

Yale University

EliScholar – A Digital Platform for Scholarly Publishing at Yale

Yale Graduate School of Arts and Sciences Dissertations

Fall 2022

Imagining a Crisis: Human-Environmental Relations in North and South American Law and Literature

Joseph Hamilton

Yale University Graduate School of Arts and Sciences, josephehamilton@gmail.com

Follow this and additional works at: https://elischolar.library.yale.edu/gsas_dissertations

Recommended Citation

Hamilton, Joseph, "Imagining a Crisis: Human-Environmental Relations in North and South American Law and Literature" (2022). *Yale Graduate School of Arts and Sciences Dissertations*. 706.
https://elischolar.library.yale.edu/gsas_dissertations/706

This Dissertation is brought to you for free and open access by EliScholar – A Digital Platform for Scholarly Publishing at Yale. It has been accepted for inclusion in Yale Graduate School of Arts and Sciences Dissertations by an authorized administrator of EliScholar – A Digital Platform for Scholarly Publishing at Yale. For more information, please contact elischolar@yale.edu.

Abstract

Imagining a Crisis: Human-Environmental Relations in North and South American Law
and Literature

Ted Hamilton

2022

This dissertation is about the creation of a new environmental imagination. Under the pressure of ecological crisis, dominant ways of distinguishing nature and society have faltered, and struggles for environmental justice have articulated demands for a biocentric, anti-colonial approach to environmental governance. I show how such an ideological transition might be accomplished in the areas of law and literature, two crucial sources of new environmental worldviews and norms. My focus is on novels and jurisprudence that deal with ongoing environmental struggles: in the United States West, I look to William Vollmann's *The Dying Grass* (2015), Leslie Marmon Silko's *Almanac of the Dead* (1991), and cases from the Standing Rock pipeline standoff; in the Peruvian Amazon, I study Mario Vargas Llosa's *The Green House* (1965), César Calvo's *The Three Halves of Ino Moxo* (1981), and a 2016 criminal court case adjudicating a violent conflict over oil exploration in the rainforest; finally, I examine Ursula K. Le Guin's series of speculative fiction novels in the Hainish Cycle (1966-2000) and what I consider the "speculative law" project of the rights of nature movement. By presenting the law as a crucial imaginative source (and foil) for writers' and activists' programs of improved environmental relations, I argue that narrative plays an important role in environmental regulation and resistance.

Imagining a Crisis: Human-Environmental Relations in North and South American Law
and Literature

A Dissertation

Presented to the Faculty of the Graduate School

Of

Yale University

In Candidacy for the Degree of

Doctor of Philosophy

By

Ted Hamilton

Dissertation Directors: Moira Fradinger and Michael Warner

December 2022

© 2022 by Ted Hamilton

All rights reserved

Table of Contents

Acknowledgments	iv
Introduction	1
Chapter One: The Dream of Property in William T. Vollmann’s <i>The Dying Grass</i> and Leslie Marmon Silko’s <i>Almanac of the Dead</i>	12
Chapter Two: Rewriting the Rainforest: Eco-historical Imagination in Mario Vargas Llosa, César Calvo, and the Law	78
Chapter Three: Speculative Constitutions: Ursula K. Le Guin’s Hainish Cycle and the Rights of Nature	175
Bibliography	247

Acknowledgments

I must first pay homage to the guidance and friendship of my advisor in the Comparative Literature Department at Yale, Moira Fradinger, who, since I first arrived in New Haven in 2012, has been the very model of an intellectual mentor. Her clarity of thought, her insistence that I consider problems of Latin American politics and literature more deeply and more critically, and her persistent humanity and kindness, made graduate school not just fulfilling but meaningful. I have learned from her how to be a teacher and a critic while grounding academic work in the cares of the world.

In my home department, Marta Figlerowicz has been an unfailing source of support and practical know-how; Martin Hägglund has guided me through my oral examinations, my introduction to teaching, and my job search; and Robyn Creswell has always been at hand to offer keen critiques and the wisdom of experience. I would be remiss in not mentioning the many years of cheerful leadership from Stacey Hampton, who assisted me in navigating the bureaucracy of doctoral life.

In Yale's English Department, my second thesis advisor, Michael Warner, has helped to shape this dissertation through hours of genial and rigorous conversation; his insights have been instrumental in grounding me in the worlds of environmental humanities and ecocriticism. Wai Chee Dimock, too, early on helped to shape my intellectual trajectory on campus. Douglas Kysar, in the Law School, is my invaluable confidante in bridging the worlds of practice and study.

The fellow students at Yale and elsewhere with whom I made this journey are too numerous to list; a thousand memories of explosive seminar discussions and riveting late-hours digressions adorn this dissertation's writing.

As a law student at Harvard, I learned what legal critique can do from Janet Halley and Duncan Kennedy. I would like also to thank my compatriots in the climate justice struggle I met there, and in particular Alex Marquardt and Kelsey Skaggs, with whom I embarked on a short career of movement lawyering. Practicing alongside them, as well as the dozens of committed lawyers and organizers with whom we worked, underscored the need to always envision the conversion of theory to practice.

I am sincerely grateful to the Yale Graduate Schools of Arts & Sciences for funding my work through a dissertation fellowship, as well as to the funders of the Harvard Sinclair Kennedy Traveling Fellowship, which afforded me a year of research in Peru, including a life-shifting trip to Achuar communities in the Rio Corrientes region of the Amazonian rainforest.

That rainforest, too, deserves a gesture of gratitude — as do the mountains of the United States West, and the forests of Central Massachusetts, and the parks of New York City, where much of the inspiration for this work was born.

Finally, Apollonya Porcelli is, although a single person, the world in which I move and think. Her love of the environment, of teaching, and of rigorous research have been the lodestars for my own efforts. To the two others with whom we now share our cosmos: thank you for going with us on the way.

Introduction

This dissertation is about the creation of a new environmental imagination. Under the pressure of ecological crisis, dominant ways of distinguishing nature and society have proven inadequate, and struggles for environmental justice have articulated demands for a biocentric, anti-colonial approach to environmental governance. In this work, I show how such an ideological transition might be accomplished in the areas of law and literature, two crucial sources of new environmental worldviews and norms.

My focus is on novels and jurisprudence that deal with ongoing environmental struggles. In the United States West, I look to William Vollmann's *The Dying Grass* (2015), Leslie Marmon Silko's *Almanac of the Dead* (1991), and court cases from the Standing Rock conflict, all of which engage the question of how to overcome settler colonial paradigms of land regulation. In the Peruvian Amazon, I study how the colonial contrast between European civilization and Indigenous environment is subverted in Mario Vargas Llosa's *The Green House* (1965), César Calvo's *The Three Halves of Ino Moxo* (1981), and a 2016 criminal court case adjudicating a violent struggle over oil exploration in the rainforest. Finally, to investigate how a new environmental consciousness might achieve a legal form, I look to the Ursula K. Le Guin's series of speculative fiction novels in the Hainish Cycle (1966-2000) and what I consider the "speculative law" project of the rights of nature movement.

My argument in these readings is that law and literature make an important contribution to new environmental historical sense. By "law," I refer to the material operation and textual production of legal institutions such as legislatures and courts, as well as scholarly and activist commentary on those institutions. By "literature," I refer to

imaginative creative work such as poetry and fiction. Here, I focus on how novels and jurisprudence that deal with colonial environmental conflicts demonstrate how a break with old regimes of human-natural relations might be imagined, and what might take their place. In the materials I study here, this imaginative project is accomplished through the articulation of new socio-legal forms that embody normative claims about society's place in nature. Rewriting environmental histories in order to vindicate a biocentric, anti-colonial worldview, these works model a shift in ecological consciousness. This claims fills a gap in the field of ecocriticism, which — despite its interest in the power of imagination to shape environmental norms — has tended to neglect law and its relations to literature. By presenting the law as a crucial imaginative source (and foil) for writers' and activists' programs of improved environmental relations, I reveal the important role that narrative plays in environmental regulation and resistance.

By “colonial environmental conflict,” I refer, in the context of this dissertation, to land struggles nature between Indigenous peoples and Euroamericans (European-descended people in the Americas). Crucially, these battles over environmental governance are also battles over the meaning of such concepts as *nature*, *territory*, and *society*. For example, in the novels and court case from the Peruvian Amazon, the distinction between “civilization” and “barbarism” is contrasted with a holistic view of humans' place in the environment, which bears with it a vindication of Indigenous peoples' historical conception of socio-natural development. This latter view appears in the form of novel narrative techniques and jurisprudential methods, which only partly achieve their announced political-ecological objectives. The difficulty of imagining a new form of human-environmental relations emerges from my readings below, in which I

pay particular attention to how material reality and cultural heritage limits the prospects for imaginative revolution.

The exchange between law and literature is an excellent place to map the imaginative and ideological basis of our existing environmental regimes. Such regimes depend upon forms of thought and feeling to enforce distinctions between society and nature, progress and decline, and future and past. These forms are exposed most clearly in works of normative imagination like Silko's *Alamance of the Dead*, which wrestles with the legal obstacles to a biocentric Indigenous revolution. The counterpart legal materials that I have selected for Silko's novel, a series of cases stemming from the Standing Rock conflict over fossil fuel infrastructure on Oceti Sakowin (Sioux) land in present-day South Dakota, show how law also registers conceptual and imaginative shifts vis-à-vis the environment: the old "settler legal common sense" that distinguishes Euroamerican and Indigenous land practices is breaking down under pressure from alternative ecological and cultural claims about the meaning of nature. Law's normative focus and literature's imaginative fluency combine and overlap in the works analyzed below; I read each discourse as fundamentally imaginative, and follow these imaginations as they challenge old ways of arranging nature and propose a more ecologically minded future.

But how are such environmental alternatives imagined? And what is the relation between imagination and history? Enlisting law and literature in an ecological politics of the future, it turns out, requires a reckoning with the past. And so this dissertation captures moments of law and literature in transition between what François Hartog calls "regimes of historicity," or ways of thinking about past and future. The works I have

selected are notable for their sustained engagement with and subversion of tropes grounded in an old telling of environmental history. At the same time, they evince the aesthetic and formal possibilities of a new historical sense. Produced in the latter half of the twentieth and first part of the twenty-first centuries, they register the conceptual crisis engendered by global ecological breakdown: how existing categories of nature, history, and progress fail to account and correct for humanity's detrimental effect on the Earth.

In Chapter One, I consider how two novels of Euroamerican-Indigenous conflict—William T. Vollmann's *The Dying Grass* and Leslie Marmon Silko's *Almanac of the Dead*—reimagine human-land relations in dialogue with the settler colonial property regime. *The Dying Grass* narrates the Nez Perce War, in which the United States government forced the Nez Perce people from their ancestral homeland in present-day Oregon and Idaho. The novel pays particular attention to the clash between Euroamerican and Indigenous environmental legal philosophies, and it models one way of narrating the law's imprint on the environment: revisionist historical fiction that uses an array of voices, archival materials, and natural settings to undermine the legal fantasy of justified property in land. *Almanac of the Dead* offers another way, presenting a counter-narrative that imagines the replacement of the settler colonial order with a new regime born from words. In the novel, a pan-American Indigenous uprising is prepared via the circulation of an ancient codex and frontal attacks on the legitimacy of colonial legal orders. Despite their distinct approaches, each novel engages in a similar imaginative dialogue with the law, using gaps in the law's common-sense ordering of environmental relations to offer normative claims about how to live on the land

In dealing with Vollmann and Silko's literary engagement with law, I borrow the term "legal common sense" from legal philosopher Boaventura de Sousa Santos, who uses it to refer to the set of "arguments, counter-arguments and premises of argumentation" that dominate any given legal culture, as well as the relations between speakers and audiences that are structured by this culture (470). The legal common sense that concerns me here — what I call "settler legal common sense" — is the prevailing set of beliefs, norms, and regulations that govern relations between humans and the land in the United States. Settler legal common sense informs not only the ways in which the nonhuman environment is imagined and managed by the state, but also the nature of settler-Indigenous relations. As a normative order imposed by Euroamerican colonists and the state, this legal common sense adheres to a progressive vision of continental conquest and civilization through property rights. In light of the conflict between settler and Indigenous legal imaginations, Vollmann and Silko's novels offer an intriguing difference in their literary response to legal common sense: Vollmann, a nonnative, offers an internal critique of the law's ordering of environmental relations, while Silko, an Indigenous (Laguna Pueblo) writer, proposes a story-born revolution that challenges the law's claim to exclusive dominion. At the end of the chapter, I show how the instability of settler legal common sense is revealed in the complicated litigation surrounding the construction of the Dakota Access Pipeline near the Standing Rock Sioux Reservation. Concluding a line of argument developed throughout the chapter, I argue that United States jurisprudence is increasingly called upon to re-perform the material and ideological conquest that lies at the root of settler legal common sense, exposing the

weakness of its imaginative supports and creating an opening for ecologically minded alternatives.

In Chapter Two, I focus on the Peruvian Amazon, a region thoroughly coded by a series of historical narratives that view the land and its inhabitants as primitives, ecological innocents, or historical outcasts. I compare the ways in which novelists Mario Vargas Llosa and César Calvo resist and reimagine these narratives by constructing various modes of access to Indigenous cosmologies. Just as Vollmann, Silko, and the Standing Rock cases reveal the precarity of settler legal common sense, so Vargas Llosa's *The Green House* and Calvo's *The Three Halves of Ino Moxo* subvert the "civilization" versus "barbarism" dialectic which has defined Latin American letters since Domingo F. Sarmiento's *Facundo* — and which has dominated the rainforest novel tradition in particular. *The Green House* uses a series of complex narrative techniques to break down the distinctions between the civilized, *criollo* (European-descended) Peruvian coast and the rainforest interior, generating a novelistic vision of pervasive violence, decline, and barbarity. Calvo's *The Three Halves*, on the other hand, inverts the classic form of the Amazonian journey narrative by making the rainforest, its people, and the psychedelic plant ayahuasca agents of a historical transformation in human-natural relations; this transformation originates in Indigenous overthrow of colonial rule and in the denial of linear history.

After reading these novels against the Latin American rainforest novel tradition — and examining how Vargas Llosa's post-*Green House* engagement with the Amazon shows the persistence of colonial paradigms — I examine an analogous attempt to reform contemporary environmental attitudes in a judicial opinion stemming from a violent oil

conflict between the Peruvian state and Amazonian native communities. Each of these late twentieth- and early twenty-first-century texts deals with the difference of the Amazon — its natural beauties and dangers, its distance from metropolises and national capitals, its unique history of colonial subjection and resistance — under the sign of ecological crisis. Through narrative disjunction, intertextual play, and self-reflective historical critique, these texts register a temporal dislocation that is characteristic of the conceptual crisis produced by global environmental catastrophe. In studying a court case alongside works of fiction, I hope to trouble the status of “imaginative” writing and to suggest that textual experiments in environmental imagination occur both in literature’s traditional domains as well as in disciplines like law or anthropology. What’s more, the judicial opinion’s treatment of events that occurred in the same region where *The Green House* is set and its preoccupation with the Amazonian histories and worldviews that feature so prominently in *The Three Halves* make it an excellent point of comparison from which to consider how the problems of environmental politics and cultural exchange posed in the novels have persisted in the decades since they were published.

Finally, in Chapter Three I consider environmental histories of the future by examining the imaginative content of what I call “speculative law” — particularly the rights of nature movement — and its counterpart in speculative fiction, represented by the Hainish novels of Ursula K. Le Guin. The rights of nature movement calls for legal personhood to be granted to natural objects such as mountains, rivers, and ecosystems. Focusing in particular on its genesis in struggles for Latin American Indigenous political rights, I show how the movement bases its claims for ecological sustainability on a biocentric narrative that displaces humans from the leading role in history. The rights of

nature promise a constitutional resolution to the conceptual crisis produced by ecological breakdown, aiming to remove the contradictions between natural and human history and between humanity's dual roles as agent and victim of Earth systems disruption. I identify a similar imaginative project in Le Guin's Hainish Cycle, which includes the novels *The Word for World is Forest* (1972) and *The Dispossessed* (1974). I read the Cycle as an allegory for the same crisis and resolution of historical understanding: narrating the slow construction of an interplanetary union of humanity, various figures in the novels attempt 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" (9).

As I discuss at the end of the chapter, however, there is an aporia in both Le Guin's allegory and in the rights of nature movement that it allegorizes. This aporia is, in short, the historical agency of the law. In the Hainish cycle, the unifying legal body for the galaxy's humans 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 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. This solution is drawn from narrative and poststructuralist interpretations of the law and from Le Guin's musings on the critical function of utopia.

My claim about the heuristic value of law and literature contributes to ongoing scholarly debates in the fields of environmental humanities, Anthropocene studies, and critical environmental law. In these fields, the awareness of humanity's impact on Earth systems has reinvigorated calls to collapse the distinctions between human and nonhuman agency, entitlement, and identity. According to this line of thought — notable exemplars of which are Dipesh Chakrabarty's "The Climate of History" (2009) and Timothy Morton's *Ecology Without Nature* (2007) — our species now dramatically affects what were once considered the background environmental conditions of human history. Humanity must therefore conceive of itself as a geologic agent of unprecedented power even as it experiences its greatest vulnerability to environmental disturbance: this is the idea of the Anthropocene, a geological age defined by our impact on the planet. As problems like climate change and mass extinction cast into doubt narratives of human progress and alienation from nature, a new historical sense is needed to describe our exposure to and effect upon the global biosphere.

Importantly, though, as anthropologist Zoe Todd and cultural theorist Heather Davis suggest, our response to ecological crisis is conditioned by how we already imagine relations between humans and the earth (763-4). I therefore follow literary scholars like Elizabeth DeLoughrey in approaching the ecological crisis not as an utterly novel event but as one based in histories of environmental imperialism. As DeLoughrey writes in *Allegories of the Anthropocene* (2019), "in grounding the abstract discourse of the Anthropocene by tying it to specific histories and places we can learn much about the contextual nuances of narrativizing the relationship between human and more-than-

human nature” (7); like DeLoughrey, I turn to “postcolonial and Indigenous perspectives” to attend to “the historical continuity of dispossession and disaster caused by empire” (2).

Another field to which this study contributes is ecocriticism. If in its first decades U.S. ecocriticism was primarily concerned with how nature is represented and with building a canon of ecocentric literature, the past two decades have seen the field pay greater attention to problems of race and colonialism, as seen in works like Jodi Adamson’s *American Indian Literature, Environmental Justice, and Ecocriticism: The Middle Place* (2001) and Jennifer Wenzel *The Disposition of Nature* (2019). Notably, the intersection of law and literature has been understudied in ecocriticism. Although some scholars have adapted a “law as literature” approach to analyze the ways in which environmental law relies upon narrative and literary tropes (see Burger, “Environmental Law/Environmental Literature” (2013) and Purdy, *After Nature* (2015)), there is little work examining the place of law in environmental literary texts. On the other hand, to give a U.S. example, students of Native American literature have long recognized the importance of federal Indian law to the Indigenous experience under US settler colonialism, chiefly with respect to land theft (see Katanski, “Writing the Living Law” (2008/2009) and Cheyfitz, “The (Post)Colonial Construction of Indian Country” (2006)). Both law and literature are, to a large degree, imaginative discourses: they depend upon an array of affects and ideological assumptions that determine their formal structure and stylistic maneuvers. Diagnosing and describing the imaginative content of law and literature, especially from an ethical or political standpoint such as a commitment to improved environmental relations, allows us to study the disciplines’ participation in, and possible resistance to, dominant modes of structuring society and nature.

In light of these disciplinary contributions, my hope is that this study will play a part in reforming our views of human-environmental relations. More precisely, I hope to show *how* such imaginative transitions take place. By emphasizing how our present philosophical and political uncertainty regarding the environment is rooted in ongoing histories of colonialism and extraction, I offer law and literature emerging from contemporary environmental justice struggles as foci for this study of imaginations in motion. This dissertation maps some of the possibilities for taking hold of our environmental history, and shaping it for the better. The next step, as I suggest in my final chapter, is to deploy our literary and legal imaginations in service of a biocentric regime change.

**Chapter One: The Dream of Property in William T. Vollmann's *The Dying Grass*
and Leslie Marmon Silko's *Almanac of the Dead***

At a critical moment in Leslie Marmon Silko's *Almanac of the Dead* (1991), a Lakota lawyer-poet named Wilson Weasel Tail reads an indictment on an afternoon cable television program:

Only a bastard government / Occupies stolen land! // Hey, you barbarian invaders! / How much longer? / You think capitalism lasts forever? / *Res ipsa loquitur!* / Cloud on title / Unmerchantable title / Doubtful title . . . Wrongful possession / Unlawful possession! . . . *Worcester* [sic] v. *Georgia!* / *Ex parte Crow Dog!* / *Winters v. United States!* . . . *Res judicata!* / We are at war. (714-15)

Weasel Tail's poem — essentially a condensed oral argument — describes legal defects in the US government's claims to Indigenous land ("Cloud on title") and lists cases from the canon of federal Indian law. A hybrid work of literature and legal argument, the poem-in-a-novel is a useful starting point for an inquiry into how writers on the environment deal with legal questions like the legality of conquest, the status of property in land, and the relation of Indigenous peoples to the nation-state.

For novelists like Silko — whose *Almanac* describes the development of an Indigenous-led revolution in the US Southwest — law is more than a historical fact to be worked into the representation of land struggles. It is also a rival discourse whose material influence on environmental relations serves as both an object of critique and as a model for literary treatments of settler colonialism and its environmental order. (I use "settler" here to refer to settler colonialism, the system of European domination prevalent in the United States, Canada, Australia and elsewhere which seeks to displace Indigenous societies in favor of new Euroamerican (that is, American of European descent) polities;

this is distinct from a colonial system built on extracting value from Indigenous labor, as in much of Latin America; see Wolfe 1-2). This chapter examines the place of law in two United States novels about Euroamerican-Indigenous environmental conflict: Silko's *Almanac* and William T. Vollmann's *The Dying Grass* (2015).

The intersection of law and literature has been understudied in ecocriticism from the United States. Although some scholars have adapted a "law as literature" approach to analyze the ways in which environmental law relies upon narrative and literary tropes (see Burger and Purdy, *After Nature*), there is little work examining the place of law in environmental literary texts. On the other hand, students of Native American literature have long recognized the importance of federal Indian law to the Indigenous experience under US settler colonialism, chiefly with respect to land theft (see Katanski and Cheyfitz, "The (Post)Colonial Construction of Indian Country"). Picking up on this recognition, this chapter begins my inquiry into legal and literary responses to ecological crisis by studying how law serves as an object of critique and as a discursive foil in *Almanac* and *The Dying Grass*. Reversing the usual critical trend of treating law as literature, I read these novels as law: that is, I treat them as texts engaged in a normative project of ordering human-environmental relations.

This normative project seeks to undermine the settler colonial legal regime, as I will show by attending to both novels' repeated engagement with legal materials of the sort seen in Weasel Tail's poem. In dealing with the novels' treatment of this regime, I borrow the term "legal common sense" from legal philosopher Boaventura de Sousa Santos, who uses it to refer to the set of "arguments, counter-arguments and premises of argumentation" that dominate any given legal culture, as well as the relations between

speakers and audiences that are structured by this culture (470). The legal common sense that concerns me here is the prevailing set of beliefs, norms, and regulations that govern relations between humans and the land in the United States. This legal common sense informs not only the ways in which the nonhuman environment is imagined and managed by the state, but also the nature of settler-Indigenous relations. As a normative order imposed by Euroamerican colonists and government institutions, this legal common sense adheres to a progressive vision of continental conquest and civilization through property rights. As such, it is a subset of the “settler common sense” defined by Mark Rifkin as “the ways the legal and political structures that enable non-native access to Indigenous territories come to be lived as given, as simply the unmarked, generic conditions of possibility for occupancy, association, history, and personhood” (xvi). Whereas Rifkin focuses on how this settler common sense provides “the unacknowledged condition of possibility for textual representations” by white authors such as Thoreau and Hawthorne (16), my analysis compares the explicit acknowledgment of and engagement with legal common sense in the contemporary work of one nonnative and one Indigenous novelist. By highlighting the enduring literary importance of law and conquest for nonnative and Indigenous writers alike, I aim to contribute to what Angela Calcaterra calls the “new theorization of cross-cultural influence in American literary history,” which treats the European-Indigenous “encounter not as a political or historical backdrop to literary production but as a literary event in itself” (8). At the same time, Vollmann and Silko’s novels offer an intriguing difference in their literary response to legal common sense: Vollmann, a nonnative, offers an internal critique of the law’s ordering of

environmental relations, while Silko, an Indigenous (Laguna Pueblo) writer, proposes a story-born revolution that challenges the law's claim to exclusive dominion.

In *The Dying Grass*, Vollmann uses techniques of “eco-historicism” to launch a literary counter-case to legal common sense. Telling the story of the 1877 war between the Nez Perce and the United States, he employs ecomimesis — the evocation of the environment outside the text — and historiography to undermine claims of settler title to Indigenous land, even as these very eco-historicist methods demonstrate the limits of a literary critique of dominant law. In *Almanac*, Silko imagines a counter-order to the settler colonial legal common sense, narrating the early stages of a biocentric Indigenous revolution. This revolution is brought about in large part by the almanac of the novel's title, a collection of texts from pre-conquest Mexico that predict and enact a new age of human-environmental relations. The novel mirrors the world-shaping ambition of law: discourse itself produces material change. At the same time, *Almanac* builds a spatial, anti-teleological model of discursive power that exposes settler law's reliance on a universal myth of civilizational development.

Both law and literature are, to a large degree, imaginative discourses: they depend upon an array of affects and ideological assumptions that determine their formal structure and stylistic maneuvers. Diagnosing and describing the imaginative content of law and literature, especially from an ethical or political standpoint such as a commitment to improved environmental relations, allows us to study the disciplines' participation in, and possible resistance to, dominant modes of structuring society and nature. Vollmann's *The Dying Grass* offers one way of narrating the law's imprint on the environment: revisionist historical fiction that uses an array of voices, archival materials, and natural

settings to undermine the legal fantasy of justified property in land. Silko's *Almanac* offers another way, presenting a counter-narrative that imagines the replacement of the settler colonial order with a new regime born from words. Despite their distinct approaches, each novel engages in a similar imaginative dialogue with the law, using gaps in the law's common-sense ordering of environmental relations to offer normative claims about how to live on the land. Reading the novels together is, I propose, an exercise in what Joshua Bellin terms "intercultural literary criticism" (5), which rejects the notion of easily distinguishable settler and Indigenous literary traditions and instead treats texts by nonnative and Indigenous authors as mutually influenced by the history of cross-cultural contact. A similar mingling of traditions — law and literature — is evident in Vollmann and Silko's novels as they build visions of improved environmental politics on the basis of radically revised environmental histories.

Settler legal common sense and eco-historicism in The Dying Grass

The Dying Grass is the fifth volume of Vollmann's *Seven Dreams*, a series of novels that examines discrete moments of the Euroamerican-Indigenous conflict in North America. The series, subtitled "A Book of North American Landscapes," is a stylistic hybrid, narrating historical events with a mixture of free indirect discourse, direct quotation of historical sources, and authorial metacommentary; each novel includes an apparatus of glossaries, timelines, and lengthy endnotes. The series begins with the abortive Viking settlements in eastern North America and is projected to end with the conflict over uranium mining on Navajo land (Vollmann, *Expelled from Eden* 448). The "Dream" of the title has two relevant senses. First, it describes the centuries-long project

of European subjugation of North America's people and environment, which for Vollmann is a combination of ideological and religious fervor, material greed, technological fetishism, and cultural misunderstanding. In *The Dying Grass*, Euroamerican settlers "dream to death the golden-grassed camas prairies out West, so that we can pacify them, permanently" (6): that is, they impose a social and natural order that is at once the fantasy of a paradise on empty land and the reality of a violent assault on the native inhabitants and the biosphere (camas, a member of the asparagus family, was an important food source for the Nez Perce (Sharfstein 83)). Vollmann's novels render this Dream of justified conquest in a critical, even elegiac tone, always limned with irony. As the narrator says in the preface to the First Dream, *The Ice-Shirt*, looking forward to his subsequent tales: "Each Age was worse than the one before, because we thought we must amend whatever we found, nothing what *was* being reflected in the ice-mirrors of our ideas. Yet we were scarcely blameworthy, any more than the bacilli which attack and overcoming a living body; for if history has a purpose, then our undermining of trees and tribes must have been good for something. – Be it so" (i). History is psychologized and naturalized in this vexed description of the colonists' advance. Things get worse because settlers are never satisfied, constantly remaking the world to match their ideals. But — and Vollmann's qualification has echoes in the jurisprudence I read below — the genocides and ecocides must be justified, because history has sanctioned the colonial Dream by allowing it to remake the world. Both pejorative and exculpatory, the equation of settlers to "bacilli" registers an uneasy accommodation to the horrors of conquest. In this chapter, I'm particularly interested in the legal character of this settler Dream. By the time of the Nez Perce War depicted in *The Dying Grass*, the settler

worldview upheld a legal common sense that saw land as something to be divided and privatized and Indigenous peoples as the vestige of a pre-juridical state of nature — even as this common sense entertained contrary claims and acknowledgments of historical injustice. Thus law serves both as a code or discourse that individual actors use to narrate their historical experiences and as a framework through which we can understand the imaginative and material project of conquest.

The second relevant sense of the “Dream” is Vollmann’s imaginative retelling of this history, which is pointedly in contradiction to the self-image of the conquerors and settlers. As I will argue below, Vollmann returns to the archival and environmental “raw sources” of European-Indigenous conflict (*The Dying Grass* 1272) in order to accomplish three things: to place Indigenous voices and perspectives at the center of the conquest story; to critique the dominant narrative of justified civilizational progress and expansion; and to offer an alternative vision of how humans might interact with each other and their environment.

Vollmann’s novel explores the background, progression, and aftermath of the Nez Perce War, focusing primarily on the Wallowa Valley-based members of the tribe and members of the United States Army who were dispatched to move them to a reservation in present-day Washington state. As with other wars of aggression on the United States frontier, the origins of the conflict lay in illegal white settlement in areas that had recently been recognized by the United States as protected Indigenous territory. The army stepped in to clear land that it viewed as part of an inevitably expanding settler republic.¹

¹ The Nez Perce had signed a treaty with the United States in 1855 that reserved a large area to the tribe, in keeping with the power of the federal government under *Worcester v. Georgia* (1832) to negotiate with peoples it viewed as its wards. After the discovery of gold in the area in 1860, the government failed to prevent a massive invasion of white prospectors, and coerced part of the

The Dying Grass has several protagonists and dozens of minor characters, including the Nez Perce leaders Chief Joseph and Looking Glass and their wives, General Howard of the US Army, and various soldiers and settlers. Notably, the novel is narrated by the Vollmann-like “William the Blind,” who describes his research in historical archives and his experiences at sites of historical significance. Mixing interior monologue and natural description with long stretches of battlefield narration and poetic rumination, the novel depicts the flight of the Nez Perce across present-day Idaho, Wyoming, and Montana, where they finally surrender near the Canadian border. In its method and themes, the novel exposes the limits of the normative order imposed by Euroamerican settlers in North America. In contrast to a Lockean property regime that delegates nonhuman nature to the category of economic resource, Vollmann creates an ecocentric, polyvocal text that enacts reconciliations between land and the humans that dwell on it, as well as between discursive institutions (law and narrative) and their natural settings.

Vollmann’s chief synecdoche for the triumph of settler legal ideology — a triumph which his novel laments and seeks to imaginatively repudiate through a revisionist account of the war— is James Kent’s *Commentaries on American Law*, a

tribe into giving up most of their land in an 1863 treaty. Chief Joseph and his followers, who are chased by General Howard in *The Dying Grass*, were part of the “non-treaty” Nez Perce who argued that this second treaty was illegal. In 1941, the U.S. Court of Claims ruled against lawsuits brought by both groups and found that the federal government had done nothing wrong in violating its original obligations under the 1855 treaty and in imposing the terms of the 1863 treaty on the non-treaty Nez Perce (Sullivan 657-9). Daniel J. Sharfstein’s *Thunder in the Mountains: Chief Joseph, Oliver Otis Howard, and the Nez Perce War* (2017) provides a detailed account of the war’s background. Sharfstein provides the following account of how Chief Joseph’s father reacted to land negotiations with the U.S. government: “When Tuekakas first considered the 1855 treaty, he disputed whether humans could own any part of the earth. But when he learned of the new treaty, he behaved in a way that whites would have recognized. He claimed his land. He marked the boundaries of his band’s territory . . .” (91).

summary of United States legal doctrine that was first published in 1826. Lieutenant Charles Erskine Wood, who begins the novel as a naïve adherent of his army's cause before growing into a radical anti-imperialist attorney, carries a copy of the *Commentaries* into battle, and Vollmann's narrator follows this copy as it travels from the fields of war to the archives of the Oregon Historical Society, where it serves as an important source for *The Dying Grass*. Wood's political evolution, then, is mirrored by the movement of this legal-ideological touchstone from the front lines to the library and into Vollmann's novel. This movement represents both the ascendance of the United States property regime in the American West and its possible repudiation through the archival and imaginative activity of lawyers like Wood and writers like Vollmann's author-narrator.

In order to get a sense of this settler colonial regime, I quote from Lecture LI of Kent's *Commentaries* (1866-1867, 3:485-86), titled "Of the Foundation of Title to Land":

The European nations which respectively established colonies in America, assumed the ultimate dominion to be in themselves, and claimed the exclusive right to grant a title to the soil, subject only to the Indian right of occupancy . . . The United States[']s] . . . exclusive right to extinguish the Indian title by purchase or conquest, and to grant the soil, and exercise such a degree of sovereignty as circumstances required, has never been judicially questioned . . . [Indigenous] title has been obliged to yield to the combined influence which military, intellectual, and moral power gave to the claim of the European emigrants.

Here and in the passages that follow, Kent offers two main reasons for the legality of the Euroamerican conquest: the *historical* fact of European military strength, before which Indian title to land "has been obliged to yield" (the law ratifies the results of conquest); and the *natural* facts of European superiority in culture, religion, and land use (the law recognizes the higher social interest). This creates a just-so story of the development of environmental and social relations: there is a right way to live off the

land (agricultural development), and this way of life produces superior societies; these superior societies subjugate lesser peoples. History and nature thus prove the justice of United States claims to Indigenous territory. This environmental ideology was crucial to the self-definition of the rising US settler state: as Susan Scheckel writes, “The debates over property, which were at the heart of the [Indian] problem, were simultaneously debates over what is proper to, and thus constitutive of, the nation” (9).

The Dying Grass depicts the military success of the United States’ dispossession of Indigenous territory while debunking its justifications. This debunking often occurs through an engagement with legal concepts and practices, as characters use the law to narrate their experiences and environmental attitudes. For example, in a phrase that will repeat as a motif throughout the novel, Chief Joseph of the Nez Perce asks in the opening pages: “*What is your law?*” Vollmann’s narrator, William the Blind, speaking in his collective settler voice, responds: “We replied that he’d figure it out! We’d already dragged a previous treaty out of them Generally speaking, the first treaty with any nation of Indians goes down pretty easy, before we bind them to their promises and get out of ours” (15). Later, at an abortive peace conference, Smohallie — a major prophet of the Dreamers movement, which advocated obedience to a living earth and rejection of agriculture, mining, and white culture — denies the territorial jurisdiction of the United States, declaring instead his allegiance to the Earth (83). During the Army’s pursuit of the Nez Perce, an army officer named Mason reflects on proper relations with the natives, and recalls one of General Howard’s phrases: “*Only one law can live at a time*, which pronouncement had struck Mason . . . as so true as to stand like certain Bible verses *beyond truth*” (540). Finally, when the Nez Perce are on the run in Lakota territory, the

narrator explains that “following the Law of the EARTH, they wreck[ed] a mowing machine” (866).

The quotes above demonstrate the sharp contrast drawn in the novel between the settler army’s use of the law and the legal attitudes of the Nez Perce. On the one hand, the settlers espouse a universalizing discourse that seeks to subjugate Indigenous people and the land; on the other, the Nez Perce declare obedience to a set of directives derived from the Earth itself. This contrast brings to the fore a crucial aspect of the legal common sense of the nineteenth-century United States. The self-conception of Euroamerican settlers vis-à-vis the environment and Indigenous peoples rests on an uneasy compromise between natural law and myth, on the one hand, and positive law and history, on the other. Property in land is taken to be a God-given right and a phenomenon that precedes the social order; law finds its mythical origin in the conversion that separates agricultural society from nature and communal living. At the same time, property in land is an enforceable title held first by the federal government, which inherited it from European nations as a result of an admittedly questionable, but non-reviewable, seizure of Indigenous territory. In this view, conversion requires active measures beyond the labor of individual landholders, and the state can justifiably lead wars and oversee forced migrations to ensure the growth of the property grid. Brenna Bhandar notes the contrast between “the myth of modernity instantiated in the wide-scale imposition of the English common law of property” and “the actual use and manipulation of a wide range of rationales for the assertion of both colonial sovereignty and individual private ownership” (26). Law makes real a fable about humanity’s relation to land by enforcing it; it also legitimates conquest by folding it into this fable, which now becomes history. The legal

imagination thus acts as a lever by which to convert history into idea and vice versa — and this conversion mirrors the law’s conversion of nature to property.

William the Blind’s sympathetic portrayal of the Nez Perce’s territorial claims and the ironization of legal common sense — “we bind them to their promises and get out of ours” (15) — show where the novel’s sympathies lie. But rather than simply vindicating an Indigenous critique of settler law, Vollmann engages in an immanent critique of that law’s environmental ideology. That is to say, he both frontally confronts the law’s developmentalist vision through his depiction of the injustices of the Nez Perce War and, in his manner of narrating them, proposes an alternative way of telling the story of the North American landscape: the orchestration of various voices, sources, and places to imbue nature with the real history of dispossession and possible redemption.

Vollmann’s novelistic method is an example of “eco-historicism,” a term I borrow from Gillen D’Arcy Wood (2008). Most prominently, *The Dying Grass* uses first-person environmental placement to tether its proliferation of narrative voices and to give a reality effect to what might otherwise veer into historical pastiche. As Vollmann describes in the prefatory note to the sources listed in the back of the novel, he uses the evocation of specific places to depict historical events and to portray those places’ effect on historical personages:

As in other Dreams, I have generally privileged the weather and light conditions I met with at historical sites over the ones described in primary sources. Since this series has much to do with the effects of specific landscapes on our consciousness (hence the series subtitle), when I visit, say, the Camas Meadows battleground, I can best bring the place to life by describing what I see and feel. The Nez Perce attack took place on a moonless night; I happened to encounter a spectacular moon, and recoded matters thus. (1272)

A psychological claim grounds an aesthetic program: environments influence consciousness, so describing natural surroundings is important to understanding character (in this case, real historical personalities). Actually, there is a middle term: describing natural surroundings and their effect on the *narrator's* consciousness is the best way of accessing the experience of historical personages, even if this requires a “recoding” in light of change circumstances.²

We see this method at work in the very beginning of *The Dying Grass*, where — after a brief preface in which William the Blind describes the compromise presidential election of 1876 that ended Reconstruction, thus linking western conquest to white supremacist policies in the South — the narrative opens like this:

AND THE WATER AND THE GRASS

and the water
and the grass
and the white ripples on grey water, and white clouds among grey clouds
and the wrinkled silver skin of the water
and life-bright lichens on black branches

and on the still, bright river, a man and woman slowly poling their
log canoe

and the spiderweb (golden-green seed-wings already growing above the darker
leaves of maples this early in August)

and the smell of evergreens
and the living grass,
then the dying grass, brighter than an Indian basket

NESPELEM

² Vollmann has expanded upon this method in an interview: “[W]e want the landscape to speak. So the first couple of years that I was writing *Dying Grass* I tried to know as little as possible about what actually happened in this or that place. I just knew that, okay, this place is significant, there was a battle here or something like that, so let me go there, try to see that landscape without bringing in the pathetic fallacy . . . To the extent that I can take this stuff in, I’m getting that much closer to [the character]. So let’s give these things the primary power that they deserve, and in some ways they’re going to be the most living aspect of [the character]’s consciousness in this time.” (Vollmann, “Could You Do Any Better Than We Did?” 219-20).

2009

and at the foot of Chief Joseph's grave, in the crotch of another tree, a wilting feather, rags, and a twisted stick dangling

**PLENTY OF INDIANS ALL OVER THE COUNTRY
1876-2009**

. . . and then a pencilled manuscript on crumbling sheets in a beige folder, Blurick 1876, from between two of whose pages a yellow photograph sidled out like flat bellied cockroach. (13-14)

Evocative natural description, heavy on repeated words and details, lulls us into a feeling of environmental placement, though we're not yet sure where we are. We then get a place name (Nespelem, a town in western Washington) and a date that clearly refers to the author/narrator's own movement through the landscape, giving us concrete details around which to imagine the subsequent action. Finally, in the third section, "Plenty of Indians All Over the Country," the perspective pulls back — the reader is asked to imagine a range of over one hundred years — and the scene shifts to a historical archive. So even as we are meant to feel a connection to the novel's natural setting, this connection is complicated by abrupt shifts in time and the introduction of source material that emphasizes the interpretive frame around the landscape. The text places us in an environment while adopting perspectives that no simple act of environmental witnessing could contain.

What of the effect of this expanded environment on consciousness? Consider a passage from the beginning of the novel, as the United States Army under General Howard departs from the town of The Dalles to meet the Nez Perce, some of whom, including the chief Toohhoolhoolzote, are camped on high ground nearby. As occurs often throughout the novel, a shared landscape serves as the axis around which the

impressions and thoughts of several characters revolve at once, only somewhat differentiated by rhythm or indentation. The passage begins in the boarding house where the general is lodged before shifting the scene to the Nez Perce camp:

. . . the clerk knocks shockingly at each door, announcing: *Four-o'-clock!* So that no one will miss the train to Celilo,
which unseeingly passes Toohhoolhoolzote and seven other Dreamers watching from the rocks there where the river is bifurcated by the reflection of Cape Horn as the shining tracks run on along the base of that basalt cliff and curve round into the yellow morning sky, running on to Celilo:
the birds fall silent; then comes the train, roaring, smoking and hooting, making itself gone
 (it is warped, says Toohhoolhoolzote),
gone to Celilo
where the steamer waits to convey Fletch and the general upriver, because I pledge allegiance to the flag
 and to this green-gold and brown-cliffed land,
 all things soft and low,
 and my Lizzie
 mirror-river, rock columns in frozen explosions, bursting out of grass-slopes,
 bursting out of clouds
of the United States of America
 such dappling, such slopes of green and gold
(America),
 the hills like soft prisms because they show so many cañons, so many facets
of America. The land has always belonged to us. (77)

The sections of natural description here are not clearly marked as belonging to the perspective of any character or even of William the Blind: anyone, or all of them, could be regarding the landscape. In one sense, then, the landscape serves a constant against which the variables of the characters' environmental worldviews react: Toohhoolhoolzote perceives the train as a "warped" intrusion, while the general folds his appreciation of the "green-gold and brown-cliffed land" into a memory of his wife. At the same time, the difference in psychological responses to the landscape marks how the natural setting is relative to the commitments and backgrounds of the perceivers. The hills and slopes

around The Dalles are the land to which a United States soldier pledges allegiance; they are also the ancient homeland of the Nez Perce (the final statement in the quote above, “The land has always belonged to us,” is repeated throughout the novel by various Nez Perce characters). These distinctions in perception and voice go mostly unmarked by punctuation or paragraph breaks, creating the impression of a world in which nature’s meaning is constantly in flux.

At times, William the Blind narrates his own efforts to understand his characters through landscape, making explicit the cultural and historical relativism of environmental perception. Much later in the novel, as the U.S. Army enters the “Buffalo Country” (roughly present-day Montana), the narrator describes the surroundings as they appear in the present. He notes the horizon’s resemblance to an old photograph. This impression then causes his perspective to shift to General Howard’s interior ruminations more than a century before, and the paragraph ends with Howard taking over the personal pronoun:

Now they found sign over thataway after all
where a hundred and thirty years later I, William the Blind, will ride south on the desert prairie where it gets olive green with round bales; I will look east past the haybales and black cows to a smoky horizon like a washed out, poorly filed nineteenth-century photograph as I try to imagine how it would have been: General Howard doing his best endeavor even though the mailbag keeps chasing him, demanding precisely what he cannot furnish just now; for a good portion of his communications, as so often in July and August, originates from the Board of Commissioners for Foreign Missions—a worthy enough organization, but they ought to wait until I whip Joseph . . . (649).

William the Blind here highlights the imaginative effort necessary to make natural setting a basis for historical understanding, even as the shift back to Howard’s first-person voice suggests that direct access to historical consciousnesses is possible. Later, we find another narrative intrusion as the Nez Perce flee “Cut Arm,” their name for General Howard:

thinking of home or Cut Arm, we gaze back northwest at the snowy mountains
 (the Big Hole Valley so rich and wide and green and wet when I, William
 the Blind, came thirteen decades later to view its brown pools, green alfalfa
 and green grass
 —a beautiful red barn, a wagon wheel,
 crisscross fences and black clouds of cows on the green sea—
 under cultivation this place reminded me of Wallowa Valley) . . .
 White Bird now halting us, removing his Winchester from the case his mother
 once
 beaded for him as he rides off the trail . . . (666)

The Nez Perce, initially occupying the first person, are “thinking of home,” and William the Blind, taking over the perspective, succeeds in thinking of their home, too, as the Big Hole Valley reminds him of the Wallowa Valley hundreds of miles to the west. But the irony here is that only the distinctively modern features of the landscape prompt this identification. In 1877, when the Nez Perce were fleeing General Howard, the land was not “under cultivation” with barns, fences, and cows; the narrator shares in the Nez Perce’s environmental perceptions but from a changed historical landscape. Natural setting is thus a unifying diegetic element — the white settlers, the Nez Perce, and William the Blind all visit and perceive the same places — but it is also relative: perception and psychological response are contingent upon cultural and historical position. The novel seems thus to move in two directions at once. It makes the case for landscape as a medium of historical access to the reality of the Nez Perce War, even as its complicated depiction of how characters perceive and experience nature signals the constant “recoding” necessary to render historical environments.

In one respect, Vollmann’s extensive use of natural placement (his own and his characters’) is a strategy of “ecomimesis,” a term Timothy Morton uses to describe the literary evocation of environmental immediacy. In Morton’s account, ecomimesis serves as an “authenticating device” to produce a sense of reality beyond the aesthetic (33). For

Morton, ecomimesis risks becoming an “ideological fantasy” that falsely promises to break down the boundary between text and world (67). It reaches its limit in the fact that this boundary is real but unstable: no degree of environmental rendering can pinpoint, let alone eliminate, the line between culture and nature, or between reader and the environment (77-78). Awareness of this limit might lead to an “epistemological malaise” about the irreducible social construction of nature, especially in a postcolonial context where projecting an empty wilderness onto new world landscapes has obvious negative political connotations (Buell 75).

But what if this limit is taken up in such a way that the boundary problem — the distinction between social construction and irreducible natural reality — itself becomes a literary theme? In *The Environmental Imagination* (1996), Lawrence Buell argues — *contra* the fear of theorists of postmodernism such as Jean Baudrillard and Fredric Jameson that representation or simulacra would obliterate external reality — that the limits of mimesis actually help to establish the object of representation. For Buell, “the comparative impotence” of efforts to render nature in writing leads us to recognize “the authority of external nonhuman reality as a criterion of accuracy and value” (113). Katie Rigby makes a similar point in her critique of Martin Heidegger’s late work: “Only by insisting on the limits of the text, its inevitable falling-short as a mode of response no less than as an attempted mediation, can we affirm that there is, in the end, no substitute for our own embodied involvement with the more-than-human natural world” (440).

Contrast this insistence on mimetic limits with the universalizing discourse of settler legal common sense. The legal commentator James Kent looks at the North American environment and sees “the interminable forests, deserts, and hunting-grounds

of an uncivilized, erratic, and savage race of men . . . evidently fitted and intended by Providence to be subdued and cultivated, and to become the residence of civilized nations” (493). For this legal common sense, the historical meaning of the environment is predetermined; one needs neither to authenticate this meaning through evocation of the author’s (and historical actors’) surroundings nor recognize the “comparative impotence” of such an evocation. But Vollmann’s eco-historical method disturbs this picture: he uses the “authenticating device” of landscape as a way to bring the Nez Perce War back to life, making his readers experience the war’s real conditions so that they might draw conclusions about its justifications and outcomes. At the same time, his complicated depiction of how nature is perceived and experienced differently by his characters reveals the historical instability of the concept of nature, which is especially relevant given the role that competing environmental worldviews played in the conflict. Finally, Vollmann foregrounds his narrator’s “recoding” of landscape in order to introduce this epistemological instability into the production and reception of literature itself.

These traits account for the “eco” side of Vollmann’s eco-historicist method. A similar negotiation between mimesis and interpretation is evident in his treatment of historical material. *The Dying Grass* engages in many of the practices associated with the genre of “historiographic metafiction”: an emphasis on the textuality of history, a concern with interpretation and situated knowledge, and the foregrounding of source material. In Linda Hutcheon’s account, such postmodern fiction “offers a sense of the presence of the past, but a past that can be known only from its texts, its traces — be they literary or historical” (125). This characterization fits *The Dying Grass* in the sense that the novel’s self-reference (133 pages of chronologies, glossaries, and notes to support the main text)

and self-questioning (William the Blind's constant anxiety over his ability to depict historical events or characters as they really were) show its account of the Nez Perce War to be a precariously constructed narrative. On the other hand, and in keeping with my observations on the book's treatment of nature, *The Dying Grass's* historical imagination exceeds the narrowly cultural or discursive concerns of the type of postmodernism that Hutcheon describes (119). History is not *only* textual: if visiting a landscape can give us some insight into historical truth, then history also lives in the environment. And Vollmann does not stop at the contradiction between historical knowledge and literary representation (what Hutcheon calls respectively "verification" and "veracity" (106, 112)). Even if grand narratives have been undermined by other stories — and certainly one aim of the novel is to counter the heroic tale of Western civilization conquering an Indigenous wilderness — this does not mean that *all* narratives are equal to one another, nor that postmodern historical fiction's critical project ends with showing the limits of mimesis. Quite the opposite: Vollmann's metacommentary is interested in doing justice to this history, particularly to the Nez Perce characters that it imagines and the Indigenous cultures that it scrupulously recreates.

