



Legal Imaginaries and the Anthropocene: ‘Of’ and ‘For’

Anna Grear¹

Accepted: 14 July 2020 / Published online: 3 October 2020
© The Author(s) 2020

Abstract

This reflection contrasts the dominant imaginary underlying ‘law of the Anthropocene’ with an imaginary reaching towards ‘law/s for the Anthropocene’. It does so primarily by contrasting two imaginaries of human embodiment—law’s existing imaginary of quasi-disembodiment and an alternative imaginary of embodiment as co-woven with the lively incipencies and tendencies of matter. It draws on ‘transcorporeality’ and ‘sympoiesis’ as inspiration for ‘sympoietic normativities’ as ways of co-living and co-organizing in the face of the catastrophic implications of the Anthropocene emergency.

Keywords Anthropocene · Colonial capitalism · Embodiment/disembodiment · Imaginaries · Lively matter · Sympoiesis · Sympoietic normativities · Transcorporeality

Imaginaries: Bodies and Worlds

Opening her 2004 article, ‘Imaginary bodies and worlds’, Lennon states that her aim is ‘to distil a concept of the imaginary with which to make good the claim that our mode of embodied subjectivity is an imaginary embodiment in an imaginary world’ (Lennon 2004, p. 107). The imaginary, thus understood, is not a concept existing at one side of a real/imaginary binary: rather, the imaginary is a conditional requirement of there being a ‘real’ to exist ‘for us’ at all (2004, p. 112). Accordingly, displacing/replacing an existing imaginary must necessarily always be more than ‘a matter of appealing to considerations of truth or falsity. It involves encounters with alternative imagined configurations which can be recognized as making both cognitive *and* affective sense’ (2004, pp. 107; 111). It means creating, in short, a new body-world—a reimaged, liveable way of going-on-corporeally-in-the-world.

✉ Anna Grear
greara1@cardiff.ac.uk

¹ School of Law and Politics, Cardiff University, 2.12, Law Building, Museum Avenue, Cardiff CF10 3AX, UK

Imaginaries are socially distributed, phenomenologically potent cognitive-affective structures that constitute subjectivity—‘affectively laden thought patterns’ (2004, p. 113, citing Gatens and Lloyd 1999, p. 5) ‘constitutively linked to different practices and ways of life’ (2004, p. 115). Gatens and Lloyd argue that

The social imaginary is constitutive of, not merely reflective of, the forms of sociability in which we live. The imaginary endures through time and so becomes increasingly embedded in all our institutions, our judicial systems, our national narratives, our founding fictions, our cultural traditions. (Gatens and Lloyd 1999, p. 143)

Law—itself a powerful imaginary—is necessarily enmeshed in assemblages reflecting the materio-semiotic affects (and affectivity) of institutional, constitutional, historical, national and international narratives, architectures, bodies of text, conceptual formations, patterns of coercion and facilitation and other modes of normative organization and juridical praxis. Central to law’s imaginary, in the liberal legal tradition, is the potent founding fiction of the liberal social contract, folded into the foundations of which is a highly particular subject—a specific kind of person—the ‘man of property/classic contractor’ (Naffine 2001, p. 56). Importantly, this subject’s imaginary embodiment is also of a specific kind: it is complexly disembodied (Ahmed 1995; Grear 2010; 2015). This imaginary disembodiment is foundational to the rationality thought to define this subject (*the* quintessential ‘rational subject’) for whom/which everything else (including the human body itself) functions as ‘object’.

Lennon argues that ‘our mode of embodied subjectivity is an imaginary embodiment in an imaginary world’ and that ‘The imaginary form of our world is, therefore, interdependent with the imaginary forms of our own embodiment’ (Lennon 2004, pp. 114–115).

It is here, in the interdependence between imaginary embodiment and the imaginary form of the world that there is an important inflection point for the development of a legal imaginary *for* the Anthropocene. The basic proposal is this: if the existing imaginary of law is interdependent with an imaginary *dis*-embodiment, then an alternative legal imaginary can emerge from an alternative imaginary of (re-)embodiment. It is this alternative imaginary, and its implications for an alternative legal imaginary, in which this paper is interested.

The paper first introduces law’s quasi-disembodied imaginary of ‘human’ embodiment, linking this to the legal imaginary *of* the Anthropocene. After that, the analysis turns towards a legal imaginary *for* the Anthropocene by constructing an alternative imaginary of human embodiment drawing on broadly new materialist ideas.

Legal Imaginary of the Anthropocene

It follows from Lennon’s argument that law’s imaginary world is interdependent with law’s imaginary of human embodiment. However, as noted above, this embodiment is a (complex) form of disembodied-embodiment—or ‘quasi-disembodiment’ (Grear 2010, pp. 41–45).

A range of critical legal scholarship converges to expose the centrality to legal ideology of this disembodied capitalistic subject, but—significantly—its structural disembodiment is never complete. Disembodiment is, in effect, a mystification based upon the long-standing onto-epistemic binary underwriting the imaginary of the body in much Western philosophy (Lakoff and Johnson 1999) and serves a distinctive ideological function in the legal system.¹ Disembodiment and the decontextualized, dis-embedded rationality it elevates produces the uneven (but predictably patterned) suppression of the full legal significance of human materiality and embodiment (Cheah et al. 1996, p. xv), while prioritizing a highly particular, historically dominant, identifiable beneficiary: the paradigmatic European property-owning male citizen (Naffine 1997, 2001, p. 56).

It is this subject who uniquely possesses reason, the reason thought to 'transcend the structures of bodily experience' (Johnson 1987, p. x). The body is thus separated from the 'rational mind', and reduced to an 'object to be controlled and mechanised' (Seidler 1998, p. 17), while the moral agent of law is likewise quintessentially defined by its possession of abstract, rationalistic universal characteristics that transcend embodiment (Halewood 1996).

