

Right to the City, Rights of Nature

PART FOUR
Cities as
if Women
Mattered:
a *La Voz*
special series

by Marisol Cortez

Steadily, and far down in my heart, burn images of homeland.
- Reyes Garcia, "Notes on (Home)Land Ethics"

If neoliberal urbanism is the name of the system that sets the biggest picture limits on city decision making over land, *right to the city* is the name of the global movement that has challenged these limits and attempted to “reshape the city in a different image from that put forward by the developers, who are backed by finance, corporate capital and an increasingly entrepreneurially minded local state apparatus”

So that we might better understand our own local resistance in relation to this global movement, it behooves us to ask: What is this different image? Where does it come from, and what does it call for?

As a contemporary movement, RTTC asks (as has this series): Whose desires count? Who gets to say what the shape of the city should be? As a framework for community organizing, the right to the city framework is a relatively recent one, emerging as movement moniker with the formation of the RTTC Alliance at the 2007 World Social Forum—a national coalition of mostly poor and people of color organizations focused on a wide variety of issues, from tenants’ rights to transportation equity to anti-gentrification work and environmental justice. However, the term itself goes back to the 1960s work of French social theorist Henri Lefebvre, who wrote just before the Parisian student revolts of ’68. According to geographer Mark Purcell, Lefebvre’s original concept of the right to the city entailed “two principal rights for urban inhabitants: the right to participation, and the right to appropriation.”

The right to participation is straightforward and familiar: it involves the greater access of city dwellers to the decision-making processes that shape urban space, “fundamentally shifting control

away from capital and the state and toward urban inhabitants,” as Purcell writes. *The right to appropriation*, on the other hand, suggests the right not only to weigh in on preselected plans, but more fundamentally to organize cities to meet the needs of inhabitants. Rather than simply expanding opportunities to choose between Coke and Pepsi, the right to appropriation recognizes a desire for an alternative to growth-at-any-cost imperatives, a desire to create and use the city outside of a logic of commodification.

Here, it is the value of urban space as commons, as resource that meets needs basic to human and planetary wellbeing, which becomes primary over its market value as real estate or property. The right to appropriation is what’s captured in the “cities as if women mattered” of the series title: the right to cities that provide for the needs of the most vulnerable residents for safe and affordable housing, quality public education, well-funded public parks and libraries and arts programs, clean water and air, access to healthy food. Cities as if women mattered are

cities as if children and elders mattered, as if poor people, homeless people, the queer and the trans, those with mental illness, those without papers, those with HIV, mattered.

However, the right to appropriation also means the recognition and remembrance of urban space as land, primarily. City space, especially public spaces like parks, streets, and plazas, is arguably where we not only honor the complex polyvocality of those who gather there; but also where, even amidst the enclosures of property relations, we remember a deeper, primary, foundational connection to land as nature to which we belong. Wherever we might live in the city, we live *here*; and the sidewalks we travel, the vacant lots where our children explore, the river banks where we walk with a lover or brokenhearted, the untended parks where we fear to hang out after dark are not simply abstract spaces that belong to us, but land that reminds us of a prior belonging that persists even still. This reinhabitation, a seeing of some original connection that has disappeared in plain sight, spurs a recognition that there is something indomitable about this connection. It cannot be bulldozed or razed; it cannot be taken from us.

To that end, I want to push the notion of a “right to the city” even further. It is not just about democratic participation or economic redistribution, though of course it is also about that. It is

also about reinhabitation as a strategy of decolonization: remembering that we are part of a commons from which we have been dispossessed in order to create the space of the city. In a city that is majority minority - brown and black - this is also a remembering of relations to indigeneity, however distant. It is about remembering that la madre tierra herself has an inherent right simply to exist and endure—self-organizing, intact, healthy.