There is a definite ethical force to this historical revisionism. In one of the few studies devoted to the *Seven Dreams*, Buell Wisner argues that the series "is perhaps most remarkable for its efforts to advance to the historical novel beyond this postmodernist phase . . . In all of its volumes, Vollmann seeks new literary techniques for recuperating a historicist imagination" (101). While noting that the series (specifically its third volume, *Argall*) shares many of the characteristics of postmodern historical fiction such as parody and an aestheticized rendering of "pastness" — effects which downplay

historical difference from the present — Wisner insists that Vollmann’s commitment to accuracy and authentication produces an “estrangement” that reinforces the stubborn reality of historical fact (109). In other words, the reproduction of historical speaking patterns and modes of thought highlights the distance between then and now. This estrangement discourages the reader’s identification with European invaders: both Indigenous and settler characters are rendered strange by the specificity of their historical and cultural difference, producing a “critical distance” from the justificatory account of conquest that we have inherited (111). Drawing an analogy to Brecht’s *Verfremdungseffekt*, Wisner argues that this displacement allows Vollmann to denaturalize the story of North American colonization and to make an ethical case against its consequences (111-112). I make a somewhat similar case, though with an emphasis on how Vollmann represents the influence of the environment on historical actors and vice versa. By dramatizing the competition of environmental worldviews through the role that landscapes play in specific encounters, battles, and migrations, Vollmann both relativizes these worldviews and recognizes their power to shape human and natural history. His own forthrightness about his changes to the historical record magnifies this effect.

To understand the critical force of Vollmann’s eco-historicist method, it is worth returning to the legal common sense of the invading US Army and the historical imagination upon which it rests. In the passage from Kent’s *Commentaries* that I quoted above, the settler claim to Indigenous lands is justified on the basis of history (the fact of conquest) and natural right (agriculturalists trump hunter-gatherers). The most obvious philosophical antecedent of this philosophy is the work of John Locke, who in Chapter 5 of his *Second Treatise of Government* describes the process by which the earth and its

products, originally held in common by all humanity, are converted into private property: “Though the earth, and all inferior creatures, be common to all men, yet every man has a property in his own person . . . Whatsoever then he removes out of the state that nature hath provided, and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property” (111-12). The admixture of human labor to nature produces something new: property in land. Locke’s ontology — in which elements of the environment can be removed and converted into subordinate aspects of individual humans (in whose bodies originary property resides) — makes nonhuman nature dependent for its actualization upon forms of human social existence. As noted by Vine Deloria, Jr. and David Wilkins, nature is significant in Locke mainly as part of the movement toward the social contract, which originates in a departure from the state of nature (34).³ Nature, as commons, lies in wait for an advanced society to appropriate it and make it useful; once thus actualized, it exists in discrete, exclusive units. This process is historical. Locke writes in this chapter that “in the beginning all the world was America” (121) and, as commentators like Barbara Arneil and David Armitage have noted, Locke’s philosophical analysis of property was equally a justification of the European subjugation of North America. The conquest prepared the way for nature’s actualization as an object in the social order, making real a spatial imagination that viewed land as property-in-waiting. As legal geographer Nicholas Blomley argues (against theorists such as Carol Rose who view property primarily as a regime of persuasive communication), violence has always accompanied the Western legal imagination’s distinction between the social order of property and the pre-historical state

³ Strictly speaking, government can exist in Locke’s state of nature, but the social contract is required to endow government with full and legitimate political power (see, e.g., 106).

of nature; in the colonial assault upon the latter, “[s]pace, property, and violence were performed simultaneously” (129).

Of course, this violent seizure of territory seems to contradict Locke’s identification of individual labor as the mechanism by which nature is converted. How could European nations or the United States hold property rights in land which they had not yet developed?⁴ The question vexed John Marshall, the fourth Chief Justice of the Supreme Court. His “Marshall Trilogy” (*Johnson v. M’Intosh*, 21 U.S. 543 (1823)), *Cherokee Nation v. Georgia*, 30 U.S. 1 (1831), and *Worcester v. Georgia*, 31 U.S. 515 (1832)) established the framework for legal relations between the United States and Indigenous nations (*Worcester* is cited in Weasel Tail’s poem in *Almanac*, quoted above). In *Johnson*, Marshall admitted that the “doctrine of discovery” by which European nations asserted their property rights was legally problematic, because discovery was not the same as conversion by labor.⁵ Nonetheless, the claim had been ratified by history: “However extravagant the pretension of converting the discovery of an inhabited country into conquest may appear; if the principle has been asserted in the first instance, and afterwards sustained; if a country has been acquired and held under it; if the property of the great mass of the community originates in it, it becomes the law of the land, and

⁴ It’s worth noting, as James Farr does (502-3), that Locke’s idea of the rights of conquest clashes with the claims of European powers and with Locke’s own colonial efforts in the Carolinas: the *Second Treatise* maintains that even a just conqueror (one responding to aggression) has no right to the property of the conquered (181).

⁵ Rousseau also noted this problem in *The Social Contract*, where he questioned the legitimacy of Spain’s claimed title to the South America (168). His solution was to make legitimate title depend upon the absence of previous inhabitants; thus the conquest of the Americas bestowed no legal title. Rousseau also described a paradox in the origins of property that is similar to the one I outline here: when individuals establish the social contract, they hand over their “rights of first occupancy” to the state. But by this canceling out of natural right, the state guarantees each individual’s exclusive title in land, converting “usurpation into true right, enjoyment into ownership” (*id.*).

cannot be questioned” (591). As Maureen Konkle observes, *Johnson’s* enshrinement of the doctrine of discovery — which remains the legal basis for the federal government’s assertion of title over Indigenous lands (Wilkins and Lomawaima 19-20) — capped a long process in which Locke’s “grand narrative of savagery and civilization” won influence over the earlier colonial legal assumption that Indigenous peoples held full property rights that could only be taken away by fair sale or treaty (306). Marshall’s influential opinion was itself informed more by myth than by historical fact: written in eight days, it ignored the well-known tradition of treating with Indigenous peoples as sovereigns and relied upon Marshall’s own historically inaccurate biography of George Washington for its key evidence of Euroamerican-Indigenous relations (Robertson 101-102).

We can read these arguments as debates over what the normative legal order of the nineteenth-century United States included and excluded, and how it regulated what came within its compass. Locke, at least in the *Second Treatise*, conceived of the existence of property as prior to sovereignty, or pre-jurisdictional: government could only ratify a conversion of nature that had already taken place. Lacking property in land, America and its Indigenous population were outside the legitimate political order established by the social contract. It is debateable whether Marshall had a similar vision. It is certainly true that his Trilogy takes conquest for granted: the doctrine of discovery, once it has formed the basis for the U.S. legal order, “cannot be questioned,” and denial of title to Native Americans “certainly cannot be rejected by Courts of Justice” (*Johnson* 591, 592); “If it be true that the Cherokee nation have rights, this is not the tribunal in which those rights are to be asserted. If it be true that wrongs have been inflicted, and that

still greater are to be apprehended, this is not the tribunal which can redress the past or prevent the future” (*Cherokee Nation* 20). Despite the difficult question of the conquest’s legality, then, Marshall follows Locke by characterizing the creation of property as prior to — and even the condition of — the establishment of the legal order. Private property and the measures needed to establish it are pre- or extra-jurisdictional. In his study of Indigenous dispossession, Robert Nichols writes that “[t]he distinction between legality and illegality that operates in the land acquisition process of a settler state is particularly fraught and unstable. It requires positing the state as the legitimate source of law, while acknowledging, even fostering, the extralegal mechanisms that make this possible The state’s claim to a monopoly over legitimate violence exhibits a performative quality: the assertion is an act that works to make reality conform to the aspiration” (38). On the other hand, as Joseph Singer, Jedediah Purdy, and Sylvia Wynter suggest, the law can’t help but deal with the persistence of Indigenous commons⁶; the magic moment of property conversion isn’t only in the past. So, to deal with the fact that a private property regime has *not* been universally adopted on its land prior to the establishment of its jurisdiction, U.S. law develops a “racial caste system” that treats questions of property and political power differently for native parties (Singer 44), or it relies on a “hierarchy of civilizational stages” to promote the establishment of a private property relations across the continent (Purdy, “Property and Empire” 370). Thus property relations —

⁶ Nichols points out that the concept of the “commons” is often applied ahistorically to Indigenous societies: the collective-vs.-private binary is an inheritance of the European philosophical tradition and, in the case of Locke, the commons “was ‘common’ only in a negative sense: it was not owned by anyone in particular and thus open to appropriation by each and all” (157). While mindful of Nichols’ suggestion that scholars look outside this tradition for concepts of land relations, I find it useful to consider how the binary logic fails on its own terms.

including violent racial subjugation — are central to the legal common sense of both environmental and Indigenous-settler relations.

Property law is, of course, more complicated than the reduction of all nature to plots of land and the restriction of all social relations to exclusive individual rights. In U.S. legal discourse, property is commonly referred to as a “bundle of rights,” referring to ownership interests across time and between people (Penner). Likewise, as legal historian Morton Horwitz shows, industrialization changed the U.S. legal common sense around property rights in the nineteenth century “from a static agrarian conception entitling an owner to undisturbed enjoyment, to a dynamic, instrumental, and more abstract view of property that emphasized the newly paramount virtues of productive use and development” (31). Horwitz does note, though, that by the Civil War this latter emphasis on productivity had returned to an older vision in which “[d]ominion over land began to be regarded [again] as an absolute right to engage in any conduct on one’s property regardless of its economic value” (102). But I am not making a claim here about the law’s operation or even its specific history; I am making a claim about law’s self-image and justifications, which, especially in the historical era depicted in *The Dying Grass*, relied on an idea of property as absolute dominion.

This self-image, and especially its structuring of federal Indian law, largely persists today. In “Savage Law: The Plot Against American Indians in *Johnson and Graham’s Lessee v. M’Intosh* and *The Pioneers*,” Eric Cheyfitz pursues the development of U.S. Indian law to the Dawes Act of 1887, which allowed the president to divide Indigenous lands into individual smallholdings, ultimately converting nearly two-thirds of communal lands into slices of private property (113; see also Wilkinson, who explains

that this practice was only ended with the Indian Reorganization Act of 1934 (965, 977)). Cheyfitz points to how the discursive assimilation of Indigenous history and land use to a teleology of property relations “demanded that these cultures accept the terms of *property/individualism/representation* or die fighting for another set of terms. Native American resistance to the force of property — a resistance that persists into the present moment in continuing demands for tribal sovereignty based on a renewal of the treaty relationship — has had to maneuver within the confines of Anglo-American legal forms” (112). The result is that “Indians appear to disappear, either into the environment itself (they are assimilated into nature) or into the individualized figure of the property-holder” (116). The specifically legal form of this erasure — which uses the state to give material force to discursive assimilation — builds upon a broader commitment in Western metaphysics to essence and identity, of which property is the sign. In *Poetics of Imperialism*, Cheyfitz argues that, translated into the “physical realm,” property became the marker of visibility and legitimacy (49-50). When English colonists encountered Indigenous “ideas of place grounded in conceptions of communal or social labor” rather than “ideas of place grounded in the notion of *identity*,” they saw land that was waiting to be given an essence (57-8). Property rights provided that essence. America had to be imagined into existence by the conquerors, and this imagination required enforcement.

There are two connections I want to draw between the settler legal common sense as described in the Locke-Marshall-Kent tradition and the depictions of Indigenous dispossession in *The Dying Grass*. First, as I’ve been emphasizing, both produce normative visions of environmental relations based on an imaginative telling of history. Settler legal common sense assumes — despite well-known Indigenous agriculture

practices and the long history of European recognition of native property title (Banner) — that peoples like the Nez Perce had failed to “improve” their land, and that Euroamerican appropriation, even accompanied by armed invasion, is justified. This environmental vision rests on a universalizing, developmentalist theory of history in which the law ratifies the dominion of a superior race. In *The Dying Grass*, Vollmann imagines a different story in which the experience and use of the environment is culturally and historically variable. Emphasizing the “effects of specific landscapes on our consciousness” and willing to “recode” past events in light of his (or his narrator’s) environmental perceptions (1272), Vollmann both vaunts place-based knowledge and troubles its stability, constantly reminding the reader that his is simply one version of history (a “Dream”). The resulting philosophy of how to live on the land is, at the very least, a rebuke to legal common sense’s unitary conception, a rejection of the idea that “*only one law can live at a time*” (540).

The second connection involves Vollmann’s more explicit practice of legal critique, which is found most prominently in the way William the Blind uses the historical archive to narrate the story of Lieutenant Wood, the owner of Kent’s *Commentaries*. William the Blind assiduously catalogs the transformation of Lieutenant Wood from naïve adherent of settler ideology to a radical lawyer and free-thinker, although he notes that his account requires some imaginative interpretation: “Wood’s development from a would-be Indian killer into an antimilitaristic poet follows the facts, but just when he tilted against the Nez Perce War is unclear” (1272). This depiction of a settler legal subject’s ideological transformation stands in sharp contrast to Justice Marshall’s lazy and precedent-ignoring history in the *Johnson* opinion. Both in its

method — historically precise but explicit about where its imagination departs from the sources — and in its content — an intercultural encounter between an invading nonnative and the Indigenous peoples he has helped to subjugate — the narrative of Lieutenant Wood can be read as a counter-brief to settler law.

Wood's importance as a dissident settler conscience is seen in his role as documentarian of the Nez Perce War. Among other records of the campaign, he transcribes Chief Joseph's famous surrender speech from memory, making him an authorial stand-in as a nonnative historian. In two closing sections titled "Further History of Lieutenant Wood," William the Blind ironically follows Wood's life: "The truth is that having imbibed the Communistic poisons of Indian 'rights' and the eight-hour working day, he was falling morally ill . . . then Wood became an active member of the state bar, his hopes as voiceless as dead Indians" (1187). Wood himself is quoted: "In my youth, as an Army officer I chased and killed Indians driven to revolt by the oppressions of the vague thing called 'the Government.' Looking deeper, I saw that 'Government' was in fact a corrupt gang which defrauded the Indian and drove him to open revolt" (1187). Wood went on to defend the anarchist Emma Goldman and the reproductive rights activist Margaret Sanger, and linked his political radicalism to a vague sympathy with Indigenous views of nature. Note how in the following passage Vollmann's analogy verifies, or at least shares, Wood's desire for a reconciliation with the environment, mediated by native knowledge:

In much the same way that the rocks and forests which flank the Clearwater River soften the redness of its reflected sunsets, so the various boulders already encountered on Wood's descent through life dimmed down his bright American colorations—for mysticism had attained him; he had practically begun believing that if he were a poet or an Indian he might almost know what the river said . . . In

1941 he wrote to Molly O'Shea: *I have come to think of this Universe as cradled in the arms of the Great Mother.*" (1189)

Fifteen years after the war's end, Wood maintains a distant friendship with Chief Joseph, who is now imprisoned in a reservation near Wallowa. Wood twice sends his teenage son to the chief in order to learn how to "live as an Indian," in a sincere if hopeless effort to reverse the outcome of conquest and to find reconciliation with the environment via the mediation of native knowledge (1153, 1188). Repeating a prayer often uttered by Nez Perce characters throughout the novel, Wood seeks release in a dimly imagined Indigenous escape from modernity: "Sometimes when he was alone he whispered: *I am going to fly. I am flying; I am flying up . . .* But this he could not do" (1189).

Wood's reaction against settler ideology and his identification with Indigenous ideas mirror the text's sympathies. But the limits of his ability to imaginatively overcome this ideology are also representative of the limits encountered by Vollmann's eco-historicist critique of the law. Wood cannot "fly up" out of the history he has helped to create. In the final pages of the main section of *The Dying Grass*, this history, of which legal common sense is a crucial bulwark, also hampers William the Blind's imaginative ambitions. Here, the narrative gaze retreats from narrating action and inhabiting historical perspectives to a meditation on objects. Driving into the town of Joseph, Oregon (named by settlers for Chief Joseph), William the Blind uses the first person voice to present "horses, box houses, manure smells and fresh-cut fields less dense but more solid than sky" (1157). His focus then shifts to archival boxes, where materials are presented in random order: election campaign medals, citations of valor, a war bonnet, newspaper clippings from the war. Wood's possessions are described: a war diary, his stained copy of Kent, and a fragment of a poem he wrote: "*Here on Joseph's Peak I learned to*

worship the sun with my red brethren” (1158). Finally, William the Blind shows us two Nez Perce skulls, a scrapbook, and this final description of the world created by the conquest:

summer dusk glowing on the yellow brick of the post office in Walla
Walla
and it is raining in Joseph
 (my heart is very good)
and in the cool darkness
the flags are still out on Main Street. (1158)

I read this ultimate focus on objects and contemporary landscape not as an affirmation of material agency but as a retreat to matter that no longer has the hope of redemption. The project of reconciliation meets its limits: dead Nez Perce lie alongside cultural artifacts from the conquest era (including Wood’s copy of Kent, an emblem of the war’s legal justification), while U.S. flags close the depiction of the physical surroundings.

In keeping with Vollmann’s metafictional centering of his narrator’s mediation between story and source-material, we can locate the blockage between dream and reality in his narrator’s inability to access the places that have ostensibly served as a medium by which to “recode” historical experience. Revisiting the path of the Nez Perce exodus in a long closing section that shifts from the events of the war to a review of its legacy, William the Blind is met by a forest fire and sees an Indigenous dwelling bearing the flag of the conqueror lying before a landscape consumed by disaster, blocking the narrator’s view of the landscape : “a Stars-and-Stripes-adorned tipi before the blurred forest, the smell of smoke, black dead trees, some fallen on the golden grass, the hills ahead grey-green with smoke; then around a bend, everything greyer and blacker, a fisherman on a river-rock, the grey fringe of upsloping tree-horizon on the ridge near the fire, a tent city of firefighters at the **incident base**, eyes stinging from the smoke” (1203). It’s reasonable

to assume that this is no strictly natural disaster. In the Source-Notes, Vollmann explains that climate change has affected his literary approach: “Global warming prevented me from ever experiencing the early August night frosts which afflicted Gibbon’s soldiers on their approach to Big Hole; and when I arrived at Bear’s Paw on an early autumn day the place was quite hot. Since the Bear’s Paw episode is associated with cold, I had to make another trip there in late winter to describe the place as I wished to do” (1272). We find here a revision of his method of “recoding” the landscape to endow it with meaning: human-caused ecological change changes the landscape, making connection with the past more difficult.

Climate change, a direct product of the Euroamerican settler worldview and its reliance on private property as a means of interacting with the nonhuman environment, acts as a barrier to the mimetic aspirations of Vollmann’s eco-historicism. (Not coincidentally, Vollmann’s next book after *The Dying Grass* was the two-volume *Carbon Ideologies* (2018), which explores the origins of the climate crisis and the role of oil economies and cultures around the globe; the books share a jaundiced view of modern attitudes and behavior toward the environment.) His novel reveals the myth at the basis of settler colonial legal common sense: that property is the *telos* of human-land relations and that conquest merely verifies a natural progression. But this myth has so successfully shaped the land that even the means of disproving it — Vollmann’s eco-historicism — finds its access to natural and historical sources blocked. Thus Vollmann’s strategy of environmental emplacement encounters resistance in the form of the very normative environmental order that it attacks. The price of verisimilitude, which grounds his counter-mythic project, is to recognize the ongoing dominance of the common sense that

opposes it, as the “recoding” project ends at a series of unredeemed objects in a cloud of smoke.

I do not intend this pessimistic interpretation of *The Dying Grass*’s attempted reconciliations to be pejorative. Rather, I offer it as a symptomatic reading of the types of socio-natural imaginative projects possible in a given historical moment. These possibilities change over time and in relation to writers’ historical and cultural positions; ecocriticism can usefully analyze them in order to understand how culture responds to changes in the way that society organizes nature, and to diagnose culture’s capacity to intervene in that organization (here, I take both law and literature to be part of culture). A good example of such criticism can be found in Leo Marx’s *The Machine and the Garden*, where Marx analyzes Henry David Thoreau’s famous sandbank passage in the “Spring” chapter of *Walden*. In the passage, Thoreau elaborates often fantastical affinities between a thawing ridge of clay — cut from the hillside to make way for a railroad — and human physiognomy and language, discovering a deep order that folds human history into geologic history and makes social institutions as changeable as the living earth (352-7). Marx interprets this as Thoreau’s attempt to resolve the contradiction between industrialization and the pastoral imagination, to “redeem” the machine and to heal wounds upon the land (260-261). But for Marx this resolution is emphatically restricted to the individual consciousness and its powers of empirical observation: “It is a product of imaginative perception . . . it has nothing to do with the environment, with social institutions or material reality” (264). I find a similar limit of imaginative reconciliation in Vollmann’s encounter with black smoke and warm temperatures. But rather than vaunting the redemptive potential of individual attitudes, as does Thoreau,

The Dying Grass confronts and laments the impediment that the socio-natural status quo places before his literary project.

History and discursive effect in Almanac of the Dead

Whereas Vollmann's method of narrating Euroamerican-Indigenous environmental conflict questions the imaginative premises of settler legal common sense and encounters a limit in settler law's ongoing dominion, Silko's *The Almanac of the Dead* proposes an external critique of settler legal ideology that allows storytelling to usurp the exclusive power of the law to regulate environmental relations. Like *The Dying Grass*, *Almanac* is a sprawling, historically-obsessed novel whose study of environmental conflict routes repeatedly through meditations on the law's origins and injustices. But in Silko these meditations do not inspire an alternative style of place-based historical narration; instead, they result in an imagined revolutionary social-natural order built on the material power of Indigenous discourse. Reading the novels together as examples of "literature as law," one can see how literary responses to settler law deploy both detailed, archive-based counter-arguments — Vollmann's eco-historicist critique — and frontal challenges to this law's continued jurisdiction, as in Silko's elaboration of an alternative normative order.

Almanac takes place primarily around Tucson, Arizona, though it has major storylines in other areas of the US and in Chiapas, Mexico. Its key figures are Lecha and Zeta, twins of mixed Indigenous Yaqui heritage who have inherited the eponymous almanac and who, in their old age, are preparing for an imminent war against European culture in the Americas. Through the course of the novel, Lecha and Zeta maintain

varying levels of contact with other rebels, whose struggles are directed against an equally large cast of evildoers. A single third-person narrative voice is present through *Almanac*, lending consistency to what is otherwise a dispersed set of narratives with incidental moments of overlap and integration.

Each of the many narrative strands in *Almanac* deals with oppressive “Destroyers” — the rich, the racist, the powerful — and their antagonists, who are either Indigenous themselves or become allied with Indigenous revolutionaries as the uprising approaches. According to the narrator and many of the characters, the conflict between the two camps began with the arrival of Columbus and will end only with the expulsion of the Destroyers. A key to the “Five Hundred Year Map” that opens the novel reads: “The Indian Connection: Sixty million Native Americans died between 1500 and 1600. The defiance and resistance to things European continued unabated. The Indian Wars have never ended in the Americas. Native Americans acknowledge no borders; they seek nothing less than the return of all tribal lands” (n.p.). The justification of this resistance is the novel’s basic program.

Property law and federal Indian law figure prominently in *Almanac*. One of the very first scenes in the novel involves a delegation of Laguna Pueblo seeking to reclaim sacred stone figures from an anthropology museum. They tell the curators that “the white man’s own laws said [that] . . . not even an innocent buyer got title of ownership to stolen property”; they are told to “contact the Indian Bureau or hire a lawyer” (33). The scene signals the major legal themes in *Almanac*: the use of property law to expropriate Native American culture and land, and the failure of Euroamericans to live by their own legal principles. Lecha and Zeta’s grandmother has “crazed legal theories,” including this

argument, which can be taken as the novel's thesis statement on the law: "There was not, and there never had been, a legal government by Europeans anywhere in the Americas. Not by any definition, not even by the Europeans' definitions and laws. Because no legal government could be established on stolen land. Because stolen land never had clear title All the laws of the illicit governments had to be blasted away" (133). Later, Calabazas, a Mexican-Yaqui character, explains how the Spanish-speaking residents around Tucson relied on the Treaty of Guadalupe Hidalgo to protect their rights when the United States took over, only to find that the "*americanos*" "went around looking at all the best land and where the good water was. Then they filed quiet title suits," which were upheld in new English-language courts (213). These descriptions are a rebuke to the *Johnson* doctrine that the United States held legally valid title to all Indigenous land in its claimed territory (based on discovery and the natural superiority of property), as well as to the legal common sense that assumes that this doctrine has been applied fairly ("not even by the Europeans' definitions and laws"). In other words, the descriptions operate like the legal moments in *The Dying Grass* to tell an alternative history of law's relation to conquest in the United States. As Jeff Karem writes: "One of the historical correctives offered by the novel is a refiguration of America's legal past. The novel argues that America has never been under the rule of law" (191).

Almanac confronts the nexus of property and conquest in United States law to declare that its days of exclusive jurisdiction are over; its regulation of people and land can no longer be enforced. On one level, like *The Dying Grass*, the novel offers an internal critique, showing how the law rests on an untenable contradiction between original theft and continued possession. In a pivotal scene, Weasel Tail, the Lakota

lawyer-poet, reads the poetic “indictment” quoted earlier, which cites and critiques a long line of United States Indian law jurisprudence, including the Marshall Trilogy of decisions on U.S.-Indigenous relations (714-15). But another thread in *Almanac* is much more skeptical of legal discourse, and indeed of the commitment to conceptual reasoning and abstract thought generally. Calabazas comments at one point: “We don’t believe in boundaries. Borders. Nothing like that. We are here thousands of years before the first whites. We are here before maps or quit claims. We know where we belong on this earth Imaginary lines. Imaginary minutes and hours. Written law. We recognize none of that” (216). A bit later, an older Yaqui woman expands on this notion: “The tribal people here were all very aware that the whites put great store in names. But once the whites had a name for a thing, they seemed unable ever again to recognize the thing itself. The elders used to argue that this was one of the most dangerous qualities of the Europeans: Europeans suffered a sort of blindness to the world. To them, a ‘rock’ was just a ‘rock’ wherever they found it, despite obvious differences in shape, density, color, or the position of the rock relative to all things around it” (224). This blindness in abstraction is “dangerous” because it facilitates domination and theft: once U.S. legal jurisdiction has been violently established, for example, land is equivalent to its written title, and settlers can seize territory from rightful inhabitants who lack the proper documentation. This recalls Cheyfitz’s argument in *Poetics of Imperialism* that the Western conception of property is the mark of essence which, taken over by the legal system, reduces the environment to its legibility by courts (49-50). That’s why, Calabazas notes, “[s]poken words can no longer be trusted. Put everything in writing” (217).

This tension between internal critique (and possible appropriation) versus outright rejection of settler legal discourse is a major theme in Indigenous political theory, most prevalently in the debate over Indigenous sovereignty. For example, Glen Coulthard offers a Fanonian critique of state recognition with a particular focus on the politics of land, arguing that acceptance of the existing settler order would produce not a reciprocal relation between Indigenous peoples and the state but rather a denial of Indigenous “grounded normativity,” a political and moral ethic based on experiences and practices on the land (13). Such environmentally informed rejections of settler legal common sense are in tune with *The Dying Grass*’s insistence that there is not “only one law” to govern the use of the land, and with the grandmother in *Almanac*’s claim that “stolen land never had clear title.” What to do with settler law, then — modify it? Create an alternative? Taiaiake Alfred, among others, is skeptical of legal reform projects and of the effort to establish Indigenous political sovereignty. For Alfred, Western ideas like sovereignty are “controlling, universalizing, and assimilating . . . fictions [that] have been imposed in the form of law on weakened but resistant and remembering peoples” (33-4). Such a position is close to Calabazas’s declaration that “we don’t believe in boundaries. Borders . . . Written law. We recognize none of that” (216). Audra Simpson, meanwhile, notes that the dispossession of Indigenous peoples was never fully realized and that settler and Indigenous sovereignties are now “nested and embedded” within each other (12). This produces a situation of mutual precarity in which Indigenous nations can assert rights while refusing the logic of exclusionary settler sovereignty (21-22). Mitigating Alfred’s pessimism regarding the inevitably oppressive tendencies of legal discourse, this more flexible theory of sovereignty — which has much in common with Jean Dennison’s

analysis of the potential and limits of “entangled sovereignties” in the Osage nation and with Coulthard’s proposal for a cautious strategy of legal reform (45-47) — offers a both-at-once approach that echoes Calabazas’s seemingly contradictory disbelief in the written law and his injunction to “put everything in writing.”

The revolutionary project of “put[ting] everything in writing” is what most interests me here in the relation between *Almanac* and the law. While familiar critiques of the law are present in the novel — an emphasis on orality over writing, on communal belonging over legal subjectivity, and on moral intuition over conceptual reasoning — the main locus of resistance to the United States legal order actually takes a form that shares law’s aspirations. This rival discursive regime, epitomized by the eponymous almanac described below, is, like the law, invested in the power of words to effect material change. It seeks to enforce a vision of the world — defining the meaning of history, the proper relations between humans and the land, and the justifiable grounds for resistance — in written codes that travel through time. And, like the law, it suffers from a tension between its expressive and performative content, its descriptive and prescriptive projects.

But *Almanac*’s ambition is distinct from the universalizing tendencies of settler law — which insists on exclusive land title and a uniform historical progression in human-environmental relations — in two ways. First, the novel’s power rests on the circulation of stories that describe Indigenous peoples’ relationship to and responsibility toward the land and nonhumans. This geographically and culturally specific discourse — an example of Coulthard’s “grounded normativity” — relies primarily on a spatial rather than temporal imagination. As such, it is not threatened by the contradiction between

myth and historical fact that allows Vollmann to launch an eco-historical critique of the doctrine of discovery. Second, *Almanac*'s rival discursive regime draws from a narrative tradition pre-dating the imposition of settler law and imagines the power of its stories extending through and beyond that law's dominion. It therefore offers an escape from the pitfalls of Western-style sovereignty because it does not seek to compete in the contest of legal orders, but to create an altogether different discursive ordering of environmental relations. This flexibility explains the tension between the novel's internal and external critiques of the law, between its investment in both legal argument (Weasel Tail's poem) and literary attacks on the law ("Written law. We recognize none of that"). In this way, *Almanac* exemplifies the Indigenous "third space of sovereignty" theorized by Kevin Bruyneel, which exists on the boundaries between colonial rule and Indigenous communities and which moves across the cultural, historical, and territorial distinctions that constitute settler law. In this "third space of sovereignty," as in *Almanac*, Indigenous people are governed by the law but are not fully captured by it, experiencing territorial dispossession but retaining ties to the land.

The almanac that Lecha and Zeta have inherited and which they work to translate and digitize throughout the novel is a compendium of pre- and post-conquest prophecies, stories, poems, and miscellany. It is an analogue to the pre-conquest Mayan codices, four of which have survived (Adamson, *American Indian Literature* 136-37), and, in the content of its prophecies, draws from post-conquest Mayan stories, Toltec legends, and oral storytelling from the American Southwest (Donnelly 247). Silko narrates how the almanac was brought north from present-day Mexico at the beginning of the reign of Death-Eye Dog, a cyclical period of violence and betrayal that began five hundred years

ago. It eventually came into the hands of Lecha and Zeta's grandmother Yoeme, who entrusts them with its preservation: "Nothing must be added that was not already there. Only repairs are allowed, and one might live as long as I have and not find a suitable code" (129). The code will interpret the almanac's prophecy of the impending disappearance of the Europeans and re-establishment of Indigenous control of the land. Despite Yoeme's warning, the sisters immediately add to the almanac (which Yoeme laughingly approves (130)), and throughout the novel we see them jotting down their own stories, providing translations of various passages, and adding material explaining post-conquest history. *Almanac* never provides an explicit interpretation of its almanac, the "code" that Yoeme seeks. But in the notebooks that Lecha and Zeta add to the almanac, as well as the notebooks that many of the other revolutionaries in the novel keep, the message becomes clear: the end of a historical cycle is approaching. The land will be returned. "One day a story will arrive" (135), and the suppressed histories of American Indigenous people will become the present.

Crucially, this change will be effected by the power of narrative itself. Instances of stories' power to change events are everywhere in *Almanac*: an Alaskan native woman recites old stories that gather enough energy to bring down oil exploration planes (156), and a former soldier's history radio broadcasts raise an army of veterans (427). A Mayan revolutionary named Angelita La Escapía pictures Karl Marx "as a storyteller who worked feverishly to gather together a magical assembly of stories to cure the suffering and evils of the world by the retelling of the stories. Stories of depravity and cruelty were the driving force of the revolution, not the other way around" (316); like a "tribal shaman," Marx understood that stories make the past vivid and induce change (520). As

Daria Donnelly notes, the almanac and other related stories are “not meant to be a site of social commentary, but rather of proliferating storytelling” that can change the world in ways whose causality is hard to pin down (249-51). In a crucial series of scenes, La Escapía and her fellow Mayan revolutionaries hold a trial for Bartolomeo, a Cuban Marxist and erstwhile ally who has committed “crimes against Native American history; the crimes were the denial and attempted annihilation of tribal histories” (*Almanac* 515). With his racist denial of the existence of native communism and Indigenous people’s role in world history, Bartolomeo has blocked the transformative power of Indigenous stories. La Escapía’s accusation consists of a long list of Indigenous uprisings since the conquest, a rebuke to Bartolomeo’s Eurocentrism and an invocation of narrative power on the eve of her army’s march north (527-30). Bartolomeo denies the jurisdiction of the village court, but, the narrator notes, “[t]his was a trial of all Europeans. More than five hundred years of white men in Indian jurisdiction were on trial” (526).

Bartolomeo’s description of the conflict between Indigenous and European stories as a collision between jurisdictions is telling. In denying the jurisdiction of the Euroamerican legal order and its environmental imagination, *Almanac*’s revolutionary narratives do not contest the power of sovereign pronouncement altogether, as some of the earlier-cited passages questioning the power of names and concepts might suggest. Instead, they offer a counter-order of narrative normativity which itself can take the form of sovereign jurisdiction — an example of Bruyneel’s boundary-living “third space of sovereignty.” Indigenous stories have real force that can be imposed in a judicial process. This dedication to the world-transforming potential of narrative is a constant theme in Silko’s work. In *Ceremony* (1977), the main character Tayo’s progression from

traumatized combat veteran to a man in harmony with his Laguna Pueblo community and environment requires the correct coordination of names and stories, which have the power both to unleash destruction (a medicine man tells Tayo that Indigenous people brought the white man to America through the improper use of stories) and to synthesize traditional and modern ways of living. In *The Turquoise Ledge* (2010), a memoir, Silko describes how the Laguna Pueblo used mainstream legal advocacy and oral storytelling to challenge the federal government's seizure of their land. In her study of the memoir, Katja Sarkowsky writes that the "self-reflexive storytelling" of Silko and the Laguna Pueblo "draws its own authority from reference to earlier storytelling and to storytelling conventions, but also from its orientation towards an individual and collective future" (105); "stories counter American law not exclusively, on the level of the narrative's *histoire*, but also serve to establish discursive authority" (108). Deborah L. Madsen usefully analyzes this extra-diegetic project in her study of the *Almanac*'s free indirect discourse, which organizes various revolutionary stories into one overarching narrative of the impending pan-American uprising: "the narrator not only communicates the specific stories, experiences, values, and perceptions (in short, the reality) of the characters but also functions as the voice of Indigenous history, performing as the main character of the novel" (135). The novel's coordination of various characters and codes, schematic as it might be, is intended, like its namesake almanac, to both predict and enact the future: "More than the revision of received interpretations of historical events, more than the simple decoding of prophecy, this process requires the performative translation of historical meanings across fundamentally antagonistic epistemologies — not just European versus Native, settler versus Indigenous, white versus red, brown, and black

identity binaries — but ways of knowing characteristic of Silko’s destroyers versus all who would oppose them” (134). “Performative” is the key term here: the novel evokes a counter-history of Indigenous communal land practices and resistance to “all things European” in order to make the history real once again — to enforce its common sense. David L. Moore makes a related argument when he highlights how “the spirits of the days and of the land are both embodied and summoned in the almanac” (158), emphasizing specifically how Silko aims to enlist readers in her revolutionary program by making them witnesses.

But if *Almanac*’s revolution is to be hastened by “put[ting] everything in writing,” what is the nature of this discursive authority? Is history predetermined or does it need fomenting? The novel rests uneasily between these options, making as strong a case for the inevitability of reformed relations with the land as it does for the urgency of political action. In Chiapas, “old prophets were adamant; the disappearance [of the white man] would not be caused by military action, necessarily, or by military action alone. The white man would someday disappear all by himself” (511). One of the revolutionaries allied with La Escapía believes that no coordinated activity is needed: “But this time the story was going to be different because the people no longer believed in leaders. People had begun to gather spontaneously and moved as a mob or swarm follows instinct, then suddenly disperses . . . With the return of Indian land would come the return of justice, followed by peace” (513). The Barefoot Hopi is another rebel who organizes resistance in United States prisons: his “entire philosophy was to wait; a day would come as had not been seen in five thousand years. On this day, a conjunction would occur; everywhere at once, spontaneously, the prisoners, the slaves, and the dispossessed would rise up. The

urge to rise up would come to the through their dreams. All at once, all over the world, police and soldiers would be outnumbered” (617). This inevitability, figured primarily through the prophecies of the Mayan codices, is aligned with other codes of historical change, including Indigenous traditions like the Aztec, Navajo, and Hopi conception of the Fifth World, as well as teleological Marxism. Glossing Marx, *La Escapía* emphasizes the predetermination of communism: “No matter what you or anyone else did, Marx said, history would catch up with you; it was inevitable, it was relentless” (316).

This historical inevitability is often figured by *Almanac*’s revolutionaries as both a social and a natural phenomenon. The coca leaf, Mama Coca, travels north from South America to aid in the expulsion of the Europeans (502-503); increased earthquake and volcano activity is a sign of the Barefoot Hopi’s imminent revolution (618). *La Escapía* explains during Bartolomeo’s trial that “[w]e simply wait for the earth’s natural forces already set loose, the exploding, fierce energy of all the dead slaves and dead ancestors haunting the Americas. We prepare, and we wait for the tidal wave of history to sweep us along.” Once the land has been returned, “there would be plenty of space, plenty of pasture and farmland and water for everyone who promised to respect all beings and do no harm” (518). Lecha’s final reflection on her almanac’s prophecies looks forward to earthquakes, drought, and sea level rise causing civil strife and war in the U.S. and Europe (755-56). But if the earth and impersonal historical forces will collude to reestablish Indigenous control of the land, then neither *Almanac*’s rebel characters nor the telling of stories are necessary in the process of change. Heather Houser notes that this contradiction between the novel’s “geophysical theory of revolution” and the “idea that strong personalities drive history” (211) results “from a tension between the two genres

announced by the book's title: the almanac and the novel" (213). To this I would add the tension between description and prescription: *Almanac* is both waiting for change and demanding it, outlining its natural emergence and providing its justification.

This contradiction between revolutionary inevitability and action recalls the observation I made about United States property law above: that it purports to both describe the natural progression of human-land relations and to violently impose them, with the legal imagination acting as a lever by which to convert history into idea and vice versa. This tension has long been noted by theorists of law. In "A Critique of Violence," Walter Benjamin makes a distinction between "lawmaking" and "law-preserving" violence. All legal systems have their origin in lawmaking violence, even if this fact is denied by positive law and by progressive institutions eager to present themselves as bulwarks *against* violence. On the other hand, law-preserving violence, such as police activity and capital punishment, is nominally different, in that it does not inaugurate a new legal order but rather applies existing law (283-88). Benjamin argues that this distinction ultimately does not hold; the recourse to violence makes all law an expression of power, and lawmaking and law-preserving follow each other in a cycle in which justice — which for Benjamin is possible if elusive — never appears within the law itself (300). For our purposes, we can identify lawmaking violence as performative — a new jurisdiction, such as the United States, is violently imposed — and law-preserving violence as interpretive — an existing jurisdiction is violently enforced or upheld according to the demands of specific situations, as in the case of the Standing Rock conflict I will explore below. In this view, the enduring validity of U.S. property relations is simply a matter of their continued violent imposition, rather than the result of a single

inaugural conquest whose legal order has justly persisted ever since (in his discussion of legal justifications for “Anglo settler societies” that I cited above, Robert Nichols makes a similar connection to Benjamin’s paradox (38)).

Jacques Derrida expands upon Benjamin’s argument in “Force of Law: The ‘Mystical Foundation of Authority,’” making explicit how, in its reliance on an originary victory in violence, legal authority rests upon nothing but itself (14). That is to say, the legality of something like exclusive title in land depends ultimately upon the threat of coercive violence and upon the continually re-performed lawmaking moment when this model of human-land relation displaced Indigenous alternatives. The justice of such a legal settlement can only be decided after the fact within the interpretive institution established in its wake — the Marshall Trilogy and federal Indian law are examples — which Derrida calls “the discourse of its self-legitimation” (36). Because each “reinstating act of interpretation” depends upon original lawmaking violence, the distinction between performative (lawmaking) and interpretative (law-preserving) legal acts breaks down (23).

This phenomenon is represented in *The Dying Grass* in the copy of Kent’s *Commentaries*. The originary moment of conquest that established the United States rule of law on Nez Perce lands has never really passed, but is rather maintained by the circulation of legal reasoning paired with force. We find the same structure of interpretation as re-performance in *Almanac*’s contradictory vision of Indigenous environmental relations replacing European political and discursive dominance. A founding act of revolutionary violence will usher in a new order, and “with the return of Indian land would come the return of justice, followed by peace” (513). Actually, this

moment will be a re-founding, a revival of relations that were in place before Columbus arrived. Like its opposite, the regime of private property, this new Indigenous order presents itself as the natural state of things, even as it has to be violently imposed and maintained. Like law, narrative crosses the line between its discourse and what its discourse is about, describing a natural state of affairs while trying to enforce it or, in the case of *Almanac*'s codices and stories, to destroy it in an act of revolutionary violence. Thus we have a contest of irreducible struggles between natural and positive law, interpretation and performance, description and prescription.

In certain ways, *Almanac* resembles the legal common sense it attacks by simply inverting its values. Indigeneity and tribalism are the markers of good environmental politics, while whiteness is irreducibly destructive. Explaining her unorthodox Marxism to her fellow Chiapas villagers, La Escapía legitimizes her use of European ideas by arguing that “Marx of the Jews, tribal people of the desert, Marx the tribal man understood that nothing personal or individual mattered because no individual survived without others . . . Marx, more tribal Jew than European, instinctively knew the stories, or ‘history,’ accumulated momentum and power” (520). Clinton, an African-American who helps to lead a battalion of homeless U.S. veterans, explains in a lengthy section how Africans, as a “tribal people” (408), are united with Native Americans through a shared history of European oppression and the presence of gods and spirits who aided slaves in the Haitian uprisings and Revolution (416-18) (though Clinton is careful to note that he detests Marxism (412)). Likewise, in a final planning session at the International Holistic Healers Convention near the end of the novel, leaders of the imminent rebellion “discussed a network of tribal coalitions dedicated to the retaking of ancestral lands by

indigenous people. Europeans were welcome to convert, or they might choose to return to the lands of their forebears to be close to Europe's old ghosts" (737).

An exception proves the rule: Awa Gee, a South Korean computer hacker, works with *Almanac*'s main Indigenous rebels despite his lack of any personal or political connection to their values and goals. But he's also particularly nihilistic — "Awa Gee did not plan to create or build anything at all. Awa Gee was interested in the purity of destruction. Awa Gee was interested in the perfection of complete disorder and disintegration" (683) — and he subscribes to a deterministic view of ethnic identity and politics that only underscores the polar alignment of the novel's various discourses. For Awa Gee, the white eco-radicals he works with "genuinely wanted to return to cave living with the bears as their European forefathers had once lived. To Awa Gee, such a longing for the distant past was a symptom of what had become of the Europeans who had left their home continent to settle in strange lands . . . But [the white eco-radicals] were truly aliens because Awa Gee could always return to Korea, but they could not get back to the Pleistocene" (689). The polar division between the good, Indigenous or Indigenous-affiliated, environmentally conscious worldview, on the one hand, and the bad, European or European-aspiring destroyer mindset, on the other, determines the nature of the novel's personalities.

Silko grants her good characters moral depth: for example, Lecha and Zeta, the Yaqui twins from Tucson, scheme against each other and abuse drugs; La Escapía, the Maya guerilla, is often cruel and dismissive. But Silko's bad characters are universally nasty. Eddie Trigg, owner of a Tucson blood bank, kills homeless people for their organs and conspires with his lover Leah Blue to deflate real estate values in advance of a

planned luxury development that will drain the region's water supply (658-64). Judge Arne, who recruits local young men into a violent sex society involving many of the city's most powerful leaders (643-45), assists Trigg and Leah's efforts by accepting bribes to rule against Native communities suing for water rights (374-77). Serlo, a Spaniard in Argentina trying to build a fake biosphere to house those of "*sangre pura*" ("pure blood"), enjoys making and watching snuff films in his free time (541-44). Such characters and plot lines subject Silko's storytelling to her overdrawn political contrasts, while her repeated association of the evils of dispossession and environmental destruction with homosexuality risks undermining her moral position altogether, as noted by Michelle Jarman (155), Dorothea Fischer-Hornung (who provides a qualified defense of this portrayal as a metonym for "the strong gynophobia that determines so much of European American culture" (82)), and Janet St. Clair (who nevertheless defends Silko based largely on the assumption that this "most moralistic of novels" (216) uses "brutal homosexuality" only "as a metaphor of the instance solipsism and androcentric avarice that characterize the dominant culture" (207)).

Critics have pointed out that the novel's dramatization of "resistance to things European" often veers into essentialism and an underdeveloped sense of the Indigenous resistance's positive content. As Jeff Karem writes: "This infelicitous use of cultural mythology points to one of the great risks *Almanac of the Dead* faces. By the end of the novel Silko has undermined many European American myths and has offered a new mythic structure for understanding the hemisphere, but what guarantee is there that the new myths are any better? Silko's answer is that the indigenous mythology is superior, and will triumph, because it has its roots in the land" (194). Heather Houser complicates

this argument by identifying *Almanac* as a text that aspires to an ideal of “human-environment connectedness” through the trope of “body-land merging,” in which characters aim for literal immersion in non-human nature. In this reading, disease (with which Silko’s white characters are consistently afflicted) operates as a sign of environmental alienation (178). Houser notes that, for Silko’s Indigenous revolutionaries, reconciliation with nature is framed as a reclamation project: undo what the Europeans have wrought. *Almanac* thus “naturalizes Native peoples’ symbiotic relationship to their lands as both warrant and promise of territorial sovereignty. On the other hand, in order for nonindigenous peoples to connect to and even fuse with the nonhuman, they must face harm or death. Self-sacrifice is the pathway to oneness for this population” (179). This is made most obvious in a minor episode involving Awa Gee’s white eco-radical friends, who, on the eve of the International Holistic Healers Convention, destroy the Glen Canyon Dam in a suicide bombing (*Almanac* 729). As Houser writes, “fusion comes at the cost of existence itself for the non-Native characters” (183). It’s worth noting that one of the “kamikaze eco-warriors” is a “gay rights activist ill with AIDS” (*Almanac* 729): even when identified with the good side, a gay character achieves moral victory only through death.

Silko’s division of her fictional universe into good Indigenous and bad European poles is thus overdetermined, and runs the risk of making environmental conflict (in both its material and conceptual forms) a racial conflict, in much the same way that early Euroamerican legal ideology mapped environmental ideology onto race. It is worth noting here that scholarship on *Almanac* has tended to elide these issues by appealing to extra-textual sources and events in a way that occludes the novel’s richness. For example,

Claudia Sadowski-Smith links Silko's vision to Native American religious movements at the end of the nineteenth century that rejected white culture and predicted the return of the buffalo, and argues that "*Almanac* foresees the disappearance of whites on a spiritual rather than a literal level" (83). Many commentators have also noted that the Zapatista rebellion, with its emphasis on environmental justice, Indigenous leadership, cross-ethnic alliances, and mixing of liberationist codes, seemed to validate *Almanac*'s predictions less than three years after the novel's publication (Adamson, *American Indian Literature* 131; Horvitz 47; Moore 164-65). Joni Adamson writes that "[i]n lectures and interviews, Silko has repeatedly observed that those who would understand her project must put aside ambiguous notions of 'novelistic merit' and read her book — as the title clearly indicates — as an almanac" (133). This critical reliance on Silko's extra-textual pronouncements may be partly attributed to a more general tendency to treat Native American writers as singular spokespeople of Indigenous truths: their novels, essays, and personal statements are assumed to carry with them a political and philosophical consistency not usually demanded of European or Euroamerican authors, whose extra-textual opinions are often bracketed from novelistic interpretation (Schweninger 27-29).

Rather than try to excuse *Almanac*'s racial essentialism and homophobia, I identify them as poorly crafted aspects of the novel's broad historical vision — a vision that nonetheless retains critical force. The contrast between tribal and the vital, on the one hand, and the European and the sexually deviant or diseased, on the other, is meant to underscore the need for a revolutionary break in the existing political-ecological regime. *Almanac*'s depiction of this revolutionary break survives the impoverishment of this contrast. The real energy of the novel's normative imagination, I argue, is located not in

its ethnic or sexual typology but in its commitment to discursive power. Crucially, this commitment does not depend upon naturalized notions of human difference in the same way that settler legal common sense does.

To return to the points I made earlier about *Almanac*'s distinction from the legal ideology it formally resembles and frontally attacks: whereas the contradiction between founding myth and real history discredits settler law's claim to justice and jurisdiction, Silko's performative storytelling can abide the irresolution between its description and its performance, between imagined origins and contemporary operation. This is because the novel and its almanac assume a cyclical temporality in which the basic structure of human-environmental relations — an ethic of reciprocity maintained by responsible land use and the correct use of stories and names — remains constant across time. Conquest and liberation, chaos and order replace each other in a pattern maintained not only by storytellers but by the Earth itself.