Disembodiment and its interdependent form of objectifying rationality are foundational to law's concept of the legal actor, the person. The disembodied-body of law is a complex but reductively conceived container for a rational, calculative will and performs a politics of excision by which law's subject stands on one side of law's central binary opposition between person and property. Law's imaginary of the body necessarily thus performs a radical '*decontextualisation* of the subject from the world of objects...' (1996, p. 1340). Accordingly, law's imaginary of disembodiment converges with law's imaginary *world as object*—mere *extensa*—a field for the action of the only subject whose agency ever truly counts.

Law's imaginary also constructs the body itself as object in multiple, intersecting and disaggregated ways. The body is the corporeal boundary of the quintessential holders of legal rights (1996, p. 1341), while the body is also disaggregated variously as the 'legal penis', the 'legal vagina' and a whole host of other legal body parts performing specific ideological roles in the legal imaginary (Hyde 1997). Meanwhile, 'bodily identity' forms the substrate for an entire spectrum of legal privileges and marginalizations based on highly selective readings of corporeality through which rational, property-owning white European males are privileged while all 'others' are complexly marginalized—unable to function as full legal persons *as* those others, based precisely upon their corporeal 'otherness' (Naffine 2011). This process, as is well known, produces a hierarchical spectrum of constructed rationality and irrationality (women and non-white people represent core examples of this problematic and longstanding ideological dynamic) (Smart 1989; Jaggar and Bordo 1989, p. 4).

It is precisely this prioritization of the archetypal legal actor, sole possessor of the disembodied rationalism underpinning law's imaginary of human embodiment, that gives rise to the need for the term 'quasi-disembodiment'. The disembodiment

¹ Analogous to the ideological construction of legal individualism, on which, see Norrie (2001).

imagined by Western philosophy and law is, of course, impossible for corporeally specific human beings, while core injustices of the legal imaginary are paradoxically dependent upon bodies and bodily ‘differences’, as we have seen. There is, as Ahmed has put it, a smuggled body in legal disembodiment (Ahmed 1995, p. 56): rationality is quintessentially disembodied (body-transcendent) yet rationality is *also* male; the female is immersed in embodiment as a source of unreason. To be recognized as male requires a particular morphology: thus, the smuggled body of disembodiment is inevitably male—a body ‘defined precisely through the mechanism of exclusion’ (1995, p. 56). Hence: *quasi*-disembodiment.

Quasi-disembodiment is a politics. It is an ideological process that systematically produces ‘others’ to the subject-at-the-centre of law’s imaginary. These ‘others’ are to differing degrees and varying contexts objectified (and feminized) by a body-politics of privilege and marginalization in which women, other non-dominant humans, non-human animals, ecosystems and a whole universe of lively ‘others’ are caught up in juridical processes of objectification.²

In this sense, quasi-disembodied embodiment is central to the injustices of the legal imaginary, which turn on significant patterns of marginalization precisely through the attribution of body-immersion/irrationality/objectification/feminization. Significantly, moreover, the apotheosis of the quasi-disembodied legal actor is the business corporation, which much more closely corresponds to the ideological and structural characteristics of law’s disembodied perspective and disembodied imaginary than can any corporeally specific human being (Grear 2010, pp. 89–95). The business corporation is the jurally disembodied personification of capital (Neocleous 2003), yet its submerged bodily imaginary is simultaneously Eurocentric, white, and masculinist (Lahey and Salter 1985; Federman 2003; Belcher 2011). Quasi-disembodied rationality also operates as a central mechanism of Eurocentric civilizational priority (Kapur 2007, p. 541). This, combined with the juridical privilege and disembodied advantages of the corporate body intensify the patterns of selective ‘othering’ and the property-centred appropriative dynamics visible in the colonial capitalist drivers of the Anthropocene *and* foundational to the international legal order co-emergent with it (McLean 2004; Anghie 2005; Malm and Hornborg 2014). Arguably, the ultimate expression of the ideological and structural primacy of the quasi-disembodied subject is the transnational corporation (TNC), which was functionally indispensable both to the colonial power structures underpinning the Eurocentric international legal order (Mclean 2004; Anghie 2005; Malm and Hornborg 2014), and to the mercantile and then corporate industrial origins of the colonial capitalist Anthropocene (Grear 2015).

As is well known, the ‘Anthropocene’ is the formally proposed title for a post-Holocene geological epoch. The origins of the Anthropocene are contested (Glikson

² This objectification seems intrinsically related to the ‘flat’ surface of formal legal justice, which performs an uneven and selective imposition of ‘sameness’ and ‘difference’ that ‘reduces the concreteness of the other, minimises differences of need and desire, and emphasises similarities and homologies between subjects’ (Douzinas and Gearey 2005, pp. 127–128), even as those very homologies privilege specific ‘universal’ characteristics.

2013; Foley et al. 2013), but critical accounts converge to expose broadly colonial capitalist origins (Malm and Hornborg 2014; Lewis and Maslin 2015; Kanngieser and Beuret 2017). Lewis and Maslin identify two primary geological markers (GSSPs) indicating its most likely start dates: 1610—and 1964. Significantly, the 1610 GSSP marks the emergence of the modern colonial 'world system' (Lewis and Maslin 2015, p. 175), the marker itself being a significant dip in atmospheric CO₂, the so-called 'Orbis spike' (signalling the emergence of a unified world ('orb')). This was a time of a 'geologically unprecedented homogenization of Earth's biota' (2015, p. 175) known as the 'Colombian Exchange', a cross-continental movement of plant and animal life—a swift, ongoing, radical reorganization of life on Earth without geological precedent' (2015, p. 174). The dip in CO₂ was caused by the decimation of the human population of the 'New World' as it came into contact with European diseases, 'war, enslavement and famine' (2015, p. 175). Human numbers collapsed by some 50 million leading up to 1650: farming ceased, forests took over, and the resultant carbon sequestration stands in the geological record as a permanent marker of widespread death and devastation. Meanwhile, the 1964 'Great Acceleration' marker reflects a significant increase in human numbers, decisive shifts in natural processes, and the development of pollutants such as plastics. As Connolly notes, the Great Acceleration has intensified markedly under the pressures of global capitalism, with capitalist states in the Global North increasingly being joined in the production of pollutants by more recent capitalist states, such as India, China, Brazil and Russia (Connolly 2017, Ch. 5).

