



Title: Thinking and Feeling with Ocean(s): An Emergent, Co-Creative Approach to Putting Rights of Nature and Water(s) Ontologies into Conversation

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**Thinking and Feeling with Ocean(s):
An Emergent, Co-Creative Approach to Putting Rights of Nature and Water(s) Ontologies into Conversation**

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'Flow'view

"Instead of proposing a specific agenda or a predetermined set of instructions, these meditations open up space for wondering together and asking questions towards a depth of engagement that is still emerging." (Gumbs 2020, 23)



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How can we think and feel with oceans in order to put Rights of Nature (RoN) into dialogue with water(s) ontologies?

So begins a journey through rivers, fog, ice, rain, and waves.

I meander through mist to make sense of my questions, moving through the density and the ambiguity that comes with putting RoN and water ontology scholarship into conversation. I stand in the pouring rain, and my thoughts rush out in a stream of consciousness of everything I have been reading and witnessing. I follow the water through tributaries (legal, indigenous thought, Science and Technology Studies (STS), politics) and river currents (RoN, legal personhood, and water ontologies).

I breathe.

I rest.

I dive into the ocean, thinking with waves, sea ice and glaciers, and various living and non-living, human and more-than-human bodies. I also play in transition spaces, where ice transforms to water to vapor, unlocking memories and changing relationships. This culminates in a query about how to engage RoN and water ontologies when addressing the vast, fluid, dynamic ocean(s). I punctuate with water droplets: moments where I zoom in, magnify, and pause to sit with a single drop in the deluge.

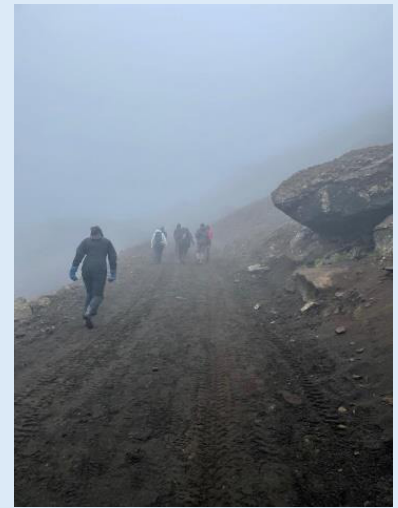
Sounds, songs, human and more-than-human voices have been integral in my own writing process (🎵, Appendix A).¹ I am inspired by scholars like Katherine McKittrick (2020) who uses music not only as a theme but as a methodology, drawing on rhythm, improvisation, and repetition to shape her book's structure and arguments. She illustrates how music serves as a mode of theorizing and resisting colonial, racial, and gendered systems of oppression and centers citational politics. Cecilia Chen *et al* (2013) weave into their book video and sound installations that explore the materiality of water.

Being (in) the Fog

♪ There is no track on the playlist for fog. To me, the soundtrack to this is the rhythm of my own breathing. What sounds are you hearing around you now?

I can hear what I cannot see yet. I can make a whole world of resonance. And live in it. Swim through it. Reflecting you. Whistle, click if you can feel that I am here. (Gumbs 2020, 26)

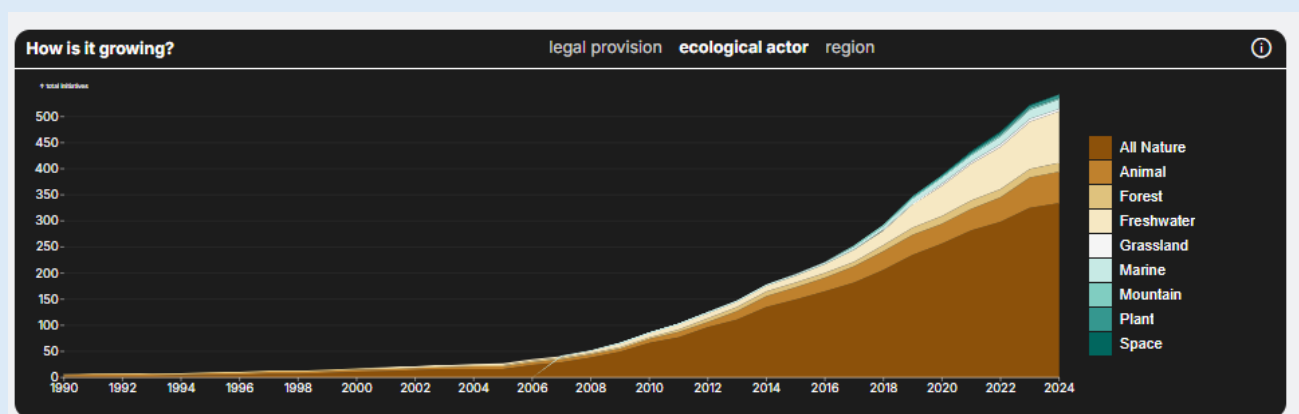
We start in the fog. What comes to mind (and to heart and body) when you imagine a foggy day? A foggy night? When I entered a dense Newfoundland November mist, I was in a haze. At first, I felt confused and a bit sad, but the longer I stood, the more I tuned into my other senses. In this forced myopia, I could focus on what was directly in front of me, my breath, and my cooling skin. I am simultaneously questioning and focusing.



Misty Iceland volcano hike
Photo: Ciavattone 2021

Our oceans are dying (Stone 1972). Thus far, international environmental legal frameworks, shaped by a cultural paradigm that fosters a reductive understanding of nature, are inherently structured to perpetuate ecological harm and remain ill-equipped to address the complexities of ecological crises (Natarajan & Khoday 2014). As climate change worsens, activists, lawyers, and academics are calling for RoN to shift our current “modern” paradigms in order to actualize transformative change (Latour 2012; Kauffman & Martin 2021). RoN have predominantly focused on specific entities or general constitutional rights within domestic jurisdictions. Of the current 543 Eco Jurisprudence cases being tracked, only 18 relate to marine ecosystems (Eco Jurisprudence Monitor 2024). Let me spell that out – EIGHTEEN.

RoN Initiatives From 1990—2024 By Ecological Actor



Note: This chart emphasizes the comparative lack of marine initiatives, and the spike in overall cases after 2006 (Eco Jurisprudence Monitor 2024).

Let It Rain

♪ Thunderstorm sounds

As I begin writing this, I am physically, mentally, and emotionally in heavy, flood-inducing rain: the saturate-your-jacket, pour-off-your-nose, puddle-in-your-shoes, stick-to-your-skin, seep-into-your-bones kind of rain. I cannot clear my glasses fast enough to see.²

The water.

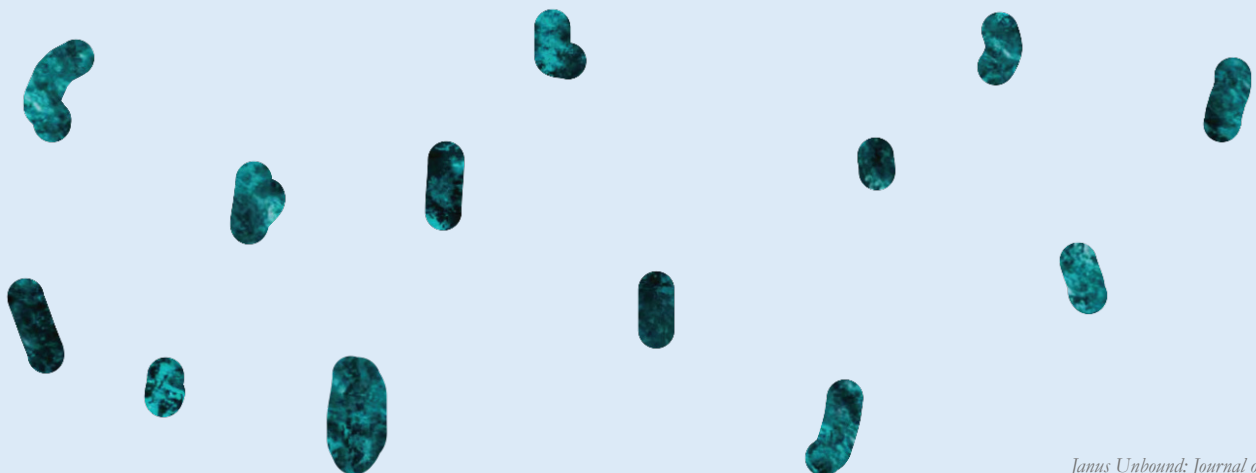
Just.