Under this paradigm, the problem of the “law-making” moment, of the law's obscured violent birth, disappears. There is no need to argue, as Justice Marshall did in *Johnson*, that an unjust principle like the doctrine of discovery must be recognized because “if the principle has been asserted in the first instance, and afterwards sustained . . . [it] cannot be questioned” (591). This disregard for law's finality, I think, also obviates the need for racial and sexual essentialism: no social position bears a predetermined role in the sagas of oppression and liberation. Silko must still narrate the impact of settler law, of course, given its central role in Indigenous territorial dispossession — and she regrettably narrates this impact in part through the racial and sexual schematism examined above. But the law's claim to exclusive historical

legitimacy (and the social exclusions that this claim bears with it) are denied by making the law epiphenomenal to a larger structure of human-environmental relations that places as much emphasis on space as it does on time. As Caren Irr writes of the novel, “the Columbian metaphysics of one-way discovery breaks down” (225) and, “understood as an endless spatialized temporal one, this sacred native time encompasses Eurocentric linearity and expands beyond it” (233). *Almanac* proposes a collapse of legal and literary imagination into a single force of material-discursive intervention. The novel’s claim that the circulation of narratives can trigger a revolution — and the possible expansion of the category of “narrative” to include social theory (Marx) and jurisprudence (Weasel Tail) — gestures at the prospect of a literature that actually achieves law’s dream of immediate performance and a law that no longer has to hide its embarrassment at its imaginative and mythic qualities.

The suturing of the descriptive-prescriptive divide parallels the reconciliation between people and the land. Both syntheses involve affects of repair, return, and healthful unity; both suggest a necessary relation between right thinking and right action. Both are claims of an expanded jurisdiction: a literature that swallows the law (or vice versa), and a human-land relation that exceeds the exclusive dominion of private property. This dual jurisdictional claim, much more emphatic than *The Dying Grass*’s eco-historicist method, is *Almanac*’s way of resolving the collision between what it typifies as Indigenous and European environmental worldviews. Rather than a legal regime *or* its outside, and rather than the human society *or* the environment, there will be a new order of natural and just relations between all living things. Such a vision is indeed utopian, or, we might say, mythic.

Ultimately, what I've tried to show in my readings of *The Dying Grass* and *Almanac* is how environmental literature might respond to the ongoing dominance of settler legal common sense by not only thematizing and criticizing the law but by appropriating certain of its methods: its historical imagination of human-environmental relations and its power to shape environmental history through discourse. Such an interdisciplinary practice breaks down distinctions between law and literature and between the canons of settler and Indigenous philosophy and narrative. While Vollmann offers a dissident settler critique of the law and Silko imagines an Indigenous-led revolution, both build counter-normative environmental visions that synthesize material from either side of this ostensible divide: the Nez Perce "law of the earth" and Lieutenant Wood's political radicalism in *The Dying Grass*, Laguna Pueblo stories and Marxist teleology in *Almanac*. These intercultural literary responses to settler law's environmental order point a path forward for ecocritical meditations on the role of discourse in confronting ecological crises — crises that are, as these novels show, irreducibly linked to our understanding and use of history.

Coda: The fragility of common sense at Standing Rock

The Standing Rock conflict, which broke out in 2016 when a private corporation backed by the federal government forced the construction of an oil pipeline in a majority Indigenous community in North Dakota, represents a re-performance of the Euroamerican conquest of nonhuman nature and the commons. As in the Nez Perce War depicted in *The Dying Grass*, the conflict involved the assertion of private property rights over Indigenous uses of and relations to the land, with state violence enforcing the

Euroamerican legal common sense that dates back to the Marshall Trilogy's settlement of relations between the U.S. government and Native Americans. A study of the specifically legal aspects of the conflict reveals, however, that this legal common sense has significantly weakened: environmental concerns antithetical to the exclusive dominion theory of private property pervaded court arguments and opinions, and both sides recognized multiple valid ways of viewing and regulating the land. This intrusion of doctrinal relativism alone — aside from the larger political ramifications of the conflict, including the resurgence of Indigenous activism in the United States — indicates the precarity of the dominant Euroamerican environmental worldview as it is captured in the U.S. legal system's regulation of land.

The conflict began with plans by Energy Transfer Partners, a Texas company, to build its 1,168-mile Dakota Access Pipeline System [DAPL], which would carry crude oil from the Bakken oil fields of North Dakota to Illinois (*Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers*, Standing Rock Sioux Complaint 1). The pipeline required, and had received, federal approval. The Standing Rock Sioux tribe objected to the company's plans to run the pipeline under Lake Oahe, which lies just north of the tribe's reservation in South Dakota, and through areas of historic and religious significance (*id.*). The opening salvo in the legal battle was the tribe's lawsuit against the Army Corps of Engineers, the federal body responsible for permitting the company's construction around federal waters; the tribe alleged that the Corps had failed to conduct the required environmental and cultural review of the pipeline's possible impacts. (*id.* at 2-3). At the end of the summer of 2016, a massive protest encampment gathered to block the pipeline's construction. Months of clashes with state police and private security

forces led to several serious injuries (*Dundon v. Kirchmeier* 1), over eight hundred criminal prosecutions (WPLC), and a federal civil rights lawsuit (*id.*). Eventually, the encampment was disbanded and the Trump administration finalized all federal permits. Litigation continued: the Standing Rock tribe successfully argued that the pipeline operators had violated the National Environmental Policy Act, requiring a new environmental assessments even as DAPL was permitted to operate (Earthjustice).⁷

The Standing Rock Sioux lawsuit against the federal government (which the Cheyenne River Sioux tribe joined) centered on alleged administrative errors in the granting of permits for DAPL, but the case more broadly involved the core principles of property law and federal Indian law examined above — with the twist that environmental law, a creature largely of the second half of the twentieth century, inflected these discussions with new perspectives and values. U.S. environmental law offers apparent advances in the legal common sense of human-land relations: interests beyond economic value are recognized, and limits to exclusive dominion are recognized. But environmental law cases involving Indigenous people have often followed the “racial caste” logic identified by Singer in that the concerns of Native Americans are often granted less attention. Legal scholar Mary Nagle points to an example of this disparate treatment in

⁷ Another legal aspect of the Standing Rock conflict not examined here involved the state of North Dakota’s criminal prosecution of hundreds of activists involved in protests against the pipeline, as well as a civil rights case alleging excessive force and suppression of free speech activity by the police. Nearly 850 Water Protectors faced state charges stemming from their nonviolent resistance to police brutality, with the majority having their cases dismissed and the vast majority resolved by early 2019 (WPLC). The civil rights case, *Dundon v. Kirchmeier*, alleges that state and county police used excessive force to retaliate against nonviolent protesters’ First Amendment speech during a particularly bloody confrontation on November 20, 2016 (*Dundon* 9). Though not directly relevant to the discussion here, these cases are significant for their affinity to the legal posture of the federal government during the Nez Perce War, in which, despite a state of open warfare, the government treated Nez Perce soldiers as criminals in violation of U.S. law.

the fate of two lawsuits that challenged the construction of dams by the Tennessee Valley Authority. In *TVA v. Hill*, a classic of U.S. environmental law, the Supreme Court ordered a dam to be abandoned after activists showed that the rare snail darter would be irreparably harmed, violating the Endangered Species Act. In *Sequoyah v. Hill*, on the other hand, the Sixth Circuit Court of Appeals denied claims brought by the Eastern Band of Cherokee Indians under the NHPA and other laws which alleged that a dam would destroy sites of great historic, cultural, and religious significance (675-77). Whether such cases involve federal programs designed to promote private economic activity or private projects themselves, such as DAPL, the general bias of environmental law is in favor of private property rights, which are to be infringed only on limited grounds specifically defined by Congress. After all, the constitutional authority upon which all modern environmental law rests is the Commerce Clause, which allows the federal government to regulate interstate commerce; no independent ecological or environmental right is recognized. Nagle notes that “the environmental law of the 1970s superficially addressed the harmful effects of rapidly increasing industrialization, but did nothing to acknowledge or remedy the fundamental principle espoused in the Court’s *Johnson v. M’Intosh* framework: namely, that land is not to be respected or preserved, but rather conquered and used commercially for profit” (674). While Nagle blames “the absence of any advocacy for the restoration of tribal sovereignty” (670) for the “disjuncture” (669) between environmental and federal Indian law, a more fundamental reason lies in the nineteenth-century legal common sense described above that lies at the root of both

fields: a commitment to property rights and the mytho-historical account that justifies them, with all its implications for the subjugation of Indigenous to settler interests.⁸

The Standing Rock lawsuit, which was filed in the District Court for the District of Columbia (which deals with most federal administrative law cases), asserted federal violations that can be roughly grouped into two categories: errors of assessment and errors of consultation. In the first category, the tribes argued that the Corps had failed to adequately account for DAPL's potentially disastrous consequences on local water sources in the event of a spill, in violation of requirements under the Clean Water Act, Rivers and Harbors Act, and the National Environmental Policy Act (NEPA) (Standing Rock Sioux Complaint 2)). In the second category, the tribes argued that the Corps and

⁸ Although not directly involving questions of environmental governance, the U.S. Supreme Court's recent decisions in *McGirt v. Oklahoma* (2020) and *Oklahoma v. Castro-Huerta* (2022) reveal the persistence and mutability of the legal common sense expressed in the Marshall Trilogy. In *McGirt*, the Court ruled that a large portion of the state of Oklahoma is unceded Creek Nation territory and thus subject to federal, rather than state, criminal court jurisdiction. Justice Neil Gorsuch, a noted conservative advocate of Indigenous rights, grounded this decision in part on Justice Marshall's holding in *Worcester v. Georgia* — cited by Weasel Tail in the poem quoted at the beginning of this chapter — that “Indian Tribes were distinct political communities, having territorial boundaries, within which their authority is exclusive” (33, internal quotations omitted, quoting *Worcester*, 557). In *Castro-Huerta*, the Court partly overruled *McGirt*, finding that “that the Federal Government and the State have concurrent jurisdiction to prosecute crimes committed by non-Indians against Indians in Indian country” (1). The majority opinion by Justice Brett Kavanaugh announced that “the *Worcester*-era understanding of Indian country as separate from the State was abandoned later in the 1800s. After that change, Indian country in each State became part of that State's territory” (12) . . . “this Court long ago made clear that *Worcester* rested on a mistaken understanding of the relationship between Indian country and the States.” (21) In a striking parallel to Justice Marshall's words in *Johnson* that the discovery doctrine “cannot be questioned” (591), Kavanaugh relies upon the history of continued conquest — episodes “later in the 1800s,” which would include the Nez Perce War — to sidestep difficult questions of Indigenous sovereignty and jurisdiction. Justice Gorsuch opened his dissent in *Castro-Huerta* by writing “*Worcester* came to be recognized as one of this Court's finer hours. The decision established a foundational rule that would persist for over 200 years: Native American Tribes retain their sovereignty unless and until Congress ordains otherwise. *Worcester* proved that, even in the ‘[c]ourts of the conqueror,’ the rule of law meant something. *Johnson's Lessee v. McIntosh*, 8 Wheat. 543, 588 (1823).” In these citations, *Worcester* and *Johnson* are held up as examples of settler law's just dealings with Indigenous peoples. One need only read them alongside Weasel Tail's poetic indictment to appreciate the interpretive battles that continue to vex U.S. federal Indian law.

DAPL's parent company did not satisfy their duties under the same laws and under the National Historic Preservation Act (NHPA) to consult with the tribe over potential damage to cultural, religious, and historic sites (2). These claims can be divided into "environmental" issues, on the one hand — dealing with how the government evaluated potential environmental consequences — and "cultural" issues, on the other, dealing with government-to-government relations between the United States and the tribes. In a development of the distinction we saw above between naturalized, abstract property rights and the specific role these rights play in determining settler-Indigenous relations, contemporary legal conflict over environmental issues involving Indigenous people in the United States often shuttles between environmental claims available to the population at large and "cultural" or "historical" claims specifically available to tribes. The legal options for challenging a pipeline or a dam follow this pattern, forcing litigants to toggle between nonhuman- and human-specific injuries and arguments.

Perhaps in an effort to push against this distinction, the Standing Rock Sioux complaint foregrounded the tribes' sovereign claims to the land and water over which the pipeline would run (3-4). The complaint noted that the 1851 Treaty of Fort Laramie granted the territory to the Sioux (even though the federal government had repeatedly infringed on this grant), and that "[s]ince time immemorial, the Tribe's ancestors lived on the landscape to be crossed by the DAPL" (4). In a further rebuke of the law's bifurcation of environmental and human "cultural" or "historical" concerns, an attached declaration by Standing Rock Sioux Chairman David Archambault II stated that "[w]e believe that we are all connected, that all life has a spirit and is related — the people, the air, the landscape, the water. Water also has a spirit and nourishes all life. It is the common

element of our spirits. Contaminating the water would contaminate the spirit”
(Declaration of Dave Archambault 3).

The litigation initially focused on the “human” side of the tribe’s claims. On September 2, Tim Mentz, an environmental and archaeological consultant and a member of the Standing Rock Sioux, filed a declaration detailing significant historical discoveries that his team had made along the proposed pipeline route, including a large number of stone rings, cairns, and burial sites (Declaration of Tim Mentz 4). The tribes sought to enjoin construction based on these discoveries. Before the court could rule on the request, DAPL workers bulldozed the area, disturbing or destroying most of the discoveries (Opinion of September 9, 2016 25). (This incident led to the first of several major confrontations between protesters and police (Earthjustice)). On September 9, Judge Boasberg denied the preliminary injunction, ruling that the Corps had satisfied its NHPA obligations and that there was no longer an injury to prevent (Opinion of September 9, 2016 37). Significantly, the court did pay attention to the history of oppression against the Indigenous litigants, adding a dose of historical accountability to an otherwise quite technical analysis. But this did not affect the ultimate conclusion: “Aware of the indignities visited upon the Tribe over the last centuries, the Court scrutinizes the permitting process here with particular care. Having done so, the Court must nonetheless conclude that the Tribe has not demonstrated that an injunction is warranted here” (*id.*).

DAPL underwent a series of political reversals in the following months. The federal government first announced that the Corps would conduct a lengthy review of the pipeline’s environmental risks (despite the court deciding that it needn’t do so), then decided to reject an easement allowing construction near Lake Oahe. Finally, after the

Trump Administration came into power, the Corps granted the easement, resulting in the pipeline's successful completion in early 2017 (Earthjustice). In the meantime, the district court ruled against the tribes' NHPA claims as well as a separate argument brought by the Cheyenne River Sioux under the Religious Freedom Restoration Act. The "human" side of the legal conflict had been decided in the federal government's favor: the tribes' effort to show that construction would implicate sites of historical, cultural, and religious significance could not overcome the development-friendly standards of federal administrative review. But another set of claims remained open. In a June 2017 opinion, Judge Boasberg wrote: "Now that the Court has rejected these two lines of attack, Standing Rock and Cheyenne River here take their third shot, this time zeroing in on DAPL's environmental impact . . . This volley meets with some degree of success" (Opinion of June 14, 2017 112).

The Sioux won initial victories against the Corps on three questions, although the court refused to halt construction of the pipeline. First, the court identified a classic environmental review error: although the Corps had adequately concluded that the risk of an oil spill in waters near the Standing Rock reservation was low, it had failed to consider several expert critiques of its impact analysis, violating a requirement to take a "hard look" in light of scientific controversy (129). The other two questions were, despite the court's characterization, mixed matters of environmental and human concern. The Standing Rock tribe claimed that the Corps had to investigate what effect a possible spill would have on its treaty rights. These rights, according to the tribe's brief, "embody the fundamental rights of a people tied to a place since time immemorial, where ancestors dwelt and descendants will follow. The exercise of Treaty rights forges the identity,

legacy, and essence of a people. Harm to Treaty rights is existential, upending the Tribe's subsistence, community, economy, ceremonies, and very identity" (Reply in Support 23). The tribe then distinguished "ecological impacts" to "aquatic resources" from "[t]he impact to Tribal members of losing the right to fish and hunt, which provides both much-needed subsistence food to people facing extensive poverty as well as a connection to cultural practices that Tribal members have engaged in since time immemorial" (23-24). While the court ruled that NEPA does not require this sort of "existential-scope analysis" (131), but rather only a narrow focus on nonhuman resources specifically listed under the treaty, such as fish and game, the court agreed that the Corps had inadequately studied these potential injuries (Memorandum Opinion of June 14, 2017 134). Thus, a claim brought under an environmental statute that makes no explicit mention of settler-Indigenous relations nonetheless implicated these relations via an administrative failure to probe potential consequences. The court's effort to contain "existential-scope analysis" by restricting its focus to nonhuman injuries nonetheless allowed questions about Indigenous use of the land to remain in the legal arena: a small victory for an oppositional environmental worldview.

Finally, the court found that the Corps' environmental justice analysis — an inquiry into the disparate impact of pollution on minority and low-income populations that is mandated by a 1994 executive order — was flawed. The Corps had decided to consider potential environmental justice impacts only with a half-mile radius of the pipeline's water crossing, even though the Standing Rock Reservation lies 0.55 miles away. This was an apparent effort to avoid investigating possible problems with the reservation's water supply. Indeed, in its review of potential impacts on the reservation

itself, the Corps considered only effects from construction and not from a potential spill (136-140). The court concluded that the Corps erred by not examining “the distinct cultural practices of the Tribe and the social and economic factors that might amplify its experience of the environmental effects of an oil spill” (140). Again, legal scrutiny that was ostensibly dedicated only to specifically environmental impacts found itself dealing with the Sioux’s claims regarding their use of water and land.

In a subsequent opinion that confirmed the need for the Corps to prepare an Environmental Impact Statement, the court described the tribes’ NEPA arguments as “their ace pitcher” in contrast to their cultural and religious freedom claims (Opinion of March 25, 2020 11). Even as the court chided the Corps for “treat[ing] the Tribes and their experts as more akin to the non-governmental organizations . . . than governmental entities [even though] the Government well knows, however, Indian tribes are domestic dependent nations that exercise inherent sovereign authority over their members and territories” (16; quoting language from Marshall’s opinion in *Cherokee*; internal quotations omitted), it still rejected the tribes’ argument that the federal government had a special trust responsibility to ensure the safety of their water supply (28-29). The federal Court of Appeals for the District of Columbia went on to affirm the tribes’ victory in asking for an Environmental Impact Statement — noting that “the Tribes’ unique role and their government-to-government relationship with the United States demand that their criticisms be treated with appropriate solicitude” (Appellate Opinion of January 26, 2021 1044) — but reversed the lower court order to cease pipeline operations (1054). In 2022, the Supreme Court declined to hear the case, effectively ending the DAPL litigation even as the pipeline continued to carry oil (Supreme Court Denial of Certiorari).

Despite a legal common sense that, even when updated by environmental law, sharply distinguishes environmental from human concerns — and despite the court’s desire to restrict the case to the latter — the “historical” and “cultural” claims that had been defeated under other prongs found themselves resurfacing within the narrow ambit of environmental review. Though it’s impossible to determine the court’s exact motives, it’s plausible that the massive Indigenous-led resistance to the pipeline, which brought with it an intensive public focus on matters of Indigenous justice, influenced the reasoning in the opinion. Significantly, the court declined to confront such issues head-on, as when it lay aside the much more significant arguments regarding the U.S. theft of treaty lands. In doing so, it followed a long history of federal courts washing their hands of the overt injustices and legal violations behind the immediate conflicts before them, echoing Justice Marshall’s statement that “[i]f it be true that wrongs have been inflicted, and that still greater are to be apprehended, this is not the tribunal which can redress the past or prevent the future” (*Cherokee Nation* 20). In this sense, the major message of the legal common sense governing environmental relations is maintained: we are dealing solely with technical reviews problems regarding the possible environmental effects of a pipeline, not with the larger issues — treaty rights, the deleterious effects of economic development on Indigenous land — implicated in the pipeline’s approval and construction. But, viewing the litigation from the outside, these larger issues are clearly present in the court’s opinion and its consideration of purportedly cultural issues under the guise of environmental review.

The Standing Rock case is not jurisprudentially significant in its own right, having set no new precedent and failing to affirmatively grapple with the major questions

at stake. Litigation plods on as the tribe objects to the manner in which the Corps has responded the Court's ruling (Memorandum in Support) and as it opposes a plan to double DAPL's capacity (Pre-Hearing Brief). But this brief analysis suggests two points: first, the dominant legal common sense described in this chapter is not monolithic, even as it remains trapped within its colonial frame. Concerns ostensibly laid to rest in the Marshall Trilogy — the right of the federal government and its private grantees to impose dominion on Indigenous lands and the distinction between environmental and human concerns — come back to haunt the federal courts because conflicts around these issues continue to arise, often violently. Second, this haunting is tied to broader political and philosophical changes such as those signaled in *Almanac*. The “cosmopolitical” movement that urges greater attention to Indigenous rights and environmental relations beyond human dominion (de la Cadena 361) belatedly arrived in mainstream U.S. political and legal discourse thanks to the Standing Rock conflict. Concern over the effects of economic growth tied to private property — such as the global warming that limited *The Dying Grass*'s eco-historic ambition and the warming and water crises that drove resistance to DAPL — has produced enough reaction to the dominant environmental order that the even bastions of established legal common sense like U.S. federal courts have had to reckon with it, however obliquely. One result of this emergence is the need for the established order to re-perform its material and ideological conquest. Another is the prospect of fundamental changes to the dominant common sense, the legal side of which changes will be explored in Chapter Three.

Chapter Two: Rewriting the Rainforest: Eco-historical Imagination in Mario Vargas Llosa, César Calvo, and the Law

In 1958, Mario Vargas Llosa traveled to the Amazon rainforest in the company of a group of anthropologists and linguists. A *criollo* (European-descended) native of Peru's coast, Vargas Llosa had little knowledge of the rainforest region that covers nearly two-thirds of his country's territory. As he witnessed the living standards and practices of rubber traders and Catholic missionaries among the villages of the Aguaruna people, he experienced a temporal and cultural dislocation:

This journey to Amazonian Peru was another emotional earthquake for me. I discovered there a new face of my country. I discovered there that Peru wasn't only a civilized country of the twentieth century, with many problems, but participating more or less in the social, scientific, and technical achievements of our epoch, as you can believe if you live in Lima, but that Peru was also the Stone Age and the Middle Ages. I discovered that, in this isolated region of the jungle, isolated by the lack of communications but situated only a few hours by air from Lima, life was for Peruvians something barbarous and anachronistic, that violence and injustice was there the first rule of life, but not in the same complex and refined way as in Lima, but in the most rustic and primitive way. ("Secret History" 401)⁹

Vargas Llosa's "emotional earthquake" was conditioned by a historical and geographical structure of imagination that is common in accounts of Euroamerican ventures into

⁹ Vargas Llosa first wrote about his trip in "Crónica de un viaje a la selva," published in the magazine *Cultura Peruana* in 1958. "Secret History of a Novel" is based on an English-language lecture that Vargas Llosa gave in 1968 at Washington State University (republished in 1996). It was expanded into a Spanish-language version (*La historia secreta de una novela*) published in Barcelona in 1971. This longer version (slightly condensed) was included as the chapter "On Being Nine and First Seeing the Sea: Writing *The Green House*" in Vargas Llosa's collection of lectures *A Writer's Reality* (1991). I refer to all three versions in the body text as "Secret History." Because the content of each version varies, parenthetical citations clarify the published source to which I refer in each instance.

Amerindian territory. According to this imagination, the modern, urban coast exists alongside a primitive, Indigenous interior whose difference is described in terms of an ostensibly universal sequence of historical stages (“the Stone Age and the Middle Ages”). “Social, scientific, and technical achievements” define the coast, which participates in a global twentieth-century civilization, while barbarity, isolation, and violence characterize the anachronistic interior. The co-existence of these realms within Peru registered as a shock to the writer, who was flummoxed by the contradiction between his self-understanding as a modern and the apparently prehistorical conditions extant in his country.

This contradiction, made explicit here by Vargas Llosa’s “discovery” of the reality of the Amazon, is another version of the paradox explored in Chapter One in which the settler legal common sense of property in land — a Lockean teleology of improvement and sovereignty — clashes with the reality of an ongoing colonial war against the Indigenous commons. In South America, *barbarie* and *civilización* have been the classic terms distinguishing the telluric and atavistic from the cosmopolitan and modern. Argentine Domingo F. Sarmiento’s book-length essay *Facundo: civilización y barbarie* (1845) envisioned a continental battle between primitivism — figured by Indigenous nations and the *gauchos* (cowboys) of the interior, who seized the coastal republic under the leadership of the dictator Juan Manuel de Rosas — and progress, represented by Sarmiento’s own camp of Europe-oriented modernizers. The dialectic between barbarism and civilization defines a regional political ecology in which the science, law, and commerce of the coast are under constant threat from the anachronistic hinterlands.

When Vargas Llosa travelled to and began to write about the Amazon, he was participating in a colonial literary tradition that adapted the *barbarie/civilización* imaginary to encounters with the rainforest. From sixteenth-century Spanish adventurer and missionary *cronistas* like Gaspar de Carvajal to twentieth-century novelists such as Rómulo Gallegos and Alejo Carpentier, the Amazon has been rendered in what Charlotte Rogers calls a “chain of metanarratives” about the region: works that either rely upon the Amazon-as-*barbarie* trope or, as Vargas Llosa would intermittently do, seek to undermine it through a critique of colonial practices in the region (“Mario Vargas Llosa” 1056-59). Whether figured as the El Dorado or Green Hell characteristic of early writing on the rainforest, or as the site of unjust suffering and potential anti-colonial redemption common in twentieth-century *novelas de la selva* (Marcone, “Cultural Criticism” 206), the Amazon exists in these texts as a place geographically and historically distinct from the writer’s modern origins. I interpret the aesthetic strategies employed by Vargas Llosa and his forbears as means of grappling with this distinction — whether to enforce it, critique it, or to search for some Amazonian imaginary that escapes the *barbarie/civilización* trope altogether.

In this chapter, I focus on the use of these strategies in Vargas Llosa’s *The Green House* [*La casa verde*] (1965) and the author’s other writings on the Amazon; in César Calvo’s *The Three Halves of Ino Moxo* [*Los tres mitades de Ino Moxo*] (1981); and in a 2016 court case dealing with extractive conflict in Bagua, a northern Amazonian region of Peru. Each of these late twentieth- and early twenty-first-century texts deals with the difference of the Amazon — its natural beauties and dangers, its distance from metropolises and national capitals, its unique history of colonial subjection and resistance

— under the sign of ecological crisis. Through narrative disjunction, intertextual play, and self-reflective historical critique, these texts register a temporal dislocation that is characteristic of the conceptual crisis produced by global environmental catastrophe. What is the history of the Amazon? What is its future? And how to tell the story of its relation to the rest of the world?

My analysis participates in recent trends in U.S. and Latin American ecocriticism (discussed in the Introduction) by examining how Peruvian novelists and jurists grapple with contemporary environmental conflict in the Amazon. My goal is not simply to expand on past studies of how the Amazon has been represented since the colonial era (see Wylie, *Colonial Tropes and Postcolonial Tricks*; Rogers, *Mourning El Dorado*; Marcone, “Jungle Fever”; and Martínez-Pinzón, *Una cultura de invernadero*). While this history is crucial to my account — one thing I hope to highlight is how Vargas Llosa, Calvo, and the Bagua court appropriated and rejected parts of the Amazonian literary and judicial legacy — my focus is more specific. I want to know how, in rendering the present-day Amazon intelligible in novels and judicial opinions, these writers register the challenge that the rainforest poses to historical understanding itself. In other words, I hope to describe how these texts imagine a way out of the *civilización/barbarie* dialectic and how encounters like Vargas Llosa’s moment of temporal dislocation become the basis for new eco-historical imaginaries.

My purpose is not to offer these novels and legal texts as exemplary models of a new environmental aesthetics or politics. Rather, as with the other works analyzed in this dissertation, I take them as case studies for an examination of how dominant modes of environmental imagination are put under stress and revised. In this chapter, the primary

texts I study are all by non-Indigenous writers,¹⁰ and their primary axis of stress and revision — the category under which environmental imagination and conflict is understood — is the clash of Indigenous peoples with the Western world and the nation-state. Mindful of the tendency of non-Indigenous writers and critics to declaim authoritatively on Indigenous environmental imaginations, often in proposing these imaginations as correctives to a modern or Western environmental imagination (Todd 251-52), I am not primarily interested in testing the depictions of Indigenous peoples and imaginations in Vargas Llosa, Calvo, and the Bagua court against Indigenous sources or my own definition of proper representation. Other critics have done this admirably (*see* Sá, “Perverse Tribute” and Smith, *Mapping the Amazon*). While my discussion will go into detail on various aesthetic and political models for dealing with cultural difference in Latin America — such as *indigenismo*, heterogeneity, and transculturation — the relevance of these models is their use (and rejection) by the writers I study, rather than as the basis for any normative claim I might make about how writers should depict the Amazon and its Indigenous peoples.

When approaching the Amazonian environment and its history, Vargas Llosa, Calvo, and the Bagua court return to the question of how to narrate, understand, and respect Indigenous perspectives in part because the Amazon remains a thoroughly Indigenous region. Between 14 and 40% of the inhabitants of the Peruvian Amazon departments (equivalent to provinces) belong to an Indigenous community as defined by

¹⁰ Vargas Llosa is a *criollo*, or descendant of Europeans. Calvo was a native of Iquitos, Peru’s largest Amazonian city, and a *mestizo*, or of mixed European and Indigenous ancestry. I do not know the ethnic composition of the Bagua court but, as I describe below, its opinion is clearly written from a non-Indigenous perspective.

the state (*Comunidades Indígenas* 18), and the region remains historically defined by its long resistance to Andean, Spanish, and republican colonialism. Thus these authors' efforts to reach across the environmental, epistemological, political, and cultural divides that separate coastal and Andean Peru from the Amazon — divides that in each case are questioned, rejected, and redefined — persistently return to the problem of how history might be viewed differently when seen from an Amazonian Indigenous point of view. Rather than proposing a solution to that problem myself, I am interested in how the issue unfolds in literature and the law, and the challenges and solutions the authors encounter along the way.

In my readings of each of these texts, I attend to their polyvocality: how they experiment with different forms of narration and disciplinary discourse (anthropology, journalism, history) as they elaborate new ways of imagining the Amazon. Highlighting these formal experiments allows me to consider the novels and court opinion not just as instances of a particular ecological or cultural politics or poetics — the *novela de la selva* or legal pluralism, for example — but as works *about* these representational strategies. *The Green House*, *The Three Halves*, and the Bagua court opinion are all self-critical, metafictional, and metatextual in the sense that they overtly engage in a critique of past ways of rendering the Amazon intelligible to outsiders. In this way they reverse the colonial gaze and exoticize traditional Western ways of viewing the Amazon: as a primeval wilderness, a terrestrial paradise, a hellish labyrinth, a collection of resources, a pristine biosphere, or an isolated Indigenous world. This reverse exoticization is imperfectly realized in each case. But the imperfection and messiness is the point: new

environmental imaginaries cannot be created out of whole cloth, and my critical task is to track this process in all its conflicts and contradictions.

Unlike in my first chapter, my comparison of literary and legal texts is not motivated by the legal content of the novels under analysis. The novels and judicial opinion studied here are instead united by their shared focus on environmental conflict in the Peruvian Amazon and by their (or their authors') persistent engagement with past texts about the Amazon. In studying a court case alongside works of fiction, I hope to trouble the status of "imaginative" writing and to suggest that textual experiments in environmental imagination occur both in literature's traditional domains as well as in disciplines like law or anthropology. What's more, the Bagua opinion's treatment of events that occurred in the same region where *The Green House* is set and its preoccupation with the Amazonian histories and worldviews that feature so prominently in *The Three Halves* make it an excellent point of comparison from which to consider how the problems of environmental politics and cultural exchange posed in the novels have persisted in the decades since they were published.

"Extraordinary ambiguity": The Green House and the novela de la selva

Vargas Llosa's initial emotional response upon entering the Amazon rehearsed the historical structure of the *barbarie/civilización* dialectic. He perceived a region stuck in the Stone Age, inhabited by people subjected to primitive violence. But as the author traveled in and around the Upper Marañón River, which lies in the northwest region of the Peruvian Amazon, his subsequent impressions quickly complicated this ready-to-hand colonial imaginary. In the "Secret History of a Novel," which recounts the author's

journey and the subsequent composition of *The Green House*, Vargas Llosa tells how he visited a Catholic mission at the village of Santa María de Nieva and was appalled by the nuns' blind cruelty in kidnapping Aguaruna girls to be trained in Western mores. He met an Aguaruna named Jum who, after attempting to establish a rubber cooperative, was tortured by traders and soldiers. He heard tales of rape and murder resulting from the incursion of rubber tappers and settlers.

These encounters left Vargas Llosa without a clear framework to describe the region and its inhabitants. Importantly, as Amanda M. Smith recounts in great detail, Vargas Llosa's trip was part of a mission by the Summer Institute of Linguistics, a U.S.-based Protestant evangelical organization engaged in Bible translation and acculturation projects; the "colonialist framework" of the Institute, Smith argues, informed Vargas Llosa's impressions (*Mapping the Amazon* 18, 107-119). In "Secret History," the author continues to rely on the terms *civilización* and *barbarie*, but their valence becomes scrambled. For example, he chastises the nuns for "civilizing" the Aguaruna girls in such a fashion that they are no longer suited to tribal life but can at most hope to become domestic servants or prostitutes in service to the barbaric, non-Indigenous outsiders: "The problem for the nuns was enormous because in Santa María de Nieva nothing like civilized life existed; there barbarity reigned" ("On Being Nine" 66). Discussing the exploitation of Indigenous laborers by rubber traders, Vargas Llosa writes that "man's exploitation of his fellow man reached the limits of bestial violence . . . The poverty of the region and the anachronism of its society demanded that exploitation be extended to the most microscopic levels" (69). The anachronistic society to which Vargas Llosa refers is no longer the "Stone Age" Amazon he saw when he first arrived: rather, it is the

culture of contact between missionaries, traders, and natives, a frontier region where modernity and bestial violence seem to cross borders. The “extraordinary ambiguity” (“*La historia secreta*” 30) of the situation inspired Vargas Llosa to parse its meaning in fiction: “On the one hand all that barbarity infuriated me; it made my country's backwardness, injustice, and lack of culture even more evident. On the other hand it all fascinated me; what formidable material to narrate!” (“On Being Nine” 72).

I will read *The Green House* and Vargas Llosa's later writings on the Amazon as documents of this fascination with barbarity. In the earlier novel, to which I will devote the bulk of this discussion, Vargas Llosa endeavored to show that barbarity was a universal condition: not only the lives of the Amazonians, which the author largely depicts as abject, but also the actions and attitudes of non-Amazonian interlopers, are defined by violence and injustice. Vargas Llosa presented his pessimistic vision by deliberately subverting what he took to be naïve tics of previous writing on the Amazon and of genres such as *regionalismo* and *indigenismo*: sentimentality, excessive natural description, and myth-mongering. In place of this tradition, Vargas Llosa wrote a rainforest novel in a style of nonlinear narration in which moments of plot overlap, recur, and bleed into each other, creating an impression of thematic, geographical, and historical entanglement. Synchronic and diachronic confusion blurs the distinction between frontier and city, past and present, and civilization and barbarity. In a deliberate effort to avoid inaccuracy and ventriloquism, he refrained, after many attempts, from narrating in the voice of Jum, the Aguaruna who attempted to set up an Indigenous rubber cooperative.

The Green House takes place primarily in two locales: Piura, a town on Peru's northern coastal desert, and the Upper Marañon region, which includes Santa María de

Nieva. The novel follows the linked, disjointed stories of several characters, including Lituma, an army sergeant sent from Piura to Santa María de Nieva, and Bonifacia, a member of the Shapra people schooled by Catholic missionaries who follows Lituma back to Piura and becomes a prostitute at the eponymous brothel. Jum, the organizer of the rubber cooperative whom Vargas Llosa met on his 1958 trip, also figures in the novel, as does Julio Reátegui, the governor and rubber baron responsible for Jum's torture and a key figure of civilized barbarity in the Amazon.

The novel is divided into four sections and an epilogue, each of which is further subdivided into chapters that cycle between the coast and the rainforest. Vargas Llosa seldom gives dates, but the action takes place approximately from the early decades of the twentieth century — when Piura is still a desert outpost frequented by cowboys on horseback — through the 1940s — when the Amazon is invaded in a second, smaller rubber boom following the first boom at the turn of the century — to the fifties, when Piura has become a developed regional metropolis and the rainforest remains a site of conflict between natives and invaders. Connections between places, events, and characters only slowly reveal themselves, as Vargas Llosa withholds crucial connective material from the plot. For example, it is only midway through the novel that it becomes clear that Bonifacia is not four characters but one: the Shapra girl kidnapped by bandits; the nun-in-training in Santa María Nieva; the woman who marries Lituma there; and the prostitute in Piura known as Wildflower. Even the Green House of the novel's title is revealed to be not one but two brothels, the first consumed in a fire set by Piura's vengeful priest.

The confusion of identity is one example of the ways in which *The Green House*'s intricate structure disturbs the coastal/rainforest, *barbarie/civilización* dialectic. Bonifacia is a victim three times over of civilization's incursion into the Amazon: first as the hostage of the bandit Fushía and his allies, who capture her during a raid on other rubber traders; next when she is kidnapped by Reátegui, the governor and merchant, who turns her over to the nuns in Santa María de Nieva; and finally in Piura, where she is abused by Lituma and becomes a prostitute bankrolling his friends. Her frequently noted green eyes become an emblem of Amazonian atrocities returning to the coast in a reversal of civilization's advance against the Green Hell. Critics such as José Luis Martín and (129) and Charlotte Rogers have identified Bonifacia as a central token of Vargas Llosa's condemnation of colonial violence in the Amazon; for the latter, "[t]he novel's narrative shards reflect the shattering of the promise of the El Dorado legend in the second half of the twentieth century. By featuring Bonifacia's experiences of traumatic events in the forest and a brothel named after it, Vargas Llosa indicates that mid-twentieth-century Amazonia is not a bucolic site of El Dorado, but rather a dystopian territory marked by violence" (131).

Most importantly, the Green House itself becomes an inverted symbol of civilizational origins. Wearing, like Bonifacia's eyes, the color of the Amazon, it becomes an emblem of the rainforest growing in the desert — complicating a straightforward identification of primitivism with the hinterlands and modernity with the coast. Indeed, this complication was already noted in Sarmiento's *Facundo*, which studies the arrival of barbarism to Buenos Aires; one might say, then, that Vargas Llosa is merely re-narrating a century-old transit between the ostensible zones of atavism and

progress. Established by the mysterious Don Anselmo, who arrives on horseback one day in Piura, the brothel announces the arrival of urban pleasures in the city, making it more like the modern metropolis of Lima (27-28). Later, Anselmo is credited by locals as “the one who brought civilization to Piura” (245). Only at the very end of the novel do readers discover that Anselmo himself hails from the rainforest (380-381). When the first Green House is erected, is it as though the rainforest has arrived in the desert: “Like a living organism, it was growing, ripening . . . The color chosen by Don Anselmo gave the countryside a refreshing, a vegetable, an almost liquid note. From the distance, travelers would spy the building with green walls, half diluted in the bright yellow light of the sand, and they would get the feeling that they were coming to an oasis” (89).

But, in keeping with Vargas Llosa’s pessimistic vision, this oasis and “organism” of civilization brings not just modern pleasures but also degradation and violence. According to the local priest, the Green House caused the moral downfall of Piura’s leading citizens (87): “In those days, [the devil] was only there, in the Green House . . . The devil is everywhere now . . . Piura has become the house of the devil” (371-372). The priest leads a mob in burning the brothel down, only to see it rise again in a second iteration. There, Anselmo’s bride dies, Bonifacia enters sexual servitude, and Lituma causes a death that leads to his imprisonment. While Vargas Llosa reverses the social-historical momentum of colonial writing on the rainforest, this reversal results only in a wider distribution of civilization and barbarity. Those touched by colonial barbarity in the rainforest — Lituma as perpetrator and Bonifacia as victim — return it to the coast. The fractured narrative of *The Green House* thus mirrors the broken civilizational ideology that Vargas Llosa has critiqued and undermined. What on its surface might appear to be a

retelling of heroic colonial penetration into “Stone Age” wilderness turns out to be not only an indictment of the colonial project but also a formal deconstruction of that project’s narrative structure: Piura is civilized, and also barbarized, by the rainforest, which thus represents not a realm preserved outside history but rather the emblem of the *civilización/barbarie* dialectic’s survival and persistence.

But Vargas Llosa endeavored not only to criticize the crimes of the nation-state, the rubber traders, and the missionaries; he also strove to avoid romantic depictions of the Amazon and its people. And so efforts at Indigenous self-determination or existence beyond extractive violence also fall prey to the novel’s dominant dynamic of decline. Fushía, the bandit who first captures Bonifacia, spends the early part of his career attempting to get rich in the same manner as Reátegui and the other major rubber barons of the region. These barons, Fushía aptly notes, are criminals just like him, only protected by their immense wealth (41). Yet Fushía has arrived on the scene too late: the great days of the rubber boom are past, as Reátegui laments: “they didn’t have to work much then and they made a lot of money, now you had to sweat blood in order to get a few miseries in return” (143). So Fushía decides to work against the rubber cartels, raiding up and down the Upper Marañón and eventually establishing an island redoubt in a distant lagoon where he gathers members of the Huambisa and Aguaruna tribes as well as *mestizos* and whites. While Fushía’s island camp has certain characteristics of a transcultural utopia — its diverse inhabitants live distant from the state’s gaze and support themselves by expropriating the expropriators and tending their own crops and turtles for consumption — Fushía himself adopts the lifestyle of other outsiders-turned-jungle-chief familiar from literature: like Colonel Kurtz in *The Heart of Darkness*, he

keeps several native wives and lounges in his hammock while his minions conduct raids. (He even takes credit for bringing guns to the natives and protecting them against the whites (155), a fact that links him to the white-turned-native Ino Moxo in Calvo's *The Three Halves*, which I will discuss below.)

Through narrative juxtaposition, Vargas Llosa compares the island camp with the Green House. Both are hybrid zones in which different classes and ethnicities mingle. Fushía is a "bandit" who captures Bonifacia and forces his men and other wives to accept her despite enmities between the Shapra and the Huambisa. Conversely, one of Anselmo's first acts in Piura had been to rescue a girl from "bandits" in the desert. Immediately preceding the scene in which the first Green House is burned to the ground, Fushía and the Huambisa burn down the island's lupuna trees for their camp (190-193). (The lupuna is revered as a sacred tree across the Amazon; when the Huambisas burn the lupunas down, this is presented, at least by Fushía, as a triumph over superstition). Thus we have two sites where a new community is founded outside the grid of *civilización/barbarie* difference, with origins in banditry and fire. And yet both sites fail to secure any sort of respite from violence and decline. On the island, Fushía contracts leprosy, eventually losing the ability to walk. Fushía abandons his camp, which quickly reverts to jungle, and leaves on a month-long river journey with his pilot friend Aquilino to a leper colony. The voyage itself, which to Fushía takes on the dimensions of eternity, is a version in miniature of the novel, in that it appears to be a movement away from civilization and historical time and into wilderness and oblivion. But, as in *The Green House* overall, Vargas Llosa undermines this structure by using the river trip as the basis for a thorough retelling of environmental conflict whose shape only becomes clear by the

end. As Fushía recounts incidents from his own violent past on this seemingly mythic journey, Vargas Llosa simultaneously narrates other events from a frontier city and from indigenous villages deep in the rainforest without clear distinctions of voice or style. Thus a city-hatched plan by Julio Reátegui and other rubber barons to smash Fushía's operation appears between the paragraphs, and sometimes on the same lines, as Fushía's recounting of how that plot played out months and years later from his own perspective.

In the following section, city dialogue from Fabio Cuesta, a fixer for Reátegui, gives way to free indirect discourse, followed by rainforest dialogue between Fushía and his friend many years later:

“We didn't want to believe them, Señor Reátegui,” Fabio Cuesta said. “But all the bosses swore the same thing over and over again. They couldn't have got together on it.”

It was very simple, old friend: when the bosses would get to the tribes, they wouldn't find anything, either rubber or hides, only redskins crying and carrying on, they robbed us, bandits, devils, etc.

“He went up the Santiago with Don Fabio, who was governor of Santa María de Nieva, and with some soldiers from Borja,” Fushía said. “Before that they'd been to the Aguarunas and the Achuas, too, investigating.”

“But I ran into them on the Marañón,” Aquilino said. “Didn't I tell you?”

...

“It's too bad they didn't come,” Fushía said. “The way that shyster would have looked when he saw me and what he would have told that bastard Reátegui. And what about Don Fabio, old man? Is he still alive?”

“Yes, he's still Governor of Santa María de Nieva.” (113-114)

This back-and-forth reminiscence, and the intrusion of voices from distant places and times, recurs throughout Fushía's journey. In fact, one of the first scenes in *The Green House* shows Fushía and Aquilino already well on the way to the leper colony, with Fushía geographically disoriented and finding little solace in rehashing his memories: “‘What a life you've had, Fushía,’ Aquilino said. ‘The things you've seen, the traveling you've done. I like to listen to you, you don't know how much I enjoy it. Don't you enjoy

telling me all of this? Don't you feel that the trip goes quicker this way?' 'No, old man,' Fushía said. 'I don't feel anything except cold'" (25). Approaching death already at the beginning of the novel, Fushía finds his journey to be a repetition of the same — evading state authorities, traveling endlessly on rivers — and his stories only register the endurance of the region's iniquities: Don Fabio is "still the Governor."

Finally, the story of Jum, the Aguaruna who attempted to set up an Indigenous rubber cooperative, represents another turn in Vargas Llosa's pessimistic, history-as-repetition presentation of the Amazonian situation. Jum learns that middlemen like Reátegui are exploiting the rubber-trading tribes by paying far below market price for their products. He organizes a network of producers to sell directly to buyers in the regional capital. In response, Reátegui organizes a raid in conjunction with the Peruvian army to capture Jum, who is whipped, shaved, and hung by his shoulders near the Catholic mission in Santa María de Nieva. For years thereafter, Jum lingers in the village and at army outposts, demanding the return of his property. He outlines the scars on his back in paint, keeping the memory of his punishment alive. On the level of the plot, this rehearses the theme that little changes in the Amazon: the exploiters remain in power and even the corporeal marks of colonial violence endure. On the diegetic level, too, the fracturing and dispersal of Jum's story, told in bits and pieces like everything else in the novel, repeats this theme of repetition, as does Reátegui and his allies' constant misidentification of Fushía's bandit troupe with Jum's cooperative (*e.g.* 114).

The examples above display some of chief stylistic techniques that Vargas Llosa employed in the early part of his career and about which he has written on several occasions. It is worth examining these techniques in detail in order to assess the author's

engagement with the rainforest narrative tradition, in both its aesthetic and ideological functions. The most comprehensive exposition of these methods appears in Vargas Llosa's introduction to the Valencian Joanot Martorell's chivalric romance *Tirant lo Blanc* (*Carta de batalla* 1490), originally published in 1969. In that essay, Vargas Llosa credits Martorell as the first writer to create a "total reality," "the ultimate example of an omnipotent, disinterested, omniscient, and ubiquitous novelist," in a line that extends to Fielding, Balzac, and Faulkner (11).¹¹ Clearly aligning his own novelistic practice with that of Martorell, Vargas Llosa writes that a novel's "total reality" consists in a "verbal object that communicates the same impression of plurality as the real; which is, like reality, act and dream, objectivity and subjectivity, reason and magic" (26).

One way that Martorell and Vargas Llosa capture this plurality is through the interweaving of four "levels of reality," or more accurately, four ways of approaching reality: the rhetorical (abstract and impersonal language, often aping official ideology); the subjective (interiority and character perspective); the objective (describing reality as pure exteriority, reducing the world to its visual and auditory components); and the symbolic or mythic (a collective voice approaching reality as a web of narrative conventions and symbols) (41-48). In *The Green House*, Vargas Llosa operates primarily in the last two registers. The objective approach, in particular, is his preferred method for depicting action in the Amazon, reducing scenes to series of actions and dialogues with scant attention to characters' thoughts or emotional states. In this way, he works against the perceived "descriptive vice" ("*La historia secreta*" 63) of previous writing on the

¹¹ Here and throughout, I provide the English translation for Spanish-language sources for which a published translation is not available.

rainforest: it is hard to imagine the famous, melodramatic line from José Eustasio Rivera's *The Vortex* [*La vorágine*] (1924) — “The jungle devoured them [*La selva los devoraron!*]” (219) — appearing amidst the subdued and almost flat style that narrates *The Green House*'s Amazon. On the other hand, Vargas Llosa employs a depersonalized and allegorical “mythic” voice to describe Anselmo's arrival in Piura and the subsequent development of the city alongside the Green House.

These choices are interesting because of the way they invert what might appear to be the more obvious way of contrasting the coast and the desert. The coast, as the ostensible home of civilization and history, would appear to lend itself to an objective ordering of events, to a more empirical description of reality. The rainforest, on the other hand, for all that it offers to the scientific gaze, would, due to its previous literary treatment, more obviously suggest a subjective or mythic style. But the reversal of these aesthetic strategies makes sense both in light of Vargas Llosa's determination to work against the rainforest novel tradition and the curious fact that, despite their positions on opposite sides of the colonial frontier, much more had been written about the rainforest than the northern Peruvian coast. As José Miguel Oviedo notes, Piura was “a geography virtually unknown in Peruvian narrative . . . while, on the other hand, the rainforest was perfectly mapped by a great quantity of national stories and novels” (*La invención de una realidad* 38).