The quasi-disembodied subject for which all 'others' were/are objectified/quasi-objectified and whose appropriative ideology is operationalized through TNC plunder of the objectified world of still-colonized 'others' was—and remains—key to the production of the capitalist Anthropocene. Law of the Anthropocene is, therefore, law as coloniality and neo-coloniality—law complicit in ongoing forms of eco-violence, economic predation and the unparalleled imposition of precarity on humans and non-humans alike (Blanco and Grear 2019). The 'global' of the Anthropocene and of the globalized legal order was thus always '*highly specific*' in its origins and development (Haraway 2014, 14.02) and the Anthropocene marks, to a significant degree, an intensification of trajectories inherent to the capitalist legal imaginary.

The imaginary of quasi-disembodiment and the severed rationalism that it erects as its epistemological panopticon³ is fundamental, then, to the predatory imaginary structuring the colonial past and the neocolonial present. As Kanngieser and Bueret put it, the 'Anthropocene is the outcome of five hundred years of dispossession, capitalist accumulation, and neo/colonial globalization' (Kanngieser and Beuret 2017, p. 376). So marked are these patterns that some scholars rightly reject the implied species-ecumenism of the term 'Anthropocene', preferring 'Capitalocene' as a more accurate alternative (Moore 2016; Malm 2016).

The role of quasi-disembodiment in these patterns is central: law's onto-epistemic imaginary is fundamentally shaped by it, and from this perspective it is *predictable* that, as McLean puts it, the 'the history of colonial expansion is [also] a history of

³ A term drawn from Jung (2007, p. 239).

the corporate form' (McLean 2004, p. 364). This is no historical accident. If, as Chakrabarty (2007, p. 4) has argued, the

entire phenomenon of 'political modernity', namely – the rule by modern institutions of the state, bureaucracy, and capitalist enterprise – is impossible to think of *anywhere in the world* without invoking certain categories and concepts, the genealogies of which go deep into the intellectual and even theological traditions of Europe,

then these structures are in reality impossible to think of without *also* assuming (even without awareness of the fact) the longstanding body-politics of quasi-disembodiment underwriting the juridical order. In this imaginary, only European men, after all, archetypally conform to the template of a fully 'human' legal subjectivity (Quijano and Ennis 2000): liberal law's '[r]ights and benefits were tied to the capacity to reason, and the capacity to reason was tied to notions of biological determinism, racial and religious superiority and civilizational maturity' (Kapur 2007, p. 541). Law's imaginary thus constructed the colonial 'inferiority of the colonized' precisely by co-situating indigenous and colonized 'others' with *all* those other less-than-fully-rational (feminized—non-White-male-body-identified) 'others' to the 'rational' quasi-disembodied European master-subject.

In short, the predictable, familiar mal-distributions of life and death currently characterizing the Anthropocene draw upon the same onto-epistemic imaginary as underpins a long history of Eurocentric, masculinist, colonizing power (Adelman 2015) and its prototypical rational, 'civilizing' actor. The imaginary of law of the Anthropocene is then an imaginary foundational to what is now a necrocapitalist (Banerjee 2008) catastrophe. The stakes are profound. In *Catastrophic Times*, Stengers reminds her readers that human beings face, potentially, 'the death of what we have called a civilization [– and she reminds us –] there are many manners of dying, some being more ugly than others' (Stengers 2015, p. 10). Even in death, law's capitalistic body-politics operates as what Mbembe calls 'necropolitics'—the kind of politics that subjects life unevenly to 'the power of death' (Mbembe 2003). Where, then, might hope of an alternative imaginary, with different potentialities, lie?

Legal Imaginary for the Anthropocene

Plumwood captures the challenge presented by such catastrophic prospects—and drives at the radical nature of the transformations of human consciousness and praxis now necessary. She accurately diagnoses the kind of failure that consigns the future to deadly outcomes: 'If our species does not survive the ecological crisis, it will probably be due to our failure... to work out new ways to live with the earth, to rework ourselves... We will go onwards in a different mode of humanity, or not at all' (Plumwood 2007, p. 1). It is this 'going onwards in a different mode of humanity' and the need to 'rework ourselves' in new arts of living with the Earth that are centrally at stake in seeking an alternative legal imaginary for the Anthropocene.

As noted above, replacing an existing imaginary is always more than 'a matter of appealing to considerations of truth or falsity. It involves encounters with alternative imagined configurations which can be recognized as making both cognitive and affective sense' (Lennon 2004, pp. 107; 111). How, in the light of this, might humans 'go onwards in a different mode of humanity'? And with what implications for how law is imagined? In this segment of this paper, I bring together some scholarship pointing towards alternative imaginaries of both embodiment and world.

First, in response to the reductionism of the body to 'mere matter' in the ontological foundations of the legal imaginary of the Anthropocene, I turn first to an account transforming matter itself into a lively, agentic field of significance. Bennett, in her book *Vibrant Matter*, presents an argument supporting the idea that all matter—including inorganic matter and the artefactual—is lively and agentic in the broad sense that there is a 'capacity of things—edibles, commodities, storms, metals—not only to impede or block the will and designs of humans but also to act as quasi agents or forces with trajectories, propensities or tendencies of their own' (Bennett 2010, Kindle Location (KinLoc.) 72–73). Bennett's aim is precisely to transform the perceptual, and to provide 'a style of political analysis that can better account for the contributions of nonhuman actants' (2010, KinLoc. 108–109)—a move that brings to life the inert field of matter—'dead *res extensa*' (Weber 2013, p. 14)—assumed by law's existing imaginary. It is not, if we take Bennett's position, the disembodied rational subject whose panoptic 'knowledge' and 'agency' alone counts, because non-subjects also have 'active powers' (2010, KinLoc. 87–88), powers to which humans (and law) can become 'perceptually open' (2010, KinLoc. 553–554).