Keeps

Coming.

An external embodiment of the *sound and fury* of my internal thought processes.³

I am also writing through some tears. Should I admit that? My brain feels so full of information. I read somewhere that my tears are the ocean.⁴ I'm writing about the ocean. I am thinking with the ocean. What does the ocean think of the ocean? What is the ocean? How do I possibly engage plurality in this paper? I interact with the world so differently from my more-than-human interlocutors. And differently than many of my human interlocutors, as well. What does it look like to grant rights to the ocean? Are RoN even helpful? Are they worth enacting in this context? Some people are so critical of rights-based solutions.⁵ I am critical, too. I am holding so much in my brain. It's a flood. I need to channel it.⁶



A Tribute to Tributaries

♪Peaceful, calm, steady pond music

Earth Jurisprudence and Ecological Jurisprudence

RoN and laws granting inherent rights to more-than-humans have multiple tributaries. One that opens up in most articles/motions/laws/justifications is the concept of Earth Jurisprudence, which asserts that there is a lawful order to the universe that sustains the web of life; it emphasizes the inextricable interconnectedness of all elements of the natural world, including humans (and the metaphysical), and the essentiality of mutual well-being (Kauffman & Martin, 2021; Cullinan, 2011). Wesley Newcomb Hohfeld (1917) is an oft-cited scholar who defines rights as enforceable claims.

According to David Boyd (2017), there is, however, a disconnect between Western law and natural law as a result of anthropocentrism: everything is viewed as property, the pursuing of limitless economic growth, due to agriculture, the scientific revolution, and industrialization. Mihnea Tanasescu (2022), among other scholars, talks about Earth Jurisprudence as an Eco-theological approach, focusing on nature's intrinsic values and ecocentrism.

Christopher Stone (1972) is credited with being the first in Western scholarship to propose inherent rights for nature, steeped in legal pragmatism. He wrote about conservatorship and guardianship, linking this idea to corporations and non-humans that already receive legal personhood, later expanding on this in a book (2010). Stone's lesser acknowledged, but arguably more influential contemporary, Chilean scholar, Godofredo Stutzin (1973; 1984) also generated foundational work on RoN;⁷ he argued for an ecological imperative to right wrongs and acknowledge nature's own interests (Stutzin 1984). His work was highly inspirational for scholars who have since shared RoN discourse, like Thomas Berry (2000) and Cormac Cullinan (2007; 2011) who advocate for an earth-centered legal paradigm, with nature's right to exist, to have habitat, and to evolve as part of the earth community.⁸ His important work reflects one of the many reasons why Latin America was and continues to be a driving force and legal leader in RoN.

Indigenous Thought

“We are not people trying to protect nature, we are nature protecting itself” (Casey Camp-Horinek, a Ponca leader quoted in Kauffman and Martin 2021, 9).

RoN highlight the interconnectedness of humans and more-than-humans and value natural entities for their inherent worth. But this is not something new; Stone and RoN movements certainly did not create this idea. The more recent scholarship and movements are preceded by millennia of indigenous knowledges and systems (Berry 2000; Tutu 2007; Viaene 2022). The idea of ethical relationality (Donald 2016) and practices of reciprocity guide RoN attempts to confront extractive neoliberal agendas. The first ever constitution to officially include RoN, Ecuador (2008), was inspired by *Sumak Kawsay*, the Kichwa cosmivision that promotes a harmonious totality of being (Gudynas 2011).

Science and Technology Studies

Bruno Latour (2012) defines and critiques “The Great Divide”, the conceptual separation of nature and society. Multiple STS scholars focus on moving beyond nature-culture divides (Descola 2013). RoN, while often claiming to be rooted in indigenous cosmivisions that break down human-nature dualism (Gudynas 2011), continue to perpetuate that dualism and risk positioning natural entities as inferior to humans (Margil 2017). “Nature” is complex (and contested). Some argue that the word, while positioned as a better alternative to resource, equally flattens the world (Tanasescu 2022). “Nature” is multiple: it is a pristine, untouched myth: ecosystems; gods; ancestors; it is both place-based and mobile (Mol 2002; Kinkaid 2019). Leading into the water ontology focus of this paper, it is also important to ask: what is water? What are oceans?

The Legal is Political

The only way political struggles are taken seriously are through rights-based language (Campbell 2011). Hayden Lorimer (2005) points out that conservation efforts often center humans in concerns for justice, while Tanasescu (2022) emphasizes the need to analyze RoN through power relations, as legal norms are only as effective as their political implementation. Enrique Dussel's (2003) concept of transforming constituent power (*potentia*) into institutionalized power (*potestas*) reinforces this critique, illustrating the inherently political nature of RoN, which has been used by indigenous and environmental activists to challenge state economic strategies. Craig M. Kauffman and Pamela L. Martin (2021) demonstrate that indigenous movements often prioritize recognized rights to self-determination over RoN laws due to stronger legal and political footing, exemplified by their strategic use to protect nature. Tanasescu (2022) argues, it is essential to avoid reproducing power imbalances and to explore conceptions of governance beyond the limitations of legal personhood.

Ode to Pedro

My friend and teacher,
Pedro,
practices agroforestry in
the Brazilian Atlantic Rainforest
and has dedicated over 30 years
of his life to reforesting the land
and re-imagining ways of existing.

While hiking with a group of students, Pedro pointed out a turmeric plant. There were a few sprinkled sporadically (or so it seemed to the students) throughout the forest. One raised her hand: "Turmeric sells for good money in the market. Why not just clear a small plot and grow a bunch at once? You'll save yourself so much time and effort, and you'll make higher profits!" The other students nodded in emphatic agreement, because "in their minds, a garden meant straight rows of single species, not a three-dimensional sprawl of abundance" (Kimmerer 2013, 129). Pedro laughed and shook his head. "Because the turmeric wanted to grow here, and there, and...over there." He described the relationship of the taller tree and the surrounding bushes that all worked together in life-sustaining harmony. He gently explained that the suggestion to clear the land for the sake of profit was everything that he is working against.

Pedro operates from a place of reciprocity and symbiosis.

The trees, the birds, and the ants are his teachers, and
he is their steward.

Thank you, Pedro (2016).



Wading Down the River, Following the Currents

♪ *The River Flows in You* by Yiruma

Current 1 RoN

RoN are related but different from Ecological Justice (EJ). EJ claims human systems should coincide with natural law, while RoN propose that ecosystems should be recognized as subjects. RoN primarily recognize ecosystems as having unique rights (Kauffman & Martin 2021).

Global Alliance for Rights of Nature (GARN) defines RoN as: “the recognition that our ecosystems—including trees, oceans, animals, mountains have rights just as human beings have rights. It is the holistic recognition that all life, all ecosystems on our planet are deeply intertwined... nature in all its life forms has the right to exist, persist, maintain and regenerate its vital cycles” (2024).

Eden Kinkaid (2019) views RoN as a boundary object, while Kauffman and Martin (2021) caution that RoN approaches should be seen as a tool for rooting governance in Earth Jurisprudence.

Current 2 Legal Personhood

Legal personhood is different from RoN, though often included under the same umbrella. The primary distinction is that legal personhood extends *human* rights to ecosystems (Kauffman & Martin 2021). Kurki (2019) defines personhood as having active and passive elements, including both rights and duties. A commonly asked question in these cases is: Who speaks for the entity?

While each case is unique, I see two primary different approaches to legal personhood and guardianship that have emerged: the New Zealand model that creates more space for indigenous approaches (Coombes 2020) and the *Loco parentis* model (such as in India) which creates a human-as-parent and nature-as-child dynamic (Clark *et al* 2019).

Strengths

In the New Zealand case, guardians are NOT managing a child, but instead guarding the relationship between people and nature.