But more relevant than the distinctions between Vargas Llosa's treatment of these two regions is how he links them. Four primary techniques work to achieve this goal: “active craters,” the “qualitative jump,” “communicating vessels,” and “Chinese boxes.” In brief:

- “Active craters” are “those points that register a strong concentration of experience [*vivencia*]” (*Carta de batalla* 38). In *The Green House*, an example discussed above is the scenes of fire at Fushía’s island camp and the Green House that immediately follow upon each other.
- The “qualitative jump” (also called “the cast” [*la muda*]), which “separates, removes, and distinguishes the different planes that make up reality” (48). *The Green House* is largely composed of such jumps: every few pages, the scene shifts abruptly from Piura to the Upper Marañon and from past to present.
- “Communicating vessels,” which “unify, bring together, and integrate the [novel’s] elements into a single flow” from their interaction with “qualitative jumps,” “experience is born, as with the spark from the clash of two rocks” (48). This might also be called narrative juxtaposition. The passage cited above, in which Fushía and Aquilino’s dialogue is juxtaposed with the plotting of the robber barons, is an example.
- “Chinese boxes”: “Just like in those boxes which, when opened, contain a small box that also contains another, etc., in fictions constructed according to the system of the Chinese box, one episode contains another and sometimes this one contains another, etc.” (54). The “Chinese Box” bears a similarity to the *mise en abime* technique identified by André Gide: stories nest within stories. In *The Green House*, many important facts and events, such as Anselmo’s Amazonian origins and the story of Fushía’s camp, are told through such a concatenating structure — characters describe the past, or describe what somebody else said about the past — rather than narrated directly.

These techniques are significant for three reasons. First, they represent Vargas Llosa's strategy for breaking with the dominant tradition of writing on the Amazon, and particularly the *novela de la selva*, as I describe below. Writing about Peru from Paris, Vargas Llosa forswore what he took to be the naïve formulae of chronicles and adventure stories and embraced narrative devices inherited from a Valencian *romancier* and refined by European novelists of the highest order. His Amazon would not be a fairy tale, an El Dorado, or an object of anthropological interest: it would be an element in a complex, modern novel, one where the focus was on "man" — human action, perspective, and conflict — rather than on nature.

Second, as already mentioned, these techniques undermine the typical geographic and temporal distinction between coast and desert. In addition to the connections made between the regions through the figures of characters like Bonifacia and Lituma and the inversion of origins and historical progress seen in the rainforest native Anselmo's arrival in Piura and the inverted symbolism of Fushía's island retreat, Vargas Llosa's highly intricate and stylized novelistic methods create the impression of a certain type of unity. This unity is aesthetic and thematic; even where marked differences between Piura (the color yellow, the "mythic" voice) and the Amazon (green, the "objective" voice) obtain, they are framed within a highly structured totality. Indeed, the unifying effect of the narrative techniques seems to constantly revoke the geographical and cultural distinction between the two settings, serving a sort of pedagogical or corrective function. In response to the sentimental affect of the literary tradition and to his own first impressions on visiting the rainforest — the feeling of historical dislocation, the perception of the exotic

— Vargas Llosa marks difference and then constantly obscures it, feeding the old biases and binaries into his complex narrative machine.

This machine produces the third notable aspect of *The Green House*'s style and structure: the feeling of pessimism and decline that pervades the novel. The plot's dispersal through "active craters," "qualitative jumps," and "communicating vessels" serves to re-route every character's trajectory through the scenes of violence and humiliation that are constantly recalled, re-told, and repeated, often through the "Chinese box" method. Rapid shifts in time and place shift momentum away from the characters' stories and onto the diegetic procedure itself — an effect that is affectively neutral on its face, but which, given the events of *The Green House* and the predominance of the "mythic" and "objective" registers, lends the whole work a tone of foreboding and abjection.

José Luis Martín identifies this aspect of *The Green House* as an instance of "structural realism," his term for writing by authors such as Julio Cortázar and Gabriel García Márquez which explores reality via the play of perspectives and the impression of a constant actuality (24, 183). For Martín, Vargas Llosa's "structural realism" aims at revealing one essential aspect of reality: victimization of the weak by the strong (257). Similarly, George R. McMurray argues that the "grammatical chaos" of Vargas Llosa's style reflects the "social chaos" of Peru (337). Critics such as Michael Moody, Sara Castro Klarén, and Luis Harss all highlight how *The Green House*'s techniques suppress individual personality and convey the sense that each character is the prey of natural and historical conditions which alienate or oppress them.

To clarify the ways in which the “extraordinary ambiguity” (“*La historia secreta*” 30) that Vargas Llosa experienced in the Amazon produced this formally innovative and morally pessimistic indictment of the colonial imaginary, it is worth returning to the circumstances of the novel’s composition. As recounted in “Secret History,” *The Green House* was originally two novels: one concerning events in Piura, the other in the Amazon. Writing in Paris, Vargas Llosa would alternate days writing each novel. But

[e]ach day it was more difficult to keep them in their respective worlds. And when I was writing the novel of Piura I was thinking about Santa María de Nieva, and when writing about Santa María de Nieva I was thinking about Piura. Suddenly, it was chaos: the desert and the jungle, the Queens of the Green House and the Sisters of the Mission, the old blind harp player and the Aguaruna Jum, Father Garcia and Tushia [Fushía’s original name], the dry sand and the wet trees were confounded as in a strange and contrasting dream, and I no longer knew where each one was, who was who, where one world left off and where the other started. I couldn’t separate them. (“Secret History” 409)

Notably, Vargas Llosa found the sections of the novel set in Piura — where he had spent part of his adolescence — easiest to write: “all remained etched with fire in my memory” (“On Being Nine” 58). But the coast’s cultural and historical identity was as ambiguous as the situation which the author had discovered in the Upper Marañon. One of Piura’s neighborhoods, Vargas Llosa writes, “had dissolved into what we may term somewhat ironically ‘civilization’” (61-2), while the La Mangachería neighborhood — home to the Army sergeant Lituma who travels to the Amazon — “still represented that old, colorful, factious, uncivilized life of the city” (62).

Among other aesthetic strategies, the author developed a special voice to narrate the development of Piura over the course of the first half of the twentieth century: a voice that had “a liquid quality; a certain atemporality; a suspicious, solemn tone that would denote in some way the mythical background of this story” (76). This is the “mythic”

level described above. It narrates, in a way that reminds one of the literary Amazon, a place riven by contradictory forces of civilization and barbarity, a place whose history is best told in the register of myth.

If the Piura sections came easy, “[t]o evoke Santa María de Nieva and the Amazon was, however, an exhausting effort” (77). Vargas Llosa claims that he endeavored to avoid romantic attitudes toward the Amazonians: he was not a “naïve adherent of Voltaire’s theory of the noble savage corrupted by Christian civilization,” and he was “very far, on the other hand, from sharing that fearsome attitude of certain anthropologists who wished to conserve, at all costs, and entirely intact, the ‘prehistoric’ life of the tribes” (“*La historia secreta*” 30-31). Initially placing Jum, the Aguaruna whose plans for an Indigenous rubber cooperative were violently defeated, at the center of the novel, Vargas Llosa found that he was unable to inhabit his character’s mind:

Every time the same thing happened. Those pages always seemed artificial, false, and awkwardly folkloric. I had already suspected it, but now I knew it in a personal and existential manner. The real truth is one thing, and the literary truth is another; and there is nothing more difficult than to want both truths to coincide . . . I finally accepted the evidence at hand: I lacked the capability necessary to present the world, the abject injustices, and the other men through the eyes and the consciousness of this man whose language, customs, and beliefs escaped me. (“On Being Nine” 79, 81)

This is a self-reflective statement for a *criollo* author writing on the Amazon in the early 1960s — an author who, in later years, would abandon such qualms about voice and experience. For the moment, Vargas Llosa is cognizant of the colonial divide that separates him from Jum: a divide not only of custom and language, but of the “abject injustices” visited upon the Indigenous. Smith argues Vargas Llosa’s rendering of Jum’s story deprives Amazonians of any political or cultural agency, leaving them the abject victims of oppression (*Mapping the Amazon* 122). Still, Vargas Llosa recognizes his

inability to speak from the subaltern's position — and he also seek to avoid other condescending Western attitudes toward the Amazonians. Slowly, in the process of composing *The Green House*, he finds his aesthetic choices for representing the Amazon limited.

Despite this distinction between “real truth” and “literary truth,” Vargas Llosa aimed for maximal verisimilitude. He went to the Jardin des Plantes once a week to study Amazonian flora. For an entire year, he claimed, he read only texts about the Amazon (77). When he had completed the manuscript, he returned to the Upper Marañon to ensure that he had not “idealized” the “environment and the life of the Amazonian region” (82), and even met Jum again. This period of intensive research is illustrative of Vargas Llosa's engagement with the ambiguous temporality of coast and rainforest. Research primarily took the form of reading what the author describes as “the most absurd and the worst literature of the world” (“Secret History” 411): chronicles, ethnographies, and novels of the *regionalismo* school of the early twentieth century that deal with the Amazon. A subset of the latter class, the *novela de la selva*, earned Vargas Llosa's particular opprobrium.

The *novela de la selva* grew out of a general desire on the part of Latin America writers to create a unique literary tradition: a tradition that would depart both from the colonial legacy and from the varieties of modernism on offer from Europe. Carlos J. Alonso notes that the emergence of *regionalista* literature in the first decades of the twentieth century coincided with a cultural crisis over Latin America's identity: the region had been largely independent of Spain for a century, but was still bound by colonial political and economic relations. An autochthonous version of *modernismo* was

needed, given that, as observed by Octavio Paz, neither the Enlightenment nor the bourgeois ascendancy had ever taken a firm hold in Latin America — making the Romantic and European modernist traditions poor resources for dealing with the particular changes wrought by capitalism there (18-26). Narratives dealing with neo-colonial conflict in the rainforest were a compelling solution to this problem because the economic base of most Latin American countries remained natural resource extraction (French 13). Writers such as José Eustasio Rivera (*The Vortex [La vorágine]* (1924)), Rómulo Gallegos (*Canaima* (1935)), and Alejo Carpentier (*The Lost Steps [Los pasos perdidos]* (1953)) crafted novels in which urban male subjects ventured into the rainforest in search of riches and fame only to be defeated by their own arrogance, the environment's impenetrability and danger, and the ongoing barbarity of colonial invaders. The pessimistic tone evident in the *novela de la selva* reflects an historical reality: the Latin American rainforest was neither the El Dorado nor the prehistoric Green Hell imagined in many works of the colonial and immediate post-independence era, but was rather a site of exploitation and extraction on the frontiers of global capitalist expansion.

Nature became the dominant metaphor for Latin America's uniqueness: no other place on the globe had the extremes of the Amazon and the Atacama Desert, the Andes and the Argentina coastal plain — sites also synonymous with the region's global economic significance. But this "myth of nature and its organic coherence" (González Echevarria 41) that grounded the *regionalista* movement foundered on the fact that the environment, like the city, remained within history: Indigenous dispossession continued and neo-colonial extraction followed upon colonial models. *Criollo* writers of this era

thus set their works in environments that, for all they offered as settings of an autochthonous tradition, also punctured the pretension of writing from a clean slate. Roberto González Echevarría argues that a characteristic drama of *regionalismo* novels is the untenability of this myth and the crisis of legitimacy it causes for the Latin American literary tradition. From Sarmiento's *Facundo* on, authors are forced to grapple with a nature that both bestows cultural authority and revokes it (62). In other words, the *civilización* of literature constantly confronts itself in the mirror of its own *barbarie*.

Despite its central focus on rainforest environments, then, the *novela de la selva* is not nature writing in the European or United States tradition. While passages of natural description abound in novels like *The Vortex*, there is also a significant degree of irony and intertextual play, elements that suggest a preoccupation with the limits of environmental writing. For Jorge Marcone, the *novela de la selva*, with its depiction of an urban protagonist's failed "return to Nature," represents Latin America's missed chance at an "alternative modernization," one that would sidestep neo-colonial extraction ("Jungle Fever 162); "the disillusion with hegemonic practices of Modernity leads to a radicalization of modernism" ("Cultural Criticism" 287). Similarly, Lesley Wylie makes a forceful case for reading the *novela de la selva* as a postcolonial rejoinder to European landscape aesthetics:

the authors appropriate tropes of European travel writing on the tropics, exaggerating the arrogant jingoism of the urban traveler, the menace of the landscape, and the "savagery" of the indigenous people, to create fictions which seem radically anachronistic given the context of their production. It is this tone of belatedness in the *novela de la selva* — the incongruence between the protagonists' neocolonial conduct and the political realities of the postcolonial era in which the novels were written and first read — which is the source of much of the novels' irony. (21)

In a related vein, Erica Beckman argues that these novels' engagement with Latin American nature do not represent a turn away from "commercial culture," as is the case with much environmental writing from the United States and Europe: "instead, the settings examined by regionalism were precisely those at the center of export-led modernization. Under a system organized around the extraction of natural resources, the rural hinterlands are always already marked as frontiers of accumulation and possible centers of production" (158-159). In reading *The Vortex*, Beckman develops the concept of the "export real," which denotes the political-economic actuality of resource extraction in the Amazon. The export real is represented in the *novela de la selva* as "that which the lettered creole subject didn't know he knew, but had been there all along" (159) — an apt description of what Vargas Llosa saw in the rainforest when he experienced his "emotional earthquake."

For all these apparent similarities between *The Green House* and the *novela de la selva*, Vargas Llosa sharply distinguishes his own aesthetic project from these forbears. The *novela de la selva* and related *regionalista* literature, he writes in "Secret History," is most notable "as a symbol of the vices most common to a certain type of Latin American fiction, having assimilated all of them: the domination of the natural order over the social, the picturesque, the use of dialect, descriptive frenzy, truculence" ("*La historia secreta*" 62). Elsewhere, Vargas Llosa has described *regionalismo* as "primitive" and presenting an "epidermic notion of man," and has claimed that the maturity of the region's literature "consists primarily of a thematic shift in the axis of Latin American fiction from nature to man" ("The Latin American Novel Today" 267). His Parisian reading helped to confirm

an oppositional aesthetic: “the Amazonian readings vaccinated me against the descriptive vice” (“*La historia secreta*” 63).

While many critics have affirmed that Vargas Llosa overcame the “vices” of the regionalist genre,¹² the picture is rather more complicated. The *novela de la selva* as described by Vargas Llosa is a straw man: while many *indigenista* and *regionalista* novels of the early twentieth century embody the literalism, sentimentality, and preoccupation with natural description that so bothered the author, by mid-century there was a well-known tradition of rainforest novels that using avant-garde novelistic techniques, psychological complexity, and epistemological complexity. To name just two of the best known: Rivera’s *The Vortex* depicts the atrocities of the rubber boom with a nested narrative structure that undermines the authority of its untrustworthy and morally repugnant narrator, producing an affect of confusion and corruption not unlike *The Green House*’s, while Alejo Carpentier’s *The Lost Steps* ironizes its narrator’s search for the origins of music among the Indigenous peoples of the rainforest Orinoco region north of the Amazon.

Charlotte Rogers, for one, finds Vargas Llosa’s relationship to the *novela de la selva* to be a case of Harold Bloom’s “anxiety of influence,” with the young Peruvian paying homage to his forbears through his use of fragmentation and intertextuality (“Mario Vargas Llosa” 1045) — techniques that he introduced in ostensible opposition to the genre’s naïve tics. She notes that “Vargas Llosa has clearly modeled his depiction of

¹² Critics often make this claim for competing reasons: Lydia de León Hazera (240-41) and Sara Castro Klarén (289) argue that *The Green House* is notable for its lack of natural description, while Raymond Leslie Williams credits the novel with a “scientific rigor” that creates an “eco-centered vision in which nature and human beings are on equal footing” (142).

Amazonian peoples on literary sources more than anthropological texts or historical realities” (1059), citing Rivera and Gallegos in particular. Following the line of inquiry pursued by Jorge Marcone, Lesley Wylie, and Ericka Beckman, Rogers identifies the *novela de selva* as an exercise in “mourning El Dorado”: that is, its authors present characters and societies grappling with the “failed promises of extractive economies in the South American tropics” and she reads *The Green House* as another dramatization of the conflicts of assimilation in the Amazon, one that focuses in particular on the psychological trauma produced by colonial violence (*Mourning* 13).

Importantly, however, Rogers argues that *The Green House* distinguishes itself from other *novelas de la selva* by moving beyond the “master narrative” of the coastal traveler penetrating the barbaric hinterlands — a plot device that, though ironized in *The Vortex* and *The Lost Steps*, still links those earlier novels to the colonial chronicle tradition:

The framing of *The Green House* rejects the *novela de la selva*’s structure, evident in works by Rivera, Gallegos, and Carpentier, in which a single protagonist makes a voyage into the wilderness. Gone, too, are the lyrical descriptions of foliage; of all the novelists discussed in this book, Vargas Llosa is perhaps the least ecologically minded. Vargas Llosa’s novel offers a new approach to the *novela de la selva* by doing away with its formal conventions of epistolary format, linearity, character exposition, singularity of perspective, and description of the natural world. In terms of Latin American literary history, the mosaic form and perspectival fragmentation of *The Green House* are significant because they shatter the master narrative of the *novela de la selva* and leave dystopian shards of trauma in its place. (142)

[. . .]

Both the plot and the structure of *The Green House* undermine the notion of Peruvian history as a gradual and placid process of incorporating Amazonia into the nation. Vargas Llosa’s novel shows that the forging of Latin American society ends in violence and tragedy for the indigenous population. (171)

What is the relationship between *The Green House* and the *novela de la selva*, then, and what does it matter? My interest here is not in adjudicating the accuracy of Vargas Llosa's claims against the genre, nor in assessing the degree to which *The Green House* represents a departure from it. Rather, I want to draw a line of connection between Vargas Llosa's vociferous rejection of the literary tradition of writing on the Amazon and *The Green House*'s questioning of origins and historical progress. This connection reveals a larger web of links between Vargas Llosa's aesthetic program and his developing political ecology, which, after the writing of *The Green House*, took on a more conservative and dichotomous cast.

Resurrecting the master narrative in Vargas Llosa's later Amazonian writings

Vargas Llosa's argument in his introduction to *Tirant lo Blanc* that Martorell had pioneered the writing of the "total novel" is just one among many claims that the Peruvian novelist has made about the status of literature and its role in society. In his famous "Literature is Fire" speech, delivered in 1967 in Venezuela upon being awarded a prize named for Rómulo Gallegos — the author of *Canaima* and a former president of the country — Vargas Llosa said that literature

means nonconformity and rebellion, that the *raison d'être* of a writer is protest, disagreement, and criticism . . . Literature is a form of permanent insurrection . . . Its mission is to arouse, to disturb, to alarm, to keep men in a constant state of dissatisfaction with themselves: its function is to stimulate, without respite, the desire for change and improvement even when it is necessary to use the sharpest weapons to accomplish this task. (72)

For Latin American writers, he claimed, the reality of inequality, misery, and alienation provided perfect literary material (73), just as Vargas Llosa himself was "fascinated" by the "barbarity" he found in the Amazon ("On Being Nine" 72). At this point in his career,

the author aligned the rebellious function of literature with socialism, which would cure “anachronism” — even as the writer’s duty in the new society would remain one of dissent (“Literature is Fire” 73).

In the introduction to *Tirant lo Blanc*, Vargas Llosa described the high art of “total realism” as the “supplanting of God” (*Carta de batalla* 26), and identified Martorell as a “vulture that nourishes himself on historical carrion” (16). The vulture imagery recurs throughout Vargas Llosa’s early career: it’s present in “Secret History” (“the primary material of literature isn’t human happiness but rather unhappiness, and writers, like vultures, prefer to nourish themselves on carrion” (*La historia secreta*” 46) and in a 1970 article on “The Latin American Novel Today” (“Rescuer and verbal gravedigger of an epoch, the great novelist is a kind of vulture: the putrid flesh of history is his favorite nourishment” (269)).

This sense of a writer feeding on history and misery becomes paired with the idea that the best novel-writing occurs when society is in crisis (see Vargas Llosa, “La novela” 39-40). In a 1972 dialogue with the Uruguayan critic Angel Rama, Vargas Llosa stated that

The crisis of faith that accompanies the decline of a historical reality, the skepticism about a world’s guiding values that is the clearest symptom of a society’s decomposition, awakens, curiously, a growing receptivity, an appetite, an intense necessity for fictions, for narrative images that segregate this same reality that is no longer believed: God is killed and the cult of his impostor grows, one distrusts reality and there emerges a faith in verbal representations. (Rama, *García Márquez* 44)

In the sixties and seventies, the crisis that concerned Vargas Llosa was the underdevelopment of Latin America and the battle between capitalism and socialism. As the rainforest crisis gained prominence globally and in Peru, Vargas Llosa would

continue to turn his literary and cultural eye to the region and to issues of Indigenous rights and continued colonial violence — but he would begin to plough a markedly different trough than that pursued in *The Green House*. It is worth tracking how Vargas Llosa's conception of the social role of the writer changed in tandem with this political shift, maintaining a focus on the questions of history, progress, and origins.

In the decade after *The Green House*'s publication, Vargas Llosa abandoned socialism — he famously broke with the Castro regime in 1971 over its treatment of the poet Heberto Padilla (de Castro and Birns 4) — and slowly embraced what he termed “classical liberalism”: free markets, individual rights, and the rejection of “collectivism.” He later announced that capitalism was “the system that, despite its limitations and flaws, has made possible the greatest progress in collective welfare, social security, human rights, and individual liberty that history has ever seen” (“The Culture of Liberty” 29). This new political posture coincided with a shift in critical focus from literature's political function to a universal historical account of the role of storytellers. The link between Vargas Llosa's Amazonian imagination and his evolving politics can be discerned in *A Fish in Water*, his memoir of his early years as a writer and as a presidential candidate in the 1990 Peruvian elections. The memoir contains a few pages on his first rainforest journey, “one that afterward would arouse such stimulating memories and images for inventing stories” (465). In the rainforest, Vargas Llosa writes,

prehistory was still alive, they still shrank heads and still practiced animism . . . discovering the awesome power of the still untamed landscape of Amazonia, and its adventure-filled, primitive, fierce world, with a freedom unknown in urban Peru, left me filled with amazement . . . it unfolded before my eyes a world in which, as in great novels, life could be an adventure with no frontiers, where there was room for the most inconceivable feats of daring, where living almost always meant risk, boldness, permanent change — all within the framework of forests, rivers, and lakes that seemed like those of Paradise on Earth. It would come back

to my mind a thousand and one times in years to come and would be an inexhaustible source of inspiration for my writing. (465-466)

Absent here is the author's recognition of barbarity in both city and jungle; gone is the condescension toward the *novela de la selva* with its vapid evocations of landscape and formulaic adventures. Instead, Vargas Llosa employs the basic tropes of outsider writing on the Amazon and closes his brief recollection by noting that one of his traveling companions would later help foster the Sendero Luminoso Maoist insurgency (467).

The most interesting document of this shift comes from a study on the Uruguayan novelist Juan Carlos Onetti that Vargas Llosa published in 2008. In it, Vargas Llosa again recounts the story of his first trip to the Amazon, but this time he offers an anecdote missing from "Secret History." Apparently, during a stop at a small Machiguenga community, Vargas Llosa and his companions listened to a traditional storyteller. The experience took on such epochal dimensions for the writer that he allegorized it into a universal theory of narrative. He opens his study in this manner:

We went back to a world so ancient that science didn't reach it, and the science that claimed to reach it fails to convince . . . You could say that time doesn't yet exist. All the references that would punctuate its trajectory haven't yet appeared and those who live immersed in it lack consciousness of its movement, of the past and the future and even of death, so that they find themselves prisoners of a continuous present that prevents them from seeing the before and the after. (*El viaje a la ficción* 11)

Note how strikingly this passage combines apparently opposed elements of Vargas Llosa's earlier renderings of the rainforest. In his first experience of the Amazon, Vargas Llosa felt that he was in the "Stone Age," where the "social, scientific, and technical achievements of our epoch" were missing ("Secret History" 394, 401); now he describes "a world so ancient that science didn't reach it." But in *The Green House*, he offers a corrective to this colonialist impression of historical backwardness by creating a fictional

reality in which temporality becomes fractured and both sides of the *civilización/barbarie* frontier are experienced in a sort of eternal present. This imprisoning timelessness is now divested of its political critique and relegated back to the barbaric prehistory of civilization, a prehistory once again located in the Amazon. Vargas Llosa continues his allegory by describing how humanity in this state is not yet fully distinguished from the “collectivity” of animals (hear the resonance with the now despised “collectivism”) (12). Terror reigns: society exists under a state of “distrust, insecurity, suspicion toward everything and everyone” (14) (terms that would aptly describe the state of “civilized” Peru in *The Green House*). “We are at the threshold of civilization but not yet in it” (14) — and so the *civilización/barbarie* dialectic reemerges, placed back on solid teleological footing with an identifiable threshold through which all humanity must pass.

The passage through the threshold begins with a single event: storytelling. When humans first hear one of their own use language to describe lies, fantasies, and other ways of living, this creates a breach between reality and possibility; suddenly, people can imagine alternatives, can distinguish the past from the future, can agitate against the state of things (16). Inventing stories and telling them to others is “a discreet means . . . of insubordination against the real reality” (*id.*), it evinces “inconformity, dissatisfaction, rebellion” (17). By means of this tension, storytellers are the agents of civilization, activating “those primitive communities that would later evolve into cultures and civilizations” (*id.*).

These lines signal how Vargas Llosa has both expanded and constricted his earlier theory of the writer’s place in society. Moving beyond the coordinates of Latin American political conflict in the sixties and seventies, insubordination and rebellion are now the

project of semi-mythic disturbers of the animal collective, ancestral storytellers who raise humanity from the terror of timeless existence. At the same time, this critical office is filled not by modern authors such as Vargas Llosa or even Martorell but by a “witch, shaman, healer” (14) in the Amazon; it is an act performed on the other side of civilization’s threshold.

Indeed, when Vargas Llosa describes the real storyteller that he listened to in 1958, he describes the Machiguenga people as “recently departed, or only at the difficult beginning of departing, from prehistory” (21). Yet he still feels an affinity with him: the storyteller has, like Vargas Llosa, devoted his life to inventing and telling stories, albeit “in a community so primitive and separated from so-called ‘civilization’” (22). Putting “civilization” in quotation marks signals that Vargas Llosa retains some of his earlier critical attitude toward the universal historical teleology that he has just articulated, and he goes on to note that the march of progress, which leads to the creation of the “sovereign individual,” also creates new technologies and scales of violence (26).

But such is the nature of things; the sequence cannot be altered. Whereas *The Green House* expressed a pessimistic attitude toward “civilization” and the violent nature of humanity, the later Vargas Llosa asserted the bittersweet inevitability of progress. “That is why it is not unfitting to say that without fiction liberty would not exist and that, without it, the human adventure would have been as routine and identical as animal life” (30). Or, as he would put it in his 1990 essay “Questions of Conquest”: “If forced to choose between the preservation of Indian cultures and their complete assimilation, with great sadness I would choose modernization of the Indian population . . . It is tragic to destroy what is still living, still a driving cultural possibility, even if it is archaic; but I am

afraid we shall have to make a choice” (52-53). The example Vargas Llosa provides of this tragic choice is the Machiguenga, who, despite their resistance to outside incursions, will have to give in (53). So rather than agitating *against* order — supplanting God, feasting on a dying civilization — the storyteller figure inaugurates an inevitable march toward progress and civilization. In his 2010 Nobel Prize acceptance speech, Vargas Llosa repeated many of the political and cultural conceptions described above, stating toward the end that “[f]rom the cave to the skyscraper, from the club to weapons of mass destruction, from the tautological life of the tribe to the era of globalization, the fictions of literature have multiplied human experiences, preventing us from succumbing to lethargy, self-absorption, resignation” (“In Praise of Reading and Fiction” 12).

This new conception of literature’s role in society is made clear in the author’s second novel of Indigenous life in the Amazon, *The Storyteller* (1983), which, Vargas Llosa writes in his study of Onetti, “is an imaginative inquiry into the dawn of civilization” (18). Considered alongside *The Green House*, *The Storyteller* proffers fascinating evidence of how Vargas Llosa’s literary and political attitude toward the Amazon shifted over the years. The novels could not be more different in their construction and outlook. One half of *The Storyteller* is told from the perspective of a Vargas Llosa-like author figure who discovers, on a visit to Florence, a photograph from the Amazon depicting a storytelling event similar to the one described in the author’s study of Onetti. This discovery impels the narrator to recount his friendship in 1950s Lima with a fellow student named Saúl Zuratas. Saúl — a native of Talara, a port city close to Piura — became infatuated with the Machiguenga, and he and the narrator held spirited arguments over the fate of the Peruvian Amazon. The narrator explains Saúl’s

“conversion” to the cause of the Machiguenga in reference to two factors: a large birthmark on his face and his Jewish ancestry. Marginalized by these accidents of birth, Saúl identifies with the Machiguenga, who for centuries had led a peripatetic existence in flight from Incan, Spanish, and rubber-boom invaders: “Both he and they were anomalies in the eyes of other Peruvians. His birthmark aroused in them, in us, the same feelings, deep down, as those creatures living somewhere far away, half naked, eating each other’s lice and speaking incomprehensible dialects” (28).

The narrator is a close stand-in for Vargas Llosa. Indeed, *The Storyteller* is in many ways a re-writing of “Secret History,” as the novel’s narrator describes a 1958 visit to the Amazon with anthropologists and linguists, repeats the stories of Jum and Fushía, and discusses his Parisian research on the region. Much of the language of these events is repeated: “This, too, was Peru, and only then did I become fully aware of it: a world still untamed, the Stone Age, magico-religious cultures, polygamy, head-shrinking . . . that is to say, the dawn of human history” (72). The narrator presses Saúl on his concern for “the plight of Amazonian cultures and the death throes of the forests that sheltered them” (20):

What did he suggest, when all was said and done? That, in order not to change the way of life and the beliefs of a handful of tribes still living, many of them, in the Stone Age, the rest of Peru abstain from developing the Amazon region? Should sixteen million Peruvians renounce the natural resources of three-quarters of their national territory so that seventy or eighty thousand Indians could quietly go on shooting at each other with bows and arrows, shrinking heads and worshipping boa constrictors? . . . Hadn’t Marx said that progress would come dripping blood? Sad though it was, it had to be accepted. We had no alternative. If the price to be paid for development and industrialization for the sixteen million Peruvians meant that those few thousand naked Indians would have to cut their hair, wash off their tattoos, and become mestizos — or, to use the ethnologists’ most detested word, become acculturated — well, there was no way round it. (21-22)

In the 1950s, the narrator was still a socialist. But, from the vantage of the 1980s, he writes that his youthful hope that “Marx and Mariátegui” would provide a way for

Amazonian tribes to develop without cultural assimilation was just “as unrealistic and romantic as Mascarita with his archaic, anti-historical utopia” (78).

On his first trip to the Amazon, the narrator is told of the Machiguenga storyteller tradition: raconteurs hold audiences rapt with tales of the rainforest, but the Machiguenga are incredibly reluctant to tell anyone about the practice. Indeed, the narrator spends decades tracking down references to the Machiguenga in archives in Lima, Madrid, and Paris, without results. Only when he returns to the area in the 1980s — at which point the famously nomadic Machiguenga have begun to settle in villages and adopt Western mores — is the existence of the storytellers confirmed by a member of the group that the narrator had traveled with. The narrator tells his linguist friend that “for some reason I found hard to pin down, the existence of those storytellers, finding out what they were doing and what importance it had in the life of their people, had been, for twenty-three years, a great stimulus for my own work, a source of inspiration and an example I would have liked to emulate” (174). The friend then tells the narrator that he encountered a Machiguenga storyteller with light skin, red hair, and a birthmark (181).

This revelation explains Saúl’s absence over the intervening decades: he has become a Machiguenga, walking with them on their endless journey, and has attained the status of storyteller. The news also explains the identity of the speaker who narrates the other half of *The Storyteller*, which consists of a series of Machiguenga stories. These stories mix narratives of creation and inter-species drama with the history of the rubber boom and the Machiguenga’s flight from their oppressors. For most of the novel, the reader approaches these stories as what they appear to be — Vargas Llosa’s interpretation of Machiguenga oral literature, counterposed against the main narrator’s search for the

truth of the storytellers. Once the teller of these tales is revealed as Saúl, telling details seep in: the Machiguenga god is referred to as “Jehovah-Tasurinchi” (215), and there is a retelling of Kafka’s “Metamorphosis” (203-207) (Saúl was a great lover of Kafka in his university days).

What is interesting about the dual narrative structure of *The Storyteller* is the way in which it employs two of the “levels of reality” that Vargas Llosa had described in his introduction to *Tirant lo Blanc*: the author-narrator speaks in a highly subjective voice and Saúl speaks in a mythic voice. Whereas the subjective is suppressed in *The Green House* and the mythic used to describe Piura’s early history — one of the many techniques for inverting the association of the coast with modernity and the rainforest with prehistory — in *The Storyteller* the strategy is reversed. The subjective voice allows ample room for the author-narrator to express his political views on the necessity of assimilation, while the mythic voice is first presented as an authentic expression of Machiguenga culture and later revealed to be a sort of Western ventriloquism with a splash of transcultural reference.

Many critics initially welcomed *The Storyteller* as a significant milestone in Western writers’ efforts to understand or gain access to Indigenous perspectives. Ursula K. Le Guin, for example, lauded Vargas Llosa for skillfully mixing “myth and novelistic imagination” (“Feeling the Hot Breath” n.p.), and Benedict Anderson found the novel to be an admirable performance of a *criollo* writer grappling with the barbaric side of civilization (359). Others were less sanguine. Misha Kokotovic emphasizes the fact that Vargas Llosa’s presentation of Indigenous voices is always couched in a Western framing — the Machiguenga storyteller is actually an anthropologist from the coast whose words

are imagined by the Florence-based narrator — in a way that espouses “a nostalgia for the indigenous cultures one is about to destroy” (463). Ignacio López-Calvo (116), among others, characterizes *The Storyteller* as simply a more complex fictional statement on the inevitability of assimilation, the same idea that Vargas Llosa expressed in “Questions of Conquest.”

Similar to his exhaustive research on the Amazon when preparing *The Green House*, Vargas Llosa reviewed the entire literature on the Machiguenga when writing *The Storyteller* (*El viaje a la ficción* 22), and his imagined stories bear many close parallels to actual Machiguenga narratives. But whereas with the first novel Vargas Llosa’s efforts at realism led him to suppress traditional ways of depicting the Amazon and even to refrain from attempting to narrate in the voice of Jum, with the second novel he extensively cites ethnographic research and even engages in a sort of second-order ventriloquism. In one of the most penetrating analyses of *The Storyteller*, Lúcia Sá compares Vargas Llosa’s depiction of the Machiguenga with the original sources. While Sá acknowledges that the author presents a fuller picture of an Indigenous culture than in any of his past work — “using native cosmogony and philosophy to rethink received Western distinctions between life and death, humans and the rest of nature, writing and speech, spiritual and material worlds” (154) — the most significant aspect of this presentation is what Vargas Llosa changes. Most notably, the Machiguenga have no storyteller figure like that in the novel; this seems to be pure invention by Vargas Llosa. Likewise, the Machiguenga do not have the rigidly patriarchal society depicted in the novel, nor are they nomadic (157-60).

These fictionalizations of Machiguenga culture are significant for how they contribute to the novel's assimilationist agenda. As noted above, Vargas Llosa's universal allegory of the progress-engendering storyteller places Amazonian cultures at the beginning of a historical teleology that will eventually lead them to civilization. This makes the Machiguenga an emblem of a universal prehistory: the effort is not to understand them on their own terms, but to describe them in the light of an inevitable loss of identity. As Sá writes, "Vargas Llosa's metalanguage can hardly be seen as an end in itself, since it serves the double purpose of undermining the possibility of indigenous political resistance in the Americas, and delegitimizing intertextuality between indigenous and Latin American literatures" (162). On a more political level, the notion that the Machiguenga are essentially homeless justifies the integration of Amazonian peoples into the nation-state. In an echo of the argument I made in Chapter One regarding the paradox of settler legal ideology — private property in land is both the cause and effect of colonial violence to secure Indigenous territory — Sá writes that Vargas Llosa's description of the wandering Machiguenga "presents the same circularity that has often justified the dispossession of indigenous lands in the Americas: the natives are driven away because of us, and because they run away, they cannot be considered legitimate owners of their land. Putting it another way: we impoverish the Indians, take away their lands and decimate their population; and because they are poor, have no land, and are so few, they have to disappear." (160)

The Storyteller's assimilationist program must be read against Vargas Llosa's career-long engagement with the political and literary tradition of *indigenismo*. In brief, *indigenismo* refers to writing by urban *criollos* on Indigenous peoples; though arguably

dating back to some of the earliest Spanish debates over the justice of the Conquest, it reached its apogee in the early years of the twentieth century (Mazzotti). In Peru in particular, *indigenismo* was a genre of the *criollo* middle class, and its gaze was chiefly directed at the political, economic, and cultural isolation of Andeans. The Marxist Jose Mariátegui became Peru's most influential *indigenista*, arguing for a unique form of Latin American socialism that would reverse the racism and dispossession of the republican era and that would build upon the communitarian traditions of the Andes. (Mariátegui's overlooking of the Amazon was typical of Peruvian *indigenismo*; in an essay where he describes how Peru's natural variety produces sharp differences in regional identity, he relegates discussion of "la montaña" (the forest) to a footnote ("Regionalismo y centrismo" 204)). Mariátegui asserted that assimilation of the Indigenous was impossible; any national project would have to blend European and Andean elements. With respect to literature, he noted that Peru was defined by the Spanish/Quechua duality, and that writers would have to acknowledge and incorporate this duality into their creative practice; aesthetics based on monolingualism and a singular cultural identity were inapplicable in the country ("El proceso de la literatura" 206).

Indigenismo — of which works of *regionalismo* and the *novela de la selva* are often examples — provided no single answer to how non-Indigenous and Indigenous cultures can, or should, interact. Building on *indigenismo*'s legacy, Peruvian critic Antonio Cornejo Polar articulated the concept of heterogeneity, according to which a balance between cultures is achieved when European systems of communication are adapted to depict Indigenous reality. Whereas colonial writing and much mid-twentieth-century *criollo* literature was homogenous — it simply employed Western aesthetics for a

Western audience — *indigenismo* was heterogenous in that it assimilated certain aspects of Indigenous culture such as dialect, folk stories, or song (12-13, 21). Like Mariátegui, Cornejo Polar applauded the fact that non-Indigenous writers assumed the interests of working-class Indigenous people: rather than being an inauthentic or opportunistic act, this was a move toward a heterogeneous, socialist national identity (20). Crucially, however, such heterogenous literature should not simply aim towards eventual integration; it should also reveal the contradictions and fissures that define an ethnically divided society (21). Operating from similar premises, Uruguayan critic Ángel Rama offered “transculturation” as an alternative to assimilation. Using a concept first defined by Cuban anthropologist Fernando Ortiz, Rama argued that transculturation rejected the notion that an invading culture simply remakes the passive, traditional cultures that it encounters. Rather, in the case of Latin American literature, transculturation referred to the way in which cultural exchange operated in both directions: Western writers adopted themes, worldviews, and literary forms from Indigenous cultures, creating new types of narrative. In contrast to heterogeneity, transculturation emphasizes dynamism: neither Western nor Indigenous cultures remain static, and it insists the best Latin American writing is attentive to the constant need for new techniques and new attitudes in depicting historical change (33-34).

For both Cornejo Polar and Rama, Peruvian novelist José María Arguedas was the major heir to *indigenismo*. An Andean of Spanish descent who was raised culturally Quechua, Arguedas was an anthropologist and novelist whose writings developed a unique form of Quechua-inflected Spanish to depict the lives of Andean workers in the mountains and on the coast in the middle twentieth century. His novel *The Fox from*

Above and the Fox from Below [El zorro de arriba y el zorro de abajo] (1969), for example, takes place in the rapidly growing port of Chimbote, where hundreds of thousands of Quechua-speaking emigrants labor in the world's largest commercial fishery. Upon receiving the Garcilaso de la Vega prize in 1968, Arguedas famously delivered a speech entitled "No soy un aculturado" ["I am Not an Acculturated Person"], a direct rebuke to cultural and political programs for assimilating Peru's Indigenous population (*El zorro de arriba* 256).

Vargas Llosa was at first a devotee (and personal friend) of Arguedas. In a 1964 essay, "José María Arguedas and the Indian" ["*José María Arguedas y el indio*"], he began with a frontal attack on *indigenismo*: "Peruvian writers discovered the Indian four centuries after the conquistadors and their behavior towards him was no less criminal than that of Pizarro" (139). Vargas Llosa blamed those of his own class for treating Indigenous people simply as a literary object, and argued that writers who sought to define either the coast or the Andes as the "real" Peru were indulging in an "artificial Manicheanism" (140). Arguedas, on the other hand, was hailed as the first Peruvian novelist to treat the *indio* in his full reality. Arguedas did not indulge in commiseration or benevolence; rather, he was an "impartial witness" to Andean life (144). His success in describing Indigenous life from within was evident not only in his themes and plots but in his unique style, which was "the systematic rupture of traditional syntax" (145) (Vargas Llosa also credited Arguedas for depicting the "transculturation" that occurs with the collision of two cultures in the Andes (146)).

Much can be gleaned about Vargas Llosa's political and aesthetic transformation from his changing attitude toward his one-time idol. In 1996 he published a full-length

study of Arguedas, developed out of essays dating back to the late seventies, whose title repeats a phrase quoted above from *The Storyteller: La utopía arcaica [The Archaic Utopia]*. The book argues, against Vargas Llosa's earlier position, that Arguedas indulges in all the vices of *indigenismo*: moralism, sociological exactitude, facile radicalism. Though he retains great admiration for Arguedas' skill as a novelist, Vargas Llosa condemns his *oeuvre* as an unrealistic attempt to preserve a lost Andean world: "With respect to the Indian, Arguedas was a conservationist, a cultural ecologist" (29). Deriding Arguedas' project of portraying an Andean world in flux, Vargas Llosa traces his engagement with Indigenous culture to a psychological obsession with his childhood: "Literature was for him a partly exalted and partly melancholic way of returned to the times and places of his childhood" (*id.*). Note how this psychologization of Arguedas's politics and aesthetics is similar to the way in which the narrator of *The Storyteller* traces Saúl's defense of the Machiguenga — which he identifies as a late-stage variety *indigenismo* (*The Storyteller* 99) — to his birthmark and Jewish identity.

Garreth Williams reads Vargas Llosa's critique of Arguedas within the larger phenomenon of neoliberalism's embrace of transculturation. For Williams, transculturation serves the neoliberal state by positing a shared collective destiny in which old collective histories are annulled (12-13). The "spectral temporalization of the neoliberal" consists not in the colonial politics of subjection and assimilation (of which elements still remain), but rather in the "perpetual emptying out" of alternatives like socialist revolution or a restored Indigenous lifeworld (222). (This interpretation is similar to critiques of neoliberal multiculturalism which I will return to in the discussion of the Bagua case). In rejecting Arguedas's cultural and political vision but retaining a

high opinion of his aesthetics, Vargas Llosa preserves an allegedly archaic *indigenismo* as a perpetual object of critique:

While Arguedas/indigenism are actively condemned, Vargas Llosa's insistence on literary value for the sake of literary value allows us to save them perpetually from their own condemnation (precisely, however, by condemning them perpetually to the dustbins of history). The past, in other words, can only be reincarnated for the present to the extent that it can transform its contours in order to signify the present as distinct from the past. This, of course, reproduces the temporal movement of the "neo" in neoliberalism, in which insistence on the value of literary value, for example, and nothing more, allows us to value the recycling of history as the necessary precondition for us to ground ourselves firmly within a present that is nothing more than an order that sustains itself by feeding off the perpetual ending of previous multiple collective histories. (229-230)

The starkness of this reversal tracks with the changing depictions of the Amazon seen in *The Green House* and *The Storyteller* and with Vargas Llosa's endorsement of a universal historical progress toward civilization. William Rowe, among others, has noted how these shifts brought Vargas Llosa back into the liberal tradition of Sarmiento — he of the *civilización/barbarie* dialectic — which the novelist had seemed to spurn in the 1960s (47). *The Green House* and Vargas Llosa's other early novels "explored the making of connections across the lines of power and cultural division, with the multiple interweaving of conversations across time and space being a main technical device for such exploration. The result was the making of a liberal space through the (temporary) subversion of hierarchy" — but later, in works such as *The Storyteller*, "the technique of communicating vessels becomes subsumed into a political program. The connections do not traverse the political ordering of reality, they simply confirm it" (58-59). For Rowe, this endorsement of assimilation represents a break with the aspirations of *indigenismo*, whether in the form of Cornejo Polar's heterogeneity, Rama's transculturation, or Arguedas's "systematic rupture of traditional syntax":

What is clearly shown by [*The Storyteller*], whose author is placed in Florence, symbol of the perfection of European high culture and center from which the marginalities look the same, is that Vargas Llosa cannot conceive of simultaneous and opposing sets of signs, that is, of a heterogeneous culture, but only of an alienated discourse as the sole way in which the Other can speak within the nation, leaving us the only option an eventual integration or disappearance of the Other into a single national discourse — an apologetics for acculturation. History is a question of “backward” or “forward,” or destruction or integration. (61)

Abandoning his old model of the “vulture” feasting on a decomposing civilization, Vargas Llosa came to embrace the voice of “a self-legitimizing authority, and enunciator of doxology” (60), one whose novels and political essays now sounded in the same key.

Since the 1980s, Vargas Llosa has been clear about the thinkers who have replaced Mariátegui, Castro, and Arguedas in his personal canon: the free-market economist Friedrich Hayek, the philosopher of science and history Karl Popper, and the political philosopher Isaiah Berlin, as noted in the memoir of his conversion to liberalism, *La llamada de la tribu* (“*The Call of the Tribe*”) (2018). When he ran for president of Peru in 1990, Vargas Llosa promoted an economic program influenced by the economist Hernando de Soto, who saw in the country’s large informal sector the promise of a nation operating with lax regulation and a spirit of entrepreneurship. The sovereign individual came to be the guiding star of his politics; any program dedicated to vindicating the rights of the working class or Indigenous peoples was dismissed as authoritarian collectivism (*A Fish in Water*). For Birger Angvik, this political shift is seen clearly in the author’s radically revised depictions of the Amazon: “the opposition between ‘primitive society’ and ‘modern society’ produced an abyss in Vargas Llosa’s treatment into which he sank and into which disappeared the concepts of heterogeneity, cultures, ethnicities, peoples, and human rights” (207).

The 1990 essay “Questions of Conquest” displays and develops this evolution. The author asks: “Why have the postcolonial republics of the Americas — republics that might have been expected to have deeper and broader notions of liberty, equality, and fraternity — failed so miserably to improve the lives of their Indian citizens? Even as I write, not only the Amazonian rain forests but the small tribes who have managed for so long to survive there are being barbarously exterminated in the name of progress” (46). And he provides a direct commentary on Sarmiento’s legacy:

The case of Domingo F. Sarmiento is particularly sad to me, for I admire him very much. He was a great writer and also a great idealist. He was totally convinced that the only way in which Argentina could become modern was through westernization; that is, through the elimination of everything that was non-Western. He considered the Indian tradition, which was still present in the countryside of Argentina, a major obstacle for the progress and modernization of the country. He gave the moral and intellectual arguments in favor of what proved to be the decimation of the native population. That tragic mistake still looms in the Argentine psyche. In Argentine literature there is an emptiness that Argentine writers have been trying to fill by importing everything. (53)

Vargas Llosa tries to solve the dilemma of conquest in another way: rather than “elimination” of the Indigenous, they should be integrated into modern society. As Raúl Guadalupe de Jesús notes, it is unclear just how Vargas Llosa would distinguish the ultimate outcome of his assimilationist politics from the exterminationist ideology of Sarmiento, “as though Latin American nation-states’ processes of assimilating or integrating traditional cultures weren’t processes of extermination” (153). For Vargas Llosa, this integration requires a literature capacious enough to represent Latin America in all its complexity. In a marked reversal of his earlier denigration of colonial writing on the Amazon, Vargas Llosa now offers qualified praise for “the literature that gives testimony to the discovery and the conquest,” including the Amazonian chronicle of Gaspar de Carvajal, whose writings he had rejected while researching the region from

Paris. In such works, he now writes, “there is an extraordinary mixture of reality and fantasy, of reality and fiction in a united work. It is a literature that is totalizing, in the sense that it is a literature that embraces not only objective reality but also subjective reality in a new synthesis. The difference, of course, is that the chronicles accomplished that synthesis out of ignorance and naivete and that modern writers have accomplished it through sophistication” (*id.*).

Superficially, this description of a Latin American literary ideal is identical to Vargas Llosa’s earlier aesthetic statements: literature should aim to be “totalizing” and should mix objective and subjective reality. But this ideal is now identified with colonial chroniclers as well as modern novelists like García Márquez. The capaciousness of this description mirrors the all-encompassing myth of the storyteller: departing from the more historically specific and politically normative literary program of his early years, Vargas Llosa now find his creative archetypes at all stages of historical development, from the tribal raconteur to the naïve colonial chronicler to the sophisticated modern novelist. Rather than feasting on the ruins of decaying civilizations — and producing indictments of violence and injustice like *The Green House* — these storytellers and writers now serve to propel historical progress, moving their audience from animal collectivism through the clash of cultures to a free, individualistic society.

Note how Vargas Llosa lauds Sarmiento’s literary output while condemning his politics — the same appraisal that he makes of Arguedas in *La utopía arcaica*. Sarmiento and Arguedas appear to occupy opposite sides of a spectrum, the one advocating Indigenous extermination and the other (at least for the later Vargas Llosa) proposing a return to a lost Indigenous world. Both fail to capture the “total” reality of a mixed

Western-Indigenous Latin America. The implication is that writers like Gaspar de Carvajal, García Márquez, and presumably Vargas Llosa himself have found the correct line, a “a new synthesis” of objective and subjective reality, of old worlds and the new — although at this point it must be said that the argument becomes rather confused, because it is hard to identify how such a description includes Gaspar de Carvajal but excludes Arguedas. The motivating factor in Vargas Llosa’s sketchy new aesthetics seems to be less a concern with style and form than the requirement that writers accept the bittersweet march of history. We should not dream of Indigenous extermination or revival, of nature subdued or left alone. We should rather aim for assimilation, a political program that now appears to rhyme with the literary program of “totalization.”

