of water/soil/plants/animals/humans.
- 9 In order to 'support the health and well-being' of an other-than-human, a restorative approach should be promoted within the community, in finding ways to restore the damage which has been caused and hold accountable the perpetrator. In this case, a guardian can connect with the community to restore the land using recovery methodologies. Restoring means also taking care of your community, creating healing programmes for environmental victims/refugees and conducting exchange sessions as ways to support a constructive relationship between all parties involved.

Maria Lucia Cruz Correia

- 10 Normally, negotiations with authorities consist of the extensive task of lobbying, including the ability to make binding laws and to grant activity permits to corporations. Those permissions do not always follow jurisprudence, and are often responsible for disturbing, killing or extracting from the ecosystem, so these permits should be questioned and reviewed, even if there is no environmental legislation in your country.
- 11 Working in coalition is another, related principle – on environmental restoration projects, on social practices and policies towards international and intergenerational climate justice and in creating and sustaining spaces and practices of interspecies moral repair.
- 12 A guardian might be interested in exchanging wisdom on earth ethics, indigenous knowledge systems, ancestral cosmologies, jurisprudence, ecopsychology, deep ecology, arts, environmental law, science and holistic business.

## 6 Conclusion

The process of the making and enacting of the *Voice of Nature: The Trial* has been inspirational and transformative and contributes to the debate on the rights of nature and ecocide. It was clear from this process that restorative justice could be a significant and meaningful response and therefore become an asset to restoring environmental harms, preventing environmental crimes and inspiring systemic change in the way we relate to each other, to other-than-humans and to nature.

Over the course of the creation, production and presentation of the work, the artistic team, audiences and experts have become increasingly more aware about and sensitive to the potential of collaborating with experts of restorative justice and environmental law. Additionally, there is a growing emphasis on the artistic potential for imagining utopias as a starting point for creating change leading to a new type of 'verdict' and 'courtroom' in cases of ecocide. More than awareness being raised, we can speak of a rising environmental consciousness in the audiences, who have started to realise that they have something worthwhile to contribute to a meaningful restoration of ecosystems by acting as guardians of nature and honouring a duty of care to other-than-humans.

For these reasons, art and restorative justice should continue to be aligned together and experimented with, exploring their potential for becoming collective environmental justice assets.

## References

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