In indigenous-controlled territory, this creates a “legal

Current 3 Water(s) Ontologies

Water ontologies are ways of being with water and understanding the nature of water and human–water relations (Yates *et al* 2015).

Water has an “undeniable sensual charisma” (Chen *et al* 2013, 5).

“Water is not one thing. For natural science, water’s effects depend on its state (solid, liquid, gas), on its scale (from molecular to oceanic), and on whether it is fresh or salty, still or turbulent, deep or shallow. For interpretative social sciences, water can be sacred substance, life, refreshment, contaminant, grave” (Helmreich 2011, 133).

Doreen Massey (2004) challenges the Euclidean conception of space as a flat and stable surface encouraging attention to matter within. Spaces like oceans have depth, volume, bodies, nonliving materials, which must be considered (Peters & Steinberg 2019).

Various water ontology approaches have typically included the separation of water and land, while emphasizing coastal spaces

Three of the most significant and foundational RoN implementers include:

Ecuador

- Written into constitution;
- Based on indigenous cosmologies;
- Considered generally a success, more successful than Bolivia, but still pushing neoliberal and extractivist agendas.

Bolivia

- Written into constitution, not as successful as in Ecuador;
- Law is “just poetry” (Kauffman & Martin 2021);
- RoN linked to human rights;
- State controlled version of indigeneity that legitimizes state power (Kauffman & Martin 2021).

USA

- Not always indigenous driven (e.g. Pennsylvania 2006);
- Found in local ordinances, municipal level planning, US tribal nations.

Strengths

There is a large and growing RoN network (GARN 2024) currently boasting members from 99 countries.

RoN helps level the playing field between humans and nature and represents a legal revolution (O’Donnell 2020).

Kauffman and Martin (2021) found that RoN separated from human rights (Ecuador)

firewall” to block anthropocentric processes (Kauffman & Martin 2021).

Legal Personhood allows opportunities to practice law differently and to manage nature spaces with respect to the more-than-humans in said spaces.

Limitations

Kinship is preferred rather than personhood (Boulot & Sterlin 2022).

With *Loco parentis*, liabilities are placed on nature and on people who are speaking on nature's behalf.

Personhood is not an indigenous concept and cannot accurately reflect diverse ontological needs, such as entities as ancestors.

Natural law precedes human law, and since entities already exist, they should not have to rely on settler laws (Rodríguez-Garavito 2024).

Personhood goes against the ideas of Stone (1972) and Berry (2000) that trees should have tree rights, ecosystems have ecosystem rights, etc.

Personhood anthropomorphizes non-human entities.

where the two connect (Robertson & Rubow 2013).

Kimberley Peters and Philip Steinberg (2015; 2019) introduce wet and more-than-wet ontologies that complicate the idea of water spaces, particularly that of the ocean. They explore the idea of the ocean in different forms, liquid/ice/vapor/mist, while also acknowledging the ocean as beyond the typical image of an ocean, imagined and experienced via sound, scent, touch, etc.

Water ontologies emphasize fluid ecologies (Whatmore 2006), and recognize water’s co-shaping relationship with landbased structures: “After all, it is the movement (through space and time) of liquids—seas, rivers, streams, lakes—and also solids (that is, ice) and gasses (that is, wind) that deposit materials that form strata, and it is these deposits that ultimately inform the geological, sequential concepts of time that emerge from current studies of the environment” (Steinberg & Peters 2015, 255).

Water ontologies and the liquid turn focus on flow and fluidities, turbidity and churning, decolonial and feminist practices and the potential of holding other worlds and creating other

are more effective than when intertwined with human rights (Bolivia).

Promotes reciprocal relationships and not causing permanent damage.

Limitations

RoN shifts from anthropocentrism to ecocentrism, but this “centrism” does not challenge the binary (Tanasescu 2022).

RoN are not a monolith, though they are often depicted as such.

RoN emphasize restoring nature, but to when and for whom? (Zimmerer 2000; Escobar 1998). Restoration “needs to itself be understood in relational terms and therefore in terms that let indigenous ontology lead. Restoration in the Anthropocene can no longer be about returning to some previous state but rather about returning to meaningful relations with particular places” (Tanasescu 2022, 138).

In practice, how effective are RoN? The political power they carry is key: sometimes they are couched in constitutions that also prioritize economic development, or if they are tribal or municipal laws, they can be overridden by federal decisions.

futures (Blackmore & Gómez 2020).

Strengths

GARMA Declaration 2008 - water is recognized as a living entity by indigenous people around the world (O’Donnell 2020).

Water ontologies encourage listening to water: “‘That’s why the water gets angry; that’s why the community stream has dried up.’ As a living being, ‘water sends us this sign that it is not happy, that it is sad.’” (Viaene 2022, 200).

This allows us to think differently about water and move towards thinking *with* water (an effort of this paper).

Limitations

Water is often seen as a commodity in international law (Ballesteros 2019; Viaene 2022).

Much of the wet-ontology work is not inclusive of other water ontologies. Works like Peters and Steinberg (2019) are heavily STS and material based, while ignoring or glossing over metaphysical oceanic and water understandings.

Current 4 RoN for Rivers

*“Rivers are the arteries of the earth;” “I am the river and the river is me”
(Clark et al 2019, 792; 802).*

99 of 543 Eco Jurisprudence tracked cases relate to rivers (Eco Jurisprudence Monitor, 2024). The earliest RoN cases centered on rivers, like *USA Sierra Club v. Morton* (Stone, 1972). The town of Barnstead, NH was the first to ban water privileges (2006) and one of first to recognize RoN (Margil, 2017).

Cristy Clark *et al* (2019) beautifully journey through river songs, weaving water ontologies and RoN together. They focus on four of the most prominent Rights of Rivers cases that have distinctly shaped how RoN and legal personhood show up in practice (and highlight how important context is to law development and implementation), including:

**Note, none of these countries include RoN in their constitutions.*

New Zealand

- Not rights based – instead promote guardianship for ancestors (Coombes 2020).
- Whanganui River has 14 guardians because the river is different in different spots (Coombes 2020).

Colombia

- Atrato River – biocultural rights – rights of peoples and Nature are inextricably linked
- Colombia pulled from New Zealand and international cases.
- Their aim was to address the 2030 Sustainable Development Goals (Viaene 2022).

India

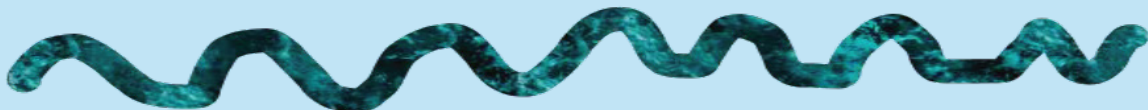
- The Ganges spans states which complicates jurisdictions.
- Legal personhood extends liabilities to natural entities and their guardians, which make political figures hesitant to uphold the legal personhood status.
- *Loco parentis* in effect - In Hindu religion, the Ganges is a deity. How can a God be taken care of by a human like a child? (Clark *et al* 2019).

Bangladesh

- All rivers are seen as legal persons and living entities.
- Rights within rights – individuals in ecosystem – regardless of human utility.

In general, river rights do not actually include rights to water (O'Donnell 2020).

“Rivers are important vehicles for transporting this waste from continental landmasses to the world's oceans. Much of the estimated eight million tons of plastic that is deposited each year into the oceans comes from rivers” (Viatori 2023, 71).



Summary

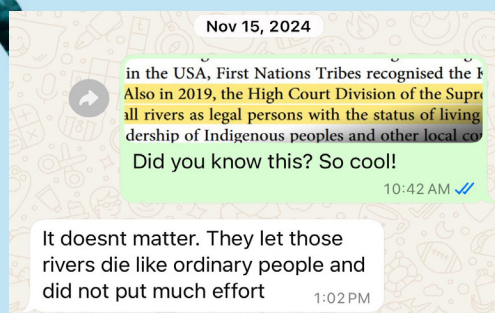
Strengths (General): RoN have the potential to cause a paradigm shift with a turn towards valuing more-than-humans intrinsically. RoN are also creating spaces for more indigenous voices and practices, a “springboard” for asserting indigenous struggles against extractivism (Viaene 2022). RoN have also become a way for humans to grapple with and mobilize to confront the Anthropocene by giving agency to more-than-human and non-human actors in shaping/co-creating space and society (Clark 2010).