Vargas Llosa has thus adapted his earlier theory of the novel to his new political outlook. With respect to the question of how the Amazon is imagined, and how this imaginative effort affects our understandings of history and environmental conflict, it is clear that a teleological notion of history has taken the place of the author’s earlier depiction of the region as mired in a hopeless cycle of degradation. Vargas Llosa now endeavors in his novels and political writing to depict the universal march of progress from “the call of the tribe” to individual sovereignty, and the Amazon, as a last redoubt against this progress, is narrated as a microcosm of this universal story. In *The Green House*, Vargas Llosa equally distributed violence and injustice between the coast and the rainforest, ironized any myth of historical origins or redemption, and refrained from narrating in the voice of Jum in order to avoid an unrealistic depiction of Indigenous life; in *The Storyteller*, Vargas Llosa confidently offers a (not entirely accurate) history of the Machiguenga and uses the voice of a Westerner to narrate their inevitable inclusion in a

unitary modern society. This is not quite a reassertion of the *civilización/barbarie* dialectic, but it is a return to a traditional poetics of cultural and historical geography, in which the Amazon represents prehistory and the rest of the world represents the reality to which the rainforest must accede.

Ironically, then, Vargas Llosa's retreat from the aesthetic and political style of *The Green House* — which used purportedly tradition-breaking modernist techniques to integrate the Amazon into the pervasive barbarity of Peru — is an example of what Fredric Jameson calls a “strategy of containment” to repress the historical totality (*The Political Unconscious* 38). For Jameson, writers use strategies of containment to resolve discrepancies between their proposed pictures of the world and the actual (material) relations between classes; an example is the feudal romance's division of the world into good and evil in order to obscure the brutal power exercised by the lords who figure as the romance's heroes (130-136). In Vargas Llosa's case, there is a discrepancy between his avowed commitment to individual liberty and material progress, on the one hand, and, on the other, the bankruptcy of the promise of “progress” in the rainforest. Vargas Llosa suppresses this contradiction through the imposition of a universalist historical teleology. In his later writing on the Amazon, this requires eschewing the complex style of *The Green House* for the schematic construction of *The Storyteller*, in which Western narrators demonstrate the inevitable assimilation of the Machiguenga. This evasion is ironic because Vargas Llosa throughout his career has claimed fidelity to the “total novel”: the elaboration of a complex picture of the world by means of a fully realized masterwork that breaks down the line between subjective and objective impressions. In fact, this continued claim to novelistic totality is another strategy of containment. By

identifying his subjective politics of the Amazon as the objective truth of history, and by selectively identifying those authors who belong the proper “totalizing” literary tradition of the region, Vargas Llosa suppresses the possibility that the Amazon might figure as anything more than a belated frontier of capitalist accumulation and acculturation.

It is not surprising that Vargas Llosa’s suppressive tendencies should arise in precisely the same period in which the Amazon began to gain global prominence as a site of environmental value and crisis. As Ana Pizarro notes, the Amazon in recent decades has finally moved out of the margins of Peru’s political and cultural discourse thanks in large part to growing concern over ecological degradation. At the same time, Amazonians’ renewed political organization and self-defense efforts have revealed the contradictions of modernization and have coincided with an increased focus on culture as an organizing force in society (60-61), while the world has turned to the region and its allegedly “primitive” cultures as a last redoubt against the environmentally destructive tendencies of global capital (Marcone, “Jungle Fever” 158-59). Vargas Llosa’s insistence that there is nothing special about the Amazon thus represents an effort to maintain a dominant worldview against the threat of dissident environmental imaginations that emerge from within and without the rainforest as the region gains political prominence. From the “emotional earthquake” the author first experienced on visiting the rainforest — a register of the discontinuity between established political geographies and the reality of facts on the ground — he has moved to a placid acceptance that the region and its people must shed their cultural and historical distinctiveness. For all the importance that the archetypal storyteller has in waking humans from their collective slumber — whether that

storyteller is a Machiguenga *hablador*, a colonial chronicler, or a modernist novelist — there's really only one story to tell: the disappearance of the Amazon.

Blurring the Binaries: A New Historical Geography in César Calvo's The Three Halves of Ino Moxo

If Vargas Llosa's imaginative experiments in narrating the Amazon result in the construction of barriers against the threat of difference, the approach taken by César Calvo represents an entirely different strategy. Rather than condemn the Amazon to historical insignificance, Calvo vaunts it as the origin of humanity and as the source of an imminent reversal of colonial reality. Presenting the rainforest and its shamanistic media as a model for overcoming anthropocentrism and historical injustice, Calvo imagines the Amazon as a material and spiritual cure to the world's evils.

Before writing *The Three Halves*, Calvo was primarily known as the son of César Calvo de Araujo, a noted Amazonian painter, and as a preeminent member of the "Generación del Sesenta," a group of young, leftist Peruvian poets. Calvo co-authored a book of poetry with Javier Heraud, who was famously killed during a guerilla expedition in the Amazon, and he claimed to have trained with the outfit that accompanied Che Guevara on his doomed insurrection in Bolivia (Forgues 203-204). Of *mestizo* background, Calvo was born in Iquitos, the largest city in the Peruvian Amazon, but spent much of his early life in Lima and Europe. In the 1970s, as he spent more time in the rainforest, he became intrigued by Amazonian medicine and the use of ayahuasca for medicinal, therapeutic, and visionary purposes. When he met the famed shaman and healer Ino Moxo, he began to write what he intended to be a straightforward report on the

man's knowledge and practices. But *The Three Halves* ultimately took on a much more complex and intriguing form. Divided into five main parts, the novel's chief plot element involves a journey into the territory of the Amawaka people in the central Peruvian Amazon to interview Ino Moxo.

Born to a *criollo* father and an Andean mother, Ino Moxo worked in the rainforest rubber trade as a young man. As told in *The Three Halves* — the account is highly fictionalized, as I describe below — when the Amawaka realized that they needed new strategies to repel invasions of their land, they kidnapped him and enrolled him as a member of the community. Over several years, Ino Moxo became both an expert shaman skilled in the use of ayahuasca and a negotiator of rubber for guns, allowing the Amawaka to keep the whites at bay. *The Three Halves* recounts Calvo's trip deep into the Amazon to interview Ino Moxo, with many digressions and ayahuasca-induced visions sessions along the way.

The main plot of *The Three Halves* is simple: Calvo, Calvo's brother Ivan, and their cousin César Soriano travel from Pucallpa, a city in the central Peruvian Amazon, toward Ino Moxo's remote village. Along the way, they ingest ayahuasca with various shamans and learn the history of the region and the nature of the shamans' medical and therapeutic practice. They meet Ino Moxo, who gives various lessons on the same topics, and then Soriano returns to Iquitos — Calvo's home city — where he meets Manuel Córdova, the “real” Ino Moxo who has returned from his years with the Amawaka (more on Córdova in a bit).

This trip is primarily narrated by Soriano, who writes in the Prologue that “truthfully, this book is not a book. Nor a novel, nor a chronicle. It is barely a snapshot:

the memories of a journey I completed while sleepwalking, magnetized by untamable forebodings and by ayawaskha, sacred drug of the Amazon sorcerers” (xii). The suggestion that the journey to meet Ino Moxo may have taken place only in Soriano’s ayahuasca-induced visions introduces the first of many narrative ambiguities that run through *The Three Halves*. They include:

- The shifting identity of the narrator. César Soriano seems usually to occupy the first-person voice, but César Calvo, who accompanies his cousin on the trip, also intrudes, and certain shared biographical details — such as the description of a first ayahuasca vision at age thirteen — blurs the distinction between the two Césars.
- The suggestion that the entire text has been “dictated” by Ino Moxo and the other shamans who Soriano meets along the way (though this dictation occurs “more through visions than through words” (xii)).
- Repetition of scenes and long passages, such as the final approach to Ino Moxo’s village or the Amawaka origin story of the first two humans. These recur throughout *The Three Halves*, providing leitmotifs and imbuing both the narrative of Soriano’s journey and the stories he hears along the way with a mythic, cyclical quality.
- Intertexts. Calvo quotes amply from other writers, such as the Quechua poet Isidro Kondori, Zacarías Valdéz, author of a biography of the notorious rubber trader Fitzcarraldo, and anthropologist Stefano Varese, whose *Salt of the Mountain [La sal de los cerros]* (1968) drew outside attention to Indigenous Amazonians’ centuries-long resistance against invaders.

- The fifth and final section of the novel, “The Awakening,” and the accompanying appendix of photographs and a detailed vocabulary, which appear to offer a factual counterpart to the preceding fictions and visions. These sections play with the line between documentary truth and imagination and between anthropology and literary narrative.

One of *The Three Halves*'s main themes is the healing power of ayahuasca — an Amazonian vine that, when carefully brewed, produces profound psychedelic experiences — and the promise that the drug holds for increasing attunement and attachment to the non-human world and for reversing the material and philosophical injuries of the whites (or *virakocha* as they are known to the Amawaka). Soriano, Calvo, and the shamans they meet along their journey ingest ayahuasca and visit various parts of the rainforest, speak with figures from the past, and exchange experiences and knowledge. The novel follows the lead of these visions, narrating Soriano's perceptions and experiences in such a way that the book takes on a recursive, disjointed structure. The bulk of *The Three Halves* thus consists of “digressions” from the journey to meet Ino Moxo, although it turns out that these digressions are really the core of the novel. The visions reported by Soriano/Calvo — including lengthy speeches “dictated” by Ino Moxo and the other shamans — serve a pedagogical effect. They reveal the unity and complexity of the rainforest's plant and animal life and the various ways one might gain knowledge and foresight through “the air” — that is, the medium of the vision, through which one can travel forward and backward in time, venture over long distances, and even read others' minds. As Ino Moxo tells Soriano near the beginning of the novel, as he lists the sounds of the animals, fish, and plants of the rainforest: “You hear so many existences, you hear

so many silent wisdoms, when you hear the jungle . . . True stories, stories of tomorrow. Because everything that one will hear, all of that, sounds beforehand in the middle of the night, in the jungle . . . Who could hear everything? Who could hear everything, at once, and believe it?" (3, 6). These exact words are repeated later, when Soriano finally meets Ino Moxo (158).

The problem of disbelief, or of misunderstanding, runs through *The Three Halves* and is highly racialized. In brief, the shamans tell Soriano that whites, the *virakocha*, fail to understand the rainforest and even the larger structure of reality. "For the space of four hundred years they have known only how to mislead themselves, clouding their vision in so many things, confusing us with their thoughts," a shaman named Don Hildebrando says. "The *virakocha* don't see; they have no eyes for seeing" (89). Ino Moxo tells Soriano that white people are limited by their perspective: they listen only as themselves, and understand things to be only as they see them:

Because the *virakocha* structure their knowledge so that it includes only the intimate realities that define a person, not the universal and infinite ones. I don't know what words to use to explain this to you . . . Some *virakocha*, a minority, tolerate certain of our wisdoms, only the knowledge relating to plants. But they do not see that the plants are only the visible portion of the healing . . . Plants mean nothing unless they are inserted within a whole, in the totality of knowledge we have inherited, in that infinite architecture of sacred realities, each one having very precise gateways . . . Because things are not only truly real, or only mere illusions. There are many categories in between, where things exist: many categories of the real, simultaneously and in different times" (191).

The Three Halves models how some of these multiple "categories of the real" might be experienced: the narrative ambiguities listed above all serve to emphasize the partiality of perspective and the simultaneity of events separated by space and time. In this way, Calvo's literary representation of ayahuasca visions serves as a narrative strategy to immerse the reader in an Amazonian way of viewing the world (or worlds). As Antonio

Melis writes in his introduction to the novel, ayahuasca “fosters identification with a distinct culture, adaptation to it, that is, assuming it and feeling as though it is our own, by means of its specific forms of expression” (14). Whether or not this claim is generally applicable to experiences of the drug, it aptly describes the plant’s function in the novel.

Of greatest interest here is how Calvo’s literary experiment engages with the history of colonialism in the Amazon. This history will look different when viewed from the perspective of the rainforest rather than the coast, of course. But rather than simply offering a specifically Amazonian subaltern version of history, *The Three Halves*’s extended engagement with alternative pasts and potential futures proposes an altogether new way of conceptualizing temporality and progress — one that does not merely deny the *civilización/barbarie* dialectic, as Vargas Llosa’s early Amazonian work did, but in place of linear history proposes a cyclical temporality that blurs the line between myth and actuality. The vision of history presented in the novel can be gathered from the various visions and lessons received by Soriano during his journey to visit Ino Moxo. In Pucallpa, a shaman named Don Javier shows Soriano a newspaper article reporting that a sixty million year-old human footprint has been found in Peru. For Don Javier, this confirms that humans originated in the country and that the Gran Pajonal — a large Amazonian plateau at eastern edge of the Andes — was the real Garden of Eden. From there, Amazonians spread to the sierra and the coast and eventually across the oceans (106). A picture of this footprint is included at the beginning of the novel’s appendix (222).

The Gran Pajonal becomes a center of the novel’s historic imaginary. The native people of the area, the Ashanínka, are described as the ancestors of all others, including

the Amawaka, and are revered by the shamans for their successful resistance against Incan, Spanish, and Peruvian invasions. (The Machiguenga described by Vargas Llosa in *The Storyteller* are a closely related but distinct people (Varese 46)). Incidents from the history of colonial oppression are narrated and mixed with myth. When Franciscan missionaries raid the Gran Pajonal for students to fill their schools (similar to the nuns' and soldiers' raids in *The Green House*), the Ashanínka were nearly exterminated, but they survived thanks to assistance from other animals. This event is variously described as occurring in 1947, or at the time that the whites identify as the Biblical Flood, or even earlier. Shamans tell Soriano that this event involved not only the Franciscan invasion but also an earthquake and the fall of a giant jaguar from the sky, which dispersed the Ashanínka (Calvo 18, 193-194). What matters here is not the precise nature of the historical facts but the various mythic narratives that are harmonized, or at least coordinated, to present a story of the Ashanínka narrowly escaping cultural oblivion.

This theme is also evident in the shamans' frequent discussion of uprising and rebellions. Juan Santos, who led a successful eighteenth-century rebellion against the Spanish from the Gran Pajonal (Varese 86-109), is repeatedly referenced in the novel and affiliated with other figures, such as the Marxist guerilla Luis De La Puente, who led a failed insurrection in the area more than two hundred years later (111). Just as Santos was rumored to have disappeared in a cloud of smoke (109), so Ino Moxo is regularly described as leaving this way, as is the mythic first human man, Narowé (Calvo 189).

Ino Moxo himself is the product of the Amawaka resistance against the rubber trader. Captured and trained in mastering the art of ayahuasca by the Amawaka chief, one of the first visions that Ino Moxo sees is the death of Fitzcarraldo, a notorious rubber trader. On

the eve of signing a pact that would link Peruvian and Bolivian rubber companies and ensure greater destruction and death in the rainforest, Fitzcarraldo drowned in an apparent accident. But Ino Moxo sees in his vision that this was no accident; a shaman had directed the boat toward a whirlpool (170-71). This type of resistance via ayahuasca and incantation — *icaros* are magic songs that allow shamans to control and direct people and objects — is key to Indigenous survival in the rainforest. As Ino Moxo tells Soriano:

it may be difficult for you to accept that we, the Amawaka, survived not only because of bullets and Winchesters. We were also allowed to become invisible. Ximu [the chief of the Amawaka before Ino Moxo] knew how to chant *icaros* in order to make his warriors invisible so the destructive rubber collectors could not see them. They vanished. He also chanted me into invisibility when I was thirteen years old. That's how I survived. The rubber people went right by me without seeing, looking for me with their carbines and seeing nothing . . . I still remember the cruelty of Fitzcarrald and his mercenaries. And to think that those genocidal criminals were men! Even now, at times, I am tempted to better declare myself a snake, or a piece of bloodwood, or a stone from a canyon — anything other than a man. (192)

Ino Moxo's desire to disaffiliate from humanity emphasizes the multispecies collectivity of which the Amazonians and their shamans are a part. Animals, plants, and rocks are all people, sometimes taking the forms of humans and amenable to shamanistic communication. A greater divide separates the Ashanínka and the Amawaka from the *virakocha* than that dividing humans and non-humans. Indeed, the novel's narratives of resistance are often told in terms of animal or mineral interactions, and each of the past rebellions described in *The Three Halves* is simultaneously a vision of future decolonization. The shaman Don Juan Tuesta tells Soriano that condors, the emblematic bird of the Andes, came from the rainforest and fled when the jaguar fell from the sky and dispersed the Ashanínka. Never able to acclimate to the winds and sands of the coast,

the condors are now returning across the mountains to the rainforest in a sign of Indigenous resurgence (36-37).

Shortly thereafter, Soriano tells Don Juan Testa of a vision he's experiencing: for four hundred years he has danced with Incan villagers, and for two hundred years has mourned the execution of Tupac Amaru, the famous rebel against the Spanish occupation. Now, Soriano sees himself dancing into the city of Cusco along with his allies, terrifying the whites and singing the stones of the city back to the jungle from which they came: "we return Cusco to the jungles, stone by stone, silence by silence, singing. With songs we transport it, dancing, with icaros, with magical songs, with *bubinzanas* [another word for *icaro*] we move it, thinking" (48).¹³

Near the end of the novel, a version of this vision repeats itself, as Narowé, the mythic first man of Ashanínka legend, uses *icaros* to create an enormous wall that will block the ships of the Europeans. José María Arguedas — who Vargas Llosa first hailed as the first writer to "discover" the Peruvian *indio* and later disparaged as an "archaic"

¹³ It is worth comparing this scene to one from Vargas Llosa's *Real Life of Alejandro Mayta* [*Historia de Mayta*] (1984), a novel about the failure of leftist insurrection in Peru. In *Mayta*, Peru becomes the site of a Cold War conflict, with Cuba backing the Maoist Sendero Luminoso rebels and the United States backing the government. In a series of interpolated passages, Cusco is overrun and destroyed by the Cubans and rebels: "Under the clear blue sky, and over the roofs of red tiles in Cuzco, wave hundreds, thousands of red flags, and the old façades of its churches and palaces and the ancient stones of its streets are red with the blood of the recent fighting . . . Screaming demonstrations, shots fired in the air, and frenetic speeches proclaim the beginning of another era, the advent of the new man" (186); "Frenzied bands of escaped convicts are breaking into the downtown stores. The rebel commanders are ordering anyone found looting to be shot where he stands. The buzzards are tracing circles over the bodies of those shot, who are soon indistinguishable from the victims of the bombing. It all smells of gunpowder, rotten flesh, burning" (190-91). In Vargas Llosa's novel, the Indigenous recapture of the former Incan capital is a terrifying, bloody descent into madness. In Calvo's, it is a largely peaceful, sacred ritual of redemption.

dreamer — appears, and the Amazon River asks him what to do. Arguedas orders the river to flow backwards four centuries, up the Urubamba, the sacred river of the Incas, and to prevent the disembarkation of the conquistadors. Arguedas then disappears in a cloud of smoke (187-89).

Thus *The Three Halves* presents the reader with the same insights into history that ayahuasca offers to Soriano/Calvo: the “[t]rue stories, stories of tomorrow” that Ino Moxo discovers when he listens to the rainforest (6). These are histories seen from below, or from the side, as the emphasis is on the persistence and ultimate success of Indigenous rebellion. As Juan R. Duchesne Winter writes, the novel “practices a mythophysics that politicizes in a particular way the ordeal of ayahuasca by elaborating, based on the experience gained from this traditional thinking plant, a matrix of narratives of collective action” (60). But more than a revisionary account, the ayahuasca-induced, recursive, mythic, fantastical history offered in *The Three Halves* is a history without a proper beginning or end. The black jaguar falls from the sky and scatters the Ashanínka again and again; this happens at the time of the Great Flood, or maybe in 1947. Juan Santos saves the rainforest people from invasion, disappears in a cloud of smoke, and is still here in the figures of Arguedas and Narowé. What Calvo’s novel offers, then, is an Amazonian way of viewing and writing history, one that blurs the line between history and myth and largely sidesteps the teleology of the other traditional grand narratives of rainforest history: the European quest for a hidden Eden; the advance of *civilización* into *barbarie*; even, in its own way, the early Vargas Llosian narrative of inevitable decline and degradation. While historical arcs are preserved — namely the imminent expulsion of the white invaders and the re-establishment of Incan and/or Amazonian rule — these

arcs are layered onto each other and assimilated with the personal visions and experiences of the shamans who recount them and the ayahuasca takers, and the readers, who are privy to their visions.

Anthropologist Stefano Varese explored similar questions in *Salt of the Mountain*, his study of Ashaninka culture and resistance. Published in 1968, *Salt of the Mountain* was one of the first works of Amazonian anthropology to link ethnography and contemporary political critique, demonstrating the continuity between Incan, Spanish, and post-independence invasions of the Gran Pajonal. In *The Three Halves*, Soriano mentions the book to Don Javier and says that he knows Varese; Don Javier replies: “The thoughts of well-meaning people live in the air. They inhabit the air as we do our houses. Before they are placed in books, and only by thinking them, and even if they are never written, they already live in the air . . . I have never seen that book by your friend Varese you told me about. Nevertheless, I have read it several times” (87). Varese explains that “[f]or the Asháninka [Varese places the accent differently than Calvo], time is not homogenous. There is a sacred time (that of sacred acts, myth, or action that repeats a mythical act, for example), and there is a profane time (that of the normal course of all acts that do not have special religious significance). Sacred time, by nature, is reversible” (166). Thus figures like Juan Santos may pass back and forth between sacred and profane time, perfecting the latter by means of the former. Salvation is inherent in the cycle of mythic time; the end of the white occupation is guaranteed, but it still must be worked toward by certain hero figures.

Chief among these is the figure of the shaman. Those who, like Ino Moxo, have attained the ability to pass freely in the air, from past to future, ensure that profane time

ultimately obeys the cycles of mythic time — which explains actions as the shaman’s killing of Fitzcarraldo, and the preservation of this memory and of the memory of other acts of insurrection. In this dialectic of mythic and profane time, the history of abuses in the Amazon takes on a particular significance, as Varese describes:

The *virakocha* are not just any hacienda owner, missionary, or settler; they are not just the concrete persons who invade lands or commit crimes against society. Beyond this concrete historical situation is the ultimate reality: The *virakocha* are the darkness . . . The white are the precosmogonic chaos and the chaos at the end of each cosmic cycle. Just as traditional Asháninka eschatology identifies a sign of the end in the whites’ arrival, so too the shaman represents salvation. Heroic shamanism fulfills a soteriological function; the myth and its social catalyst, are redeemers. Transcending time, transcending historical circumstances, regaining the mythical *great time*, and acting in according with it not only assure the ultimate victory, but also put the Asháninka in contact with the ultimate reality. Therefore all that happens — *history* — is explainable and tolerable. (164)

Varese was writing about the Ashanínka, not the Amawaka, and his book never mentions Ino Moxo. But Varese’s comments on the mythic darkness of the whites, and of the heroic mission of the shamans, compels us to revisit one of the key aspects of Ino Moxo’s story and its significance for our study of cultural and environmental difference: namely, that Ino Moxo was raised in the white world and captured by the Amawaka precisely for his knowledge of how the whites operated.

Calvo’s novel opens by telling this story in Soriano’s’ Prologue: “Ino Moxo, disguised in his prior identity, exchanging his Indian dress for the shirt and pants of some dead foreigner, infiltrated the cities, secured firearms, and taught Amawaka males how to use them” (xi). When Soriano finally reaches Ino Moxo, his first question regards the chief’s ethnic identity:

“Your skin is not that of a pure Indian, and you speak better than a white man.”

“I am an Amawaka,” he interrupted. “Very pure Amawaka. Son of a native more than of a virakocha, son of an Andean more than of a white man, it is true,

but also a descendant of the Urus [the ancestors of the Ashanínka] from my mother's side.”

“Don Hildebrando said that you . . .”

“I am a legitimate Yora,” he said, mortified. “A Yora, whom you know only as an Amawaka. Ino Moxo, that's who I am . . . The problem is that I was not before what I am now,” he says. “I had another name and another life before . . . I was not Ino Moxo before and will probably not be tomorrow.” (152)

Later, Ino Moxo relates to Soriano how the rubber traders' decimation of Indigenous Amazonians led to his change in identity: “It is a long and bitter story. If I were to tell you everything, surely you would not believe me. It is a story that is part of me, which brought me here, which rebirthed me as an Amawaka . . .” (155) Thus Ino Moxo presents himself as a transcultural product of Indigenous resistance, one who carries this incredible history as a part of himself — a history that, much like the sounds of the rainforest and the existence of books in the air, outsiders like Soriano will find hard to believe.

In the fourth section of the book, “The Awakening,” Ino Moxo's identity is further complicated. The scene shifts to a medical office in the Amazonian city of Iquitos, where the “‘simple herbalist,’ as Manuel Córdova calls himself,” treats patients day and night for no charge (207). Soriano tells us that Córdova worked for decades as a biomedical researcher in the Amazon; after some legal troubles, he returned to Peru in 1947 following the famous earthquake and attempted to extract beneficial compounds from the ayahuasca vine for use by an American medical company (209). Córdova then leads Soriano and his friends in an ayahuasca session. When Córdova asks the narrator to recount his visions, the narrator identifies himself as César Calvo, and describes how he dreamed that he was his cousin Soriano; that he went on a journey into the rainforest; that he met Ino Moxo, who was really Córdova, and that the shaman led him in an ayahuasca

session before disappearing in a cloud of smoke (216-17). Calvo returns to his father's home and begins to write *The Three Halves* (219).

The appearance of Manuel Córdova at the end of the novel complicates the truth status of Soriano's journey and the real identity of Ino Moxo. These problems can be easily handled on the novel's own terms: what occurs in a vision is just as real as what happens outside it, and figures like Soriano and Ino Moxo are doubled and overlapped so frequently — Soriano's visions become Calvo's visions, Ino Moxo disappears in a cloud of smoke just like Juan Santos — that precise biographical details become irrelevant for the purposes of the story. But if we step outside Calvo's imaginative framework, the Córdova problem presents important questions regarding cultural exchange and resistance in *The Three Halves*.

Eleven years prior to the publication of *The Three Halves*, Córdova co-authored a book with a U.S. forester named F. Bruce Lamb entitled *Wizard of the Upper Amazon*. In it, Córdova recounts, in the manner of a *testimonio*, how he was kidnapped by the Amawaka and over the course of several years — and with the aid of ayahuasca — trained in the medicinal use of rainforest plants. He became chief of the Amawaka and taught them to tap rubber, which he exchanged for rifles. At the end of seven years, he decides to leave the Amawaka and return to Western society, where he became the healer recognizable at the end of *The Three Halves*. Córdova and Lamb's book inspired both enthusiastic responses — U.S. poet W.S. Merwin wrote a long poem entitled "The Real World of Manuel Córdova" — and scholarly skepticism. Anthropologist Robert L. Carneiro wrote a lengthy critique pointing out several ostensible errors in the *Wizard of the Upper Amazon's* portrayal of the Amawaka, including its claim that the community is

structured as a chiefdom. Lamb responded with a detailed rebuttal, citing extensive ethnographic evidence substantiating Córdova's description of Amawaka social structures and religious rites.

Amanda M. Smith has written the most penetrating analysis of the Lamb-Carneiro debate and of Córdova's role in the history of Western fascination with Amazonian shamanism. As Smith describes, *Wizard of the Upper Amazon* appeared around the same time as other outsider accounts of psychedelic experiences with Indigenous healers, including Carlos Castaneda's *The Teachings of Don Juan* (1968). Although such stories tended to depict the healers' practices as embodiments of ancient traditions, this was not always the case: "The relationship between the rubber boom and the spread of ayahuasca throughout Amazonia has by now been well documented: after the decline of the rubber boom, when men returned home to cities, some of them like Córdova returned with knowledge of Indigenous plant healing, offered it to others, and created the phenomenon of urban mestizo shamanism" (*Mapping the Amazon* 148). In other words, the visionary practices of shamans like Ino Moxo are at least partly a recent phenomenon born from the disruptions of extractive conflict. Smith reveals that, prior to his well-documented career as a healer in Iquitos, Córdova worked for the notorious rubber baron Julio Arana (150). Córdova continued working in the rubber trade for many years, immersed in Indigenous communities though likely not spending any extended period as a captive or even knowing the Amawaka. Later, he worked with a U.S. pharmaceutical company to document medically useful plants (150-52).

The fact that *Wizard of the Upper Amazon* suppresses Córdova's participation in abuses of the rubber trade suggests, Smith argues, that the narrative is a "cleansing of the

colonial conscience” (“From the Rubber Boom” 12). She finds the same phenomenon in *The Three Halves*: Calvo accepts the “colonial binaries” of the oppressive West and the innocent Indigenous world, and constructs a narrative — familiar from the *novela de la selva* — in which an outsider goes deep into the rainforest to gain the secrets of a primeval, innocent world. Ayahuasca thus serves as a way to escape “the logic of exploitation” (*id.*): Soriano, like Córdova/Ino Moxo, sheds his identity as an oppressor and enters into an ostensibly ahistorical zone of social and environmental communion. For Smith, the enthusiastic critical response to *The Three Halves* and to other stories of shamanic initiation “reveal an underlying belief in the existence of a key to unlock the indigenous world where authenticity will finally be found” (13). The persistence of this belief can be seen in the “Ino Moxo” ayahuasca experiences marketed to tourists in Iquitos (*Mapping the Amazon* 144). In Smith’s judgment, Calvo’s “novel functions as a form of literary extractivism” — and, beyond even the “extractivism” of Vargas Llosa’s *The Storyteller*, *The Three Halves* “marks the landscape for further consumption, contributing to a new cycle of commodification of Amazonian resources—this time, cultural and spiritual resources circulating in literary and touristic markets” (145).

Smith’s critiques returns us to questions of hybridity, heterogeneity, and transculturation. The idea that *The Three Halves* participates in the colonial imaginary that I have examined throughout this chapter —Sarmiento’s *civilización/barbarie* and Vargas Llosa’s Stone Age/modern Peru — is opposed by most readers of Calvo’s novel. Antonio Melis places Ino Moxo in a long tradition of Westerners who joined Amerindian resistance struggles, beginning with a Spaniard who was captured by the Mayans and fought with them against Hernán Cortés. This “acculturation in reverse . . . repeats itself

again and again, in distinct ways, to the present day, through the entire history of relations between the ‘civilized’ and the ‘savages.’ Through the narratives of these encounters we come in ever-closer contact with a reality that provokes a crisis in our daily tools of judgment [*instrumentos diarios de juicio*]” (20). In other words, *The Three Halves* invites its readers to undergo the same “reverse acculturation” as Ino Moxo.

Along similar lines, Carlos López Degregori describes the novel as a view of the Amazon “from within” (241). In an interview, César Calvo assented to this description, stating: “existing books are books about the rainforest, not books of the rainforest. Perhaps this is the first time that, without my realizing it because no one had noticed, the people of the rainforest have been allowed to speak, or the rainforest has been allowed to speak through its people, without me imposing my vision or my language. I managed to assimilate myself to this language. Perhaps for that reason I spent several years without leaving the rainforest, living with Campas [Ashanínka], with *indios* or with *mestizos*” (González Vigil 324). The notion that Calvo “assimilated” the language of the Amazon brings to mind Arguedas and his work in creating a Quechua-inflected Spanish; indeed, both López Degregori (241) and Ricardo González Vigil (318) identify Calvo as the Arguedas of the Amazon. The non-Indigenous man who “becomes” Indigenous is now a familiar figure in this chapter. Arguedas was ethnically *criollo* but raised culturally Quechua. Saúl in *The Storyteller* is “born a second time” as Machiguenga (210). In *The Three Halves*, Ino Moxo is reborn as Amawaka, just as the guerilla Luis De La Puente “was white and he was a virakocha, but in his heart he became an Ashanínka” (74).

Are we then stuck, as Smith suggests, in the colonial binary that sharply distinguishes the Western and Indigenous worlds? Is the only way to rebuke the colonial

imaginary that separates civilization from barbarity and the coast from the rainforest to invert its polarities — to achieve a “reverse acculturation” in which the Indigenous Amazon is progressive and the Western coast regressive? Don Javier tells Soriano: “You will be granted knowledge about the real reason, not the pretext, that bring so-called civilization to our jungle. Because what represents progress to whites is regression to Indians . . . You will truly see who have been, and are in reality, barbarians, who are the cannibals, and who are the Christians!” (112). In similar words, Calvo stated in an interview: “The concepts of civilization and barbarity were not inverted by me; they were inverted by Westerners. Westerners consider European barbarity to be civilized, and consider African civilizations barbaric. It’s the complete opposite. Those who have inverted the concepts are the barbaric Westerners who came to enslave us, to destroy a series of civilizations that had existed here” (Forgues 206).

One possible way out of this binary structure is through the “three halves” in the title of Calvo’s novel. For Melis, the three halves are the rainforest, Andean, and black cultures of Peru (14-15); among these subaltern identities, the Amazon is an “unprecedented and privileged observatory” because it has been largely ignored in Peruvian letters and because of the extremities of violence and oppression there (16). López Degregori finds in the idea of three halves a logical contradiction, one that rebukes the hope for reconciliation represented by the binary: three halves can never fit together, and there is no unity to be achieved simply by reconciling opposites such as *civilización/barbarie* (241). Instead, just as Soriano says that “this book is not a book” (Calvo xii) and Ino Moxo both is and is not Amawaka, the Amazonian perspective presented in the novel can accept difference without contradiction.

Alfredo Dillon relates the three halves idea to Cornejo Polar's *heterogeneidad* and Rama's *transculturación*. Whereas Cornejo Polar and Rama's analyses of cultural and literary difference in Peru share with the *indigenismo* tradition a fixation on the coastal/Andean binary, *The Three Halves* introduces a third, Amazonian term that complicates their programs of cultural mixing. In the novel, the Amazon both participates in and sits beyond the coastal/Andean binary, as the rainforest is identified as the original homeland of all people, including the Incas, and as the place to which the stones of Cusco will return. Following Varese's description of the whites as a synecdoche for evil and chaos in the Ashanínka ontology, the Amazon may be the Indigenous other of the *criollo* coast, but the culturally ambiguous figure of Ino Moxo complicates this duality and the depersonalizing visions of ayahuasca leave all identities at risk of decomposition. *The Three Halves* thus promotes a transculturation without the reconciliation of opposites (333-34).

Another solution to the colonial binary problem involves the visionary knowledge afforded by ayahuasca. For Christian Elguera Olórtegui, ayahuasca is a type of transcultural technology, and its power is mirrored by Calvo's writing style:

Intoxication permits the comprehension of Peruvian otherness. Entering into the undifferentiated multiplicity dissolves Eurocentric cognition . . . On the one hand, the plant provokes a journey for the soul among animals and spirits; on the other, the visions are a sample of rubber-boom exploitation and subaltern resistance. We are thus treated to a gradation between cosmopolitics and Indigenous cultural politics. Knowledge of the cosmological regions is followed by a social understanding of the halves of Peru: dialogue with the excluded places. In conclusion: if ayawaskha, the "basic tool of shamanic technology" . . . is a bridge between the three cosmological regions, then writing — as the representation of the plant's powers — articulates the nation's fragments: it shows an invisible world and makes heard marginal voices, overcoming in the process the *ego conquiro*. (54)

Relatedly, Tara Daly reads *The Three Halves* as a decolonial critique of binaries such as mind/body, Western/Indigenous, and human/nature. Her analysis focuses on the shamanic invocation of the air in the novel: Ino Moxo and others travel through space and time via the air, and access knowledge and perspectives — whether those of plants or Varese’s *La sal de los cerros* — through it. Via the philosophy of Luce Irigaray, Daly identifies the air as an “elsewhere” for decolonial thinking (131), “a plane of relationality between worlds and knowledges that cannot be contained in words because it exists prior to place, to bodies, to organisms, and to language . . . a moving, uncontainable, ‘no-place’ for the plurality of humans, animals, plants, and other natural elements that ‘belong’ to it” (135-36). Existing in and communicating through the air, the Amazonian knowledges presented in *The Three Halves* are thus not a simple counterpoint or alternative to the colonial imaginary but are rather a supercession of historical teleology and “biologically-based identity politics” (129).

At this point it is worth underscoring an important difference in how Vargas Llosa and Calvo represent the Amazon and its people. In *The Green House*, Vargas Llosa indicted whites for invading Indigenous territory and depicted the terrible consequences for Indigenous characters such as Jum and Bonifacia. But, after a vexed effort, he decided not to write from the perspective of Jum, concluding that “[t]he real truth is one thing, and the literary truth is another” and that he lacked the ability to see the world from Jum’s eyes (“On Being Nine” 79). In *The Storyteller*, Vargas Llosa changed course, using a mythic tone in half of the novel to narrate Machiguenga life. But this narration is identified late in the novel as belonging to a coastal ethnographer turned native storyteller: another potential example of “reverse acculturation” and a close parallel to the

Córdova/Ino Moxo phenomenon. Yet what distinguishes *The Storyteller* from *The Three Halves* is the former's assimilation of this Indigenous perspective once-removed into the progressivist ideology dictated by the framing author-narrator. The revelation that Saúl is the Machiguenga storyteller whose picture hangs in a Florence gallery demonstrates that even this isolated people participate in a universal storytelling tradition that ultimately leads in one direction toward modernity and the liberation of the sovereign individual subject. Thus the novel's imagined view of the Amazon "from within" simply reveals what we had known all along: that cultural differences exist within a single global history of development. In *The Three Halves*, on the other hand, Calvo persistently blurs "real truth" and "literary truth" — chiefly through the mode of the ayahuasca vision — and makes every effort to see the world from an Amazonian perspective, which, according to Ino Moxo, allows "many categories of the real" (191).

In *The Relative Native*, Brazilian anthropologist Eduardo Viveiros de Castro writes of his efforts to understand Amazonian philosophy: "my point of view cannot be the native's own, but only that of my relation with it. This involves an essentially *fictional* dimension, since it implies making two entirely heterogeneous points of view resonate with each other" (16). This project of "experiencing a form of imagination" (17) is an apt description of the texts I analyze here: they imagine histories and political geographies that take account of the Amazon in various ways, and they strategically appropriate and discard elements of the literary, anthropological, and legal discourses about the rainforest while dealing with Indigenous traditions that are heterogenous to these discourses. We as readers are invited to experience (and compare and critique) these imaginaries. *The Three Halves*'s imaginary experiment lies closest to Viveiros de

Castro's anthropological project in that it builds its novelistic vision from a deep immersion in Amazonian and shamanistic ontology. The ayahuasca vision, the reading of the air, and the transcultural identity of Ino Moxo and others are all experiments in experiencing the Amazonian form of imagination, one which supersedes the binaries described above. And what exactly constitutes this form of imagination? As Viveiros de Castro has written elsewhere, generalizing his Amazonian inquiries to all of Amerindian thought:

[I] suggest the expression, "multinaturalism," to designate one of the contrastive features of Amerindian thought in relation to Western "multiculturalist" cosmologies. Where the latter are founded on the mutual implication of the unity of nature and the plurality of cultures — the first guaranteed by the objective universality of body and substance, the second generated by the subjective particularity of spirit and meaning — the Amerindian conception would suppose a spiritual unity and a corporeal diversity. Here, culture or the subject would be the form of the universal, whilst nature or the object would be the form of the particular. ("Cosmological Deixis" 470)

Western multicultural ontology assumes a single, unified nature, which can be partially approached and depicted via diverse cultural and intellectual traditions, not to mention the partial perspectives of different animals. Amerindian "perspectivism," on the other hand, posits the existence of multiple natures, all of which are perceived through a single cultural lens. For example: all animals think of themselves as humans, and from each animal's perspective a different world of predators, prey, and families is perceived (478). Viveiros de Castro notes that shamans have the rare ability to move between these perspectives. As such: "If Western multiculturalism is relativism as public policy, then Amerindian perspectivist shamanism is multinaturalism as cosmic politics" (472).

The Three Halves partly succeeds in modeling this "cosmic politics." The novel's structure and its insistence upon overlapping identities and temporalities suggests a

perspectival unity — the air, through which shamans can access any and all points of view, places, and times — while its repeated disquisitions on the impoverishment of Western thinking — which ignores the “many categories of the real” (Calvo 191) — suggests the natural multiplicity discussed by Viveiros de Castro. At the same time, certain of its tropes reproduce an imaginary quite foreign to the “Amerindian perspectivist shamanism.” As Duchesne Winter notes — in a critique similar to Sá’s ethnographic commentary on Vargas Llosa’s *The Storyteller* and to Carneiro’s brief against *Wizard of the Upper Amazon* — the monolithic sovereignty exercised by Ino Moxo over the Amawaka contradicts the Amazonian practice of exercising power via the internalization of difference, a practice that negates authoritarian leadership (86).

What to make, then, of *The Three Halves*’s cultural politics, especially in comparison to those of Vargas Llosa’s writings on the Amazon and the broader colonial geographical imaginary? I conclude this section by considering alternatives to the theories hybridity, heterogeneity, and transculturation. These alternatives offer a better model for defining *The Three Halves*’s cultural politics and provide an initial framework with which to study the judicial opinion resulting from the Bagua conflict, a contemporary battle over environment and culture in the Amazon.

Recall Garreth William’s critique of transculturation as developed through his reading of Vargas Llosa: the latter’s denigration of *indigenismo* and Indigenous politics as archaic belongs to a broader neoliberal tendency to gesture at cross-cultural belonging while negating any alternative to assimilation into the nation-state and the global market. “[I]n spite of its investment in the notion of cultural difference,” Williams writes, “the thought of transculturation was for the most part predicated on the possibility of fixing

the notion of peoplehood (and therefore of national identity) within state-generated narratives of common histories and shared collective destinies” (240). Neoliberalism excludes any real possibility of hybridity of the sort imagined by Arguedas and Calvo “by returning to, and reinstalling, the reactive epistemological and political models (Sarmiento’s civilization versus barbarism, for example) that it purports to have condemned to the dustbins of history” (*id.*).

According to Williams, neoliberalism condemns both cultural hybridity and the older colonial imaginary that advocated cultural assimilation. But the latter is revived in the assumption that there is only one — Western, developmentalist — path into the future, and transculturation serves neoliberalism’s purposes by positing “common histories and shared collective destinies.” Smith’s critique of *The Three Halves* — that it relies upon the trope of Westerners escaping history via sacred Indigenous knowledges — is related insofar as it indicts Calvo for maintaining the “colonial binary” of the modern coast and the prehistorical Amazon, the latter of which serves merely as a psychological escape for those caught in “real” history.

As the discussion above indicates, however, *The Three Halves*’s ontological dimension belies this critique and distinguishes the novel from Vargas Llosa’s oeuvre. The novel is invested in deconstructing “categories of the real,” of which the colonial geographic imaginary with its progressive teleology is one. The knowledge gained from ayahuasca visions does not simply remain “over there” in the Amazon; it rewrites the history of the rainforest not only by centering Indigenous resistance but by introducing a mythic plane in which time is cyclical and colonization and rebellion form part of an eternal contest between chaos and order. The fracturing and duplication of personal

identity and personal narrative become the structure of *The Three Halves* itself. The novel disturbs the distinction between fiction and reality in its incorporation of visions, reportage, and semi-scientific catalogues of Amazonian people, animals, and plants. Rather than rest upon the old binary of *civilización* and *barbarie* — or seeking to suppress the binary as in *The Green House* — Calvo introduces the “third half” as logical contradiction and cultural excess.

A similar concept appears in the work of Bolivian decolonial theorist Silvia Rivera Cusicanqui. In “Ch’ixinakax utxiwa: A Reflection on the Practices and Discourses of Decolonization,” Cusicanqui argues that South American Indigenous peoples have forged their own modern identities within colonialism and the nation-state. The progressive teleology that assigns the Indigenous world to the past cannot account for the phenomenon of Indigenous modernity. As Cusicanqui writes in a passage that could easily describe the historical vision of *Los tres mitades*:

There is no *post* or *pre* in this vision of history that is not linear or teleological but rather moves in cycles and spirals and sets out on a course without neglecting to return to the same point. The indigenous world does not conceive of history as linear; the past-future is contained in the present. The regression or progression, the repetition or overcoming of the past is at play in each conjuncture and is dependent more on our acts than on our words. The project of indigenous modernity can emerge from the present in a spiral whose movement is a continuous feedback from the past to the future—a “principle of hope” or “anticipatory consciousness”—that both discerns and realizes decolonization at the same time. (96)

This vision of historical change is opposed to the neoliberal state’s “ornamental and symbolic multiculturalism” that proffers “false inclusion” to Indigenous people (97-98). Rather than offering the chance to “enter” a pre-existing modernity (106) — a notion that preserves Indigenous people as a permanent, archaic minority (99) — decolonialism requires a new modernity.

Cusicanqui offers the Aymara concept of *ch'ixi* as a model for this process of making modernity. In Bolivia, Cusicanqui argues, the future will be built upon ethnic and cultural mixture, not upon a multiculturalism or hybridity that still relies upon the assumption that archaic Indigenous peoples should assimilate into a Western modernity:

I consider myself *ch'ixi* and consider it the most appropriate translation of the motley mix that we, who are called *mestizas* and *mestizos*, are. The word *ch'ixi* has many connotations: it is a color that is the product of juxtaposition, in small points or spots, of opposed or contrasting colors: black and white, red and green, and so on. It is this heather gray that comes from the imperceptible mixing of black and white, which are confused by perception, without ever being completely mixed. The notion of *ch'ixi*, like many others (*allqa*, *ayni*), reflects the Aymara idea of something that is and is not at the same time. It is the *logic of the included third* . . . [It] expresses the parallel coexistence of multiple cultural differences that do not extinguish but instead antagonize and complement each other. Each one reproduces itself from the depths of the past and relates to others in a contentious way. (105, emphasis added)

This, I think is an appropriate description of the cultural politics of *Los tres mitades* — and Cusicanqui's felicitous suggestion that *ch'ixi* is the “logic of the included third” maps neatly onto the “third half” idea of identity and knowledge presented in the novel.

Another useful model is Catherine Walsh's “critical interculturality” [*interculturalidad crítica*].¹⁴ Interculturality “argues that differences, in concrete practice, do not stem from ethnicity itself, but rather from a subjectivity and a place of enunciation defined and constructed by the experience of groups' social, political, and cultural subalternization, but also by knowledges” (34). In this model, Amazonian identity would not be strictly defined by ethnicity. Rather, an Amazonian “place of

¹⁴ Cusicanqui criticizes Walsh and other decolonial and postcolonial thinkers with roots in the U.S. academy for creating an academic “empire within an empire”: she argues that their depoliticized, jargon-filled theories appropriate scholarship and activism from South America and reproduce the same patterns of domination seen in statist multiculturalism (97-104)

enunciation” may be the product of colonial conflict, personal experience, and perspectivist ontology. I think this is what Calvo achieves in *The Three Halves*: the novel as a whole — rather than individual characters such as Soriano or Ino Moxo — defines an intercultural subjectivity elaborated by means of a balance between Western and Indigenous cultures, logocentric narration and ayahuasca-induced visions, neocolonial extraction and resistance.

This reading approaches *The Three Halves* not simply as a depiction of cultural exchange and conflict in the Amazon — a depiction whose accuracy may be debated according to paradigms of heterogeneity, transculturation, *ch'ixi*, or *interculturalidad* — but as the construction of a new historical geography. It is, as Viveiros de Castro's anthropological program proposes, a fictional and imaginative exercise — not simply because it is a novel, but because it departs from cultural and environmental givens to create a new, “third half” idea of how to know and experience the Amazon. This knowledge and experience is mostly directed at knowing the rainforest “from within.” But the implication of the shamanic practices in the novel, which move beyond specific places and times, and of the alternative history proposed by Ino Moxo and others, which identifies the Amazon as the origin of humanity and the end-point of decolonization, is that everything is encompassed therein. In other words, the Amazon is both the literal starting-point of human history and a spiritual model for overcoming the colonialist teleology that divides the world into civilization and its barbaric frontiers.

Key to Calvo's Amazonian imagination is its depiction of a rainforest future. Recall that, for Vargas Llosa, the Amazon is either mired in the cyclical injustice that plagues all of Peru (*The Green House*) or is on the verge of a political, economic, and

cultural integration that will erase its distinctive features (*The Storyteller*). In *The Three Halves*, on the other hand, there is room for a modern Amazon. Its Indigenous peoples will rise again to not only throw off the yoke of white colonialism but also return to Cusco's stones to the rainforest. They will guide outsiders in proper use of the region's ecosystems: a character notes that ecologists have only recently "discovered" that the Ashaninka practice of irregular nomadism and slash-and-burn agriculture is the most environmentally sustainable way to live in the rainforest (56-7). And whatever one might think of Ino Moxo/Córdova's use of his Amawaka knowledge to develop medicines for U.S. corporations, this practice aligns with the shaman and the book's stated desire to share Amazonian cures and therapies with the outside world (xii).

Such visions of the future — which essentially redeploy past events and practices to correct historical injustices and colonial ignorance — may not be "modern" in the typical sense of breaking sharply with what's come before. This is because *The Three Halves* imagines futurity otherwise: as part of a cycle of change and resistance, not as a negation of the past. The novel's investment in visionary knowledge provides the means of experiencing this form of historical imagination. It's true that Calvo's novel participates in rainforest literary tradition identified by Smith, in which outsiders travel across the Western/Indigenous binary to expiate their historical guilt. Instead of breaking this paradigm, *The Three Halves* adds a new element: the Amazon moves across the frontier, too. It reclaims its stones from Cusco. It uses the weapons of the West to defend itself. It turns a rubber tapper into a shaman and uses him to spread its medicine to the world. And it rewrites Western discourses about it — anthropology and the *novela de la selva* — by imbuing the ayahuasca vision's asynchronicity, logical excess, and confusion

of identities into Calvo's narrative. The result is a historical imagination in which the past of the Amazon — its mythic interactions between humans and nonhumans, its centuries of colonial invasion — is ever-present as an element of the rainforest's political and environmental future, propelling it outward. Rather than presenting the Amazon as a place on the verge of extinction via assimilation, or as a sanctuary to be protected against outside influence, Calvo imagines it as an active source of political and spiritual renewal.