Bennett offers an important step towards displacing the legal imaginary of the Anthropocene precisely because she opens out 'an *alternative* to the object as a way of encountering the nonhuman world' (2010, KinLoc. 231, emphasis added). This is also much more than a merely cognitive shift—itsself necessitated by developments in science revealing the agentic liveliness of matter (Barad 2007) and the ontological and intellectual impossibility (Haraway 2014, 02.20)⁴ of the subject-object relations assumed by law. The perceptual shift involved here is unmistakably affective. It invites an embodied, perceptual openness to matter's independent powers and a perceptual encounter with the fact that matter is 'much more variable and creative than we ever imagined' (Bennett 2010, KinLoc. 402). Matter emerges on Bennett's account as, borrowing the words of Massumi, a 'pressing crowd of incipencies and tendencies' (2010, KinLoc. 1282).⁵

This shift, faithful to new scientific evidence, repositions the locus of agency, which now, rather than being the sole possession of the 'rational' subject, is distributed—is 'always a human–nonhuman working group' (2010, KinLoc. 236–237). This is an imaginary in which the 'human' is no longer 'central' but emphatically

⁴ Haraway argues that the revolution in the natural sciences has made 'individualism, methodological individualism and human exceptionalism' now 'literally unthinkable'; and has revealed that the 'tissues of being anything at all' demand recognition 'that those who *are* have been in relationality all the way down'.

⁵ Citing Latham and McCormick (2004, p. 705), who cite Massumi (2002, p. 30).

in-the-midst-of a tumult of flows and forces. One of these forces, ‘the planetary’, which is highly pertinent to an imaginary of law *for* the Anthropocene, is introduced by Connolly as an agentic crowd of ‘temporal force fields’

such as climate patterns, drought zones, the ocean conveyor system, species evolution, glacier flows, and hurricanes that exhibit self-organizing capacities to varying degrees and that impinge upon each other and human life in numerous ways. ... Planetary forces have been marked by gradual change periodically punctuated themselves by rather rapid changes. To face the planetary today is to encounter these processes in their multiple intersections and periods of volatility. (Connolly 2017, p. 4)

Connolly offers a lively planetary agency further disrupting the assumed centrality of law’s quasi-disembodied agent-at-the-centre. Connolly argues that the Anthropocene is a fateful convergence between industrial capitalism (in particular) and the forces of the planetary—and is *not* just the product of human social forces. He argues that these ‘two forces [(industrial capitalism and the planetary)] together make the contemporary condition more volatile and dangerous than it would be if only the first were involved’ (2017, p. 4). The planetary itself is an agentic force—and any legal imaginary for the Anthropocene needs to embrace this or fail to respond to the immense depth of what is at stake. The sociocentrism involved in assuming that human forces alone triggered the Anthropocene, Connolly notes, is ‘...bound to notions of human exceptionalism and nature as a deposit of resources to use and master; in it humans are treated as the only entitled agents in the world’ (2017, p. 16). The planetary, brought into the frame, produces an imaginary of the body—of *all* bodies—as co-situated in an unpredictable assemblage of ‘bumpy’ planetary forces and temporalities that *pre-existed* industrial capitalist processes and impacts. Such an imaginary demands a radical epistemic and ontological humility: no Promethean agency for the human—just agentic entanglement with a planetary field of radically distributed, multiplicitous agentic forces, some of which (many of which) are entirely *unlike* their imaginary structure in the existing juridical order.

Re-visioning ‘human’ bodies as affective, affectable assemblages entangled in a lively world of matter’s own incipencies demands fresh attention to kinds of relationality often occluded by the imaginary of disembodied rationality. The bounded nature of the body-self assumed by law (Nedelsky 1990) is thrown up against its own empirical impossibility—for bodies really are lively, porous, membranous circuits exhibiting a natal openness to/with ‘the world’.

An Anthropocene-sensitive imaginary of embodiment foregrounds the need to attend to dangerous material conditions, wild enormities, multiplicitous micro-agencies, and an entire planetary flurry of forces drifting, seeping, and transiting through and across bodies and worlds. In *Bodily Natures: Science, Environment and the Material Self*, Alaimo brings together embodiment, materiality, interconnection and toxicity to argue that the context for ethics is the ‘emergent, ultimately unmappable landscapes of interacting biological, climatic, economic and political forces’ of the

contemporary planetary condition (Alaimo 2010, p. 2). She offers a new mode of encounter calling on a very different kind of imaginary of embodiment from that of the relatively sealed, bounded, disembodied actor of law: 'trans-corporeality'. Trans-corporeality invites, says Alaimo, a 'thinking' and a 'movement across bodies'—multiple bodies: 'human bodies, nonhuman creatures, ecological systems, chemical agents, and other actors' (2010, p. 2). Trans-corporeal analyses trace 'entangled territories of material and discursive, natural and cultural, biological and textual' (2010, p. 3), producing an epistemic-ethical strategy bringing precise attention to differing kinds of transits across multiple bodies. This 'thinking across bodies' has the potential to open law's imaginary to a much more capacious epistemic imaginary, but also instigates a more open-ended ethical attentiveness, precisely because trans-corporeal transits are caught up with 'regulatory failures, environmental degradation and patterns of social injustice' (2010, p. 15). Alaimo's transcorporeal imaginary implies a non-negotiable need for a new knowledge imaginary, because it 'ruptures ordinary knowledge practices' and because there are 'particular moments of confusion and contestation that occur when individuals and collectives must contend not only with the materiality of their very selves but with the often invisibly hazardous landscapes of risk society' (2010, p. 17). The often invisibly hazardous landscapes of risk and toxicity characterizing the Anthropocene, in short, 'erode even our most sophisticated modes of understanding' (2010, p. 17). This imaginary renders explicit the need to rely on the sensory organ of science to open human perception (and thus, law) to what is not visible to the unaided human eye (2010, p. 19). Just as Bennett insists that many movements of matter escape unaided human perception, so Alaimo argues that scientific sensing, in an age of transcorporeal toxicities, is now a pre-requisite even for 'survey[ing] the landscape of the self' (2010, p. 19).