Limitations (General): Legal pluralism, while often well-intended, easily leads to constitutional capture (Boulot & Sterlin 2022). Usha Natarajan (2023) argues that rights as practice and concept are fundamentally incommensurate with justice. Erin O’Donnell (2020) emphasizes that having a voice does not necessarily mean one has the power to be heard, and giving rights to nature does not always lead to action. Particularly within constitutions, RoN risk pushing neoliberal agendas, not actually serving people or nature, flattening and othering nature, perpetuating the divide between humans and nature, and distorting and coopting indigenous worldviews (as can be seen with the concept of *Buen Vivir* in Ecuador) (Viaene 2022). At times, RoN can instead become a new tool for Western domination of indigenous peoples and risks essentializing (sometimes strategically essentializing) and romanticizing indigenous/land intertwinings (Viaene 2022).⁹

“They let those rivers die like ordinary people”

After sending my Bangladeshi friend a screenshot of O’Donnell’s (2020) comments on Bangladesh granting personhood rights to rivers, his response was eye-opening.

Many scholars talk about more-than-human links with marginalized communities (Gumbs 2020; Merchant 1990; Viatori 2023), so what happens when the rights of neither are upheld?



PAUSE.

I am taking a moment to breathe.¹⁰

To have a sip of water.

To sit with what I have encountered so far.

Immersing in the Ocean¹¹

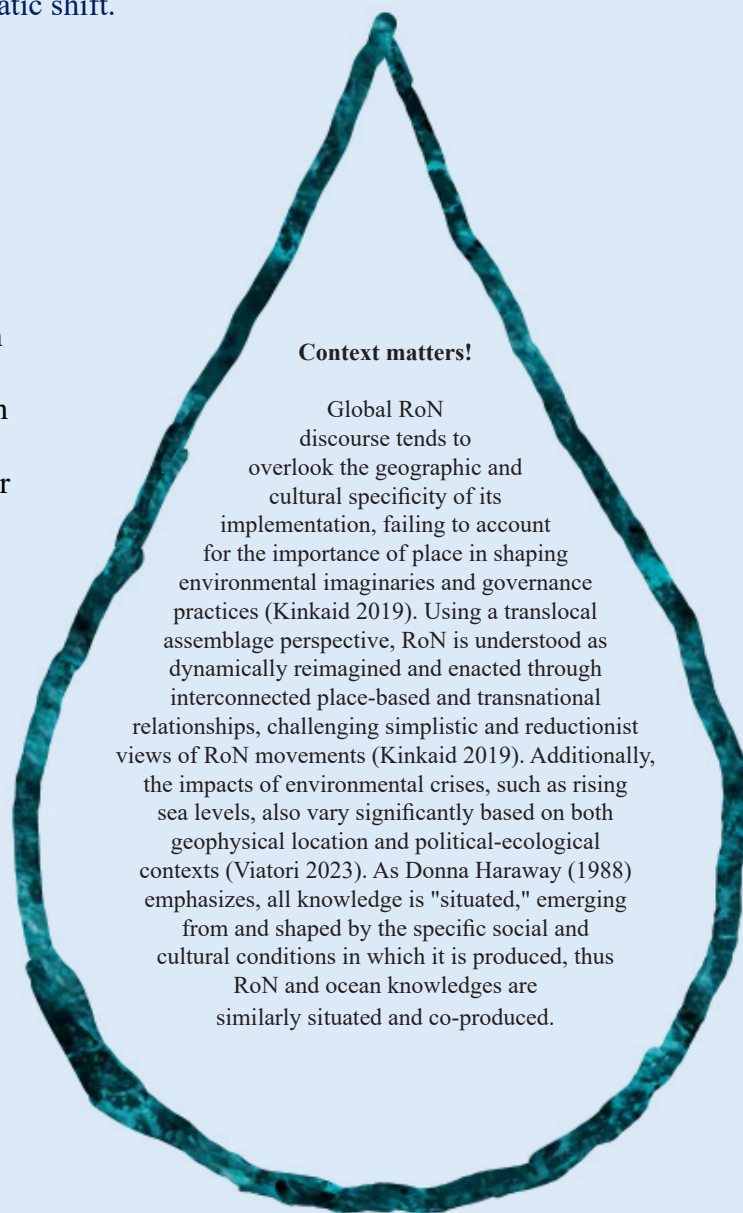
♪ Gentle waves or a conch shell pressed to the ear¹²

We are seeing a blue turn, blue legalities (Johnson & Braverman 2020), an oceanic/hydrologic turn (Chen *et al* 2013), and blue humanities (Alaimo 2019). Defining the ocean has become increasingly more complicated. Through water and more-than-wet ontologies, More-Than-Human Rights and RoN approaches to liberating and healing dying oceans (Stone 1972) are co-producing a hopeful and necessary paradigmatic shift.

Brief Introduction to Laws of the Sea

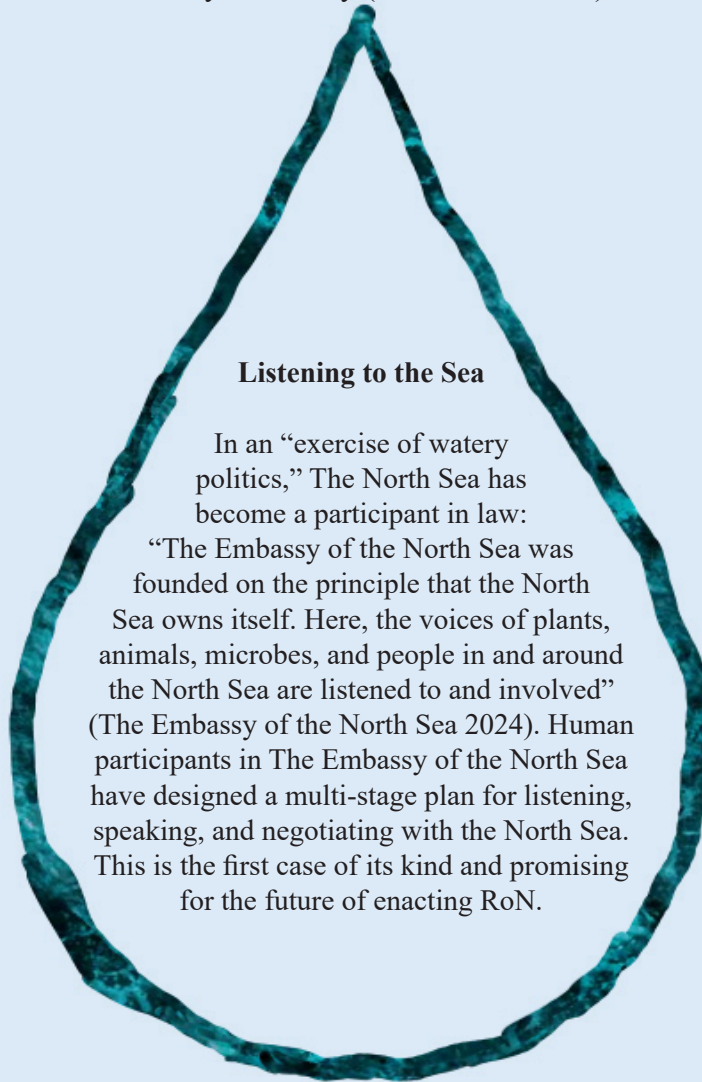
There is no dearth of ocean law/scholarship, though most focuses on bridging state laws in international spaces of the sea. Irus Braverman and Elizabeth Johnson (2020, 5) propose blue legalities to bring “the churn of this reality to light by showing how, from the turbulence of thinking with ocean legalities, possibilities for more plural relations between time, place, and law may emerge”. In much of the literature on water ontologies, similar desires are put forward; it is equally important, however, for that plurality to include metaphysical elements and more-than-humans.