Legal pluralism and the judiciary's revisions of Amazonian history

Now I turn to a quite different experiment in environmental imagination. In 2008, the Peruvian government began implementing a free trade agreement with the United States, issuing a series of legislative decrees that opened areas of the country's northwest rainforest to oil drilling. The new laws contradicted constitutional provisions guaranteeing Indigenous communities' right to prior consultation on development decisions and violated these communities' property rights and territorial sovereignty. In June of that year, a coalition of Awajún and Wampi natives staged a series of peaceful highway blockades and occupations of oil facilities near the city of Bagua in the Amazonas province. When police attempted to clear one of the blockades, violence broke out that killed 23 policemen and at least 10 Awajún, Wampi, and mestizos, in addition to several injuries and disappearances (Anaya 9) (Indigenous organizers claimed that more than 100 Awajún and Wampi were killed ("Cronología del levantamiento amazónico" 92)). The conflict became known as the "Baguazo."

Peru's public prosecutor leveled charges of homicide, assault, and other crimes against 53 Awajún, Wampi, and mestizos. In 2016, the Sala Penal de Apelaciones

Transitoria y Liquidadora de Bagua acquitted the defendants, basing its decision on factual problems in the prosecution's case and on the right of the Amazonians to defend their land against invasion. The court's 392-page opinion is a remarkable attempt to integrate Indigenous ideology and cosmovisions into the state's Western criminal jurisprudence. Professing a program of legal pluralism [*pluralismo jurídico*], the opinion's authors emphasize the need for an intercultural understanding of the causes of the Baguazo and of the political and cultural role of the criminal legal system. Imperfect in its origins and execution — the trial was marred by severe economic and linguistic impositions placed upon the defendants, and the court's reasoning rested largely on outsiders' descriptions of Amazonian peoples — the opinion is nonetheless a fascinating case study in adapting a dominant discourse to the ideological challenges of environmental conflict.

The Baguazo took place in roughly the same region as the Amazonian episodes of *The Green House*. After the Peruvian legislature granted President Alan García the right to issue one hundred legislative decrees stripping property rights from Indigenous Amazonians, native groups began organizing their resistance in and around Santa María de Nieva, the chief rainforest locale in Vargas Llosa's novel (Royo-Villanova y Payá 100-101); notably, nuns from Santa María, whose capture and forced education of native children was depicted in the novel, formed an important part of the defendants' trial support effort (Zambrano 63). The main communities involved were the Awajún, formerly known as the Aguaruna, and the Wampi, formerly known as the Huambisa (both groups feature prominently in *The Green House*: Jum, the punished organizer of the rubber collective, is Awajún). After negotiations with the government fell through, the

Awajún and Wampi blockaded the highway to Bagua, a city through which Vargas Llosa traveled on his second trip to the Amazon to verify the facts in his manuscript of the novel (“Secret History” 412).

The Awajún and Wampi, both members of the Jíbaro language group, had long been stereotyped by outsiders according to two paradigms: the primitive native and the ferocious savage (Espinosa de Rivero 132). After successfully resisting Incan, Spanish, and Peruvian incursions onto their territory, the Jíbaros suffered greatly in the first rubber boom, and over the course of the twentieth century lost much of their territory and began to settle into towns, often organized around Catholic missions (Royo-Villanova y Payá 51-93). By the time of the Baguazo, they had earned several legal protections, most notably Convention 169 of the International Labor Organization, which recognizes the right of communities to be consulted on any development project that affects their lands, and which had ratified by the Peruvian legislature (Anaya 13-16). These protections were ignored by the government and by President García, who in 2007 chastised native Amazonians for guarding their natural resources. In an article that increased tensions between the state and the Amazonians, the president described natives’ lands as “abandoned property, ‘dead hand,’ while its residents live in extreme poverty and hope that the State will provide relief rather than drawing value from their mountains and lands, renting them, selling them — because if they’re unproductive for them, they would be productive with a high level of investment or skill brought by a new buyer” (quoted in Montoya Rojas 5). This idea is hardly distinguishable from those of John Locke and Chief Justice Marshall quoted in the first chapter: Indigenous peoples have no right to lands that they refuse to develop in the proper fashion.

The June 2009 highway blockade in Bagua was the culmination of many months of similar actions across the region, which were implemented as the Awajún and Wampi attempted to negotiate the revocation of the legislative decrees implementing the free trade agreement with the United States. As later determined by the Bagua court, the national police instigated most of the violence, storming the blockaders and initiating a firefight. Roughly simultaneously, a large group of Awajún and Wampi stormed a nearby oil facility, causing the death of eleven policemen (Royo-Villanova y Payá 185).

The violence of the Baguazo was tragic, but the Awajún and Wampi partially succeeded in their immediate goal of reversing the legislative decrees: within weeks the government had canceled the law that overrode the communities' right to prior consultation ("Cronología" 93), and in the following years the state took several measures to avoid similar conflicts, including the creation of a Vice Ministry of Interculturalism and the promulgation of a new prior consultation law (Zambrano 74). In 2015, the Wampis declared an autonomous government within the Peruvian state, organizing their own government and courts ("Estatuto"). Nonetheless, environmental conflict between the state and Indigenous communities in the area persists: local groups continue to organize against efforts to open the region to oil drilling (Cannon), and in 2020 an Awajún leader was tortured and killed in Santa María de Nieva after protesting against state-sanctioned mining ("Peru: Awajun Leader Killed").

Reaction to the Baguazo from members of the Peruvian establishment was strong and predictable. President García denounced the "savagery, barbarity, and ferocity" of the Indigenous resisters (Espinosa de Rivero 132). Vargas Llosa — citing his knowledge of the Amazon and his novelistic portrayals of the region — described the Awajún and

Wampi's success in reversing the legislative decrees as a "Pyrrhic victory," and claimed that the Amazonians had been manipulated by outsiders like Hugo Chávez and Fidel Castro: "The responsibility of those who, in an insensitive and demagogic fashion, have exploited the Indigenous communities by urging them into open war against measures that would have primarily benefited them, inculcating them into stupid lies that the decrees were part of the Peru-United States Free Trade Treaty and were intended to deprive them of their land, is enormous" ("Victoria pírrica" n.p.).¹⁵

The Baguazo bears certain similarities to other instances of Amazonian resistance already discussed in this chapter, such as Jum's doomed effort to organize an Indigenous rubber cooperative in *The Green House* and Juan Santos' Gran Pajonal rebellion in *The Three Halves*. An important point made by many commentators on the Baguazo is that the Awajún and Wampi resistance lacked formal leadership: in keeping with the communities' traditions, decisions were made by consensus, and no individual could order others to act (Royo-Villanova y Payá 25; Regan Mainville 26-30). This acephalous

¹⁵ Vargas Llosa's remarkable naivete about the effects of oil drilling in Indigenous territory seems incompatible with his depiction of the effects of the rubber boom in *The Green House* and even *The Storyteller* (although Amanda M. Smith argues that Vargas Llosa's remarks on the Baguazo are consistent with his career-long racism towards Amazonians (*Mapping the Amazon* 137-38); I believe she fails to appreciate the changes in the author's attitudes over time). In *Capital Fictions*, Erica Beckman notes a similar trajectory in the career of José Eustasio Rivera, who condemned the rubber industry in *La vorágine* (a depiction of the "export real" of Latin America's resource export economy) only to later praise Henry Ford's thwarted rubber-extraction efforts in the Brazilian Amazon. Her analysis of Rivera's conversion fits the case of Vargas Llosa: "Rivera wakes up from the nightmare of the novel (the export real) to walk right into the waking dream of export reverie . . . The letter to Ford represents a step back into the waking dream of ideology, not because the periphery is destined to fail, as if by some congenital deficiency, in the order of capital. Rather, Rivera's position is illusory because it pretends not to know — against history and experience — how capital operates on a global scale" (189).

structure is common to Amazonian communities, and often eludes the notice of outside observers. Recall that Vargas Llosa's *The Storyteller* incorrectly described the Machiguenga as a hierarchical, patriarchal society (Sá 157-160) and that the chiefdom of Ino Moxo in *The Three Halves* bears no resemblance to the horizontal organization of real Amawaka communities (Carneiro 95-96). This misunderstanding arose again when the public prosecutor singled out several Indigenous men as intellectual authors of the deaths of policemen in the Baguazo — that is, for having “induced” others to kill the police (Sentencia: Expediente 162). Alberto Pizango, president of the Asociación Interétnica de Desarrollo de la Selva Peruana, was charged with inciting homicide despite not having been present for any of the violence (Planas, n.p.).

The state's targeting of ostensible native leaders was just one of many cultural problems that plagued the judicial response to the Baguazo. When trial proceedings began, the court failed to provide interpreters for the many defendants who did not speak Spanish. Several defendants were placed in pre-trial detention in remote and frigid jails, and long delays between hearings placed extreme financial and logistical demands upon defendants who lived days' journeys from Bagua (Ardito Vega 18; Zambrano 60). After examining an Indigenous witness, a prosecutor called a mestizo witness and said: “Okay, now, you are ‘normal’” (Zambrano 52).

During the seven years that court proceedings took place, Peru's judiciary, in tandem with legal systems across Latin America, began to focus on questions of legal pluralism and cultural difference. “Legal pluralism” refers to the coexistence of distinct legal systems; in this instance, state legal institutions based on Western traditions and

Indigenous legal institutions with a variety of forms, norms, and structures. Catherine Walsh provides the following definition:

The recognition of legal pluralism in Latin America implies the recognition of both cultural ancestral different and the colonial legacy still in place . . . The topic goes beyond “minority” politics; it requires confronting colonial structures still present in all social institutions, including the law. It also requires rethinking and refounding national project, including those built on the myth of racial democracy — as in the case of Brazil — and those based on the politics of *mestizaje* — as in the cases of Ecuador and the other Andean countries — all of which sought to homogenize under a power that aimed to impose a unitary nationalism, a monoculture, and a European whiteness [*pretendía uninacionalizar, monoculturalizar y euro-blanquear*].” (135-36)

Legal pluralism is not new; Thomas Duve points out that the Spanish colonial legal system recognized many types of Indigenous law and permitted autonomous Indigenous courts (12).

As Walsh argues, there is a clear connection between legal pluralism and interculturalism, which aspires to move beyond the assimilationist or essentializing tendencies of multiculturalism, heterogeneity, and transculturation. As Wilfrido Arditto Vega writes in his analysis of the Bagua opinion:

we believe that the opinion really tries to distinguish between multiculturalism, which simply recognizes the existence of different cultures within a society, and interculturality, which involves approaching other cultures, in a more horizontal way open to sharing elements . . . A multicultural focus, which emphasizes respect for differences, can coexist with ethnocentric, racist, and even apartheid standards. By contrast, an intercultural focus admits that all cultures might have practices in need of correction. The multicultural focus can also fall into cultural relativism, assuming that people “of other cultures” are not obliged to follow any state-based norms and that state-based justice should not interfere in their own means of conflict resolution. The intercultural focus insists instead that all citizens are entitled to universal rights. With this clarification, we believe it is important to consider law as part of the cultural phenomenon and not as a collection of specific prescriptions and rules. (16)

From 2009 to 2016, the Peruvian judiciary sponsored several “Congresos Internacionales de Justicia Intercultural,” created “Escuelas de Justicia Intercultural,” and issued many commitments to legal pluralism. (Zambrano 78). It also adopted the 100

Reglas de Brasilia, which mandate measures to make the judicial system accessible to Indigenous peoples and other minorities, including alternative dispute resolution methods and the provision of interpreters (Ardito Vega 17). The “universal rights” that Ardito Vega mentions were a key part of this effort to achieve interculturalism in the judiciary: judges and scholars emphasized the domestic constitutional status of international norms like Convention 169 and the United Nations Declaration on the Rights of Indigenous People. By the time the Bagua court reached its decision in 2016, then, Peruvian courts — if not prosecutors and the state at large — had at least rhetorically committed themselves to a vision of the law that rejected universalism and formalism and which instead embraced cultural difference and the recognition of how the law operated as a cultural and political force.

The 2016 opinion opens with a summary of the events of the Baguazo. Notably, this narrative begins with a history of Jíbaro resistance to territorial invasion, and identifies the “immediate legal antecedent” of the Bagua conflict as an 1898 law that regulated property holdings in the Amazon, the first in a long line of attempts to assimilate rainforest natives to a private property regime (Sentencia: Expediente 38). The ensuing story describes conflicts between Jíbaro groups, on the one hand, and the state and settlers, on the other, culminating in the 2008 legislative decrees and ensuing protests. The inclusion of this history marks a departure from the specific focus of the criminal investigation and the prosecution, which was on the June 2009 criminal acts charged to the defendants. In this way, the opinion expands what is considered legally cognizable: not just alleged legal violations, but the broader social and legal history that led to them. This distinguishes the case from the more typical judicial treatment of environmental

conflicts, which — as seen in the District Court of the District of Columbia’s distinction between environmental and cultural claims in the Standing Rock cases in Chapter One — tends to abide by the siloed categories provided by the applicable laws and precedent.

The third chapter of the opinion, titled “El pluralismo cultural y jurídico” [“Cultural and Legal Pluralism”] notes that Peru is constitutionally defined as a “pluricultural and multiethnic” nation (83), and asserts that this identity requires recognition of the linguistic and legal distinctiveness of Indigenous communities: “This legal conceptualization is part of the modern approach which considers cultural to be a substantial element in the understanding of law as a social phenomenon. It conceives law as part of the cultural phenomenon and not a collection of particular prescriptions or rules of conduct . . . We’ve left behind the integrationist vision of the premodern epoch in which cultural minorities accepted their subordinate role” (*id.*). This claim leads to the introduction of the idea of legal pluralism, which the court bases on the international legal norms mentioned above. (84). Quoting (without full citation) the legal scholar Pedro Garzón López, the court defines legal pluralism as “a perspective that questions the monistic conception that has reduced the endemic diversity of society to a single dominant vision of the law. It informs the existence of different, concurrent laws which operates in different temporal spaces, and at local, national, and transnational scales, none of which can be reduced to state-based law” (*id.*). The court then notes that, in contrast to this ideal, Indigenous peoples have been subjected to the ethnocentrism of the colonial and republican governments (86).

Next, the court discusses the “intercultural approach” that Peruvian courts have adopted in recent years (88). This focus on cultural diversity entails new jurisprudential

methods in the criminal law: the use of anthropological expertise in understanding conflict (88-92); the integration of the 100 Reglas de Brasilia (92-94); and efforts to overcome cultural barriers in understanding and accessing the justice system (94-97).

The fourth chapter applies these methods, offering an anthropological description of the Awajún and Wampi. Among various “distinctive characteristics,” the court lists their “holistic and animistic cosmovision interdependent with nature”:

Man’s attitude toward his environment, as defined by this cosmovision, sees everything as having life, energy, vitality. Man is part of nature. He is tightly linked with the land. This link is not stable: it is cyclical, changing, moving. Sometimes the land is his ‘property’ and he enjoys its products, but soon it stops being so and he leaves it for another resting place. Nothing is absolute or relative, but rather both, depending on the context. (103)

Other characteristics include “a common real and mythic history,” “a system of government and chiefdom” (“The chief depends upon the consent of the others . . . The chief makes decisions according to the wishes of the group, convincing rather than commanding and giving more than receiving”) and “interdependence with the territory” (“land has another meaning for the Amazonian. It is the extension of the person and part of her. The concept of absolute property does not exist”) (104-106). Following this general description, the opinion provides details on Awajún and Wampi social structure, spirituality, and land use, with extensive citation to ethnographic studies (106-119).

In the fifth chapter, the court reviews international legal precedent on the rights of Indigenous peoples, including Convention 169, the American Convention on Human Rights, the United Nations Declaration on the Rights of Indigenous Peoples, and rulings by the Interamerican Court of Human Rights (120-134). Then, reviewing similar rights under Peruvian light, the court emphasizes the rights to cultural identity, to protest, to prior consultation, and to land — the latter of which, the court stresses, is a collective

right for Indigenous peoples (137-157). Because the existing legal system tends only to recognize individual rights, “our duty in handing down this sentence is to be cautious, because if we do not consider this cosmovision of the land in the understanding of legal norms we would be violating the right to life, as this involves [the Amazonian’s] existence, culture, and way of life” (146). Emphasizing how closely linked Awajún and Wampi identity is to the land, the court writes that “protest undertaken to defend their lands, if we wish to compare it to our way of viewing life and culture, is equivalent to defending the right to life, defending the right to dignity, defending the right to culture, defending the right to property, family, and legacy” (150).

After this long review of the case’s legal context — a context defined as much by the shortcomings of the law as its specific provisions — the court turns to the facts of the case. For each alleged crime, the court finds the prosecutor’s evidence wanting: there is insufficient connection between specific acts and the accused individuals, the prosecutor’s claims contradict police testimony, and forensic analyses are inconclusive. In addition to these basic shortcomings — and it is never quite clear whether factual or legal problems take precedence in the court’s reasoning — there are cultural factors and extenuating circumstances to take into account. Those like Alberto Pizango who are accused of inducing others to commit homicide cannot be guilty not only because the facts are inconclusive but because, keeping in mind “the intercultural nature reviewed in this case,” the court cannot accept that Awajún and Wampi would have taken orders to kill; their society simply does not operate according to such a command structure (316-19). As for the lesser charges of impeding public services, riot, and disturbance, the court finds that the protesters’ blockade was proportional, suitable, and necessary: they were

defending their land (equivalent to defending their right to life) and staged a peaceful action that only marginally impeded others' right to travel freely on the road (351-56).

In 2020, the Peruvian Corte Supreme de Justicia affirmed the ruling, providing the case's final conclusion. ("Baguazo: absuelven a 53 indígenas").

An important point to emphasize is the court's negotiation of legal precedent. As in most judicial decisions, the engagement with governing laws and controlling opinions is overt: the Bagua judges spend many pages reviewing the sequence of legislative and executive decrees organizing land ownership and Indigenous rights in the Amazon, international human rights rules and decisions on the rights of Indigenous peoples to prior consultation and cultural dignity, and the laws of protest and self-defense. The court explicitly acknowledges the colonial, assimilationist, and even exterminationist ethic informing much of this tradition. Only in recent decades has Peru and the international legal community made Indigenous autonomy and environmental well-being a priority. Using Convention 169 and the judiciary's embrace of legal pluralism as its guiding values, the court concludes that the weight of precedent is in favor of the defendants: not only was their resistance at the Baguazo morally justified, it was legally justifiable.

Despite the typical judicial profession of objective analysis, such a conclusion is by no means predetermined. The subjective negotiation of legal concepts needed to vindicate the Amazonian cause is seen most clearly in the opinion's final section, where the court analyzes the Awajún and Wampi's protest actions under the standards of necessity, proportionality and suitability. The legal equivalence established earlier between the Indigenous defense of land and the defense of life provides the key for finding the protest necessary, proportional, and suitable. This equivalence is established

by means of historical and anthropological inquiry: the law's standards are reimagined in light of cultural difference, which determines the legal meaning of environmental conflict.

The case outcome — acquittals for all those who resisted the government and corporate assault — is significant in and of itself. Juan Ruíz Carlos Molleda, a leading Peruvian human rights attorney, writes that the case “constitutes an historic achievement for the recognition of the right to protest in our country” (61). Other legal scholars have hailed the opinion's interdisciplinary approach and its responsiveness to the recent wave of legal pluralism efforts. A report from the Pontifica Universidad Católica del Perú notes that “this sentence has been very important to the process of incorporating an intercultural vision into the justice system. This is because of how the opinion developed certain crucial concepts, including legal pluralism, the right to land and territory, and the right to protest. Equally fundamental it is use of anthropological evidence” (Zambrano 60). Antonio Peña Jumpa credits the opinion with making two key advances in Peruvian jurisprudence: its treatment of the Baguazo not as a strictly legal matter but as a social conflict with political antecedent, and its acceptance of legal pluralism (n.p.).

At the same time, it is worth noting the limits of the court's intercultural vision. Despite its professed commitments to respecting the particular circumstances of Indigenous defendants, the court often failed to provide interpreters, held some hearings without defendants and their attorneys present, and forced defendants to travel long distances to sporadically attend trial over many years. The picture that the judges paint of Awajún and Wampi life is almost entirely derived from non-Indigenous anthropologists and other court opinions. Most telling, the court persists in treating the Awajún and

Wampi as outsiders: when it speaks of them, it speaks to a non-Indigenous audience, as seen in its use of the first-personal plural: “‘Legal Pluralism,’ which means that there is a system of norms rooted in ancestral customs and a cultural *distinct from our own*” (Sentencia: Expediente 136, emphasis added); “protest undertaken to defend their lands, if we wish to compare it to protest undertaken to defend their lands, if we wish to compare it to *our* way of viewing life and culture, is equivalent to defending the right to life . . .” (150, emphasis added). Such an attitude, despite its attempts at intercultural understanding, retains the presumption that non-Indigenous, state-based law — what Peña Jumpa calls “rational-formal law” (n.p.) — is the norm. Indigenous needs, perspectives, and languages are “accommodated” into this legal system, but the system still sets the terms of accommodation. As Patricia Urtega Crovetto argues, the use of the all-encompassing category of culture to analyze the state’s historical relation to Indigenous peoples runs the risk of depoliticizing events like the Baguazo (57). That is, fundamental disputes of political ecology — what land is, who has rights to it, and who is entitled to adjudicate conflicts involving it — are reframed as cultural misunderstandings, which allows the dominant order to remain in force even as it expands the space for dialogue and mitigates its disciplinary impact. For Catherine Walsh, legal pluralism runs the risk of being “something ‘special’ in relation to the ordinary national system, an addition without pretensions of inspiring or inciting a plurinational change” (145).

In her analysis of a related environmental conflict in Mexico, Abigail Pérez Aguilera examines how the Mexican Supreme Court used Convention 169 to force the state to “rewrite the legal meaning of ‘territory’ from property (to which culture is ancillary and detachable) to lived environment” (181). For Pérez Aguilera, the legal

success of the Indigenous Wixaritari people in defeating a proposed mine depended upon rebuking neoliberalism's cabining of extractive conflict as a cultural problem. In place of this separation between cultural and environmental issues (the same practiced by the District Court of Columbia in the Standing Rock cases I analyzed in Chapter One), the Wixaritari, and ultimately the Mexican Supreme Court, proposed a "politics of matter" that granted legal cognizability to land and nonhumans. While I share Pérez Aguilera's enthusiasm for the vindication of Indigenous ontologies in court, I think it is important to attend to the form of this vindication. Just because Indigenous cosmovisions gain judicial recognition does mean that they transcended the state's fixation on cultural difference: indeed, in both the Wixaritari and Bagua cases, the governing paradigm (a product of the controlling law) remains the assimilation of minority worldviews to a dominant legal discourse of European origin.

These critiques return us to the points with which I concluded my analysis of *The Three Halves*. Like Calvo's novel, the Bagua opinion is engaged in an imaginative attempt to understand the Amazonian world "from within," not in the sense of simply relaying or representing Indigenous perspectives or experiences but of imagining these within the framework of a Western discourse (the novel or the judicial opinion). This exercise invites a critique of its limits. *The Three Halves* relies upon the trope of the non-Indigenous outsider gaining wisdom and psychological relief from Indigenous peoples in harmony with their environment, and its key shamanic figure is an Amazonian outsider who acculturates to Indigenous traditions and knowledges. The Bagua opinion gains its insight into Awajún and Wampi culture largely from outsider sources and routes its

understanding of Indigenous environmental resistance through the predetermined categories of the criminal law.

But in both instances there is something important added to the inherited paradigm. Calvo imagines the Amazon and its people as active agents crossing the *civilización/barbarie* frontier, forging a rainforest future from a living past. The Bagua judges, in imposing cultural limits to the applicability of the state's criminal law, revoke the law's posture of universality and acknowledge the colonial inheritance that structures its ostensibly neutral provisions. Thus the writers take traditional rainforest discourses — the *novela de la selva* and the law of Amazonian property and protest — and, in combination with ancillary discourses such as anthropology, repurpose them for a new conception of environmental politics and political geography.

By this point, I've drawn a contrast between Vargas Llosa's work on the Amazon and that of Calvo and the Bagua court. The former stands out for its reactionary tendencies, its move away from a synthetic vision of the coast and the rainforest toward an approach that mitigates but ultimately reimposes the *civilización/barbarie* distinction. The latter offer new ways of imagining the Amazon within inherited literary and judicial models, with a definite interest in vindicating the rights and worldviews of Indigenous Amazonians. This distinction is important to keep in mind, as they are emblematic of opposed strategies for dealing with the challenge of the Amazonian difference: retrenchment into dominant cultural and political paradigms versus the elaboration of alternatives. At the same time, I want to attend to what unites them: the effort to rework discursive traditions through experiments in the narration of Amazonian environments, histories, and cultures.

Any such experiment will run into contradictions and will be open to critique based on the mismatch between the authors' stated values (economic progress, historical vindication, respect for cultural difference) and their actual literary or judicial practice. By focusing on this practice — its use and rejection of precedents, its formal and stylistic innovations — I've attempted to reveal the process of changing environmental attitudes, and specifically the manner in which law and literature express disturbances in settled eco-historical imaginations. This disturbance is indexed by the writers and texts' acknowledgment of the challenge that the Amazon poses to inherited beliefs: Vargas Llosa's "emotional earthquake" ("Secret History" 401), Ino Moxo's question "Who could hear everything, at once, and believe it?" (Calvo 6), the Bagua court's claim that "our duty in handing down this sentence is to be cautious, because if we do not consider this cosmovision of the land in the understanding of legal norms we would be violating the right to life" (Sentencia: Expediente 146). Whether by seeking to contain this disturbance, to expand it into a revolution in the non-Amazonian world, or to negotiate its effects, the works I've analyzed here represent certain possible imaginative solutions to the crisis of eco-historical understanding of which the Amazon is a symbol.

Chapter Three: Speculative Constitutions: Ursula K. Le Guin’s Hainish Cycle and the Rights of Nature

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” (119) — 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 a necessary bulwark against the “active forward-thrusting imbalance” (*id.*) of the Akans’ modernizing push, a push that the emissary compares to the Spanish conquest of the Aztec and Inca (120).

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 . . . [and to ensure] their universal and effective recognition and observance among all peoples and States in the world. (n.p.)

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 chapter 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.

As described in the Introduction, the awareness of humanity’s impact on Earth systems has reinvigorated calls to collapse the distinctions between human and nonhuman agency, entitlement, and identity. According to this line of thought, our species now dramatically affects what were once considered the background environmental conditions of human history. Humanity must therefore conceive of itself as a geologic agent of unprecedented power even as it experiences its greatest vulnerability to environmental disturbance. As problems like climate change and mass extinction cast into doubt narratives of human progress and alienation from nature, a new

historical sense is needed to describe our exposure to and effect upon the global biosphere.

As I describe in what follows, the way in which the rights of nature discourse addresses these tensions and paradoxes — the breakdown of the human/natural history distinction, the role of humanity as ecological agent and victim — is by simultaneously *demoting* the human species from its position as the sole bearer of socially recognized entitlements and by *elevating* nonhuman nature into the society that distributes such entitlements. This creates a flattened ontology, but it does not quite account for the ongoing ecological injuries caused by humans. Nature rights are thus advanced as both an acknowledgment of ecological fact — humans are part of nature and always have been — and as a new political settlement to remedy environmental harm. From now on, there will be no fundamental distinction between humans and nonhumans, and the damage flowing from that distinction will be mitigated.

What interests me in these claims are their implications for the narration of history. 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 colonialist. 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* and *The Left Hand of Darkness* (1969); the novels I read closely in this chapter, *The Word for World is Forest* (1972) and *The Dispossessed* (1974); as well as various novellas and short stories — 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 Ashtheans 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” (9).

But there is a catch. As I discuss at the end of the chapter, there is an aporia in both Le Guin's allegory and in the rights of nature movement that it allegorizes. This aporia is, in short, 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 vagueness, evasion, and silence signals a novel form of magical thinking in which *naming* a new, utopian relation — equal rights for humans and nature, the political unity of humans on all planets — is supposed to make that relation real. The new law is executed simply by announcing it, without regard for the powers of the announcer. This belief rhymes with the nostalgia for a lost linguistic paradise in which names corresponded to their objects and for a legal Eden in which the law was self-executing. I will consider the implications of this belief for the broader problem of historical self-understanding, focusing on the “containment” of historical movement by static categories. Finally, 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. This solution is drawn from narrative and poststructuralist interpretations of the law and from Le Guin’s musings on the critical function of utopia.

First, a word on the terms “speculative fiction” and “speculative law.”

“Speculative fiction” was popularized by the science fiction writer Robert Heinlein: “In the speculative science fiction story accepted science and established fiefs are extrapolated to produce a new situation, a new framework for human action” (5). I coin the term “speculative law” in order to name projects of legal imagination that rhyme with this literary endeavor. There is a clear etymological proximity between “speculative” and “specter,” via the Latin *speciō*, “to watch” (*The New Shorter Oxford English Dictionary*).

Specters crowd our contemporary ecological imaginations, not least when we contemplate models of interspecies unity that might replace our current anthropocentric hierarchy. As Timothy Morton writes: “A specter is haunting the specter of communism: the specter of the nonhuman” (1); and Derrida’s remarks in *Specters of Marx* on the law’s structure of repetition, on the “hauntology” that supersedes ontology, has great relevance to the discussion below.

Significantly, though, “to speculate” derives most immediately from the Latin *speculari*, “to watch for,” itself derived from *specula*, “watchtower” (*The New Shorter Oxford English Dictionary; The New College Latin and English Dictionary*). To speculate means to guard an inside from an outside, to be on the lookout for threats, enemies, friends, news. But in which direction are the watchers looking — beyond the gates, or inside them? The speculators in this chapter declare their intention to dismantle walls and watchtowers, to deconstruct insides and outsides. But what, after this dismantling, happens to their observer’s perch — their moment in history, their dissident imaginations? I will defer these questions for the moment, hoping that the reader will keep in mind the precarity of any claim to disinterested speculation.

The law’s “reunion of human beings and nature”

In order to explicate the imaginative resolution proffered by the rights of nature movement, I begin by investigating the movement’s diverse, and at times contradictory, manifestations. The first manifestation, which I consider the major tendency, emerges in South America and is closely linked to the neo-*indigenista* discourse of *buen vivir* (which I define and discuss below). This major tendency has produced the constitutionalization

of nature rights in Ecuador, their statutory recognition in Bolivia, and their judicial recognition in several decisions by Colombian courts (among other developments). The second, less significant manifestation of the movement emerges primarily from the Anglo-American legal academy, and is based in classical liberal rights discourse; it has produced some tentative nature rights legislation in United States municipalities. Actors in these two tendencies often overlap — they came together at the Cochabamba that produced the Universal Declaration, for example — even as their historical origins and visions of the future diverge. I focus first on the major, South American tendency.

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 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 two relevant provisions read:

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.

Article 72. Nature has the right to be restored. This restoration shall be apart from the obligation of the State and natural persons or legal entities to compensate individuals and communities that depend on affected natural systems. In those cases of severe or permanent environmental impact, including those caused by the exploitation of nonrenewable natural resources, the State shall establish the most effective mechanisms to achieve the restoration and shall adopt adequate measures to eliminate or mitigate harmful environmental consequences.¹⁶

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, as courts either fail to apply them, balance them against other rights, or prevaricate as to their scope.¹⁷ 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

¹⁶ Several other provisions mention the rights of nature, such as Art. 10, sec. 6 (all Ecuadorians are required to respect the rights of nature) and Art. 277 sec. 1 (as part of its obligation to respect the principle of *buen vivir*, the state must guarantee the rights of nature).

¹⁷ Studies of how Ecuadorian courts have applied the rights of nature vary in their diagnoses. Some commentators see the courts' failure to stop government initiatives to develop rainforest oil reserves as a sign of the rights' impotence (Kotzé and Villavicencio Calzadilla, "Somewhere Between Rhetoric and Reality"); others typify the new nature rights jurisprudence as an extension of the previous environmental law regime, with judges concerned with procedural regularity and the balancing of various entitlements (Kauffmann and Martin). Still others point to increasing judicial references to Articles 71 and 72 as an indication that judges are growing increasingly comfortable with the application of nature rights (Echevarría). The most significant Ecuadorian nature rights decision to date was handed down by the country's constitutional court in November 2021: a government-backed initiative to open up the Los Cedros rainforest preserve to foreign mining concessions was overturned as a violation of the rights of nature (Sentencia No. 1149-19-JP/21).

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” (29). 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” (28): “[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” (30). Prieto Méndez describes a dialectical return of traditional (Indigenous) ecological awareness through the form of nature rights: “the recognition of the value of ancestral wisdom, in addition to being driven by the need to return to a lost equilibrium, recalls the story of the prodigal son who returns repenting of his error. Thus the paradox that a knowledge forgotten by modernity becomes the new paradigm” (67).

Alberto Acosta — energy minister under President Rafael Correa of Ecuador and head of the constitutional assembly that ratified the 2008 constitution — provides a similar origin story of the movement for the rights of nature. “More than 500 years ago, our Abya Yala,¹⁸ like Africa and Asia, was integrated into the world market as a supplier

¹⁸ A term, originally from the Kuna language of Panama and Colombia, used by many Indigenous peoples to refer to South America.

of raw materials,” Acosta writes. “From this region flowed the gold, silver, and jewels that financed the expansion of the Spanish Empire and, above all, the rise of capitalism in Europe” (12). Colonialism and capitalism conspired to subjugate not just the peoples of the Americas but nature itself; an ontology of active human agents and passive natural resources developed. Over time, this process pushed and finally surpassed the Earth’s natural limits (14-15). Today’s ecological crisis thus demands a change to the institutional, political, and theoretical bases of the domination of nature: “The task is to investigate and communicate with nature, always understanding that we are immersed in it. What this requires is the consolidation of a new form of relation between human beings and nature” (12). This new relation — nature rights — will subordinate economic objectives to ecological laws (16), but will not require abandoning the fight for a better standard of living for the marginalized and exploited, nor will it negate science and reason in favor of “ancient or new-fangled mysticisms or political irrationalities” (*id.*). Instead, it will involve a “liberation of nature” from the status of object to that of legal subject (18) and will guarantee mutual flourishing for all living things: a biocentric legal order in which the human species, counted among the living, stands to benefit as much as any other (20).

The key moments of Acosta’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: “Authoring this historic change, the step from an anthropocentric to a (socio-)biocentric worldview, is

humanity's greatest challenge" (13); "the path is ready to march toward the reunion of human beings and nature" (25).

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 that the Ecuadorian people, "as heirs to social liberation struggles against all forms of domination and colonialism, and with a profound commitment to the present and to the future, hereby decide to build a new form of public coexistence, in diversity and in harmony with nature, to achieve the good way of living, the *sumak kawsay*." A similar history appears in the preamble to the 2009 Plurinational Constitution of Bolivia, ratified after Movement for Socialism came to power:

In ancient times mountains arose, rivers moved, and lakes were formed. Our Amazonia, our swamps, our highlands, and our plains and valleys were covered with greenery and flowers. We populated this sacred Mother Earth with different faces, and since that time we have understood the plurality that exists in all things and in our diversity as human beings and cultures. Thus, our peoples were formed, and we never knew racism until we were subjected to it during the terrible times of colonialism . . .

We have left the colonial, republican and neo-liberal State in the past. We take on the historic challenge of collectively constructing a Unified Social State of Pluri-National Communitarian law, which includes and articulates the goal of advancing toward a democratic, productive, peace-loving and peaceful Bolivia, committed to the full development and free determination of the peoples.

The Plurinational Constitution does not recognize the rights of nature. In 2010, building off of the Cochabamba conference, a Unity Pact comprised of Indigenous movements successfully lobbied for the passage of the Law of the Rights of Mother Earth (Kotzé and Calzadilla, "Living in Harmony"). The Law defines Mother Earth as "the living and dynamic system formed by the indivisible community of all related, dependent, and complementary living systems and beings, who share a common destiny. Mother Earth is

considered sacred, according to the cosmovisions of Indigenous and *campesino* peoples” (Art. 3). In much greater detail than the Ecuadorian provisions, the Bolivian law declares that “neither living systems nor processes that sustain them may be commercialized, nor serve anyone’s private property” (Art. 2) and enumerates Mother Earth’s rights to life, diversity of life, water, clean air, equilibrium, restoration, and pollution-free living” (Art. 7).

As seen in the narratives by Prieto Méndez and Acosta, an appeal to forgotten Indigenous environmental practices is common in calls for nature rights. Such rights are often presented as a fusion, or a dialectical resolution, of Indigenous worldviews and Western liberalism. The key term that stands in for these Indigenous worldviews is *buen vivir*, or “good living.” *Buen vivir* is the typical translation of the Quechua phrase *sumak kawsay*, which appears in the preamble to the Ecuadorian Constitution quoted above and recurs as a sort of regulatory principle throughout the document. There is a right to “live in a healthy and ecologically balanced environment that guarantees sustainability and the good way of living (*sumak kawsay*)” (Art. 14); the Amazon will be developed in a way that “ensures the conservation and protection of its ecosystems and the principle of *sumak kawsay* (the good way of living)” (Art. 250); and the state’s “development structure” is defined as the various “systems which underpin the achievement of the good way of living (*sumak kawsay*)” (Art. 275). A related provision appears in the Plurinational Constitution of Bolivia, which lists principles from Aymara, Quechua, and Guaraní cultures: “The State adopts and promotes the following as ethical, moral principles of the plural society: *ama qhilla*, *ama llulla*, *ama suwa* (do not be lazy, do not be a liar or a

thief), *suma qamaña* (live well), *ñandereko* (live harmoniously), *teko kavi* (good life), *ivi maraei* (land without evil) and *qhapaq ñan* (noble path or life)” (Art. 8, sec. 1).

According to Uruguayan researcher Eduardo Gudynas, *buen vivir* “is a plural concept with two main entry points. On the one hand, it includes critical reactions to classical Western development theory. On the other hand, it refers to alternatives to development emerging from indigenous traditions, and in this sense the concept explores possibilities beyond the modern Eurocentric tradition” (441). This dual inheritance of the concept — Indigenous and Western (or critical-Western) — mirrors that claimed for nature rights by its advocates. *Buen vivir* is not another variety of development discourse — sustainable development, anti-dependency development, etc. — but instead “an alternative to all such positions” (Gudynas and Acosta 103). Although Alberto Quijano — who defines *buen vivir* as “an alternative social existence, a de-coloniality of power” (848) and as the “production of an alternative historical sense” (856) — cites research suggesting that the concept originates in the seventeenth century (847), most commentators ascribe a more recent vintage. For Gudynas and Acosta, it is “a concept in construction” (106). Antonio Hidalgo Capitán and Ana Cubillo Guevara identify *buen vivir*’s origins in the Ecuadorian Amazon in the 1990s, where it became a by-word for Indigenous resistance to foreign development models. It was then taken up by Andean Aymara intellectuals and eventually developed three different connotations: one “indigenist” or “pachamamist” (focused on Indigenous identity), one socialist and statist (focused on political and economic equity) and one ecologist and post-developmental (focused on environmental sustainability) (25, 32).

Carmen Martínez Novo offers a similar history of *sumak kawsay*, noting that there is no ethnographic evidence of its use prior to the 1990s. Only when Acosta, as president of the Ecuadorian constitutional convention, picked up the term and advocated its inclusion in the document did it and its cognate concepts gain prominence (399). For Martínez Novo, *sumak kawsay* “does not originate in the past or present of indigenous communities, but at the interface of development, indigenous intellectuals, environmentalism, and populist politics” (390). Indeed, she sharply criticizes academic promoters of the *buen vivir* family of terms such as Acosta, Catherine Walsh, Alberto Escobar, and Marisol de la Cadena, who, she argues, ventriloquized Indigenous communities by presenting a false notion of “ancestral” knowledges — “a new age version of indigeneity” (398) — in order to lend middle-class support to the state policies of Rafael Correa in Ecuador and Evo Morales in Bolivia.

Deferring for a moment the implications of this questionable fusion of Indigenous and Western ideas about nature, it is important to note that the recognition of the rights of nature has extended beyond Ecuador and Bolivia and their particular projects of plurinationalism. 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. The court found that ecological damage from mining and logging had violated the rights not only of these communities but also of the river itself; it ordered the state to issue plans for ending illegal mining and restoring ecosystem health, and created a guardianship panel for the river. 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” (Decision T-622/16, § 5.9). 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 (“Rights of Nature Timeline”).

In order to adequately convey the various justifications provided for the rights of nature, I want to briefly review the movement’s second, minor tendency within the Western liberal rights tradition. Many commentators in the Global North identify a single source for the idea of nature rights: Professor Christopher Stone’s 1972 law review article “Should Trees Have Standing? — Toward Legal Rights for Natural Objects.” 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 (450-501). 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 (450-451). Stone recognized that nature rights might provide not only concrete legal advantages but would also have an important imaginative import, or what he calls the “psychic and socio-psychic aspect” of rights (458).

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 landmark essay on “The Land Ethic,” where he writes that the “extension of ethics . . . is actually a process in ecological evolution” (202) and proposes the following rule: “A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise” (224-225). Justice William O. Douglas cited both Stone and Leopold in his famous dissent in *Sierra Club v. Morton*, where, objecting to the Supreme Court’s denial of standing to activists challenging a proposed Disney ski resort, he called for the recognition of nature rights. 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” (4) 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” (12).

Another key thinker in this liberal tendency is Catholic priest and theologian Thomas Berry, whose theory of “Earth Jurisprudence” relies upon a “universe story” according to which the cosmos attains greater subjectivity, diversity, and communion; the

next step in this story is to grant “role-specific or species-specific rights” that recognize the subjectivity of rivers, birds, and insects (149-50). South African environmental attorney Cormac Cullinan, a student of Berry, developed a system of “wild law” that fused the ethical expansion model of Stone and Leopold, Berry’s cosmic narrative, and Indigenous land ethics (particularly from Africa) with an overarching concern for the functioning and evolution of Earth systems: “Wild laws are laws that regulate humans in a manner that creates the freedom for all the members of the Earth Community to play a role in the continuing co-evolution of the planet” (10); “our obligation to Earth is to play our proper role in the functioning of the Earth system and to act in a way that maintains the integrity or ‘wholeness’ of Earth” (112).

This aspiration to align legal rights and obligations with the laws of ecology is more prevalent in the Western liberal discourse than in its South American counterpart. An early version of this aspiration was articulated by German political ecologist and lawyer Klaus Bosselmann in 1992, when he described an irreducible conflict between anthropocentric legal regimes and the operations of the Earth system. He presented a mostly Western-focused historical narrative according to which, from “the ancient world” to today, politics and the law gradually took greater cognizance of the environment through paradigms such as resource management, pollution prevention, and environmental planning (120-128). The next step, for Bosselmann, is to craft an “ecological law” according to which nature — which includes humans — has the most fundamental and overriding right of all, the “right to existence” (246-247). More recently, Judith Koons, a professor at the Thomas Berry-inspired Center for Earth Jurisprudence at Barry University, has written that “[b]ecause the relationship between people and land is

the template for society and social relations, the starting point for jurisprudence should be principles governing the functioning of Earth” (351). Typically of thinkers in this tendency, Koons provides a broad historical overview according to which the European Enlightenment estranged humans from nature, leading to the environmental degradations of industrialization. Now, humans must displace themselves from the “normative center of the law” (366) and acknowledge that “the proper role of systems of law and governance is not to regulate the environment, but for humanity to regulate itself for the good of the Earth community” (368).

I want now to turn to my chief concern in this chapter: historical imagination and the law. Let me begin by pointing out some evident problems with the narrative structure of the Western liberal nature rights tendency. First, its major narrative motif, the expansion of the ethical circle, relies upon what Peter Burdon calls an “idealist explanation” of legal history (312). Were rights really extended to the lower classes, to women, and to racial minorities because of some inherent growth of ethical capacities, or were these rights won as the result of contingent, material struggles? (The question points to the often ignored problem of legal agency in this discussion, to which I return below: who grants rights? who wins them? whose ethical circle expands?) Second, the derivation of legal principles from ecological science is a precarious business with uncertain effects in the future. Might it not be reasonable to conclude that, in order to promote the overall health of the Earth system, viruses have a right to kill billions of human pests? Less consequentially, the exercise of drawing normative claims from descriptive facts — which Leopold, Cullinan, Bosselmann, and Koons purport to do — violates Hume’s law prohibiting the derivation of an *ought* from an *is* (Burdon 319; Hume 518). The rights of

nature are not the only legal instrument capable of responding to biospheric limits; one might also propose heavy taxes on extractive industry or strict consumption rations. In other words, nature rights are simply not as self-evidently natural as many of their proponents assume — with important implications for the normative order that such rights are supposed to inaugurate. Another way of putting this is to say that, despite what advocates above argue, granting rights to nature produces no definite environmental historical outcome.

For the purposes of this chapter, a more relevant critique of the rights of nature movement — in both its tendencies — has to do with the scale of the intervention that it proposes. Are the rights of nature really so revolutionary as they seem? As seen especially in the Ecuadorian constitution and in the proposals by Stone, Berry, and Cullinan, there is a sense among nature rights advocates that granting legal personhood to nonhumans represents an epochal shift in the law's structure and that it inaugurates a world-historical transformation of human-environmental (and perhaps human-human) relations. But some legal scholars point out that environmental law does not necessarily operate according to this stagist schema, and that many of the values that nature rights are supposed to validate — biocentrism, a concern for Earth systems, the valuation of ecological health over property — already exist in common environmental law provisions. Marie-Angèle Hermitte notes that the protection of wilderness areas, the listing of endangered species, and prohibitions against pollution are juridical acts that recognize nonhuman interests; this focus on acts as opposed to subjects reveals that much of the “Earth jurisprudence” or “ecological law” envisioned by nature rights advocates already exists (196-198). Citing similar protections, Oliver Houck argues that “the United

States . . . is farther along toward legal rights in nature that it knows” (22). While advocating for the implementation of such rights, Houck is less sanguine about their practical utility than in what we might call their imaginative capacity. For Houck, nature rights evince greater “honesty” about the real effects of ecological injuries (which often only inadvertently harm humans) (28) and they help to illuminate our deep connection to nature (49-50). This emphasis on nature rights’ extra-legal effects — which Stone terms the “psychic or socio-psychic impact” associated with naming something as a rights-bearing subject (458) — was also made shortly after Stone’s article appeared by legal scholar Laurence Tribe, who suggests that nature rights should always be acknowledged as a fictional construct — the same as any other right — even as they provide certain procedural benefits and help to “acculturate” society to a more ecological worldview (1342-43).

More recently, sympathetic observers of the rights of nature movement have advanced this particularly narrative justification: that nature rights provide an important alternative history to stories of human, and particularly Western, progress. Larry Lohmann points out that, in the typical anthropocentric story, humans have rights *to* nature; the rights *of* nature are thus primarily an “oppositional concept” (a term borrowed from Donna Haraway, *Simians, Cyborgs, and Women* 155-156) that represent “a gesture of kindness offered by commoners and indigenous peoples to potential allies who have grown up under the sign of ‘rights to nature’” (Lohmann 243). More explicitly engaging with problems of how to narrate history, 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” (“Source of Life” 264).

Adamson’s quote points to another crucial element of the nature rights movement: its contribution to the discourse on flattened ontology. This is the discourse of Bruno Latour’s “parliament of things” (*We Have Never Been Modern*), Donna Haraway’s “naturecultures” (*When Species Meet* 16), Marisol de la Cadena’s “earth-beings” (336), and Eduardo Viveiros de Castro’s “ontological anarchism” (“On Models and Examples” S298). It concerns the elimination of philosophical and political distinctions between humans and nonhumans and the elaboration of new models of more-than-human sociality. For Arturo Escobar, this new academic emphasis on “relationality” merely ratifies the social practices and worldviews of many subaltern communities — and the rights of nature, by endorsing and enforcing this relationality in a way “unthinkable within any modern constitution,” represent an affirmative rejection of modernity and the advent of a new political order (39).

Long before the invention of the Anthropocene concept, Michel Serres contemplated the political stakes of the collapse of distinctions between humans and nature and between human and natural history: “Global history enters into nature; and global nature enters into history: this is unprecedented in philosophy” (18). Serres called for a natural contract in addition to our social contract: a recognition of the ties binding humans to the Earth, and a settlement to stem further ecological chaos. Like the social contract, this natural contract would be entirely imaginary and no one would quite know what it says; the crucial fact would be its acknowledgment that our obligations extend beyond the human realm (68-69).

Serres' natural contract is, in its call for a new political and historical relation between humans and nature, a close analogue of nature rights. His idea was picked up by Bruno Latour in his Gifford Lectures, later collected as *Facing Gaia*. Latour argues that distinctions like nature/culture and human/nonhuman are merely "stylistic"; they do not indicate any real ontological difference, but only serve as a sort of shorthand for the distribution of affects and agencies, such as "animate" or "inanimate" (68). Of course, such stylistic distribution nonetheless has tremendous practical consequence: the human/nonhuman distinction, for example, has made it possible to label the effects of carbon dioxide combustion as environmental "externalities" as though molecules somehow moved from a human realm to a natural realm and thus ceased to be a matter of concern. What is needed then, is a new vocabulary and a new style: Serres' natural contract, openly advertised as an imaginative construction, is one option (66). Latour's account in the Gifford Lectures builds from the theory presented in *The Politics of Nature* (2004), where he described "nature" and "society" not as domains of reality but as "forms of public organization" (53). The project outlined in that book was to construct a collectivity that — without promising some ultimate unity or transcendence — would more accurately represent and order the myriad associations and between humans and nonhumans than our current spurious distinctions (38, 108). In other words, Latour called for overturning our present constitution, which divides humans from nature, and replacing it with a new distribution of agencies and representations (13-14).

It must be noted that nowhere does Latour endorse the rights of nature or present them as a realization of his theories. In fact, those nature rights advocates who seek to derive rights from natural laws would be directly contradicting Latour's arguments in

Facing Gaia that there is no such totality as nature and no such mandate as a natural law (275), and he is persistently skeptical of appeals to unitary entities such as Pachamama or a lost natural harmony. Still, many of the advocates already cited see a strong affinity between the constitutionalization of nature rights and Latour's project to undermine the modern human/nonhuman constitution. Marisol de la Cadena, for example, builds upon Latour's theory with a specific interest in Indigenous politics. She identifies, in the rights of nature movement, an example of "an insurgence of indigenous forces and practices with the capacity to significantly disrupt prevalent political formations, and reshuffle hegemonic antagonisms" (336). This "insurgence" does not involve the mere replacement of political hegemony; it involves the introduction of human-nonhuman relationality, a key fact of Andean social life, into politics (341). Specifically, de la Cadena discusses the emergent political agency of "earth-beings," or natural entities considered vital by Indigenous and *mestizo* cultures but deemed passive and inactive by the dominant philosophical and political order (335). The legal recognition of nature "composes a culture-nature entity" (350) and "accept[s] what we call nature as multiplicity" (361). Acosta (16) and Adamson ("Source of Life" 264) likewise enlist Latour in their advocacy of the nature rights movement.