An alternative imaginary of entangled embodiment—porous, and immersed in complex macro- and micro-transits—emphasizes another implication of such scholarship and the science it draws upon, which is that, as Bennett puts it, 'all bodies are kin in the sense of inextricably enmeshed in a dense network of relations' (Bennett 2010, KinLoc. 510–511). Haraway locates such dense networks explicitly against the background imaginary of the Anthropocene in her book *Staying with the Trouble: Making Kin in the Chthulucene*—actively tracing the arcs of injustice and patterned distributions of life and death in the 'Anthropocene–Capitalocene–Plantationocene' and presenting a passionate case for an alternative imaginary: the 'Chthulucene' (Haraway 2016). Haraway, like Bennett and Alaimo, emphasizes the porous, intercorporeal entanglement of complex interacting energies and agentic forces at all scales. Her work signals the sheer, complex multiplicity of connections at stake, and without downplaying the sense in which everything is ultimately connected, she points to the *specificity* of ethical connection: 'nothing is connected to everything; everything is connected to something', and the 'specificity and proximity of connections matters—who we are bound up with and in what ways' (2016, p. 31, fn. 2).⁶

The profoundly ethical question of who we are bound up with in what ways, it seems to me, must sit at the heart of any new imaginary for laws *for* the

⁶ Emphasis original, citing van Dooren (2014, p. 60).

Anthropocene. It matters how humans and non-human critters of all kinds—organic and inorganic—are understood to be bound up with each other, and in what respects and ways—and these specific patterns of interwovenness can and should be made visible to questions of juridical justice/injustice. In the legal imaginary *of* the Anthropocene, patterns of affect were narrowly constructed along reductive causal lines notoriously inept for climate-related harms (harms which are, when all is said and done, intrinsically transcorporeal). In the legal imaginary *of* the Anthropocene, juridical rationality and its disembodied individualism operates (albeit complexly and incompletely) to *excise* eco-social context (Norrie 2001) and entanglement selectively from view, while matter is, as we have seen, reduced to a field of objectified exploitability closely related to the objectifying spectrum along which law's 'others' are ranged.

In a legal imaginary *for* the Anthropocene, inspired by new imaginaries of lively, porous embodiment and of Earthly materialities expressing their own incipientcies and tendencies, the onto-epistemic frame opens expansively. Into the direct purview of questions of justice, injustice and ethics come the jostling propensities and capacities of organic and inorganic forms of liveliness. Such an imaginary could bring law closer to Haraway's Chthulucene, in so far as it could open law and legal enquiry to the ways in which 'we' are bound up with each other in multiple ways through threads of entangled affect at macro, meso and micro levels. Minimally, legal enquiry would need to expand epistemologically, and as noted above, lean into the sensory organs of science without which ethical sight is too shallow to account for transcorporeal realities. However, such an imaginary should also, I suggest, mean opening law, and certainly opening legal theoretical work, to the sensory organs of the arts—with their unique capacity to dislodge and to re-invent imaginaries, their unrivalled ability—along with plural indigenous lifeways (Escobar, 2015) and practices of spirituality as technologies of the self—to transform the lived-sense of 'I'/'other'. Indeed, Haraway's work is rich with implication in this respect.

Space only allows a brief consideration. I therefore focus on one particular thread. I suggest that Haraway's Chthulucene imaginary inspires the possibility of what might be termed 'sympoietic normativities'. Such normativities (and art-science collaborations exploring their meaning) should become central, I suggest, to grounding a renewing legal imaginary *for* the Anthropocene.

For Haraway, sympoiesis is a corrective to 'autopoiesis' (the capacity of organisms to self-produce: 'organisms ... viewed as... materially embodied processes that *bring forth themselves*' (Weber 2013, p. 30, emphasis added). Haraway prefers sympoiesis because it emphasizes the idea of the *co-* and *sym-*productive nature of materially embodied processes. Indeed, she argues that sympoietic systems are often mistaken for autopoietic ones, and that

this point is important for thinking about rehabilitation (making liveable again) and sustainability amid the porous tissues and open edges of damaged but still ongoing living worlds, like the planet earth and its denizens in current times being called the Anthropocene. (Haraway 2016, p. 33)

Sympoiesis refers to

collectively-producing systems that do not have self-defined spatial or temporal boundaries. Information and control are distributed among components. The systems are evolutionary and have the potential for surprising change. (Haraway 2016, p. 33, citing Dempster 1998)

Given that science and philosophy no longer support even the *plausibility* of 'independent organisms in environments' (Haraway 2016, p. 33), sympoiesis—which moves far beyond interacting units plus contexts and rules—emphasizes the membranous, porous nature of system-entanglements and the inherently correlational nature of emergence. Sympoiesis thus offers, I think, rich possibilities for the future theorization of a legal imaginary *for* the Anthropocene and a renewing ground for normative relationalities.