According to Emily Jones (2024), RoN “have the potential to challenge how rights are conceptualized in international law precisely because RoN provisions have begun to frame rights... as relationships” (in Rodríguez-Garavito 2024, 231). Jones indicates that if rights are granted to relationships rather than putting certain entities in competition with others, a paradigm shifts such that nature is centralized rather than positioned as one rights-holder amongst many.



Victor David (2023) ponders the feasibility of making the Pacific Ocean a legal unit/entity and pushes for a whole ocean approach (in Cárdenas & Turp 2023). Harriet Harden-Davies *et al* (2020) argue that RoN would bolster already existing ocean governance norms.

Ecuador attempted to enact their constitution's RoN after the 2010 British Petroleum oil spill, but to no avail. From an international law perspective, this case and outcome raises the question of whether a constitutional court operating under a constitution that recognizes RoN should exercise jurisdiction in cases of serious harms to the environment, even if those harms are caused by noncitizens outside the country's territory (Colon-Rios 2014).¹³



Listening to the Sea

In an “exercise of watery politics,” The North Sea has become a participant in law:

“The Embassy of the North Sea was founded on the principle that the North Sea owns itself. Here, the voices of plants, animals, microbes, and people in and around the North Sea are listened to and involved” (The Embassy of the North Sea 2024). Human participants in The Embassy of the North Sea have designed a multi-stage plan for listening, speaking, and negotiating with the North Sea. This is the first case of its kind and promising for the future of enacting RoN.

Mapping the Ocean in Time and Space

The ocean is a borderless (Braverman & Johnson 2020), paradoxical space (Steinberg & Peters 2015), and scholars have called for a “whole of the ocean” approach to address critical issues in the sea, in which responsibility must outweigh state sovereignty (David 2023).

Movement is defined by the displacement across space of material characteristics within mobile packages, not abstract forces, and these characteristics are known only through their mobility (Bennett 2006). In other words, objects come into being as they move (or unfold) through space and time. Conversely, space ceases to be a stable background but a part of the unfolding. The world is constituted by mobility without reference to any stable grid of places or coordinates. From this perspective, movement is the foundation of geography. (Steinberg 2013, 160)

Conversations about mapping are moving beyond land vs. sea distinctions. Perhaps one of the most fascinating books: Julie Cruikshank’s (2005) work on glaciers, especially the sections on mapping, examining the ways glaciers are understood and represented through diverse cultural, scientific, and historical frameworks. She critiques traditional mapping approaches that often prioritize physical dimensions, such as size and movement, while neglecting the rich cultural and spiritual significance glaciers hold for indigenous communities (Cruikshank, 2005). To these communities, glaciers are not merely static or neutral features but are active participants in life, imbued with agency, memory, moral presence, and adept listening abilities (Cruikshank, 2005). The territory mapping process of the Canadian/US northwestern borders did not include glaciers’ perspectives. Cruikshank (2005) highlights how colonial and Western scientific practices of mapping and categorizing glaciers have historically marginalized indigenous ontologies, reducing glaciers to resources or scientific phenomena. This reductive view risks overlooking the broader implications of climate change, which threaten not only physical glaciers but also the interconnected cultural and ecological systems they sustain. Cruikshank advocates for more inclusive and nuanced understandings of glaciers that honor their multifaceted roles in shaping human and environmental histories.

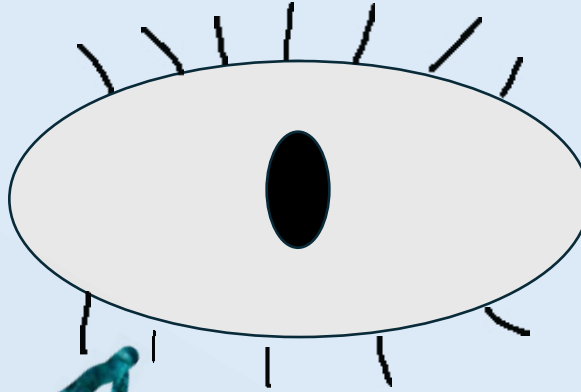
Cruikshank also explores memory through glaciers. Glaciers hold so much inside. As they melt, memories are lost, or come to light (Cruikshank, 2005). New worlds emerge from the freeze, and new interactions occur with communities, organisms, and scientists that then create new understandings of the world (Cruikshank 2005). Boon’s (2019) autoethnography discusses memories carried by the ocean, while Gumbs (2020) references ancestors whose memories are held in the sea from the Atlantic Slave trade. Todd (2016, 10), in her work on human-fish relations, notes for Paulatuq: “as long as you have fish, you have stories, memories and teachings about how to relate thoughtfully with the world and its constituents. As long as you have fish (and other animals), you are nourished not only physically, but in a plurality of emotional, spiritual and intellectual ways as well”. As ocean spaces become mapped and rights are explored, time, of past and future, must also be considered.

I am also wondering about how we map the Hypersea, as Peters and Steinberg (2019, 297) put it: “the Hypersea approach spurs us to think of the ocean not as an isolated physical entity in distinct opposition to the land but as a state of the hydrosphere that, both in its overall state and in the properties of its individual molecules, is perpetually in mutation and that is always exceeding the ocean’s geographic boundaries”.

Humans as Ocean

We are, in a sense, soft vessels of seawater. Seventy percent of our bodies is water; the same percentage that covers Earth's surface. We are wrapped around an ocean within. You can test this simply enough: Taste your tears. (Safina 1998, 435)

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Bodies of Water Meet Water of Bodies

Inspired by Boon (2019), I visited Middle Cove Beach in St. John's, NL. I took this photo. It reminded me of the more-than-wet ontology literature I was reading. What is the ocean? When the river meets the sea, who of the two claims that water? The river/stream was formed from snowmelt. The snow fell from the clouds. The evaporation included ocean water, so was this not all oceans? (Peters & Steinberg 2019)

A few days later, I had a medical procedure and could not find parking in the torrential downpour of the morning. I parked far away and jogged 15 minutes to arrive 6 minutes late. I was sweating. I was teary-eyed from the physical pain I was experiencing that brought me to the hospital. And I was drenched in rain. But suddenly, all I could think about was the river meeting the ocean. meeting the ocean. The rain, a stream. Suddenly, I felt that Middle Cove moment in my soul.

I am the ocean.



Ocean meeting stream, Middle Cove Beach
Photo: Ciavattone 2024

To achieve the paradigm shift that Emily Jones (2024) calls for, to truly recognize the interconnectedness of humans and oceans, we must even move beyond the idea of mutual flourishing into the understanding that we, humans, are extensions of the ocean. Lieselotte Viaene (2022, 202) quotes an unnamed Mayan scholar: “We must [re-think] human rights from their origins—water, fire, earth, our elements. If these don’t exist, we don’t exist. We must [re-think] the right to life using all the elements”. We are the elements.

Bodies in Bodies

♪ [Instrumental music with whale songs](#)

One of the primary critiques and shortcomings of RoN is that the ambiguity of nature and natural entities opens Pandora’s Box to infinite rights-bearing subjects. The ocean is no different. In fact, it seems even more apparent.

Bodies within Bodies: Who Receives Rights?