The rights of nature movement also promises to address the main critique of the Anthropocene idea: that it spuriously assigns blame for ecological catastrophe to a unified human species. Critics point out that a certain subset of humans — namely wealthy residents of the North Atlantic — bear a much greater historical responsibility for problems like climate change; discussing the influence or responsibility of a single species agent occludes this fact while also vaunting human mastery over nature. Thus

there are proposals for alternative terms such as the “Capitolocene” (to emphasize the role of capitalism) (Moore) or the “Chthulecene” (to emphasize the “tentacular” influence of the Earth on society) (Haraway, *Staying with the Trouble*), or for the dating of the Anthropocene from 1610 (to correspond with the widespread influence of European colonialism) (Todd and Davis), or for the rejection of any such term altogether (Crist). Dipesh Chakrabarty, meanwhile, has pointed out that postcolonial studies’ critique of subjectivity and its displacement of the universal Enlightenment figure of man — the prototypical rights-bearing subject — provides few resources for thinking of ourselves as a geological agent: “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 can only mean that, however anthropogenic the current global warming may be in its origins, there is no corresponding ‘humanity’ that in its oneness can act as a political agent” (“Postcolonial Studies” 13-14).

Chakrabarty’s remark is true insofar as it is an empirical observation of contemporary politics. But the rights of nature movement proposes to fill this precise gap. It 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” (Universal Declaration). Crucially, though, 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 culture and historical experiences of nature and ecological vulnerability that

this imagined unity is possible: it is premised on the synthesis of traditional and modern, Indigenous and Western, spiritual and scientific worldviews.

Carolina Valladares and Rutgerd Boelens call this aspect of the rights of nature an “epistemic pact”: “the coalition of indigenous and nonindigenous notions of socio-natures in order to publicly contest the univocal definition of nature fixed by capitalist modernity” (1019). For Argentine jurist Eugenio Zaffaroni, the reference to Pachamama and the use of Earth systems science in the Ecuadorian and Bolivian nature rights efforts represents a synthesis of Indigenous and Western thinking and politics: “a happy coincidence of the center and periphery of planetary power” (137). Relevant here are Gayatri Spivak’s remarks on the emergence of a “global movement for non-Eurocentric ecological justice” (380). Spivak welcomes this movement as in tune with her project of deconstructing Western universal historical narratives by means of a “feminist historiography” that reveals the presence of “native informants” in key texts of modern European philosophy and history (ix, 198). Revealing the unmarked presence of native informants both undermines a regime of historicity based on their exclusion and creates the possibility of a new historical imagination attentive to individual — often colonial and female — subjects. Such an imagination would include the “internationality of ecological justice in that impossible, undivided world of which one must dream” (382) and would build upon the “original practical ecological philosophies of the world” (383).

Spivak (who does not specifically address nature rights) is useful here not only because, in the context of deconstructing universal history, she raises questions regarding that history’s patriarchal cast, a point to which I will return below. More centrally, she shows how even a rigorous critique of universalisms and their postcolonial responses

makes room for global norms of environmental justice — that is, for a different kind of universal history built from gaps in the Eurocentric record and oriented toward an alternatively ordered, but still unified, world. Indeed, her brief discussion on this point even gestures at the need for “collective efforts . . . to change laws” (*id.*) while “stand[ing] behind the state” and having “no interest in grabbing state power” (381). I have shown above how the rights of nature movement is invested in a similar project of historical imagination. Of course, what is distinctive about its particular mode of discourse is its appeal to the normative and coercive force of the law. Spivak’s remarks point to the delicacy, not to say potential contradiction, in using law as a vehicle for ecological and historical justice. 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 allegorical treatment 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 resolved

The “Hainish Cycle” refers to a series of novels and stories published between the 1960s and the 2000s that take place within a single fictional history. Though Le Guin noted that she never planned out this history or envisioned a unified Hainish Cycle (McCaffery and Gregory 36-37), a basic framework emerges from the Cycle’s novels: *Rocannon’s World* (1966), *Planet of Exile* (1966), *City of Illusions* (1967), *The Left Hand of Darkness*, *The Word for World is Forest*, *The Dispossessed*, and *The Telling*. 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 humans 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” (35). 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 Hainish 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 (“The Climate of History” 213-14). 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 Annares natives in *The Dispossessed*, while using the shared Hainish heritage as a kind of constant against which to examine anthropological difference. As Douglas Barbour writes, “since any possible stage of civilization can be found on some particular planet, new definitions of ‘civilization’ can be made in a narrative rather than a discursive mode” (23).

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 (questions that the rights of nature movement seeks to answer in non-allegorical fashion). 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’” (2). Allegory, even more than other modes like metaphor, encourages readers to find a “hidden

meaning” (5). (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 terms Fletcher borrows from Samuel Taylor Coleridge, explicitly “mechanical” and “conscious” of its fiction (15-17).) The “hidden meaning” I find in the Hainish Cycle is the ecologically inspired crisis of historical understanding.

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” (4). 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*) (2). 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” (10). For example: as I will describe shortly, *Word* narrates a conflict between various types of historical self-understanding, from the local dream-time of the native Ashtheans to the conquest narratives of the Terrans to million-year-old unifying efforts of the Hainish. Contemporary readers of this allegory will be prompted by this fictional conflict to defamiliarize their own historical self-understanding, disrupting previously unquestioned narratives of progress or human supremacy. Indeed, Deloughrey argues that as a general matter allegory “appears in moments of historical crisis” and that it represents the decline of previously unquestioned narratives (5). This

echoes Benjamin's claims in *The Origin of German Tragic Drama*, in which he focuses on the prevalence of images of ruins to argue that the allegorical mode confronts readers with their abjection before history: in the modern era, subjects find themselves victim not only to an external nature but also to the accrued horrors of the past. Significantly for our discussion, Benjamin argues that allegory is born in this "strange combination of nature and history" (167).

In a similar vein, Paul de Man analyzes allegory as a fundamentally temporal mode that, in its explicit relation of a fictional temporality to extraliterary temporality, causes readers to question their own placement in time and their own (fictionalized or imagined) narratives. Thus, unlike the "symbolic mode of analogical correspondences or [the] mimetic mode of representation in which fiction and reality could coincide," allegory demystifies the idea of an "organic world" and reveals a "temporal void" (222). So, as Deloughrey suggests, allegory is a privileged mode for dealing with the crisis of historical understanding presented by the Anthropocene: it expresses the disjunction between a lost natural or organic experience of history and our contemporary historical confusion.

A final theoretical foundation: in "The Idea of Natural-History," Theodor Adorno writes that "what is expressed in the allegorical sphere is nothing but an historical relationship. The theme of the allegorical is, simply, history. At issue is an historical relationship between what appears — nature — and its meaning, i.e. transience" (119). Adorno's concern in that essay was — in direct anticipation of Chakrabarty's "The Climate of History" — to collapse the distinction between natural and human history (indeed, Marx had announced the same ambition in the "Economic and Philosophical

Manuscripts”: “History itself is the real part of natural history, of nature’s becoming man. Natural science will later comprise the science of man just as much as the science of man will embrace natural science; they will be one single science” (102)). The impetus was to deny nature or natural history the status of an ontological foundation, which Adorno thought had pernicious political ramifications. In rather abstract terms (and, it should be noted, with no concern about anthropocentrism, as was the case with Marx), Adorno called for treating history as nature and nature as history (117). Allegory — whose theme, according to Adorno, is the historical character of nature — is the best-positioned narrative mode to contribute to this conceptual collapse.

How, then, does Le Guin’s Hainish allegory further this project? It should be noted at the outset that, as opposed to the other discourse analyzed in this chapter — the rights of nature movement — Le Guin’s work deals less overtly with nonhuman nature. Though the ecological conditions under which the humans of Annares (*The Dispossessed*) and of Ashthe (*Word*) live are determinative for much of the novels’ action, Le Guin is far more interested in relations between humans than between humans and their environment. But one sense of “nature” that appears in the quotations from Adorno is of central importance in Le Guin’s allegory: nature as a background condition for human drama, nature as the other of history. This nature — and the historical imagination that depends upon it — is radically destabilized through the encounter with humans from other planets.

In *Word*, a military expedition from Terra (Earth) arrives on Ashthe to log timber, now a rare commodity on the home planet. The Terrans don’t know quite what to do with the native Ashtheans, who are short, green, furry, and completely non-violent. The

Ashtheans' 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 Ashthean 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 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" (9). 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 Ashtheans 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" (12). Le Guin — as fits her allegorical mode — is quite explicit in making Davidson a stand-in for all colonizers and forest-clearers: he looks at the green planet and thinks, "[i]t might have been Idaho in 1950, this clearing. Or Kentucky in 1830. Or Gaul in 50 B.C." (18). He does not even grant that the Ashtheans are really human (77). But when delegates from the newly founded League of the Worlds arrive, this tidy historical and ontological structure is thrown into doubt. The Hainish claim to be the ancestors of all humans, putting them in the place of historical primacy and making the Terrans and Ashtheans equal heirs to a common human heritage; Davidson doubts the

veracity of these claims (16). Later, during negotiations over the Terran's ill-treatment of the Ashtheans, 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?" (81). 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" Ashtheans, 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 at the helm of humanity is thereby debunked.

In keeping with his allegorical function as a colonial archetype, Davidson instigates a war by raping an Ashthean 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 Ashtheans, 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 (44). 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) has been 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 Ashtheans (117); 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 (188-89). As Ian

Watson discusses, this equivalence of environment and social psychology had given the Ashtheans a “harmony” and “psychological equilibrium” that the Terrans lack; the forest serves as an “external collective unconscious.” (48-49). In other words, Ashtheans 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.

Fleeing from the prison camp where his wife has been raped and murdered and where he has committed the first homicide in his race’s history, Selver brings news of “this terrible story, this new thing” to the forest heartlands (40). He is recognized as a “god, a changer, a bridge between realities” (46), though he knows that his reaction to the Terran occupation will irrevocably alter the Ashthean way of life:

“Sometimes a god comes,” Selver said. “He brings a new way to do a thing, or a new thing to be done. A new kind of singing, or a new kind of death. He brings this across the bridge between the dream-time and the world-time. When he has done this, it is done. You cannot take things that exist in the world and try to drive them back into the dream, to hold them inside the dream with walls and pretenses. That is insanity. What is, is. There is no use pretending, now, that we do not know how to kill one another.” (188-189)

Selver’s story can be read as an allegory for a colonized people’s traumatic entrance into modernity. His tragic but necessary embrace of violence roughly parallels the Amazonians’ turn to rubber trading in Vargas Llosa’s *The Green House* (Jum) and in Calvo’s *Ino Moxo* (the Amawaka led by Ino Moxo), and the trope of rupture between an ecologically stable society and an ecologically destructive one echoes that seen in the rights of nature stories examined above. As Eric Otto notes, “the book’s success as a work of environmental science fiction comes mostly from its insistence that it is foremost the ideology of capital, with its constituent ways of thinking about human and nonhuman

nature, that enables the erosion of biological systems and the oppression of human and nonhuman Others” (111).

Le Guin thus allegorizes the Ashtheans’ 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 awakening. Lyubov, the expedition’s resident anthropologist and the Terran who best understands the Ashtheans, wakes with a headache that provokes phonetic slippage: the headache feels like an awl, which leads to “awl, drill, ill, pill, Oh God . . .” (64). Thinking that the Ashtheans, 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” (*id.*) 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 (52)). It appears 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 Ashtheans 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 (11). 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 Ashthean 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" (*Word 12*)) turns out to be particular and provincial. In a metacommentary on the Cycle's historical imagination, a Hainish historian-in-training in the novella *A Man of the People* mimics the teachings of his instructors:

There is a great river, and it flows through this land, and we have named it History . . . What the historians mostly did was explore, in an easy and unhurried fashion, the local reach and moment of the river . . . Many of the . . . [historians] spent their lives traveling to and gathering knowledge about the other inhabited planets of the nearby Orion Arm, colonised by their ancestors a couple of million years ago during the Fore-Eras. They acknowledged no motive in these contacts and explorations other than curiosity and fellow-feeling. They were getting in touch with their long-lost relatives. They called that greater network of worlds by an alien word, Ekumen, which meant "the household" . . . Local knowledge is not partial knowledge, they said. There are different ways of knowing (145-47).

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 Ashthe 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: *Word* takes place in *The Telling*'s past, *The Dispossessed* takes 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.

This metahistorical relativism prescriptively dispenses, I think, with the natural history/human history distinction critiqued by Adorno and 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 Ashtheans 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” (Decision T-622/16, § 5.9)).

But this does not mean that all is flux. Despite — or rather, because of — the confrontation between distinct regimes of historicity, the politics of historical imagination are a matter of pressing concern for the characters of the Hainish Cycle. One danger of the naturalization of history, of the elevation of progress narratives and historical tendencies to the status of scientific laws, is the subjection of individuals to impersonal social forces. This is the specter warned of by Adorno and Horkheimer in *The Dialectic of Enlightenment* and Benjamin in his “Theses on the Philosophy of History,” and it is the threat faced by the Ashtheans in *Word* and the subjugated Akans in *The Telling*: extermination at the hands of a purportedly preordained technological advance. Of course, there are also emancipatory possibilities in these confrontations, with the Ekumen and its envoys pointing to the gains to be had from a radically altered historical sense (Genly Ai in *The Left Hand of Darkness*: “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” (35)). Indeed, the master narrative of the Cycle, of which each novel can be read as a subplot, is the disturbance, loss, and hope engendered by the encounter with a new historicity.

Selver’s story is one of the elements I identify as part of Le Guin’s allegory of the rights of nature. Like the narrative that structures the rights of nature discourse, Selver’s story involves a transition between regimes of historicity and the promulgation of a political program that seeks to tame this transition and to put it at the service of the formerly colonized and ecologically dispossessed. Just as in the naming of an “indivisible, living community of interrelated and interdependent beings with a common

destiny” in the Universal Declaration of the Rights of Mother Earth, Selver sees in his Terran colonizers and the newly arrived League of All World emissaries members of a common human family: while an Ashthean headwoman calls the Terrans “backward” and “insane,” Selver insists that “a people can’t be insane” (55) and that the invaders “are men, men, like us, men” (155). Indeed, his rebellion involves the largest gathering of Ashtheans that their tradition can recall, a parallel to the unified species agency implicit in the call for universal nature rights, and paired in Selver’s case with communion with off-planet humans and the Ashthean forest network, a parallel to the nonhuman solidarity of the Universal Declaration. Just as commentators such as Eugenio Zaffaroni and Julio Prieto Méndez point to the synthesis of traditional knowledges and ecological science in the rights of nature, so Selver joins the “dream-time” of the Ashtheans with the violence of the intergalactic present. Of course, Selver’s story sounds in a much more tragic key than the nature rights narrative. The new human unity, and its accompanying historical sense, have been forced upon the Ashtheans at the price of their peaceful isolation in space and time: the novel ends with Selver noting that Terrans will remain on his planet and his telling Lyubov that “maybe after I die people will be as they were before I was born, and before you came. But I do not think they will” (189). In this way the allegory serves the *memento mori* function identified by Benjamin, Adorno, and Deloughrey: it insists on the weight of unredeemed history, of the violent root of any project of ecological liberation, of the irreducible gap between idealist programs and their contingent, troubled roots. Selver’s story expresses the idea of a “negative universal history,” elaborated by Antonio Y. Vázquez-Arroyo (468) and Chakrabarty (“The Climate of History” 222), which would include colonial and postcolonial experience in

its story of humanity and would resist the subsumption of particularity (referring here to the experiences of subalterns) into a Eurocentric universality. (I go into greater depth on this idea below.)

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” (79). This reference to the evolutionary time-scale — common in rights of nature narratives such as the one articulated by the Constitutional Court of Colombia — serves to de-emphasize particular planetary histories (Ashtean, Terran) and to orient the historical imagination toward an emergent interplanetary polity. Thus the appearance of a universal human species agent — product of both the capitalist assault on the planet (Anthropocene agency) and of the anti-capitalist response to this assault (rights of nature agency) — is allegorized through a communicative device that signifies newly durable bonds of affinity, vulnerability, and obligation between all humans.

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 Annares. Annares is a satellite of Urras, from which a group of anarchist dissidents fled a few centuries before 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 Anares' founders has 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) (70), 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" (225). In other words, Shevek seeks a theory of time that can encompass both being and becoming (224), and he arrives at it not through any particular scientific discovery but through an embrace of methodological uncertainty:

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. (280)

Victor Urbanowicz notes that Shevek's approach to the problem mirrors the anarchist praxis of building, rather than merely modeling, the desired state of things: "He completes the essential outlines of the General Temporal Theory by using a tactic which also has sociopolitical significance: instead of continuing to try to prove simultaneity, he instead postulates it to see how things work out" (151). John P. Brennan and Michael C. Downs offer a compelling formal reading of the scene, arguing that Shevek's scientific efforts mirror Le Guin's structuring of the novel, in which she strikes a balance between the genres of romance and utopia (resembling simultaneity) and the novel (resembling sequency), resulting in the ambiguity of the novel's subtitle, "An Ambiguous Utopia" (152). I would reinterpret this ambiguity as reflecting the conflicting demands of static and dynamic views of history. The method of "simply assuming the validity of real coexistence"—a method applicable to both scientific theory and political practice, and one way of resolving the tension between stasis and dynamism—is central to the reconstructive reading of the rights of nature and the Hainish Cycle that I offer below.

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" (344). Both Shevek and the ambassador see in this prospect the salvation of their home planets. Shevek describes Annares as a world

built on a beautiful idea, but laments that his people have “cut ourselves off. We don’t talk with other people” (345). 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” (347-348). She goes on to say that the Terrans only survived because of the “charity” of the Hainish. In an oblique reference to galactic prehistory, she tells Shevek that the Hainish “are a very strange people . . . older than any of us; infinitely generous. They are altruists. They are moved by a guilt we don’t even understand, despite all our crimes. They are moved in all they do, I think, by the past, their endless past” (348). Elsewhere in the Cycle, Le Guin suggests that this guilt is rooted in an initial extraplanetary expansion based on colonial violence and theft, which later gave way to the more peaceable and noninterventionist posture of the current Ekumen era. What’s worth signaling here, in parallel to the rights of nature narrative, is the designation of a sordid historical legacy which may be overcome through the use of a unifying and equalizing technology: the imperial (Hainish) and ecocidal (Terran) crimes of one part of humanity may be expiated through the interplanetary union whose existence will be accelerated by development of the ansible.

In response to this disquisition on human history, Shevek asks whether the example of Annares might offer some hope to the Terrans. The ambassador says that Earth “forfeited our chance for Annares centuries ago, before it ever came into being” (358), 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 Annares 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. You cannot have anything . . . And least of all can you have the present, unless you accept it with the past and the future. Not only the past but also the future, not only the future but also the past! Because they are real: only their reality makes the present real.” (349)

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. This historical-philosophical claim is supported elsewhere in the novel by Shevek’s reflections on the history of the anarchist experiment on Annares. As Shevek travels from a distant work assignment to the planet’s administrative center, the close third-person voice describes how the rebels who left Urras had to adjust to their new world’s harsh desert climate: “They cut back very hard indeed, but to a minimum beneath which they would not go; they would not regress to pre-urban, pre-technological tribalism. They knew that their anarchism was the product of a very high civilization, of a complex diversified culture, of a stable economy and a highly industrialized technology” (95). Designing a complicated, computer-assisted system of exchange and distribution, they created “an intricate process of balance: that balance of diversity which is the characteristic of life, of natural and social ecology” (96). Appropriating the best advances of the past while eschewing its political and economic injustices, the anarchist settlers arrived a stable present whose balance mimics that of nature. But Shevek goes on to experience the thwarting of his scientific ambitions via the machinations of the bureaucracy and common sense that maintains this social ecology. Three years later, he encounters a childhood friend, Bedap, who has suffered similar indignities and who articulates a critique of Annares’ betrayal of its founding ideals: “You can’t crush ideas by suppressing them. You can only crush them by ignoring them. By refusing to think,

refusing to change. And that's precisely what our society is doing! . . . Change is freedom, change is life . . . But nothing changes any more! Our society is sick. You know it. You're suffering its sickness. Its suicidal sickness!" (165-166).

Le Guin thus offers a two-sided critique of historical determinism and complacency. There may be better and worse human pasts — the Annares experiment and the Ashthean 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 are guarantees of 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 orientation of the Cycle toward this final cause is emphasized in Fredric Jameson's remark that the ansible is "in one way or another the symbolic and ideological center of Le Guin's cosmos" (*Archaeologies of the Future* 97)).

To return to my remarks on allegory above, Le Guin's Hainish Cycle historical narrative registers the dissolution of history's ostensibly natural background conditions and contemplates the inauguration of a new epoch unmoored from both stable traditions and the confident teleologies of modernizing projects (which are actually two sides of the same coin: the stable social ecologies of Ashthe and Annares are episodes of the high-technological Hainish expansion, while the Earth's period of cataclysmic historical progress is now a dead past). On this point, Ursula Heise's remark on the critical function of environmental science fictions is apt: "Contemporary science fiction, then — as a

distinct literary genre and as a rhetorical mode that has spread far beyond narratives about future worlds or other planets — defines itself in the tension between two different approaches to the present: as the past of imagined futures and as an already if incompletely materialized future that makes palpable the obsolescence of the present” (5). This tension is productive of Le Guin’s overlapping regimes of historicity, each of which, in the allegorical sense I emphasize here, underscores the particular obsolescence of a present plotted on the coordinates of nature versus history, tradition versus progress, the ancient versus modernity.

Stasis, dynamism, and the new historical sense

But, as is already implicit in my readings above, this productive problematization of historical sense carries with it an all too sketchy promise of resolution. 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" (35). 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" (71); an envoy remarks that "the idea of the Ekumen was to offer a way. To open it. Not to bar it to anybody" (106).

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.

As noted by Elizabeth Cummins (73) and Fredric Jameson (*Archaeologies of the Future* 280), the Ekumen resembles global organizations like the United Nations, which were intended to resolve nation-state conflict and spread economic well-being through consensual participation in a form of minimal world government. For Jameson — in the midst of a discussion about how science fiction utopias address capitalism’s blockage of historical imagination — this appeal to a somehow less coercive state form is an illusory, “liberal” solution, one that amounts to a “strategy of *not* asking questions” (*id.*). But my concern here is not with the imaginative investment in the interplanetary state as such; rather, it is with the evasion that such an investment represents. By “evasion” I mean the failure of the narrative to elaborate the consequences of Shevek’s theories of the dynamism of historical change and historical sense; the Ekumen appears to function as a sort of imaginative externality that prematurely forestalls the question of how to inhabit a world unmoored from its historical ontologies. Jameson raises a similar critique when he analyzes Anares as a form of “world-reduction” in which humans find themselves

practically alone on a desert planet, freed from both biological and — by virtue of the anarchist experiment — historical determinisms (“Archaeologies of the Future” 271-72). Jameson concludes that this “world-reduction” “offer[s] little more than a breathing space, a momentary relief from the overwhelming presence of late capitalism” (279). The undeveloped positing of the Ekumen as historical horizon thus represents the effort of a utopian imagination to “protect[] itself against a fatal return to just those historical contradictions from which it was supposed to provide relief” (280).

The critique towards which I am driving is this: 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. In a related vein, novelist Samuel R. Delany registers dissatisfaction with the narration of Shevek’s scientific breakthrough, arguing that the resolution of the antithesis between Simultaneity and Sequency (quoted above) is too informative; what Le Guin should have pursued instead is a more generative strategy of omission whereby the essential mystery of Shevek’s discovery would provoke meditation on the social life of ideas (121-22): “What the conventions of omission acknowledge is that, while ideas do have determining histories, a new idea is, indeed, new. In terms of any determining matrix of extant knowledge, its center is unknown. While certain conjectures may be made about any new idea, its center, till it actually arrives, however outrageous or conservative the speculation about it, must remain unknown” (134). For Delany, Le Guin misses the opportunity to treat ideas as thoroughly embedded in history, with their practical consequences

undetermined; she instead falls to the common temptation of treating science fiction speculation as a generator of preordained historical meaning (135). What Delany diagnoses in the narrative of Shevek's discovery I identify in the metanarrative of the Ekumen: Le Guin's conceptual containment of an otherwise generative theory of change.

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 (Fitz-Henry 271-272). The Correa government consistently ignored the new rights provisions in permitting oil extraction in the rainforest (Burdon 316). Carolina Valladares and Rutgerd Boelens, who examine Ecuador's constitutionalization of nature rights as a provisional "epistemic pact" (1026) between Indigenous and nonindigenous actors, characterize those rights as an "intermediate language, translated from different scientific disciplines and cultural ways of viewing nature" (1027). Approached thus as dynamic political constructs — with no guarantee of any particular ecological outcome or effect on historical consciousness — nature rights are prone to abuse, which the Valladares and Boelens document:

Public institutions are determined to depoliticize the political contents of these rights. For example, the Ministry of Environment's documents mention Nature's

Rights only occasionally in relation to the management of endangered species, but not in connection with strategic projects such as mining and petroleum expansion. These rights run the risk of being assimilated and institutionalized as a legal figure conforming to state-centrist and/or neoliberal rules and forces. The latter proliferates territorial rights and nature's intrinsic values and preaches plurality, as long as these conform to the dominant political-economic logic of capitalism. (1029)

As evidence, Valladares and Boelens discuss the Amazonian Millennium Communities created by the Correa government after the adoption of the new constitution. In Indigenous Cofán territory where petroleum extraction took place, residents were removed from their villages and relocated to model communities with direct federal control over education, employment, and local media. These model communities were intended to demonstrate the success of the government's *buen vivir* philosophy, with residents benefiting from oil profits even while living in ostensible harmony with the environment and each other. Resulting cultural dislocation and unemployment suggest, at the very least, that the rights of nature are no guarantee of a new Indigenous-inspired, ecological politics (1020-23).

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” (33). 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” (315), while Ramiro Ávila Santamaria (21) and Laurel Fish (9) 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. Having established this ideological fungibility of nature rights, it may be useful to put in stark terms my critique of the rights discourse’s aporia regarding the transformation of historical imagination. My target here is an admittedly reductive version of what nature rights advocates claim. But keeping in mind my discussion above regarding the crisis of historicity engendered by ecological crisis (the arguments organized around the concept of the Anthropocene), it is worth outlining the problems with one proposed resolution to this crisis, if only to sketch more promising paths forward.

Just as Le Guin’s Hainish Cycle posits the Ekumen as the institutionalized solution to crises of historicity, so the rights of nature discourse views legislative and juridical innovation as the agents of a new settlement between humans and nonhumans, between present (and future) ecological citizens and their ecologically destructive past. This vision assumes that by *naming* a new relation between humans and the Earth such a new relation will obtain. Such faith in law’s power to inaugurate a new political — and even ontological — order recalls my discussion on the performance/interpretation

dynamic in U.S. property law in Chapter One. Walter Benjamin points out that the common distinction between lawmaking and law-preserving violence breaks down under scrutiny: all legal orders grow from originary acts of violence which are then repeated in quotidian exercises of state power (“Critique of Violence”). Building on Benjamin, Jacques Derrida shows how legal authority rests upon nothing but itself (the “mystical foundation of law”): violence is required to name a new order, and this order in turn fashions the rationale for its own existence; nothing but its own imposition grants a legal order legitimacy (“Force of Law”). In Chapter One, I argued that a performative act like the extension of U.S. jurisdiction over Indigenous lands or the Indigenous-led revolution in Silko’s *Almanac* — here the act is the constitutionalization of nature rights — advertises itself as a mere interpretation of natural law and fact. But the pretension of codifying an ontology (private property, inter-species harmony) into law obscures the constant re-performance of this founding act, notably through state-backed violence, such that the distinction between performance and interpretation fades. In other words, law’s legitimization of political orders and of the values they espouse is a constant process, not a single historical event.

Here I am placing emphasis on how the Ekumen narrative and the rights of nature discourse ignore this process. Designating the state and its law as inaugurators of a new historical order, these stories ignore how such an inauguration is never a single moment or a *fait accompli*, but rather belongs to an unending process of pronouncement and enforcement. Put another way, these stories adopt the magical thinking of the law as a cleavage in time, as a marker between a pre- and post- of a new historical epoch. In terms

Shevek would understand, it is a consummately Sequentialist vision that cannot accommodate Simultaneity.

Here I will bring in Judith Butler and Félix Guattari to specify the nature of this problem and to begin constructing a positive program to address it. Butler, interested in the formation of gender subjectivity, describes in *Gender Trouble* how the presumed “ontological integrity” of the legal subject bears with it

the contemporary trace of the state of nature hypothesis, that foundationalist fable constitutive of the juridical structures of classical liberalism. The performative invocation of a nonhistorical “before” becomes the foundational premise that guarantees a presocial ontology of persons who freely consent to be governed and, thereby, constitute the legitimacy of the social contract. (3)

Critiquing the “narrative of gender acquisition” which imagines a pre-social and pre-legal “sex” onto which a culturally relative “gender” is imposed, Butler notes that this narration “takes place within a language which, strictly speaking, is after the law, the consequence of the law, and so proceeds from a belated and retrospective point of view” (74). Analogously, the narratives of the Ekumen and of nature rights retrospectively imagine worlds before or outside the law — unorganized intergalactic humanity, non-rights-bearing nonhumans — over whom a new legal order might impose benign authority. Echoing Derrida, Butler goes on to say that “not only does the narration claim access to a ‘before’ from which it is definitionally (by virtue of its linguisticity) precluded, but the description of the ‘before’ takes place within the terms of the ‘after’ and, hence, becomes an attenuation of the law itself into the site of its absence” (*id.*). This means that the law itself cannot be an agent of a new historical understanding, because — despite the apparent novelty of a unified human polity or of nature rights — the law’s inauguration is spoken in the same language as the law’s anteriority. This is another way

of expressing the doubts I raised regarding the optimistic description of the Ekumen's operation and the disturbing continuities between the state's environmental actions prior to and after the Ecuadorian constitutionalization of nature rights. 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.

Butler is concerned with debunking an idea of subversion that would take place entirely outside the terms of the law. Here, I examine two cases where the law is enlisted in a process of reform or revolution. Despite this dissimilarity, the relevance of her critique to my cases is her assertion that the law — whether figured as a force of repression or liberation — never appears *ex nihilo*; it has always already covered the field of historical imagination. One can neither escape its coordinates nor produce entirely new coordinates by enlisting some extralegal narrative, value, or ontology. In other words: whereas the targets of Butler's critique reach for a natural state *before* the law, the targets of my critique reach for a new socio-nature *after* the law. But in both instances, what is imagined is some state of affairs *outside* the law that the law then either suppresses or instantiates. Happily, though, Butler provides a way of advancing through the law's apparent stasis. If the law cannot regulate history or ontology through its mere pronouncement, then history and ontology — or, for Butler, subjectivity — is never fully pinned down by such pronouncement. The law's coordinates are never binding: “The subject is not *determined* by the rules through which it is generated because signification is *not a founding act, but rather a regulated process of repetition*” (145). This process of repetition allows for interventionist strategies of slippage, drift, and correction. Just as words' references change, so do those of the law — not by an impossible total

replacement of language or edict, but by a process of transformation. In this light, Butler's vision of change offers a promising paradigm through which to reconceive the nature rights project: "If subversion is possible, it will be a subversion from within the terms of the law, through the possibilities that emerge when the law turns against itself and spawns unexpected permutations of itself" (93). As against the more strident imaginings of the rights of nature as a new legal order *tout court*, this notion of "unexpected permutations" of the law sounds in the same key as Lohmann's embrace of nature rights as provisional "oppositional concepts" (8) and Valladares and Boelens's idea of a nature rights-based "epistemic pact" (1026) between Indigenous and nonindigenous conceptions of nature.

Butler provides, then, a clue to rethinking the rights of nature from a more processual point of view. This point of view eschews the idea of the law as the agent of a revolution in historical understanding. It looks askance at the idea that a new rights regime will usher in a new harmony with non-human nature or a post-Enlightenment, postcolonial, Anthropocenic universal humanism. Instead, it casts these new rights as symbolic indices of a new socio-nature in the making and as tentative, instrumental strategies for intervening in the current organization of humanity and nature. This point of view has much to learn from Guattari's *Three Ecologies*, in which ecological and social decline is addressed in three registers: the environmental, social, and subjective (18). He ascribes this decline in part to a failure of imagination: viewing the world as a plenum of resources and governing sociality through police action, the dominant modes of valorization cannot generate the new social practices required to navigate contemporary crises: social and environmental imagination have not caught up with

reality. What is needed, then, is “the production of human existence itself in new historical contexts” (22) because “[n]ow more than ever, nature cannot be separated from culture; in order to comprehend the interactions between ecosystems, the mechanosphere and the social and individual Universes of reference, we must learn to think ‘transversally’” (28). Transversal thinking, for Guattari, involves identifying the rift between potential “catalysts of existential change” and “expressive support from the assemblage of enunciation” (31). (The Ekumen and nature rights are transversal thinking, I would argue, though they too promptly propose a mode of “expressive support” for an existential change that is not adequately expressed in their legal terms.) Within this rift, “ecological praxes . . . seek something that runs counter to the ‘normal’ order of things, a counter-repetition” (30). “Counter-repetition,” or “creative repetition” (31) — the connection with Butler is clear — leads to “creative subjectification” (38) that engenders new forms of value and new institutions not based on the pursuit of profit (44). Eschewing the sort of dialectical thinking implicit in the narratives of the Ekumen and nature rights — in which the contradiction between the past (unified but primitive humanity, stable ecology) and present (conflicted but scientifically advanced humanity, ecological crisis) is resolved in a legal future (unified and advanced socio-nature) — Guattari imagines a much more open-ended praxis in which “anything is possible” (45) and the laws of the new ecology are written on the fly.

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. In line with Guattari,

we can see the extension of rights as a belated recognition of the imbrication of humans with their environment. Perhaps this imbrication has been taken as trivially true outside a Western, mechanistic worldview (as sources as varied as the Universal Declaration of the Rights of Mother Earth and Bruno Latour would maintain); nonetheless, its acknowledgment in official state discourse matters insofar as it signals a provisional decoupling of environmental policy from an outmoded ontology. The state no longer speaks in the words of Francis Bacon, and this is both a vindication of suppressed cosmologies and an honest confrontation with the ecological precarity that is one horn of the Anthropocene dilemma. Robert Cover, considering the role of narrative in law, quipped that “every narrative is insistent in its demand for its prescriptive point, its moral” (5); 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” (9) — then this legal recognition adopts the nature rights narrative as a heuristic for understanding how to move toward a more ecologically just future.

This expressive function, of course, sidesteps the problem of legal application. But thinking of Butler and Guattari again, there is a more sophisticated way to conceptualize the connection between legal expression and outcome than the naïve view that any legal performative act simply alters reality in a direct, intended fashion. As the legal signification of non-humans as rights-bearing entities spreads, a “regulated process of repetition” (Butler 145) may unfold in which new forms of environmental subjectivity

develop: more responsible human subjects and increasingly powerful, or respected, or autonomous non-human subjects. The law then provides a “mode of production of subjectivity” (Guattari 33), contributing to the new varieties of subjectivity that are needed for a post-capitalist environmental order. This kind of “permutation” should, one hopes, change the law itself by, in a rather indirect fashion, eroding foundational anthropocentric principles that have facilitated environmental degradation (as noted above, Oliver Houck and Marie-Angèle Hermitte think that such a change was already underway well before the rights of nature). Additionally, changes in legal rhetoric produce broader cultural change, contributing to a broader adoption of biocentric attitudes. An analogy may be made here to the late nineteenth-century United States jurisprudence that recognized property rights in intangible entities such as prices and business expectations, a recognition that both reflected and facilitated the creation of a speculative credit economy and its *homo economicus* subjects. Examining this jurisprudence, Stephen M. Best argues for “a vision of the historical agency of form, a model of causation that rivals modes often imputed to human subjects as agents of history” (25). Such a model of causation is weaker than the one suggested by the history-disrupting power of constitutionalization, but it more accurately captures the interplay of legal expression, narrative, and social change. 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” (Decision T-622/16, § 5.9), 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 (146). One type of “expressive insurgency” Nichols identifies is Indigenous demands for nature rights, which “constitute an experiment in unraveling the proprietary logics of dispossession” (150). In a mode of legal thinking that I identify with Butler and Guattari, Nichols argues 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” (151) — 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” (157). “However,” he writes,

if these forms are imperfect approximations at justice, it does follow that they are useless or unnecessary. It may be that the radical potential of such movements does not reside exclusively in their achieving a narrow objective (e.g., the protection of this river or that mountain) but in the manner with which they challenge the broader vocabularies at work. Theirs is an expressivist politics of resignification, one that works to reconfigure the relation between subjects, objects, and the connections between them. Rather than entirely rejecting existing institutions, practices, and modes of signification, these projects work to disassemble and then reassemble their nodal features: law, rights, property, and personhood. These are imperfect, incomplete, and aspirational projects of collective resignification of the basic terms of political order. (158)

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 (222); for Adorno, “at issue [in allegory] is an historical relationship between what appears — nature — and its meaning, i.e. transience” (119). 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”).

I want to go a step further, of course, and put pressure on the distinction between “history” and “nature” in this thinking about allegory. There is an interesting exchange here 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 accrued horrors of the past (Benjamin 167) and the story of predetermined human geological agency (Chakrabarty, “Postcolonial Studies” 13-14) in which “the rock has already hit the tree” (Le Guin, *The Dispossessed* 349); or it may be a process that “is not stable, solid” (*id.*) 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” (Plurinational

Constitution of Bolivia, Preamble)). Nature may be either “a biocentric foundation” giving rise to ecological mandates (Prieto Méndez 30), or it may embody the “balance of diversity which is the characteristic of life, of natural and social ecology . . . change is life” (Le Guin, *The Dispossessed*, 96, 165).

Following Adorno, who followed Marx and anticipated Chakrabarty, I am interested in the project of blurring the distinction between nature (or natural history) and (human) history. In “The Idea of Natural-History,” Adorno emphasizes the *static* quality of the concept of nature as usually understood: “By it is meant what has always been, what as fatefully arranged predetermined being underlies history and appears in history; it is substance in history” (111). History, then, according to this traditional division, is the *dynamic* counterpart of nature; it “is characterized primarily by the occurrence of the qualitatively new” (*id.*). But “[e]very exclusion of natural stasis from the historical dynamic leads to false absolutes, every isolation of the historical dynamic from the unsurpassably natural elements in it leads to false spiritualism” (117). In other words, one must not simply reverse the attribution of stasis/dynamism to nature/history; this would result, on the nature side, in a false vitalism (critiqued by Adorno in “On the Static and Dynamic as Sociological Categories” 45-46), and, on the other, in elevating history to a “structure of being” (as Heidegger does, according to Adorno; “The Idea of Natural-History” 114). Instead — and here Adorno follows Benjamin’s analysis of the allegory — “the deepest point where history and nature converge lies precisely in this element of transience” (119). Crucially, this “transience” refers, I argue, not to dynamism itself but rather to the interplay of stasis and dynamism, to the phenomenon of history and nature constantly trading roles as the signifiers of immutability or change (“the elements of

nature and history are not fused with each other, rather they break apart and interweave at the same time in such a fashion that the natural appears as a sign for history and history, where it seems to be most historical, appears as a sign for nature” (121)).

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 (Deloughrey 2)), 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. More specifically, it shows us 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). It asks to abolish an old *nomos* and names a new one. In the positive reconstruction of nature rights I sketched above, it does this in an open-ended fashion, generating chains of subjectivating repetition via narrative and the bestowal of formal rights; it lives in history while seeking to direct, if not control, its flow. Adorno maintains that only once there is no longer “antagonism in the social order” only once “mankind alters its relationship to nature,” might history come to rest (48). The implication, I gather, is that — in anticipation of and working towards this resolution of social antagonism and the final collapse of the nature/history distinction — one must attend to the transience of this distinction. Allegory reveals this transience. The legal intervention of the rights of nature, understood in the Butler/Guattari framing I offered above, promotes the transience in practice. 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.

This view of the rights of nature project is especially important in its postcolonial context, if we acknowledge that the discourse's major tendency derives its program of reconstituting human-nature relations from a critique of the dominant Western regime of historicity. Adorno ignores this postcolonial context in his attacks on "universal history" and its tendency to take on the dominating and deterministic properties of static nature (see *Negative Dialectics* 320-357; the discussion there bears resemblance to his and Horkheimer's analysis of social "second nature" in *The Dialectic of Enlightenment*). But this universal history is not only a matter of totalitarianism and the camp in Europe; it is also, as commentators such as Chakrabarty and Antonio Y. Vázquez-Arroyo have shown, a matter of colonial oppression. That is to say, a critique of Hegelian progress narratives is incomplete without accounting for how "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" (Prieto Méndez 29). One option is to discard the concept of universal history altogether. Another is to formulate a *negative* universal history that — while distancing itself from any necessary progressive teleology and abjuring any claim to align (as Hegel does) the development of the law with this teleology — nonetheless comprehends global trends in the relationship between humanity and nature. For Chakrabarty, "climate change poses for us a question of a human collectivity, an us, pointing to a figure of the universal that escapes our capacity to

experience the world. It is more like a universal that arises from a shared sense of a catastrophe” (“The Climate of History” 222).

Here Chakrabarty builds on an analysis provided Vásquez-Arroyo, who finds in Adorno the resources to integrate colonial and postcolonial experience into the narrative of what he terms “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” (468). In line with Adorno’s emphasis on the need to conceptualize universal history while resisting the Hegelian urge to subsume particularity (read here as non-European historical experience), Vásquez-Arroyo lights upon the categories of the static and the dynamic. Via their mutual mediation, these categories allow us to develop a “critical historicism” that integrates colonial and postcolonial history into the new, negative, and provisional “universal” history that global ecological crisis appears to demand (461).

To summarize this re-interpretation of the rights of nature discourse: 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.

Reversing my focus again, I turn in conclusion to the literary counterpart to the rights of nature discourse to inquire whether a re-interpretation of Le Guin's Hainish Cycle might reveal a related dynamism. In my reading above, I noted that that the state-like Ekumen serves to "contain" the theory of change — the challenge to historical determinism — that appears in moments such as the clash of cultures in *Word* and in Shevek's scientific method in *The Dispossessed*. I will briefly linger on elements of the Cycle that resist such containment, bringing in for support one of Le Guin's non-fictional meditations on social change.

I began this chapter with a scene from *The Telling*, Le Guin's last novel of the Ekumen. In it, the ruling Akan regime, pressing a program of technological modernization introduced by Terran and Hainish emissaries of the Ekumen, violently represses the planet's traditional philosophical and ethical system known as "the Telling." Only when further Ekumen assistance is conditioned on the cessation of this repression does the regime relent, representing what I characterize as a idealized negotiation between a precolonial, local past and a progressive, interplanetary future. This institutionalized settlement answers the question posed by Sully, the novel's Ekumen emissary narrator: "The Hainish want to hang on to everything. The Akans want to throw everything away. Maybe there's a middle way?" (25).

Hoping to locate an alternative answer that does not involve the problematic intercession of the Ekumen state-form, I look to Suttu's initial encounters with the Telling. Traveling across Aka, Suttu is confounded by the Telling's multiple meanings: it is a cosmological philosophy, a theory of interpersonal ethics, a school of medicine, an aesthetic methodology, and above all a storytelling tradition. Failing to grasp its entirety from an abstract or theoretical standpoint, Suttu ultimately gives herself over to the manifold signs and procedures of the Telling in a provisional practice of total immersion:

A yielding, an obedience, a willingness to accept these notes as the right notes, this pattern as the true pattern, is the essential gesture of performance, translation, and understanding. The gesture need not be permanent, a lasting posture of the mind or heart; yet it is not false. It is more than the suspension of disbelief needed to watch a play, yet less than a conversion. It is a position, a posture in the dance . . . She had come to Aka to learn how to sing this world's tune, to dance its dance; and at last, she thought, away from the city's endless noise, she was beginning to hear the music and to learn how to move to it. (98)

Such a practice — I'd place emphasis on the terms "performance," "position," and "posture" — echoes the open-ended legal praxis I distilled from Butler and Guattari above. The Telling is accepted as a temporary foundation for thought and practice, but Suttu keeps a certain distance from her own immersion ("less than a conversion"). Even as she succeeds in penetrating the secrets of the Telling, she remains an emissary of and believer in the Ekumen. This is a sort of critical anthropology: Suttu, the ethnographer, learns to partially relinquish her background assumptions and her impulse to categorize, allowing her to inhabit the Telling from within and to accept her informants' accounts on their own terms. Here again, to rehearse an observation from Chapter Two, we find an example of what Eduardo Viveiros de Castro calls "experiencing a form of imagination" (17). Suttu need not replace one cosmovision (the Akan, Hainish, Terran, or Ekumen)

with another (the Telling) — instead, she accepts the possibility of multiple foundations or truths, and so finds a way to suture the past and the future.

There is a clear echo here of the practice of the anthropologist Lyubov in *Word*, who is the only Terran to take the native Ashthean worldview seriously — though in his case, and in the context of that novel’s much more pessimistic view of cultural encounter, his willingness to live between worlds avails little. Likewise, Suttty’s temporary “yielding” to the Telling resembles how Shevek synthesizes Simultaneity and Sequency by “simply assuming the validity of real coexistence” (*The Dispossessed* 280). Given Shevek’s transit between Annares and Urrasti and his extended reflections on the mores of each planet, he could justifiably be called a critical anthropologist as well, and his inquiries into culture clear the way for his scientific insight. In each case, what is involved is not the replacement of one doctrine by another, or one historical sense by another, but a strategic relativism: a dynamic theory of thought and change. Crucially, though, this relativism does not entail quietism or inactive skepticism: Suttty defends the Telling against the ruling Akans, Lyubov resists the Terran invasion, and Shevek forges a new theory of physics.

A final example, and most in keeping with this chapter’s focus on historical sense, can be found in *The Left Hand of Darkness*. Genly Ai, another emissary of the Ekumen, travels to a remote religious community where, he is told, practitioners known as the Handdara can predict the future. He poses a question to the Handdara, who represent a tradition thirteen thousand years old, a “way of thought and way of life so old . . . as to give a human being the unself-consciousness, the authority, the completeness of a wild animal, a strange creature who looks straight at you out of his eternal present” (74-75).

He asks: “Will this world Gethen be a member of the Ekumen of Known Worlds, five years from now?” (66). After a lengthy and difficult communal deliberation, the Handdara answer in the affirmative. This confirms Genly’s “hunch”; what amazes him is that, whereas other humans have perfected interstellar travel, instantaneous interplanetary communication, and telepathy, only the Gethenians have “tamed hunch to run in harness” (71). And yet, despite the apparent power of predicting the future, one of the Handdara tells Genly that they perfected the art only “to exhibit the perfect uselessness of knowing the answer to the wrong question . . . The only thing that makes life possible is permanent, intolerable uncertainty: not knowing what comes next” (74-75). Here, then, Le Guin introduces a practice that, while apparently able to resolve the problem of historical indecision, abjures any practical use of the “domestication of hunch” (as the chapter title has it) and is defined by a sort of transhistorical existence (thirteen thousand years old, living in an “eternal present,” seeing the future). Indeed, the implication of the Handdara’s claim that their answers are useless is that the answer Genly receives — that Gethen will join the Ekumen — is likewise useless. The impending integration of the planet into a politically unified humanity will not resolve anything fundamental; history will proceed, even if some of its answers are given in advance. Another way to interpret this exchange is to read the Handdara’s attitude against the grain of the Hainish Cycle as a whole. Le Guin poses the question of how to resolve confrontations between competing historical regimes. Her answer is the Ekumen. But this proposed resolution is as useless as any other answer; it cannot contain what it seeks to contain. No synthesis of past and future is stable, no stasis resists the movement of dynamism. Hunch may be domesticated, but the “wild animal” of historical vision remains untamed.

A final source: in the essay “A Non-Euclidean View of California as a Cold Place to Be” (1982), Le Guin announces her opposition to rational utopias: “It seems that the utopian imagination is trapped, like capitalism and industrialism and the human population, in a one-way future consisting only of growth. All I’m trying to do is figure how to put a pig on the tracks” (85). Rational utopias, for Le Guin, are typified by a “euclidean reason” that seeks to calculate and legislate the future: the promised land is always outside this world, divorced from a present that must be violently transformed in order to reach fulfillment (81). Indeed, the California from which Le Guin writes is one such utopia, created out of the genocide against its original inhabitants; this project was just one in a long series of “euclidean, European, or masculinist” utopian efforts (88). As opposed to this, Le Guin proposes a utopian imagination that is “dark, wet, obscure, weak, yielding, passive, participatory, circular, cyclical, peaceful, nurturant, retreating, contracting, and cold” (90). This last adjective references Claude Lévi-Strauss’s distinction between hot and cold societies, the former defined by incessant technological change and the latter by an “interactive, rhythmic, and unstable process, which constitutes an end in itself” (91). Interestingly, for Le Guin the constant historical change of hot societies results in a machine-like “stasis,” whereas the cold societies enjoy a sort of permanent dynamism (*id.*). She gestures as the Annaresti anarchist society in *The Dispossessed* as one possible example (though not model) of a cold society, even as she critiques her own imagination for lending too much room to the masculine hero Shevek (93-94) — a self-critique that I find resonant with my own critique of the Ekumen, which we might describe as a sort of long-lost father-figure whose hot technological prowess imposes a final, legislated end to the movement of history. Le Guin’s final injunction —

with particular emphasis on the conservative use of natural resources — is to “throw away the map” to such future utopias and to find the future in the ambiguous, unstable, and communal utopias already existing around us.