As Haraway puts it, '*Sympoiesis* is a simple word: it means "making with" ... *Sympoiesis* is a word proper to complex, dynamic, responsive, situated, historical systems. It is a word for worlding-with, in company. Sympoiesis enfolds autopoiesis and generatively unfurls and extends it' (Haraway 2016, p. 58). We should pause here to note that an imaginary of sympoietic embodiment sounds a death knell to the human exceptionalism and individualism underwriting law: a sympoietic entity is a 'holobiont'—not a 'one' or 'individual':

in polytemporal, polyspatial knottings, holobionts hold together contingently and dynamically, engaging other holobionts in complex patternings. Critters do not precede their relatings; they make each other through semi-otic material involution, out of the beings of previous such entanglements. (Haraway 2016, p. 60)

Both cognitively and affectively the imaginary of embodiment becomes a space of holobiont relationalities—even the human body is not straightforwardly 'human' in the sense that the human body is also in large part a complex, shifting and contingent community of microbiota, viruses and other tiny non-human holobionts.

What might sympoietic normativities look like? First, they would not look, I suspect, like ambitious and 'overarching' aspirations for Earth System law/governance in the Anthropocene, though this is not to deny that such aspirations could possibly evolve into Chthulucene formations were they to make a consistent and radical enough onto-epistemic shift away from their generic sociocentrism. 'Overarching' juridical schemes are perhaps best replaced by an imaginary of dynamic, complex, lively, emergent normativities for which law could protect/respect spaces of operation and expression. For example, sympoietic normativities could arise out of human–non-human working groups in a wide range of situated endeavours in commons-based, grassroots initiatives, expanded to embrace 'commoners' who are more-than-simply-human (Gear 2020, forthcoming). Sympoietic normativities could hold out space for co-negotiation; for warm, secure embrace of contingency and struggle, while practicing open, compassionately-critical awareness of the need to question what counts and for whom (human and non-human), in what ways, and why. Such a normative imaginary embraces new ways of knowing, not from 'a centre' or from a privileged systemic height, but

from in the midst of the ‘graspings, frayings, and weavings, passing relays again and again, in the generative recursions that make up living and dying’ (Haraway 2016, p. 33). It simultaneously invites into the frame the multiple indigenous normativities of the ‘pluriverse’ (Escobar 2015). It invites a tentacular epistemic sensitivity (through the sensory organs of science, arts, indigenous life-world storytelling and multiple other such epistemic inputs) to ‘shifting states and capacities, which in turn produce further shifting states and capacities in a non-linear, rhizomatic way that spreads out in all directions sometimes in patterned ways, sometimes unpredictably’ (Grear 2017, p. 23) and which make up particular, situated patterns of justice and injustice. Groups and communities (imagined as symbiomatic clusterings) could form evolutive sympoietic partnerships across and between groups, generating new normative formations and praxes.

Haraway focuses on what she calls ‘engaged science art activist worldings committed to partial healing, modest rehabilitation, and still possible resurgence in the hard times of the imperial Anthropocene–Capitalocene’ (Haraway 2016, p. 71). One of the projects she uses to illustrate such worldings is the Crochet Coral Reef project (Haraway 2016, pp. 76–81). After introducing the centrality of coral reefs to both biotic survival and to the awareness (because of their dying) leading to the identification of the Anthropocene, Haraway introduces the sensory imaginarium of a project that draws together mathematics and crafting and a sprawling world-wide weaving process bringing to life the significance of corals to a wide audience. In this project, crochet is a dynamic tool for making ‘a physical model of hyperbolic space that allows us to feel, and to tacitly explore the properties of [the coral’s] unique geometry’ (Haraway 2016, p. 76).

Fighting for the survival and flourishing of coral reefs in this way began with a phrase passed between two sisters: ‘we should crochet a coral reef’ (2016, p. 76). This apparently quotidian starting point opened up a whole world of possibilities and insights. The coral reef project unfolds, with iteratively added contributions and diverse directions taken, to produce ‘probably the world’s largest collaborative art project’ (Haraway 2016, p. 78).

The involutory momentum of the crochet coral reef powers the sympoietic knotting of mathematics, marine biology, environmental activism, ecological consciousness raising, women’s handicrafts, fiber arts, museum display, and community art practices. (Haraway 2016, p. 78)

The open-ended, collaborative, critical–creative nature of this process in which thousands of humans and non-humans alike are threaded together, reflects the kind of sensing creativities visible in multitudinous commons-formations all over the world. It has more than passing resonance with what happens when communities come together in multiple geo-physically located and digital initiatives and partnerships to co-compose alternative, organic normative relations, indigenous and non-indigenous alike (Bollier and Helfrich 2015). Future normative imaginaries reflecting multi-fibred connections between humans and non-humans of a wide range of kinds in such projects (particularly when ‘visioned’ next to the coral reef project), hold out rich potential for sympoietic normativities to be generatively co-produced by a wide range of communities (human–non-human), disciplines, and arts of living,

shaping a distinctively Anthropocene-facing 'aesthesis of obligation' (Matthews 2019). The fundamental and welcome 'wildness' of such projects (they seem to brim over, rather than be tightly operatively constrained) links them, too, to forms of critical-creative activism such as the 'politics of swarming' that Connolly suggests as a response to Anthropocene planetary injustices (Connolly 2017), and emergent in multiple indigenous and other protest mobilizations against colonizing neoliberal petro-capitalism, climate injustice and long-standing racial hierarchies.

Law's role here, rather than being seen as 'overarching', might more usefully be seen as the responsive guardianship of emergent spaces of interdependent, communicative normativities, perhaps even protecting them through the formation of a right to commons-based human-non-human co-governance. Of course, such theoretical imaginings of new forms of normative intimacy as well as the kind of 'intimacy without proximity' (Haraway 2016, p. 79) expressed by the coral reef project and by digital commons, seem fundamentally alien to the dominant legal imaginary—despite the fact the contemporary age is marked by intensifying levels of inter-legality and by ever more porous intersections between orders of norms. The apparently alien-to-law nature of this alternative legal imaginary, perhaps, resides precisely in its underlying onto-epistemic capaciousness and in its radical commitment to new forms of critical-creative-distributed care for Earth in forms of anti-objectification.