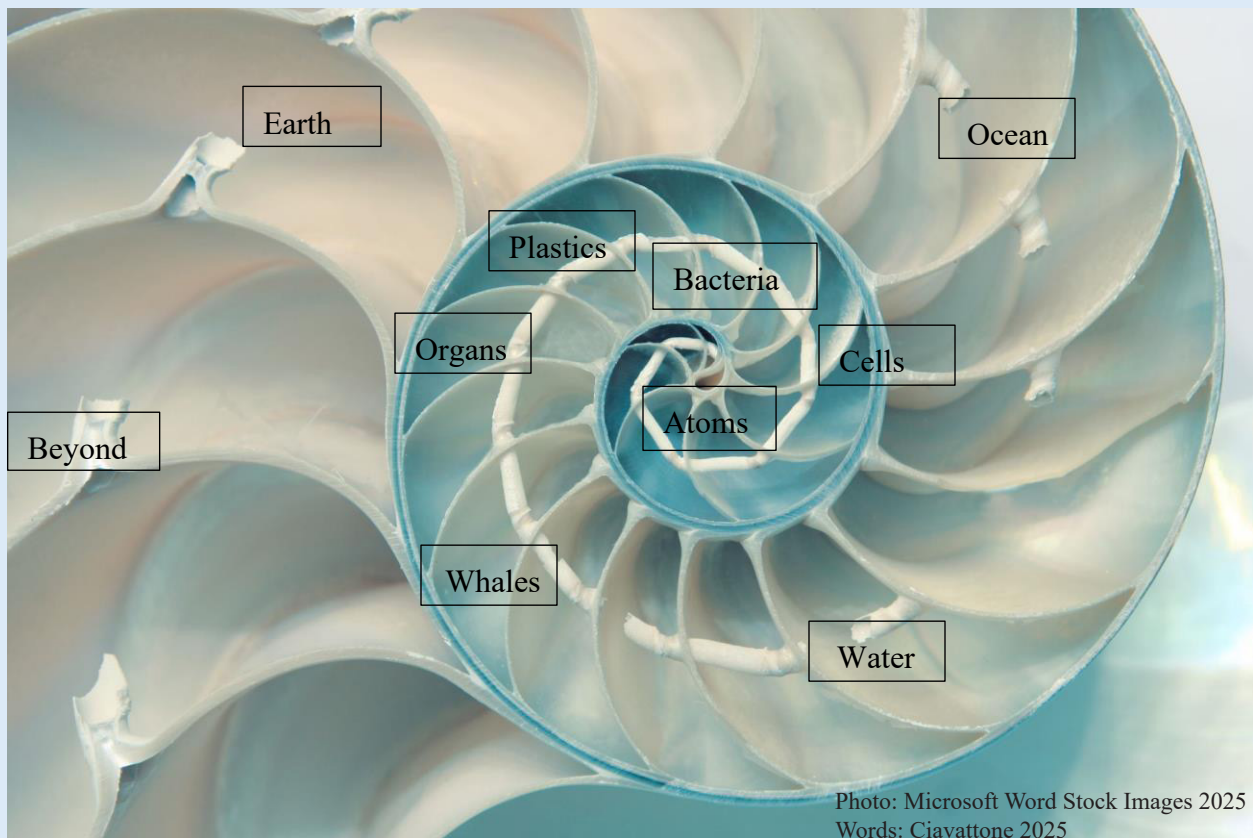


Photo: Microsoft Word Stock Images 2025
Words: Ciavattone 2025

Who has rights to rights? Diana Coole and Samantha Frost (2010, 20) share “there is increasing agreement here that all bodies, including those of animals (and perhaps certain machines, too), evince certain capacities for agency”. If so, how do we curtail Pandora’s Box? A solution to this is a relational, assemblage approach (Cárdenas & Turp 2023; Kinkaid 2019). As Clark *et al* (2019) point out, a river is seen not as an individual but as a relational entity in perpetual co-creation. The ocean has historically been fragmented in a divide-and-conquer-esque manner that allows for easier control over it. This makes me think of other bodies, including my own. In the U.S., my home country, my teeth, my eyes, are not considered to be part of my body. To receive care, I must pay extra for dental and vision. My body, like the ocean’s body, is fragmented by law and politics. But in practice, I, like the ocean, am relational. I am a body made up of bodies, and I am whole and in excess, a world of “open bindings” (Ingold 2008).



A Letter to Luna

Oh, Luna.
What did you want?
What did you need?
Separated from your family, you
stayed alone in Nookta Sound.
Humans had fervid debates: remove
you, leave you; interact with you, stay
far away from you. The local indigenous
community fought to keep you free – you
are, after all, their chief’s spirit. The
scientists wanted to transport you to an
aquarium. Children wanted to love you, to
play with you.
But Luna, what did you want?

Inspired by *The Whale* documentary
(Reynolds & Johanssen 2011)

The Ocean but Not Only

Inspired by de la Cadena’s (2015) idea of “nature but not only,” I propose to look at the oceans through this lens in order to consider the nuances of granting rights to oceans. In 2019, Steinberg and Peters challenged what constitutes the ocean: “The example of sea ice, along with other material states of oceanness (sea spray, sea fog, etc., as well as the tastes, smells, sounds, etc. that emerge from these various states), suggests that this challenge is posed not just by the ocean’s iconic presence as a volume of fluid liquid but also in the ways in which the ocean is more than this – as liquid, solid and gas – and by how it is present within but also beyond the ocean’s typically conceived spatial boundaries and constitutive molecular entities” (302). They also added that wet ontologies lacked nuance, which prompted them to propose a more-than-wet ontology, claiming “the ocean is not simply liquid; it is not simply wet. It is solid (ice) and air (mist); it generates winds, which transport smells and tastes that permeate senses and imaginations, emoting the ‘marine’ and the ‘maritime’ miles inland” (294). The ocean is and extends beyond materiality – not an entity, but an extension.

The ocean is olfactory. I notice in Newfoundland the ocean does not smell like the Massachusetts ocean. Newfoundland is far more subtle. At home, I know the ocean by scent from miles away (particularly during low-tide). A rich blend of fish and seaweed aromas with dense, salty undertones, notes of sunscreen, and a hint of fried food.

The ocean is taste. I am now a vegetarian, but growing up on the coast, I know the taste of fish, of clams. I also know the taste of salt in the air and water. Fish travel far distances, and no matter how inland, people experience the ocean in their meals (Peters & Steinberg 2019).

The ocean is sound. Fog horns, seagulls, waves, pebbles churning over, music 🎵

The ocean is kinetic. Rough sand on my skin. A harsh salt spray in my eyes. Soothing water. Floating, weightless, peaceful.

The ocean is color. Fishers understand the importance of the color of the water to interpret changes and read whether conditions are favorable (Viatori 2023).

The ocean and bodies within the ocean are spirits. The ocean is a god (Robertson & Rubow 2013) and an ancestor (I recently watched *Moana 2* for inspiration). It is the hydrosphere (Peters & Steinberg 2019). It is microbes (Helmreich 2023). It is the water cycle. It is a carbon sink. It is the ocean, but certainly not only.

**The Parliament
of (Oceanic) Things**
(Latour, 2012; 2018)

“In 2016, reports circulated with evidence that dolphin mothers sing to their babies while they are in the womb, and for a few weeks after so they can learn their names. Not only that, but according to the report, the rest of the pod holds space for that learning, quieting their other usual sounds so this can happen” (Gumbs, 2020, p. 30). So, when we consider granting rights to the ocean, are we thinking about soundscapes? About the noise interference in young dolphin learning?

Peters and Steinberg (2019) also bring up scentscapes, particularly regarding human associations and imaginations of the ocean: the fishy DMS fragrance of decaying phytoplankton that allows one to recognize the ocean is near. What about *umwelts* (lived experiences) of seagulls, who map the ocean based on these scentscapes, understanding different concentrations of food options based on nuanced DMS wafts that humans cannot read (Yong, 2023)?

Waves

♪ Bigger wave sounds

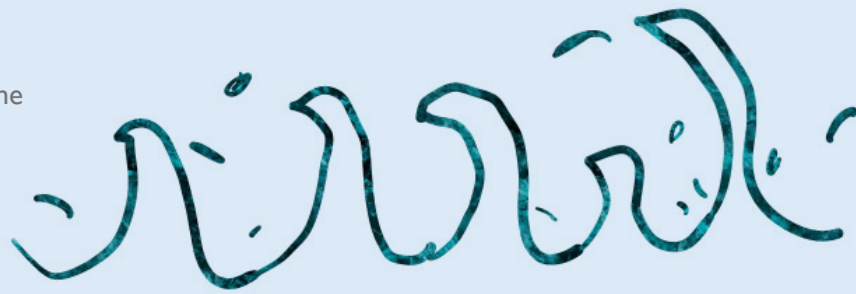
Waves: ephemeral, unique expressions of oceanic textures and personalities, interactions with winds and material objects, the seafloor, the wind, the weather, surfers, communities. Waves are also a focal point in current ocean literature. I cannot even scratch the surface of the documentaries, auto-ethnographies, tomes, stories, and studies that cover waves, so I will not try. I will, however, briefly discuss their significance in RoN movements.