And so I arrive at a reconstruction of Le Guin’s Hainish Cycle and its allegory-before-the-fact of the rights of nature discourse. Foregrounding the play between stasis and dynamism in the moments of the Cycle I quoted above and in the “Non-Euclidean” essay, I suggest that we interpret the Ekumen not as an historical event to be reached by following the novels’ map through time, but as a critical concept that reveals the already existing solidarity among a dispersed collective. In the novels, that collective is humanity; in the rights of nature discourse, it is all living beings. The synthesis of past and future, of precolonial lifeways and modernity, of cold and hot, is not a stage at the end of universal history: it is a process. The substance and persistence of the Telling, of the Ashtheans’ dream-world, of Sequency and Simultaneity and anarchism, is revealed in the novels’ narratives only by light of the impending unity of the Ekumen. The reverse is also true: the Ekumen’s meaning — most importantly its negotiation between various regimes of historicity — is produced by the juxtaposition and interaction of these local elements. If the Ekumen is understood not diegetically but in a more structural fashion, then it appears as a horizon of possibility and meaning — and horizons, by definition, cannot be reached. The future cannot be legislated, but futural concepts can be guides to practice. Neither the Ekumen nor the rights of nature provide useful answers to the question of what comes next. But they do give form to a dynamic imagination of history and nature.

In the introduction to this chapter I noted that “speculation” derives from the Latin *speculator*, meaning to “watch out.” Le Guin’s speculative Hainish Cycle expresses its vigilance in the opening lines of *The Dispossessed*, where Annares is first glimpsed through the enclosures around the planet’s sole spaceship landing pad: “There was a wall. . . Like all walls it was ambiguous, two-faced. What was inside it and what was outside it depended upon which side of it you were on” (1). The rights of nature discourse expresses its vigilance in constitutional pronouncements: “To enforce and interpret these rights, the principles set forth in the Constitution shall be *observed*, as appropriate” (Ecuadorian Constitution Art. 71, emphasis added). In closing, I suggest that the vigilance in these documents of speculative law and fiction be seen as directed not towards enemies within or without, but towards signs of an already existing future. The watchtowers are built to glimpse the horizon — not to reach it, but to reinterpret ourselves in its light.

Bibliography

- Acosta, Alberto. "Hacia la Declaración Universal de los Derechos de la Naturaleza: Reflexiones para la acción." *Revista Afese*, vol. 54, no. 54, 2010, pp. 11-32.
- Adamson, Jodi. *American Indian Literature, Environmental Justice, and Ecocriticism : The Middle Place*. U of Arizona P, 2001.
- . "Source of Life: Avatar, Amazonia, and an Ecology of Selves." *Material Ecocriticism*, edited by Serenella Iovino and Serpil Oppermann, Indiana UP, 2014, pp. 253-268.
- Adorno, "The Idea of Natural-History." *Telos*, vol. 60, 1984, pp. 111-124.
- . *Negative Dialectics*. Translated by E.B. Ashton, Continuum, 1992.
- . "'Static' and 'Dynamic' as Sociological Categories." *Diogenes*, translated by H. Kaal, vol. , no. 33, 1961, pp. 28-40.
- Adorno, Theodor and Max Horkheimer. *The Dialectic of Enlightenment*. Edited by Gunzelin Schmid Noerr and translated by Edmund Jephcott, Stanford UP, 2002.
- Alfred, Taiaiake. "Sovereignty." *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination*, edited by Joanne Barker, U of Nebraska P, 2005, pp. 33-50.
- Alonso, Carlos J. *The Spanish American Regional Novel: Modernity and Autochthony*. Cambridge UP, 1990.
- Anaya, S. James. *Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people: Observations on the situation of the indigenous peoples of the Amazon region and the events of 5 June and the following days in Bagua and Utcubamba provinces, Peru*, United Nations Human Rights Council, A/HRC/12/34/Add.8, 5, 2009.
- Anderson, Benedict. *The Spectre of Comparisons: Nationalism, Southeast Asia, and the World*. Verso, 1998.
- Angvik, Birger. *La narración como exorcismo: Mario Vargas Llosa, obras (1963-2003)*. Fondo de Cultura Económica, 2004.
- Ardito Vega, Wilfredo. "Las múltiples dimensiones de una sentencia avanzada." *La sentencia del Caso Baguazo y sus aportes a la justicia intercultural*, edited by Juan Miguel Jugo Viera, Coordinadora Nacional de Derechos Humanos, 2017, pp. 9-25.
- Arguedas, José María. *El zorro de arriba y el zorro de abajo*. CSIC, 1990.

- Armitage, David. "John Locke, Carolina, and the *Two Treatises of Government*." *Political Theory*, vol. 32, no. 5, 2004, pp. 602-627.
- Arneil, Barbara. *John Locke and America: The Defence of English Colonialism*. Clarendon Press, 1996.
- Ávila Santamaria, Ramiro. *El derecho de la naturaleza: fundamentos*. Universidad Andina Simón Bolívar, 2010.
- "Baguazo: absuelven a 53 indígenas por los sucesos en la Curva del Diablo," *La República*, 31 Jan. 2020, larepublica.pe/politica/2020/01/31/baguazo-absuelven-a-53-indigenas-por-los-sucesos-en-la-curva-del-diablo/. Accessed 21 Jul. 2022.
- Banner, Stuart. *How the Indians Lost Their Land: Law and Power on the Frontier*. Harvard UP, 2005.
- Barbour, Douglas. "Wholeness and Balance in the Hainish Novels." *Ursula K. Le Guin: Modern Critical View*, edited by Harold Bloom, Chelsea House, 1986, pp. 23-34.
- Beckman, Ericka. *Capital Fictions: The Literature of Latin America's Export Age*, U of Minnesota P, 2013.
- Bellin, Joshua David. *The Demon of the Continent: Indians and the Shaping of American Literature*. U of Pennsylvania P, 2001.
- Benjamin, Walter. "Critique of Violence." *Reflections: Essays, Aphorisms, Autobiographical Writing*. Translated by Edmund Jephcott, Schocken Books, 1986, pp. 277-300.
- . *The Origin of German Tragic Drama*. Translated by John Osborne, Verso, 1998.
- . "Theses on the Philosophy of History." *Illuminations*. Edited by Hannah Arendt and translated by Harry Zohn, Schocken Books, 1969, pp. 253-264.
- Berry, Thomas. *Evening Thoughts: Reflecting on Earth as Sacred Community*. Edited by Mary Evelyn Tucker, Sierra Club Books, 2006.
- Best, Stephen M. *The Fugitive's Properties*. U of Chicago P 2004.
- Bhandar, Brenda. 2018. *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership*. Duke UP, 2018.
- Blomley, Nicholas. "Law, Property, and the Geography of Violence: The Frontier, the Survey, and the Grid." *Annals of the Association of American Geographers*, vol. 93, no. 1, 2003, pp. 121-141.
- Bolivia (Plurinational State of)'s Constitution of 2009. 27 Apr. 2022, www.constituteproject.org/constitution/Bolivia_2009.pdf. Accessed 21 Jul. 2022.

- Bosselmann, Klaus. *When Two Worlds Collide*. RSVP Publishing, 1995.
- Brennan, John P. and Michael C. Downs, "Anarchism and Utopian Tradition in *The Dispossessed*." *Ursula K. Le Guin*, edited by Joseph D. Olander and Martin Harry Greenberg, Taplinger, 1979, pp. 116-152.
- Bruyneel, Kevin. *The Third Space of Sovereignty*. U of Minnesota P, 2007.
- Buell, Lawrence. *The Environmental Imagination*. Harvard UP, 1996.
- Burdon, Peter. "Obligations in the Anthropocene." *Law and Critique*, vol. 31, 2020, pp. 309-328.
- Burger, Michael. "Environmental Law/Environmental Literature." *Ecology Law Quarterly*, vol. 40, no. 1, 2013, pp. 1-58.
- Butler, Judith, *Gender Trouble: Feminism and the Subversion of Identity*. Routledge, 1990.
- Calcaterra, Angela. *Literary Indians: Aesthetics and Encounter in American Literature to 1920*. U of North Carolina P, 2018.
- Calvo, César. *The Three Halves of Ino Moxo: Teachings of the Wizard of the Upper Amazon*, translated by Kenneth A. Symington, Inner Traditions International, 1995.
- Cannon, John. "Peruvian Indigenous groups thwart oil drilling in their territory — for now." *Mongabay*, 30 Oct. 2020, news.mongabay.com/2020/10/peruvian-indigenous-groups-thwart-oil-drilling-in-their-territory-for-now/. Accessed 21 Jul. 2022.
- Carneiro, Robert L. "Chimera of the Upper Amazon." *The Don Juan Papers: Further Castaneda Controversies*, edited by Richard de Mille, Wadsworth, 1990, pp. 94-99.
- Carpentier, Alejo. *The Lost Steps*, translated by Harriet de Onis, U of Minnesota P, 2001.
- Castaneda, Carlos. *The Teaching of Don Juan: A Yaqui Way of Knowledge*, U of California P, 1968.
- Castro Klarén, Sara. "Fragmentation and Alienation in *La Casa Verde*." *MLN*, vol. 87, no. 2, 1972, pp. 286-299.
- Chakrabarty, Dipesh. "The Climate of History." *Critical Inquiry*, vol. 35, no. 2, 2009, pp. 197-222.
- . "Postcolonial Studies and the Challenge of Climate Change." *New Literary History*, vol. 43, no. 1., 2012, pp. 1-18.

- Cheyfitz, Eric. *Poetics of Imperialism: Translation and Colonization from The Tempest to Tarzan*. Oxford UP, 1991.
- . "The (Post)Colonial Construction of Indian Country: U.S. American Indian Literatures and Federal Indian Law." *The Columbia Guide to American Indian Literatures of the United States Since 1945*, edited by Eric Cheyfitz, Columbia UP, 2006, pp. 3-124.
- . "Savage Law: The Plot Against American Indians in *Johnson and Graham's Lessee v. M'Intosh* and *The Pioneers*." *Cultures of United States Imperialism*, edited by Amy Kaplan and Donald E. Pease, Duke UP, 1993, pp. 109-128.
- Comunidades Indígenas: Caracterización de su Población, situación de salud y Factores determinantes de la Salud*. Ministerio de Salud del Perú, 2012.
- Córdova-Ríos, Manuel and F. Bruce Lamb. *Wizard of the Upper Amazon*, Atheneum, 1971.
- Cornejo Polar, Antonio. "El indigenismo y las literaturas heterogeneas: Su doble estatuto socio-cultural." *Revista de Crítica Literaria Latinoamericana*, vol. 4, no. 7/8, 1978, pp. 7-21.
- Coulthard, Glen. *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*. U of Minnesota P, 2014.
- Cover, Robert. "The Supreme Court 1982 Term: Foreword: Nomos and Narrative." *Harvard Law Review*, vol. 97, no. 1, 1983, pp. 4-68.
- Crist, Eileen. "Beyond the Climate Crisis: A Critique of Climate Change Discourse." *Telos*, vol. 141, 2007, pp. 29-55.
- "Cronología del levantamiento amazónico." *La Amazonía Rebelde*, edited by Héctor Alimonda et al., Universidad Mayor de San Marcos, Facultad de Ciencias Sociales, 2009, pp. 85-97.
- Cullinan, Cormac. *Wild Law*. Siber Ink, 2002.
- Cummins, Elizabeth. *Understanding Ursula K. Le Guin*. U of South Carolina P, 1990.
- Cusicanqui, Silvia Rivera. "Ch'ixinakax utxiwa: A Reflection on the Practices and Discourses of Decolonization." *South Atlantic Quarterly*, vol. 111, no. 1, 2012, pp. 95-109.
- Daly, Tara. "The Air as a Decolonial Critique of Being in César Calvo's *Las tres mitades de Ino Moxo y otros brujos de la Amazonía*." *Decolonial Approaches to Latin American Literatures and Cultures*, edited by Juan G. Ramos and Tara Daly, Palgrave Macmillan, 2016, pp. 121-39.

- de Castro, Juan and Nicholas Birns, "Introduction." *Vargas Llosa and Latin American Politics*, edited by Juan E. De Castro and Nicholas Birns, Palgrave Macmillan, 2010, pp. 1-18.
- de la Cadena, Marisol. "Indigenous Cosmopolitics in the Andes: Conceptual Reflections beyond 'Politics.'" *Cultural Anthropology*, vol. 25, no. 2, 2010, pp. 334-370.
- de León Hazera, Lydia. *La novela de la selva hispanoamericana: nacimiento, desarrollo y transformación, estudio estilístico*. Instituto Caro y Cuervo, 1971.
- de Man, Paul. "The Rhetoric of Temporality." *Blindness and Insight: Essays in the Rhetoric of Contemporary Criticism*. U of Minnesota P, 1983, pp. 187-228.
- de Sousa Santos, Boaventura. *Toward a New Legal Common Sense*. LexisNexis, 2002.
- Delany, Samuel. *The Jewel-Hinged Jaw: Notes on the Language of Science Fiction*. Wesleyan UP, 2009.
- Deloria, Jr. Vine and David E. Wilkins. *The Legal Universe*. Fulcrum Publishing, 2011.
- DeLoughrey, Elizabeth. *Allegories of the Anthropocene*. Duke UP, 2019.
- Dennison, Jean. *Colonial Entanglement: Constituting a Twenty-First Century Osage Nation*. University of North Carolina Press, 2012.
- Derrida, Jacques. "Force of Law: The 'Mystical Foundation of Authority.'" Translated by Mary Quaintance. *Deconstruction and the Possibility of Justice*, edited by Drucilla Cornell, Michel Rosenfeld, and David Gray Carlson, Routledge, 1992, pp. 3-67.
- . *Specters of Marx: The State of the Debt, the Work of Mourning, and the New International*. Translated by Peggy Kamuf, Routledge, 1994.
- Dillon, Alfredo. "César Calvo o las otras mitades del Perú." *Revista de Crítica Literaria Latinoamericana*, vol. 42, no. 84, 2016, pp. 317-336.
- Donnelly, Daria. "Old and New Notebooks: *Almanac of the Dead* as Revolutionary Entertainment." *Leslie Marmon Silko: A Collection of Critical Essays*, edited by Louise K. Barnett and James L. Thorson, U of New Mexico P, 1999, pp. 245-59.
- Duchesne Winter, Juan R. *Plant Theory in Amazonian Literature*. Palgrave Pivot, 2019.
- Duve, Thomas. "Indigenous Rights in Latin America: A Legal Historical Perspective," Max Planck Institute for European Legal History Research Paper Series, No. 2017-02, 2017, pp. 1-20.
- Earthjustice, "FAQ: Standing Rock Litigation," 22 Feb. 2022, earthjustice.org/features/faq-standing-rock-litigation. Accessed 28 Sep. 2022.

- Echevarría, Hugo “Rights of Nature: The Ecuadorian Case.” *Revista Esmat*, vol. 9, no. 13, 2017, pp. 77-86.
- Escobar, Arturo. “Latin America at a Crossroads: Alternative Modernizations, Post-liberalism, or Post-development?” *Cultural Studies*, vol. 24, no. 1, 2010, pp. 1-65.
- Espinosa de Rivero, Oscar. “‘No queremos inclusión, queremos respeto’: Los pueblos indígenas amazónicos y sus demandas de reconocimiento, autonomía y ciudadanía intercultural.” *En busca de reconocimiento: Reflexiones desde el Perú diverso*, edited by María Eugenia Ulfe and Rocío Trinidad, Pontificia Universidad Católica del Perú, 2017, pp. 119-136.
- “Estatuto del Gobierno Territorial Autónomo de la Nación Wampís.” 29 Nov. 2015, nacionwampis.com/wp-content/uploads/2017/05/estatuto-constitutivo-del-gobierno-territorial-autc3b3nomo-de-la-nacic3b3n-wampc3ads.pdf. Accessed 21 Jul. 2020.
- Farr, James. “Locke, Natural Law, and New World Slavery.” *Political Theory*, vol. 36, no. 4, 2008, pp. 495-522.
- Fischer-Hornung, Dorothea. “‘Now we know that gay men are just men after all’: Abject Sexualities in Leslie Marmon Silko’s *Almanac of the Dead*.” *Howling for Justice: New Perspectives on Leslie Marmon Silko’s Almanac of the Dead*, edited by Rebecca Tillett, U of Arizona P, 2014, pp. 71-90.
- Fish, Laurel. “Homogenizing Community, Homogenizing Nature: An Analysis of Conflicting Rights in the Rights of Nature Debate.” *Stanford Undergraduate Research Journal*, vol. 12, 2013, pp. 6-11.
- Fitz-Henry, Erin. “The Natural Contract: From Lévi-Strauss to the Ecuadorian Constitutional Court.” *Oceania*, vol. 82, no. 3, 2012, pp. 264-277.
- Fletcher, Angus. *Allegory: The Theory of a Symbolic Mode*. Cornell UP, 1964.
- Forgues, Roland. “César Calvo: Um incendio que queima com dulzura.” *Palabra Viva*, vol. 2. Librería Studium, 1988, pp. 201-212.
- French, Jennifer. *Nature, Neo-colonialism and the Spanish American Regional Writers*. Darmouth College Press, 2005.
- Frickey, Philip P. “Marhsalling Past and Present: Colonialism, Constitutionalism, and Interpretation in Federal Indian Law.” *Harvard Law Review*, vol. 107, no. 2, 1993-1994, pp. 381-440.
- Gallegos, Rómulo. *Canaima*, translated by Will Kirkland, U of Pittsburgh P, 1996.

- Gibson, Julia D. and Kyle Powys Whyte. "Science Fiction Futures and (Re)visions of the Anthropocene." *Oxford Handbook of Philosophy of Technology*, edited by Shannon Vallor, Oxford UP, 2022, n.p.
- González Echevarría, Roberto. *The Voice of the Masters : Writing and Authority in Modern Latin American Literature*. U of Texas P, 1985.
- González Vigil, Ricardo. *Años decisivos de la narrativa peruana*, Editorial San Marcos, 2018.
- Guadalupe de Jesús, Raúl. *Espectros del indigenismo en la narrativa de Mario Vargas Llosa*. Editorial Tiempo Nuevo, 2016.
- Gudynas, Eduardo. "Buen Vivir: Today's Tomorrow." *Development*, vol. 54, no. 4, 2011, pp. 441-447.
- Gudynas, Eduardo and Alberto Acosta. "El buen vivir o la disolución de la idea del progreso." *La medición del progreso y el bienestar. Propuestas desde América*, edited by Mariano Rojas, Foro Consultivo Científico y Tecnológico de México, 2011, pp. 103-110.
- Haraway, Donna. *Simians, Cyborgs and Women: The Reinvention of Nature*. Free Association Books, 1991.
- . *Staying with the Trouble: Making Kin in the Chthulucene*. Duke UP, 2016.
- . *When Species Meet*. U of Minnesota P, 2017.
- Harss, Luis. "Green House Mirrors." *World Literature Today*, vol. 52, no. 1, 1978, pp. 34-38.
- Hartog, François. *Regimes of Historicity*. Columbia UP, 2015.
- Heinlein, Robert A. "On the Writing of Speculative Fiction." *Writing Science Fiction and Fantasy*, edited by G.R. Dozois. St. Martin's Press, 1991, pp. 5-11.
- Heise, Ursula. "On the Invention of Eco-Futures." *EcoZone*, vol. 3, no. 2, 2012, pp. 1-10.
- Hermitte, Marie-Angèle. "La nature, sujet de droit?" *Annales. Histoire, Sciences Sociales*, vol. 66, no. 1, 2011, pp. 173-212.
- Hidalgo Capitán, Antonio Luis and Ana Patricia Cubillo Guevara. "Deconstruction and Genealogy of Latin American Good Living (*Buen Vivir*). The (Triune) Good Living and its Diverse Intellectual Wellsprings." *International Development Policy*, vol. 9, 2017, pp. 23-50.

- Horvitz, Deborah. "Freud, Marx and Chiapas in Leslie Marmon Silko's *Almanac of the Dead*." *Studies in American Indian Literatures*, series 2, vol. 10, no. 3, 1998, pp. 47-64.
- Horwitz, Morton. *The Transformation of American Law, 1780-1860*. Harvard UP, 1977.
- Houck, Oliver. "Noah's Second Voyage: The Rights of Nature as Law." *Tulane Environmental Law Journal*, vol. 31, no. 1, 2017, pp. 1-50.
- Houser, Heather. *Ecosickness in Contemporary U.S. Fiction: Environment and Affect*. Columbia UP, 2014.
- Hume, David. *A Treatise of Human Nature*. Electric Book, 2009.
- Hutcheon, Linda. *A Poetics of Postmodernism : History, Theory, Fiction*. Routledge, 1988.
- Irr, Caren. "The Timeliness of *Almanac of the Dead*, or a Postmodern Rewriting of Radical Fiction." *Leslie Marmon Silko: A Collection of Critical Essays*, edited by Louise K. Barnett and James L. Thorson, U of New Mexico P, 1999, pp. 223-244.
- Jameson, Fredric. *Archaeologies of the Future: The Desire Called Utopia and Other Science Fictions*. Verso, 2005.
- . *The Political Unconscious: Narrative as a Social Symbolic Act*. Routledge, 2002.
- Jarman, Michelle. "Exploring the World of the Different in Leslie Marmon Silko's 'Almanac of the Dead.'" *Melus*, vol. 31, no. 3, 2006, pp. 147-168.
- Karem, Jeff. *The Romance of Authenticity: The Cultural Politics of Regional and Ethnic Literatures*. U of Virginia P, 2004.
- Katanski, Amelia V. "Writing the Living Law: American Indian Literature as Legal Narrative." *American Indian Law Review*, vol. 33, no. 1, 2008/2009, pp. 53-76.
- Kauffman, Craig M. and Pamela L. Martin. "Testing Ecuador's Rights of Nature: Why Some Lawsuits Succeed and Others Fail." Paper Presented at the International Studies Association Annual Convention, Atlanta, GA, 18 Mar. 2016.
- Kent, James. *Commentaries on American Law*. 11th ed., vol. 3., edited by George F. Comstock, Little, Brown, & Co., 1866-1867.
- Kokotovic, Misha. "Mario Vargas Llosa Writes Of(f) the Native: Modernity and Cultural Heterogeneity in Peru." *Revista Canadiense de Estudios Hispánicos*, vol. 25, no. 3, pp. 445-467.
- Konkle, Maureen. "Indigenous Ownership and the Emergence of U.S. Liberal Imperialism." *American Indian Quarterly*, vol. 32, no. 3, 2008, pp. 297-323.

- Koons, Judith. "Earth Jurisprudence: The Moral Value of Nature." *Pace Environmental Law Review*, vol. 25, no. 2, 2008, pp. 263-339.
- Kotzé, Louis J. and Paola Villavicencio Calzadilla, "Living in Harmony with Nature? A Critical Appraisal of the Rights of Mother Earth in Bolivia." *Transnational Environmental Law*, vol. 7, no. 3, 2018, pp. 397-424.
- . "Somewhere Between Rhetoric and Reality: Environmental Constitutionalism and the Rights of Nature in Ecuador." *Transnational Environmental Law*, vol. 6, no. 3, 2017, pp. 401- 433.
- Lamb, F. Bruce. "Wizard of the Upper Amazon as Ethnography." *Current Anthropology*, vol. 22, no. 5, 1981, pp. 577-580.
- Latour, Bruno. *Facing Gaia : eight lectures on the new climatic regime*. Translated by Catherine Porter, Polity Press, 2017.
- . *Politics of Nature: How to Bring the Sciences into Democracy*. Translated by Catherine Porter, Harvard UP, 2004.
- . *We Have Never Been Modern*. Translated by Catherine Porter, Harvard UP, 1993
- Law 071 of the Plurinational State of Bolivia, Art. 2(3) and (5), Art. 5, Art. 7(1-7), Art. 6, Art. 8(2). 21 Dec. 2010, static1.squarespace.com/static/5e3f36df772e5208fa96513c/t/5fbd121959465c722a5727c7/1606226459629/Bolivia+Rights+of+Mother+Earth+Law+2010+English+%281%29.pdf. Accessed 21 Jul. 2022.
- Law of the Rights of Mother Earth, Law No. 071, 21 Dec. 2010. *Estado Plurinacional de Bolivia*.
- Le Guin, Ursula K. *The Dispossessed*. Harper Collins, 1994.
- . "Feeling the Hot Breath of Civilization." *The New York Times Book Review*, 29 Oct. 1989, p. 1, 49-50.
- . *Forgiveness Day. Four Ways to Forgiveness*. Harper Collins, 1995, pp. 47-124.
- . *The Left Hand of Darkness*. Ace Books, 2010.
- . *A Man of the People. Four Ways to Forgiveness*. Harper Collins, 1995, pp. 125-194.
- . "A Non-Euclidean View of California as a Cold Place to Be." *Dancing at the Edge of the World: Thoughts on Words, Women, and Places*. Harper & Row, 1989, pp. 80-99.
- . *The Telling*. Harcourt, 2000.
- . *The Word for World is Forest*. Tor Books, 1972.

- Leopold, Aldo. *A Sand County Almanac*. Ballantine Books, 1970.
- Ley No. 287, Asamblea Nacional de Panamá. *Gaceta Oficial, República de Panamá*, no. 29484-A, 24 Feb. 2022.
- Locke, John. *Two Treatises of Government and A Letter Concerning Toleration*. Edited by Ian Shapiro, Yale UP, 2003.
- Lohmann, Larry. "Natures, Rights, and Political Movements." *The Right to Nature: Social Movements, Environmental Justice and Neoliberal Natures*, edited by Elia Apostolopoulou and Jose A. Cortes-Vazquez, Routledge, 2019, pp. 234-247.
- López Degregori, Carlos. "El milagro está en los ojos: *Las tres mitades de Ino Moxo* de César Calvo." *Umbrales y márgenes: el poema en prosa en el Perú contemporáneo*, edited by Luis Fernando Chueca et al., Fondo Editorial, 2010, pp. 237-254.
- López-Calvo, Ignacio. "Going Native: Anti-Indigenism in Vargas Llosa's *The Storyteller* and *Death in the Andes*." *Vargas Llosa and Latin American Politics*, edited by Juan E. De Castro and Nicholas Birns, Palgrave Macmillan, 2010, pp. 103-124.
- Madsen, Deborah L. "Silko, Freud, and the Voicing of Disavowed Histories in *Almanac of the Dead*." *Leslie Marmon Silko: Ceremony, Almanac of the Dead, Gardens in the Dunes*, edited by David L. Moore, Bloomsburg Academic, 2016, pp. 133-152.
- Marcone, Jorge. "Cultural Criticism and Sustainable Development in Amazonia: A Reading from the Spanish-American Romance of the Jungle." *Hispanic Journal*, vol. 19, no. 2, 1998, pp. 281-294.
- . "Jungle Fever: Primitivism in Environmentalism: Rómulo Gallegos's *Canaima* and the Romance of the Jungle." *Primitivism and Identity in Latin America: Essays on Art, Literature, and Culture*, edited by Erik Camayd-Freixas and José Eduardo González, U of Arizona P, 2000, pp. 157-172.
- Mariátegui, José Carlos. "El proceso de la literatura." *Siete ensayos de interpretación de la realidad peruana*. Biblioteca Amauta, 1988, pp. 229-350.
- . "Regionalismo y centrismo." *Siete ensayos de interpretación de la realidad peruana*. Biblioteca Amauta, 1988, pp. 194-228.
- Martin, Gerald. "The Early Novels: *The Time of the Hero* and *The Green House*." *The Cambridge Companion to Mario Vargas Llosa*, edited by Efrain Kristal and John King, Cambridge UP, 2012, pp. 22-36.
- Martín, José Luis. *La narrativa de Vargas Llosa: acercamiento estilístico*. Editorial Gredos, 1974.

- Martínez Novo, Carmen. "Ventriloquism, Racism and the Politics of Decoloniality in Ecuador." *Cultural Studies*, vol. 32, no. 3, pp. 389-413.
- Martínez-Pinzón, Felipe. *Una cultura de invernadero: trópico y civilización en Colombia, 1808-1928*. Iberoamericana-Vervuert, 2016.
- Marvell, Andrew. "To His Coy Mistress." *The Complete Poems*, edited by Elizabeth Story Donno, Penguin, 1976, pp. 50-51.
- Marx, Karl. *Selected Writings*. Edited by David McClellan, Oxford UP, 2000.
- Marx, Leo. *The Machine in the Garden: Technology and the Pastoral Ideal in America*. Oxford UP, 1964.
- Mazzotti, José Antonio. "Indigenismos de ayer: prototipos perdurables del discurso criollo." *Indigenismo hacia el fin de milenio. Homenaje a Antonio Cornejo Polar*, edited by Mabel Moraña, Instituto Internacional de Literatura Iberoamericana, pp. 77-102.
- McCaffery, Larry and Sindy Gregory. "An interview with Ursula K. Le Guin." *Conversations with Ursula K. Le Guin*, edited by Carl Freedman, UP of Mississippi, 2008, pp. 26-46.
- McMurray, George R. "The Novels of Mario Vargas Llosa." *Modern Language Quarterly*, vol. 29, no. 3, 1968, pp. 329-340.
- Melis, Antonio. "Prólogo." *Las tres mitades de Ino Moxo y otros brujos de la Amazonía*. Proceso Editores, 1981, pp. 13-20.
- Merwin, W.S. "The Real World of Manuel Córdova." *Collected Poems*, edited by J.D. McClatchy, Library of America, 2013, pp. 751-767.
- Montoya Rojas, Rodrigo. "'Con los rostros pintados': Tercera rebelión amazónica en Perú (Agosto 2008-Junio 2009)." *Contextualizaciones Latinoamericanas*, vol. 2, no. 3, 2010, pp. 1-58.
- Moody, Michael. "The Web of Defeat: A Thematic View of Characterization in Mario Vargas Llosa's 'La Casa Verde.'" *Hispania*, vol. 59, no. 1, 1976, pp. 11-23.
- Moore, David L. "Silko's Blood Sacrifice: The Circulating Witness in *Almanac of the Dead*." *Leslie Marmon Silko: A Collection of Critical Essays*, edited by Louise K. Barnett and James L. Thorson, U of New Mexico P, 1999, pp. 149-183.
- Moore, Jason W. *Capitalism in the Web of Life: Ecology and the Accumulation of Capital*. Verso, 2015.
- Morton, Timothy. *Ecology Without Nature*. Harvard UP, 2007.

- . *Humankind: Solidarity with Nonhuman people*. Verso, 2017.
- Nagle, Mary Kathryn. "Environmental Justice and Tribal Sovereignty: Lessons from Standing Rock." *Yale Law Forum*, vol. 127, 20 Jan. 2018, pp. 667-684.
- Nash, Roderick. *The Rights of Nature: A History of Environmental Ethics*. U of Wisconsin P, 1989.
- The New College Latin and English Dictionary*. Edited by John C. Trupman. Bantam, 2007.
- The New Shorter Oxford English Dictionary*. Edited by Lesley Brown. Clarendon Press, 1993.
- Nichols, Robert. *Theft is Property!: Dispossession and Critical Theory*. Duke UP, 2020.
- Olórtogui, Christian Elguera. "Ego conquiro y ayúmpari en *Las tres mitades de Ino Moxo*." *Tropos*, vol. 38, pp. 48-60.
- Otto, Eric. *Green Speculations: Science Fiction and Transformative Environmentalism*. Ohio State UP, 2012.
- Oviedo, José Miguel. *Mario Vargas Llosa: La invención de una realidad*. Seix Barral, 1982.
- Peña Jumpa, Antonio. "A 7 años del conflicto de Bagua: La sentencia sobre los hechos de la "Curva del Diablo" y su legitimidad," *ius360.com* 13 Oct. 2016, ius360.com/columnas/7-anos-del-conflicto-de-bagua-la-sentencia-sobre-los-hechos-de-la-curva-del-diablo-y-su-legitimidad/. Accessed 21 Jul. 2022.
- Penner, J.E. "The 'Bundle of Rights' Picture of Property." *University of California Los Angeles Law Review*, vol. 43, no.3 1965-1966, pp. 711-820.
- Pérez Aguilera, Abigail. "Mining and Indigenous Cosmopolitics: The Wirikuta Case," *Ecological Crisis and Cultural Representation in Latin America : Ecocritical Perspectives on Art, Film, and Literature*, edited by Mark Anderson and Zélia M. Bora, Lexington Books, 2016, pp. 179-198.
- "Peru: Awajun leader killed as community resists mining in their territory." *Civicus Monitor: Tracking Civic Space*, 4 Jan. 2020, monitor.civicus.org/updates/2020/04/01/peru-awajun-leader-killed-community-resists-mining-their-territory/. Accessed 21 Jul. 2020.
- Pizarro, Ana. "Imaginario y discurso: la Amazonía." *Revista de Crítica Latinoamericana*, vol. 31, no. 61, 2005, pp. 59-74.
- Planas, Roque. "Amnesty International Asks Peru To Drop Charges Against Indigenous Leader Alberto Pizango," *Latin American News Dispatch*, 31 May 2010,

- latindispatch.com/2010/05/31/amnesty-international-calls-for-release-of-peruvian-indigenous-leader-alberto-pizango/. Accessed 21 Jul. 2010.
- Prieto Méndez, Julio. *Derechos de la naturaleza: Fundamento, contenido y exigibilidad jurisdiccional*. Corte Constitucional del Ecuador, 2013.
- Purdy, Jedediah. *After Nature: A Politics for the Anthropocene*. Harvard UP, 2015.
- . "Property and Empire: The law of Imperialism in *Johnson v. M'Intosh*." *The George Washington Law Review*, vol. 75, no. 2, 2006-2007, pp. 329-371.
- Quijano, Aníbal. "'Bien vivir': entre el 'desarrollo' y la (des)colonialidad del poder." *Cuestiones y horizontes: de la dependencia histórico-estructural a la colonialidad/descolonialidad del poder*. CLACSO, 2014, pp. 847-859.
- Rama, Ángel. *García Márquez y la problemática de la novela; polémica entre Ángel Rama y Mario Vargas Llosa*. Corregidor-Marcha, 1973.
- . *Transculturación narrativa en América Latina*. Siglo Veintiuno Editores, 1982.
- Regan Mainville, James. "Los awajún y wampís contra el Estado: una reflexión sobre antropología política." *Investigaciones sociales*, vol 14, no. 24, 2010, pp. 19-35.
- Republic of Ecuador, Constitution of 2008. 31 Jan. 2011 *Georgetown University Edmund A. Walsh School of Foreign Service Center for Latin American Studies Political Database of the Americas*,
pdba.georgetown.edu/Constitutions/Ecuador/english08.html. Accessed 21 Jul. 2022.
- Rifkin, Mark. *Settler Common sense : Queerness and Everyday Colonialism in the American Renaissance*. U of Minnesota P, 2014.
- Rigby, Kate. "Earth, World, Text: On the (Im)possibility of Eco-poiesis." *New Literary History*, vol. 35, no. 3, 2004, pp. 427-442.
- "Rights of Nature Timeline." *Global Alliance for the Rights of Nature*. 3 Jun. 2022.
www.garn.org/rights-of-nature-timeline/. Accessed 21 Jul. 2022.
- Rivera, José Eustasio. *The Vortex*, translated by John Charles Chasteen, Duke UP, 2018.
- Robertson, Lindsay G. *Conquest by Law: How the Discovery of America Dispossessed Indigenous Peoples of Their Lands*. Oxford UP, 2005.
- Rogers, Charlotte. "Mario Vargas Llosa and *novela de la selva*." *Bulletin of Spanish Studies*, vol. 93, no. 6, 2016, pp. 1043-1060.
- . *Mourning El Dorado: Literature and Extractivism in the Contemporary American Tropics*. U of Virginia P, 2019.

- Rose, Carol. *Property and Persuasion: Essays on the History, Theory, and Rhetoric of Ownership*. Westview Press, 1996.
- Rousseau, Jean-Jacques. *The Social Contract and the First and Second Discourses*, edited by Susan Dunn, Yale UP, 2002.
- Rowe, William. "Liberalism and Authority: The Case of Mario Vargas Llosa." *On Edge: The Crisis of Contemporary Latin American Culture*, edited by George Yúdice, Jean Franco, and Juan Flores, U of Minnesota P, 1992, pp. 46-64.
- Royo-Villanova y Payá, Jaime. *La otra cara del Baguazo*, Planeta, 2017.
- Ruíz Molleda, Juan Carlos. "Aportes de la sentencia del caso El Baguazo al reconocimiento del derecho a la protesta." *La sentencia del Caso Baguazo y sus aportes a la justicia intercultural*, edited by Juan Miguel Jugo Viera, Coordinadora Nacional de Derechos Humanos, 2017, pp. 61-90.
- Sá, Lúcia. "Perverse Tribute: Mario Vargas Llosa's *El Hablador* and its Machiguenga Sources." *Journal of Iberian and Latin American Studies*, vol. 4, no. 2, 1998, pp. 145-164.
- Sadowski-Smith, Claudia. *Border Fictions: Globalization, Empire, and Writing at the Boundaries of the United States*. U of Virginia P, 2008.
- Sarkowsky, Katja. "Cartographies of the Self: Indigenous Territoriality and Literary Sovereignty in Contemporary Native American Life Writing." *Journal of Transnational American Studies*, vol. 11, no. 1, 2020, pp. 103-125.
- Sarmiento, Domingo Faustino. *Facundo: civilización y barbarie*. Cátedra, 1990.
- Scheckel, Susan. *Insistence of the Indian: Race and Nationalism in Nineteenth-Century American Culture*. Princeton UP, 1998.
- Schweninger, Lee. *Listening to the Land: Native American Literary Responses to the Landscape*. U of Georgia P, 2008.
- Serres, Michel. *Le contrat naturel*. F. Bourin, 1990.
- Sharfstein, Daniel J. *Thunder in the Mountains: Chief Joseph, Oliver Otis Howard, and the Nez Perce War*. W.W. Norton and Company, 2017.
- Silko, Leslie Marmon. *Almanac of the Dead*. Penguin, 1991.
- . *Ceremony*. Viking, 1977.
- . *The Turquoise Ledge: a memoir*. Viking, 2010.
- Simpson, Audra. *Mohawk Interruptus: Political Life Across the Borders of Settler States*. Duke UP, 2014.

- Singer, Joseph William. "Sovereignty and Property." *Northwestern University Law Review*, vol. 86, no. 1, 1991-1992, pp. 1-56.
- Smith, Amanda M. "From the Rubber Boom to Ayawaskha Tourism: Shamanic Initiation Narratives and the Commodification of Amazonia." *A Contracorriente: una revista de estudios latinoamericanos*, vol. 14, no. 3, 2017, pp. 1-22.
- . *Mapping the Amazon: Literary Geography After the Rubber Boom*. Oxford UP, 2021.
- Spivak, Gayatri Chakravorty. *A Critique of Postcolonial Reason: Toward a History of the Vanishing Present*. Harvard UP, 1999.
- St. Clair, Janet. "Cannibal Queers: The Problematics of Metaphor in Almanac of the Dead." *Leslie Marmon Silko: A Collection of Critical Essays*, edited by Louise K. Barnett and James L. Thorson, U of New Mexico P, 1999, pp. 207-21.
- Stone, Christopher. "Should Trees Having Standing?: Towards Legal Rights for Natural Objects." *Southern California Law Review* vol. 45, no. 2, 1972, pp. 450-501.
- Sullivan, Julia E. "Legal Analysis of the Treaty Violations That Resulted in the Nez Perce War of 1877." *Idaho Law Review*, vol. 40, no. 3, 2004, pp. 657-694.
- Thoreau, Henry David. *Walden in Walden and Civil Disobedience*. Penguin Books, 1983.
- Todd, Zoe. "Indigenizing the Anthropocene." *Art in the Anthropocene: Encounters Among Aesthetics, Politics, Environment and Epistemology*, edited by Heather Davis and Etienne Turpin, Open Humanities Press, 2015, pp. 241-254.
- Todd, Zoe and Heather Davis. "On the Importance of a Date, or Decolonizing the Anthropocene." *ACME*, vol. 16, no. 4, 2017, pp. 761-780.
- Tola, Miriam. "Between Pachamama and Mother Earth: gender, political ontology, and the rights of nature in contemporary Bolivia." *Feminist Review*, vol. 118, 2018, pp. 25-40.
- Tribe, Laurence H. "Ways Not to Think about Plastic Trees: New Foundations for Environmental Law." *Yale Law Journal*, vol. 83, no. 7, 1974, pp. 1315-1348.
- Universal Declaration of Rights of Mother Earth. *Global Alliance for the Rights of Nature*, 22 Apr. 2010, garn.org/universal-declaration/. Accessed 21 Jul. 2022.
- Urbanowicz, Victor. "Personal and Political in *The Dispossessed*." *Ursula K. Le Guin: Modern Critical View*, edited by Harold Bloom. Chelsea House, 1986, pp. 145-154.
- Urtega Crovetto, Patricia. "La Sentencia de Bagua y las Densidades de la Justicia." *La sentencia del Caso Baguazo y sus aportes a la justicia intercultural*, edited by

Juan Miguel Jugo Viera, Coordinadora Nacional de Derechos Humanos, 2017, pp. 43-

- Valladares, Carolina and Rutgerd Boelens. "Extractivism and the Rights of Nature: Governmentality, 'Convenient Communities,' and Epistemic Pacts in Ecuador." *Environmental Politics*, vol. 26, no. 6, 2017, pp. 1015-1034.
- Varese, Stefano. *Salt of the Mountain: Campa Asháninka History and Resistance in the Peruvian Jungle*, translated by Susan Giersbach Rascón, U of Oklahoma P, 2002.
- Vargas Llosa, Mario. *Carta de batalla por Tirant lo Blanc*. Seix Barral, 1991.
- . "Crónica de un viaje a la selva." *Cultura Peruana*, vol. 18, no. 123, 1958, n.p.
- . "The Culture of Liberty." *Journal of Democracy*, vol. 2, no. 4, 1991. pp. 25-33.
- . *A Fish in the Water: A Memoir*, translated by Helen Lane, Farrar Straus Giroux, 1994.
- . *The Green House*. Avon Books, 1968.
- . *La historia secreta de una novela*. Tusquets, 1971.
- . "In Praise of Reading and Fiction." Translated by Edith Grossman, *The Nobel Prize*, 7 Dec. 2010, nobelprize.org/prizes/literature/2010/vargas_llosa/lecture/. Accessed 19 Jul., 2022.
- . "José María Arguedas y el indio." *Casa de las Américas*, vol. 4, no. 26, 1964, pp. 139-147.
- . *La llamada de la tribu*. Alfaguara, 2018.
- . "The Latin American Novel Today." *World Literature Today*, vol. 63, no. 2, 1989, pp. 266-270.
- . "Literature is Fire." *Making Waves: Essays*, edited and translated by John King, Farrar Straus Giroux, 1996, pp. 70-74.
- . *La novela: conferencia pronunciada en el paraninfo de la Universidad de Montevideo, el 11 de agosto de 1966*. América Nueva, 1974.
- . "On Being Nine and First Seeing the Sea: Writing *The Green House*." *Mario Vargas Llosa: A Writer's Reality*, edited by Myron I. Lichtblau, Syracuse UP, 1991. pp. 57-84.
- . "Questions of Conquest." *Harper's*, Dec. 1990, pp. 45-53.
- . *The Real Life of Alejandro Mayta*. Translated by Alfred MacAdam, Farrar Straus Giroux, 1986.

- . "Secret History of a Novel." *The Princeton University Library Chronicle*, vol. 57, no. 3, 1996, pp. 393-414.
- . *La utopía arcaica: José María Arguedas y las ficciones del indigenismo*. Fondo de Cultura Económica, 1996.
- . *El viaje a la ficción: el mundo de Juan Carlos Onetti*. Alfaguara, 2008.
- . "Victoria pírrica." *El país*, 28 Jun. 2009, elpais.com/diario/2009/06/28/opinion/1246140013_850215.html. Accessed 20 Jul. 20.
- Vásquez-Arroyo. "Universal History Disavowed: On Critical Theory and Postcolonialism." *Postcolonial Studies*, vol. 11, no. 4, pp. 451-473.
- Viveiros de Castro, Eduardo. "Cosmological Deixis and Amerindian Perspectivism." *The Journal of the Royal Anthropological Institute*, vol. 4, no. 3, 1998, pp. 469-488.
- . "On Models and Examples: Engineers and Bricoleurs in the Anthropocene." *Current Anthropology*, vol. 60, supp. 20, 2019, pp. S296-S308.
- . *The Relative Native: Essays on Indigenous Conceptual Worlds*. U of Chicago P, 2015.
- Vollmann, William T. *Carbon Ideologies*. Viking, 2018.
- . "Could You Do Any Better Than We Did?" *Conversations with William Vollmann*, edited by Daniel Lukes, UP of Mississippi, 2020, pp. 210-221.
- . *The Dying Grass*. Viking, 2015.
- . *Expelled from Eden: A William T. Vollmann Reader*. Edited by Larry McCaffery and Michael Hemmingson, Thunder's Mouth Press, 2004.
- . *The Ice-Shirt*. Penguin, 1990.
- Walsh, Catherine E. *Interculturalidad crítica y (de)colonialidad : ensayos desde Abya Yala*. Instituto Científico de Culturas Indígenas = Amawta Runakunapak Yachay, 2012.
- Water Protector Legal Collective [WPLC]. "Standing Rock Case Updates & Information." *Water Protective Legal Collective*, 25 Feb. 2018, WaterProtectorLegal.org. Accessed 4 Dec. 2018.
- Watson, Ian. "The Forest as Metaphor for Mind: *The Word for World is Forest* and 'Vaster Than Empires and More Slow.'" *Ursula K. Le Guin: Modern Critical View*, edited by Harold Bloom, Chelsea House, 1986, pp. 47-56.
- Wenzel, Jennifer. *The Disposition of Nature*. Fordham UP, 2019.

- Wilkins, David E. and K. Tsianina Lomawaima. *Uneven Ground: American Indian Sovereignty and Federal Law*. U of Oklahoma P, 2001.
- Wilkinson, Charles F. "The Law of the American West: A Critical Bibliography of the Nonlegal Sources." *Michigan Law Review*, vol. 85, no. 5/6, 1987, pp. 953-1011.
- Williams, Gareth. *The Other Side of the Popular : Neoliberalism and Subalternity in Latin America*. Duke UP, 2002.
- Williams, Raymond Leslie. *Mario Vargas Llosa: A Life of Writing*, U of Texas P, 2014.
- Wisner, Buell. "Vollmann's *Argall*-Text: Neo-Elizabethan Form and the Literalist Past in *Seven Dreams*." *William T. Vollmann: A Critical Companion*, edited by Christopher K. Coffman and Daniel Lukes, U of Delaware P, 2015, pp. 9-116.
- Wolfe, Patrick. *Settler Colonialism and the Transformation of Anthropology*. Casell, 1999.
- Wood, Gillen D'Arcy. "Introduction: Eco-historicism." *Journal for Early Modern Cultural Studies*, vol. 8, no. 2, 2008, pp. 1-7.
- Wylie, Lesley. *Colonial Tropes and Postcolonial Tricks: Rewriting the Tropics in the Novela de la Selva*. Liverpool UP, 2009.
- Wynter, Sylvia. "On How We Mistook the Map for the Territory." *Not Only the Master's Tools: African-American Studies in Theory and Practice*, edited by Lewis R. Gordon and Jane Anna Gordon, Paradigm Publishers, 2006, pp. 107-169.
- Zaffaroni, Eugenio Raúl. "La Pachamama y el humano." *La Naturaleza con Derechos: De la filosofía a la política*, edited by Alberto Acosta and Esperanza Martínez, Ediciones Abya Yala, 2011, pp. 25-137.
- Zambrano, Gustavo, editor. *Bagua: entendiendo al Derecho en un contexto culturalmente complejo*. Pontificia Universidad Católica del Perú, 2017.

Cases Cited

- Cherokee Nation v. State of Georgia, 30 U.S. 1 (1831).
- Decision T-622/16. Corte Constitucional de le República de Colombia. 10 Nov. 2016.
- Dundon v. Kirchmeier, No. 16-cv-406, Plaintiffs' Memorandum in Support of Temporary Restraining Order and Preliminary Injunction (D.N.D. 28 Nov. 2016).
- Johnson's Lessee v. M'Intosh, 21 U.S. 543 (1823).
- McGirt v. Oklahoma, 591 U. S. ____ (2020).
- Oklahoma v. Castro-Huerta, 597 U. S. ____ (2022).
- Sentencia No. 1149-19-JP/21. Corte Constitucional del Ecuador. 10 Nov. 2021
- Sentencia: Expediente No. 00194-2009 [0163-2013] (Corte Superior de Justicia de Amazonas: Sala Penal de Apelaciones Transitoria y Liquidadora de Bagua, Sep. 22, 2017).
- Sierra Club v. Morton. Dissenting opinion by Justice William O. Douglas. 405 U.S. 727 (1972).
- Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers:
205 F. Supp. 3d 4 (D.D.C. 2016)
Complaint. 27 Jul. 2016.
Declaration of Dave Archambault in Support of Motion for Preliminary Injunction. 4 Aug. 2016.
Declaration of Tim Mentz in Support of Motion for Preliminary Injunction. 2 Sep. 2016.
Opinion of September 9, 2016.
- 255 F. Supp. 3d 101 (D.D.C. 2017)
Reply in Support of Tribe's Motion for Partial Summary Judgment. 28 Mar. 2017.
Opinion of June 14, 2017.
- 440 F.Supp.3d 1 (D.D.C. 2020)
Memorandum in Support of Standing Rock Sioux Tribe's Motion for Summary Judgement on Remand. 16 Aug. 2019.
Pre-Hearing Brief by Intervenor Standing Rock Sioux Tribe. *In the matter of Dakota Access, LLC Consolidated Application for an Amended Certificate of Corridor Compatibility and Amended Route Permit. North Dakota Public Service Commission, Case No. PU-19-204.* 8 Nov. 2019.
Opinion of March 25, 2020.

985 F.3d 1032 (D.C. Cir. 2021)
Appellate Opinion of January 26, 2021.

Dakota Access, LLC v. Standing Rock Sioux Tribe, 142 S. Ct. 1187, 212 L. Ed.
2d 54 (2022)
Supreme Court Denial of Certiorari.

Worcester v. State of Georgia, 31 U.S. 515 (1832).