The imaginary disembodiment of law's colonial capitalist subject-at-the-centre produces an order of top-down 'human action' upon 'matter' as *extensa* and totalizing juridical aspirations that still assume a pervasive, selective anthropocentrism/sociocentrism. The imaginary embodiment traced by the vibrancy of matter; by the visible/invisible chosen/unchosen intimacies of transcorporeality; and by human entanglements with bumpy planetary energies, signals a very different set of relationalities—not a 'global' project or an aspirational juridical holism, but a vision responsive to Haraway's invitation—more realistic, humble and earthy than the old juridical fantasies of overarching human agentic force and Promethean law—to 'stay with the trouble'—to commit to *ongoingness*—to sink into the messy, critterly 'graspings, frayings, and weavings, passing relays again and again, in the generative recursions that make up living and dying' (Haraway 2016, p. 33). Sympoietic normativities ultimately ground this ongoingness—the call to normatively inclusive world-making—to co-world a world of worlds—the kind of sympoietic world-making without which liveable worlds are unlikely to thrive.

Haraway rightly argues that it *matters* 'what ideas we use to think other ideas' (2016, p. 34). The imaginary of the body as disembodied—and the objectified world of objectified others in the foundations of the colonial Anthropocene legal order demonstrates, amply, the catastrophic implications of the ideas thinking *those* ideas. Thinking-with the body as lively materiality; thinking-with transcorporeally; thinking-with sympoiesis—these invite very different ideas into view. A central implication—difficult for lawyers to imagine perhaps—is that no longer is the 'human' (especially 'the human' of liberal coloniality) the only actor in the world whose agency counts. Nor is humanity the centre of the story. This alternative imaginary invites law to respond to the fact that, as De Landa puts it, 'matter has morphogenetic capacities of its own and does not *need* to be commanded into a generating form' (Dolphijn and van der Tuin 2012, p. 43). The story has shifted. 'The order is

reknitted: human beings are with and of the earth, and the biotic and abiotic powers of this earth are the main story' now (Haraway 2016, p. 55).

Acknowledgement The author would like to thank the editors of this special edition for their valuable insights and critique.

Open Access This article is licensed under a Creative Commons Attribution 4.0 International License, which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons licence, and indicate if changes were made. The images or other third party material in this article are included in the article's Creative Commons licence, unless indicated otherwise in a credit line to the material. If material is not included in the article's Creative Commons licence and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>.

References

- Adelman, Sam. 2015. Epistemologies of mastery. In *Research handbook on human rights and the environment*, ed. A. Grear and L. Kotzé, 9–27. Cheltenham: Edward Elgar Publishing.
- Ahmed, Sara. 1995. Deconstruction and law's other: Towards a feminist theory of embodied legal rights. *Social and Legal Studies* 4: 55–73.
- Alaimo, Stacy. 2010. *Bodily natures: Science, environment and the material self*. Bloomington and Indianapolis: Indiana University Press.
- Anghie, Anthony. 2005. *Imperialism, sovereignty and the making of international law*. Cambridge: Cambridge University Press.
- Banerjee, Subhabrata Bobby. 2008. Necrocapitalism. *Organization Studies* 29 (12): 1541–1563.
- Barad, Karen. 2007. *Meeting the universe halfway: Quantum physics and the entanglement of matter and meaning*. Durham, NC: Duke University Press.
- Belcher, Alice. 2011. The 'gendered company' revisited. In *Gender, sexualities and law*, ed. J. Jones, A. Grear, R.A. Fenton, and K. Stevenson. London: Routledge.
- Bennett, Jane. 2010. *Vibrant matter: A political economy of things*. North Carolina: Duke University Press. (Kindle version).
- Blanco, Elena, and Anna Grear. 2019. Personhood, jurisdiction and injustice: Law, colonialities and the global order. *Journal of Human Rights and the Environment* 10 (1): 86–117.
- Bollier, David, and Silke Helfrich. 2015. *Patterns of commoning*. Amherst, MA: The Commons Strategies Group.
- Chakrabarty, Dipesh. 2007. *Provincialising Europe*. Princeton: Princeton University Press.
- Cheah, Peng, David Fraser, and Judith Grbich. 1996. *Thinking through the body of law*. St Leonards: Allen and Unwin.
- Connolly, William. 2017. *Facing the planetary: Entangled humanism and the politics of swarming*. Durham and London: Duke University Press.
- Dempster, M. Beth L. 1998. *A self-organizing systems perspective on planning for sustainability*. MA Thesis, Environmental Studies, University of Waterloo. <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.180.6090&rep=rep1&type=pdf>. Accessed 13 Aug 2020.
- Dolphijn, Rick, and Iris van der Tuin. 2012. *New materialism: Interviews & cartographies*. Ann Arbor: Open Humanities Press.
- Douzinas, Costas, and Adam Gearey. 2005. *Critical jurisprudence*. Oxford: Hart Publishing.
- Escobar, Arturo. 2015. Commons in the pluriverse. In *Patterns of commoning*, ed. David Bollier and Silke Helfrich, 348–360. Amherst, MA: The Commons Strategies Group.
- Federman, Cary. 2003. Constructing kinds of persons in 1886: Corporate and criminal. *Law and Critique* 14 (2): 167–189.
- Foley, Stephen F., et al. 2013. The palaeoanthropocene—The beginnings of anthropogenic environmental change. *Anthropocene* 3: 83–88.