Brazil recently granted rights to waves off the coast of Linhares (GARN 2024). This was an unprecedented decision: “the law recognizes the wave’s right to continue breaking perfectly at the mouth of the Doce River, and acknowledges the ocean as a living being subject to intrinsic rights to existence, regeneration, and restoration. These rights extend to the entire interconnected system of which the Waves of the mouth of the Doce River are a part, encompassing the water bodies and living beings, including humans”. This law was supported by Regencia Surfing Association.

Photo: Ciavattone 2023





While there are many threads to follow about waves, I found myself interacting with scholarship and content that highlight surfing. Maximilian Viatori (2023) and Stefan Helmreich (2023) both look at surfers and their wave-literacy. Viatori (2023, 39) shares the idea that “waves are a dynamic and ever-changing medium that surfers have to learn to read if they want to catch a ride” and “while each wave is a little different, surfers who frequent the same spots learn under what conditions and where good waves are likely to break”:

The docuseries “The 100 Foot Wave” follows big wave surfers. In one scene, one of the most skilled big wave surfers, arguably the best at reading waves from within the water, must watch from the cliffside and give directions to surfers via binoculars and a walkie-talkie (a skill his wife, who no longer surfs, has refined) (Smith et al., 2021). He was terrible at this job. He could not tell when or how waves were coming, and commented repeatedly about how much easier it is from within the ocean while also noting his intuitive understanding of the rhythms of the sea (Smith et al., 2021). He, along with other surfers in the show, has deep respect for the ocean and sends offerings of handcrafted flower bouquets to stay safe while surfing (Smith et al., 2021).

Steinberg and Peters (2015) comment on:

Anderson’s [2012] work on surfing... “the place of surf is the very definition of a place that is unreliable, inconsistent, wholly provisional, and unstable. It is a place that, at any moment, emerges in time and space from the web of flows and connections meeting at a particular node” (575). Whilst our approach is broadly complementary... in this paper we extend his focus from the immanence of the more-than-human ocean encounter to related issues of temporality, volume, depth, and flow that presently animate geographic theory. With a wet ontology, we propose, we can reinvigorate, redirect, and reshape debates that are all too often restricted by terrestrial limits. (Steinberg & Peters, 249)

Glaciers and Transformation Spaces Creating New Paradigms

♪ [Greenlandic song about ice, polar bears and climate change](#)

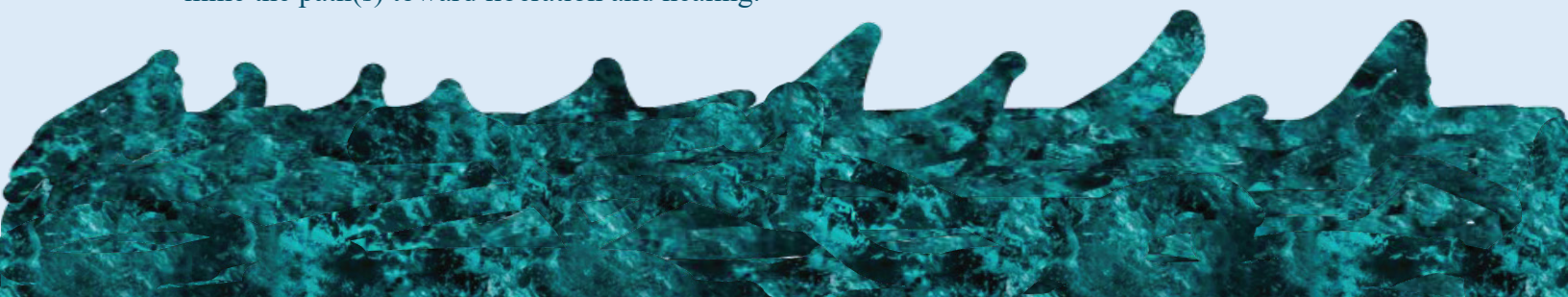
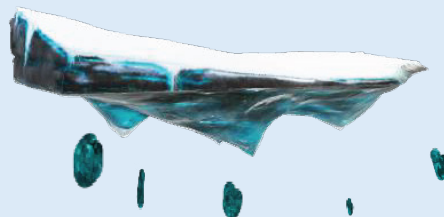
Transformation spaces: where elements shift along with paradigms. As oceans shift in form, so too do our approaches to relating and healing.

Andrea Ballestero (2019, 24) shows a subtle path “of creating a difference without resorting to radical difference or the Otherwise...” “a project that entails committing to the world as it is, but differently”. Some RoN/legal personhood motions aim to maneuver the system with minimal friction. Kinkaid (2019) advocates for an edgier form of RoN. The melting and re-freezing of glaciers, are for Kinkaid (2019) “deterritorialization and (re)territorialization within particular geographic contexts and projects of governance... Rights of nature are highly mobile and proliferate at various sites and scales, yet they do not do so as a universal, frictionless form; instead, rights of nature are translated into various political, cultural, geographical, and even ontological milieux” (10). To others, this does not push change far enough:

When Indigenous people ask “Why are you talking about laws?” they are essentially asking, “If you want to change your systems, why don’t you just go ahead and change your systems?” Their concerns are well founded, and they raise another question: Could Earth jurisprudence be put into practice without RoN laws? (Kauffman & Martin 2021, 217).

This is a question that I have sat with and pondered since I read it. Chen *et al* (2013) suggest aqueous ecopolitics to engage more-than-human others. I am intrigued by the idea of shifting language from Rights of Nature to More-than-Human rights, a phrase concocted by David Abram with the intention, “first and foremost, to indicate that the realm of humankind (with our culture and technology) is a subset within a larger set—that the human world is necessarily embedded within, permeated by, and indeed dependent upon the more-than-human world that exceeds it” (Abram in Rodríguez-Garavito 2024, 314). This language brings humans and more-than-humans into relation in the legal realm.

I do not have answers, only more questions. These questions crack open fissures that create space for transformative, co-creative conversations. If I propose answers, I reproduce the problem. There is no singular solution, and any ways forward cannot, must not emerge in a vacuum or by one author. As the world slowly begins to initiate RoN cases for oceans, it is a crucial moment to pause and re-imagine a pluralistic approach to this process. Following the lead of so many scholars, activists, groups, and artists, we must start by thinking with the oceans to determine the path(s) toward liberation and healing.



Afterward: Reflection on Thinking and Writing with Water

The act of reading this page is enabled by a confluence of literacy, focused intent, and opportunity – but underlying this privileged and human practice is a necessary balance of waters. If a sense of wellbeing accompanies this act, it rests on a frequently assumed, but always precarious, equilibrium. As the reader draws in breath, the relative humidity of the air is neither too wet nor scorchingly dry. And while these words (this page or this screen) are dry enough to be legible, the reader is neither distracted by thirst or dehydration, nor by an urgent need to pee. In all likelihood, both reader and book are sheltered from the extremes of inclement weather. An environmental and somatic balance of waters, this quiet background condition of healthy hydration and safety, is easy to forget. In fact, it may need to be forgotten to sustain the focus necessary to reading, to writing, and to thinking. And, yet, our intent with this book is to bring water forward for conscious and careful consideration, and to explore the possibilities and limits of thinking with water. (Chen et al 2013, 3)

Water is “good to think [with]” (Lévi-Strauss 1974, 89).¹⁴ What, though, does thinking with water look like? Scholars like Steinberg and Peters (2015, 256) propose starting with “the concept of the dynamic assemblage, in which mobile human and non-human (including molecular) elements and affects are not merely passively consumed but imagined, encountered, and produced”. Within these assemblages, water’s materiality simultaneously *is* and *is shaped* in process, through churning, mixing, with “vibrancy and vitalism” coming to life through movement (Bennett 2005; Anderson & Wylie 2009). Chen *et al* (2013) dedicated an entire book to moving from thinking *about* and *of* water to thinking *with* it. This paper similarly shifts, mixes, and comes to life in its movement.

Stylistically inspired by (feminist political) ecologists and systems thinkers who play with form and transcend academic guidelines such as Gumbs, Abram, and Nora Bateson, this paper is simultaneously an intellectual and embodied, affective exploration of Rights of Nature (RoN) meeting water ontologies.¹⁵ I am thinking and feeling with water, thus the writing in each of the previous sections, the fonts, shapes, images, drawings, spacing all reflecting the cadence of my thoughts -- moves through fluidity, density, deluges, mists, and waves. The ocean plays with boundaries, with form; it spills over and fills in (Clark *et al* 2019). This paper is as much about the process, the embodiment, the experience, as it is about the literature.

If I am thinking with water and writing on water, how do I move through this work in a fluid and waterlike way that extends past subtle nods, like changing “Chapters” to “Waves?” We often metaphorize nature; I want to move beyond this to invoke the embodied experience of being in relationship with water. I hope the reader to not only intellectualizes this text, but also experiences it sensorially, energetically, emotionally.

Embodiment, according to Andrew J. Strathern & Pamela Stewart (2011, 389) “is not just about the body, but rather brings focus to culture and experience from the standpoint of bodily being-in-the-world”.

It becomes, as Lorimer (2005, 83) argues, a way to “better cope with our self-evidently more-than-human, more-than-textual, multisensual worlds”. Embodiment when thinking with water is essential: “we experience circadian and seasonal rhythms most prominently through water’s phase changes: from rain to snow, from morning dew to afternoon humidity” (Chen et al, 5). My embodied experiences are integral to how I am making and sharing knowledge and meaning, not external to the process (Novoa 2015). Embodiment in geography research, while uncommon, is not new:

The turn towards embodied research in human geography and related disciplines has followed wider engagement with participatory approaches (Mason 2015) and calls for the co-production and decolonisation of knowledge (Denzin 2008). Embodied research does not in itself challenge forms of racism, ableism, and sexism or suppressed knowledges, yet it provides multiple ways of sensing and knowing the world enabling both researchers and participants to interrogate dominant ideas about knowing and being (Pierre et al 2019). Environmental humanities scholars have employed embodied and autoethnographic methods to bring novel insight to relational ontologies and concomitant intersections with water and liquid ontologies. (Westgate 2023, 80-81)

The Atlantic Ocean (∞)¹⁶, my primary thought-partner throughout this process, “exists in a cacophony of scales and objects (an ocean of excess) that, to some extent, can only be understood through recourse to the imagination” which ultimately leads to the ability “to generate a range of embodied sensations driven through ocean engagement” (Peters & Steinberg 2019, 304).¹⁷ Steinberg and Peters (248) explore “how thinking with the sea can assist in [re-conceptualizing] our geographical understandings,” proposing “a wet ontology not merely to endorse the perspective of a world of flows, connections, liquidities, and becomings, but also to propose a means by which the sea’s material and phenomenological distinctiveness can facilitate the re-imagining and re-enlivening of a world ever on the move.” Along the same vein, this paper ventures ways to disrupt how we think about (and with) water, acknowledging the importance of writing to shape the way we engage and relate with the sea (Humberstone 2015). Centering this process deeply aligns with and informs the primary focus of bringing geography-based conversations on water ontologies and RoN into dialogue with one another.¹⁸

Biography

Domenique Ciavattone is a PhD Candidate in the Department of Geography at Memorial University of Newfoundland and Labrador. She holds an M.A. in Climate Change and Global Sustainability, where she completed her thesis on bridging knowledge systems in the Peruvian Andes to co-create transformative socio-ecological solutions to climate change. Her current research examines ontological diversity in Rights of Nature movements, focused specifically on oceans.

Notes

- 1 I also want to acknowledge folks with different hearing abilities and learning styles who may not engage with the sounds. The clips are from my own process, and I encourage each reader to journey in their own ways.
- 2 While my paper follows Chicago format, this short section includes endnote citations to not disrupt the stream-of-consciousness.
- 3 A nod to William Faulkner's (1987) *The Sound and the Fury*, written in stream-of-consciousness format.
- 4 Safina 1998.
- 5 Tanasescu 2022.
- 6 For a raw depiction of my unfiltered brain flowing, see Appendix B.
- 7 This could be a result of the Northern and Anglophone hegemonies in academia (Natarajan & Khoday 2014; Tanasescu 2022).
- 8 This includes: "Nature's right to exist; to be respected; to regenerate its vital cycles and processes; to maintain its integrity as a distinct, self-regulating interrelated being; and to not have its genetic structure modified in a manner that threatens its integrity or healthy functioning" (Kauffman & Martin 2021).
- 9 Indigenous people often must codify their language to fit with dominant political and legal languages (Vi-aene 2022). Indigenous worlds, in their encounter with colonial systems, have been compelled to translate themselves by adopting and adapting to external frameworks, including the state's language of rights, a terminology that ultimately conceals the state's power to marginalize those who do not conform to its idea of "normal" (Tanasescu 2022). Kinkaid (2019) centers translation and culture difference in their work through engaging assemblage geographies to question meanings of boundaries both conceptually and imaginatively at a global scale. Translating across ontologies, though, is complex. Translation requires equivocation (de Castro 2005).
- 10 Much of the oxygen we breathe comes from plankton in oceans (Safina 1998).
- 11 I use ocean/the ocean/oceans interchangeably, mostly because there are so many ideas about what "ocean" means. Ocean, to me, is most inclusive of more-than-wet ontological understandings of the word. The ocean is either referring to a specific demarcated portion (ie. The Atlantic Ocean), or the ocean space as one interconnected entity that transcends human and colonized boundaries. Oceans recognizes that they are multiple, in many senses of the word. I write what feels right for me in the moment.
- 12 Conch shells are auditory portals to the ocean. People claim to hear the waves when holding the shell up to their ears. This is one way humans experience the ocean through sound imaginaries (Peters & Steinberg 2019).
- 13 Few issues transcend national jurisdiction, including piracy, which Joel Colon-Rios (2014) points out occurs in the high seas and has economic implications.
- 14 Ironically, Claude Lévi-Strauss (1973), the originator of this concept, saw the ocean to be "a diluted landscape" with an "oppressive monotony and a flatness" that fails to hold qualities to enliven the imagination" (in Steinberg & Peters 2015, 338).
- 15 See Abram 2012; Bateson 2023; Gumbs 2020.
- 16 Interestingly, in trying to find other scholars who cite non-human entities in their papers, the search results instead brought up RoN and legal standing.
- 17 As Clark *et al* (2019) and Stefan Helmreich (2011) point out, we must be cautious not to overburden and anthropomorphize water entities or turn them into "theory machines".
- 18 Regarding embodiment in water bodies, specifically, see Stephanie Merchant's (2011) writing of the embodied sensation of movement within motion, igniting affective responses to material forms that are different from typical embodied experiences in air.

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Appendix

Appendix A – Playlist for the Reader

#	Section of Paper	Song/Soundbite
1	Fog	Reader's own breathing/surrounding noises
2	Rain	https://youtu.be/fZsLGjI9SbA?si=iln7HupwCpLI1z3C
3	<u>Tributaries</u>	https://www.youtube.com/live/jvXwD1dMvYM?si=y2kylp-0gJNxNF_J
4	<u>River</u>	https://youtu.be/MLbjwFGFh0?si=cs7yRVhL3eI5qR4e
5	<u>Ocean 1</u>	<u>Conch shell to ear or</u> https://youtu.be/bn9F19Hi1Lk?si=NO5CjStWZ5F4DqJj
6	<u>Ocean 2 Bodies Within Bodies</u>	https://youtu.be/8prg0qdjTgU?si=Hcxnhlw_T1K_J53m
7	<u>Ocean 3</u>	https://youtu.be/jGiBBq7dBpk?si=HDfeGiEWyQ8U2WH7
8	<u>Glaciers</u>	https://youtu.be/vLv7Olpxzw?si=hCspQMvRTXdgFbfB

Appendix B – Mind Maps