- Gatens, Moira, and Genevieve Lloyd. 1999. *Collective imaginings*. London and New York: Routledge.
- Glikson, Andrew. 2013. Fire and human evolution: The deep-time blueprints of the anthropocene. *Anthropocene* 3: 89–92.
- Grear, Anna. 2010. *Redirecting human rights: Facing the challenge of corporate legal humanity*. Basingstoke: Palgrave MacMillan.
- Grear, Anna. 2015. Deconstructing *anthropos*: A critical legal reflection on 'anthropocentric' law and anthropocene 'humanity'. *Law and Critique* 26 (3): 225–249.
- Grear, Anna. 2017. Foregrounding vulnerability: Materiality's porous affectability as a methodological platform. In *Research methods in environmental law*, ed. Andreas Philippopoulos-Mihalopoulos and Valerie Brooks, 3–28. Cheltenham: Edward Elgar.
- Grear, Anna. 2020. Resisting anthropocene neoliberalism: Towards new materialist commoning? In *The great awakening: New modes of life amidst capitalist ruins*, ed. Anna Grear and David Bollier. New York: Punctum Press. (Forthcoming).
- Halewood, Peter. 1996. Law's bodies: Disembodiment and the structure of liberal property rights. *Iowa Law Review* 81: 1331–1393.
- Haraway, Donna J. 2016. *Staying with the trouble: Making kin in the chthulucene*. Durham: Duke University Press.
- Haraway, Donna. 2014. *Anthropocene, capitocene, chthulucene: Staying with the Trouble*. Lecture at University of California, Santa Cruz. Retrieved August 25, 2020, from, <https://vimeo.com/97663518>.
- Hyde, Alan. 1997. *Bodies of law*. Princeton: Princeton University Press.
- Jaggar, Alison M., and Susan R. Bordo. 1989. *Gender/body/knowledge: Feminist reconstructions of being and knowing*. New Brunswick, NJ: Rutgers University Press.
- Johnson, Mark. 1987. *The body in the mind: The bodily basis of meaning, imagination and reason*. Chicago and London: Chicago University Press.
- Jung, Hwa Yol. 2007. Merleau-Ponty's transversal geophilosophy and sinic aesthetics of nature. In *Merleau Ponty and environmental philosophy: Dwelling on the landscapes of thought*, ed. S.L. Cataldi and W.S. Hamrick, 235–257. New York: State University of New York Press.
- Kanngieser, Anja M., and Nicholas Beuret. 2017. Refusing the world: Silence, commoning and the anthropocene. *The South Atlantic Quarterly* 116 (2): 362–380.
- Kapur, Ratna. 2007. The citizen and the migrant: Postcolonial anxieties, law, and the politics of exclusion/inclusion. *Theoretical Inquiries in Law* 8 (2): 537–570.
- Lahey, Kathleen, and Sarah W. Salter. 1985. Corporate law in legal theory and legal scholarship: From classicism to feminism. *Osgood Hall Law Journal* 23 (4): 543–572.
- Lakoff, George, and Mark Johnson. 1999. *Philosophy in the flesh: The embodied mind and its challenge to western thought*. New York: Basic Books.
- Latham, Alan, and Derek P. McCormick. 2004. Moving cities: Rethinking the materialities of urban geographies. *Progress in Human Geography* 28 (6): 701–724.
- Lennon, Kathleen. 2004. Imaginary bodies and worlds. *Inquiry* 47 (2): 107–122.
- Lewis, Simon, and Mark Maslin. 2015. Defining the anthropocene. *Nature* 519 (7542): 171–180.
- Malm, Andreas. 2016. *Fossil capital: The rise of steam power and the roots of global warming*. London: Verso.
- Malm, Andreas, and Alf Hornborg. 2014. The geology of mankind? A critique of the anthropocene narrative. *The Anthropocene Review* 1 (1): 62–69.
- Massumi, Brian. 2002. *Parables for the virtual: Movement, affect, sensation*. London and Durham: Duke University Press.
- Matthews, Daniel. 2019. Law and aesthetics in the anthropocene: From the rights of nature to the aesthetics of obligations. *Law, Culture and the Humanities*. <https://doi.org/10.1177/1743872119871830>.
- Mbembe, Achille. 2003. Necropolitics. *Public Culture* 15 (1): 11–40.
- McLean, Janet. 2004. The transnational corporation in history: Lessons for today? *Indiana Law Journal* 79: 363–377.
- Moore, Jason W. 2016. *Anthropocene or capitalocene? Nature, history, and the crisis of capitalism and the crisis of capitalism*. Oakland: PM Press.
- Naffine, Ngaire. 1997. The body bag. In *Sexing the subject of law*, ed. N. Naffine and R. Owens, 79–93. Sydney: Sweet and Maxwell.
- Naffine, Ngaire. 2001. The nature of legal personality. In *Are persons property? Legal debates about property and personality*, ed. M.J. Davies and N. Naffine. Aldershot: Ashgate.

- Naffine, Ngaire. 2011. Women and the cast of legal persons. In *Gender, sexualities and law*, ed. J. Jones, A. Gear, R.A. Fenton, and K. Stevenson, 15–25. London: Routledge.
- Nedelsky, Jennifer. 1990. Law, boundaries and the bounded self. *Representations* 30: 162–189.
- Neocleous, Mark. 2003. Staging power: Marx, Hobbes and the personification of capital. *Law and Critique* 14 (2): 147–165.
- Norrie, Alan. 2001. *Crime, reason and history: A critical introduction to criminal law*. London: Butterworths.
- Plumwood, Val. 2007. A review of Deborah Bird Rose's reports from a wild country: Ethics of decolonisation. *Australian Humanities Review* 42: 1–4.
- Quijano, Anibal, and Michael Ennis. 2000. Views from the South. *Nepanta* 1 (1): 533–580.
- Seidler, Victor. 1998. Embodied knowledge and virtual space. In *The virtual embodied*, ed. J. Wood. London: Routledge.
- Smart, Carol. 1989. *Feminism and the power of law*. London: Routledge.
- Stengers, Isabel. 2015. *Catastrophic times: Resisting the coming barbarism*. Luneburg: Open Humanities Press.
- van Dooren, Thom. 2014. *Flight ways: Life at the edge of extinction*. New York: Columbia University Press.
- Weber, Andreas. 2013. *Enlivenment: Towards a fundamental shift in the concepts of nature, culture and politics*. Berlin: Heinrich Boll Stiftung.

Publisher's Note Springer Nature remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.