WPO Will Never Retreat

It was in Kansas, far from home, where I had moved to take a teaching position at the state university, that I first became familiar in a deep way with the idea of the “rights of nature” or “rights of mother earth.” But this was not my first encounter with those terms. I remembered them from the months following the failure of the 2009 international climate talks in Copenhagen to establish sane global standards for carbon emissions. Because this failure largely resulted from the de facto exclusion of the most impacted communities from the negotiations—indigenous communities, small island nations, third world countries, and EJ communities in the global North—indigenous Bolivian president Evo Morales in 2010 convened a Global South counter-conference called the World’s People’s Conference on Climate Change and the Rights of Mother Earth. In contrast to the insufficient and toothless Copenhagen accord, this conference produced a draft of the Universal Declaration of the Rights of Mother Earth, a paradigm-shifting statement defining earth as “a self-regulating community of inter-related beings that sustains, contains and reproduces all beings,” and which as such possesses inalienable rights “to continue its vital cycles and processes free from human disruptions”—or, more simply stated, to keep living (for the full statement, see page 11 of this issue). Adopted by the Bolivian government (an earlier version was adopted in 2008 by Ecuador), the statement was submitted to the UN for consideration of adoption, and has since become the basis for a global movement to pass rights of nature ordinances in municipalities whose commons are threatened by industrial depredations. In 2010, for instance, Pittsburgh became the largest U.S. city to pass such an ordinance, using it to ban fracking within city limits.

In April of 2012, during my last semester in Kansas, I happened to be living in the town where the first North American response to the World People’s Conference gathered. Organized by Indigenous Environmental Network at Haskell Indian Nations University, the Rights of Mother Earth conference explored the philosophical and strategic value of the “rights of nature” concept for the defense of indigenous lifeways and land relations, and more broadly, for defense of the planet in an era of catastrophic climate change. At stake for many of the conference participants was whether the western legal framework of “rights” discourse could be used effectively against the very same legal framework that preserved property rights above all else, no matter the impact on people or planet. As a non-indigenous concept, many participants questioned whether the concept of the rights of nature could be an effective tool in preserving treaty rights and ensuring environmental protection. Other participants pointed to the important success of many communities in using rights of nature laws to halt extractive industries. At the very least, attendees agreed that the idea that nature or mother earth is a living being to which human communities have responsibilities resonated compellingly with many indigenous knowledge traditions and spiritual practices.

I had found my way to Haskell because of the wetlands that surrounded the campus, and I had found my way to the wetlands because I was hurting. I had arrived in Kansas amidst crisis, following a traumatic move out of state that followed fast on the heels of a split with my daughter’s father. After a time spent organizing around environmental justice issues in San Antonio near family and friends, I returned to academia in shock—now a single parent, now with a deeper commitment to social movement goals, now no longer sure whether it made sense for me to continue as an academic. Everything was suddenly up for question, and I arrived on the doorstep of hardwon job security inexplicably wracked with longing for home.

I longed for home, but I had been flung centripetally to the center of the continent. I longed for people who could pronounce my name without needing explanation of what it meant or where I came from, the various histories braided into my body. I longed for landforms I recognized. Weather patterns I remembered: the feel of the air in early March, white and empty, when the season turns from winter to spring, a slack absence signaling the imminent return of deadly heat. I longed for not needing to explain what that feels like, for a mute and mutual recognition. Familiar foods, familiar faces. I longed for place, for an intellectual praxis that was not placeless, head severed from heart and gut; the fiction that we could go just anywhere and teach and write. As though knowledge was portable, rootless, an abstract quantity one could gain and take wherever. As though we ourselves were abstract quantities, without concrete attachments: families, lovers, neighborhoods. What good was knowledge, I found myself wondering, if it was not embedded in the local or embodied in the particular, if it did not come back to what mattered—struggles to create a different world, struggles to protect the land, the air, the water, the sky?

In arguing for the importance of devising place-based ways of teaching and learning, Native geographer Jay Johnson has pointed out how Western ways of knowing in fact idealize placelessness. “Placelessness,” he writes, “is a primary component of our modern Western condition[,] ... a byproduct of the Enlightenment meta-narrative [or, thinking] which serves to divide culture from nature, leading to a loss of connection to our places, to our environment, our landscape and to the knowledge stored within the landscapes.” One profound dimension of colonialism, then, has been not just the physical removal of black and brown bodies from the land, but the disruption and destruction of lifeways and cultural knowledge embedded in particular landscapes. Among other things, it is a violent upturning of knowledge systems so as to empty them out

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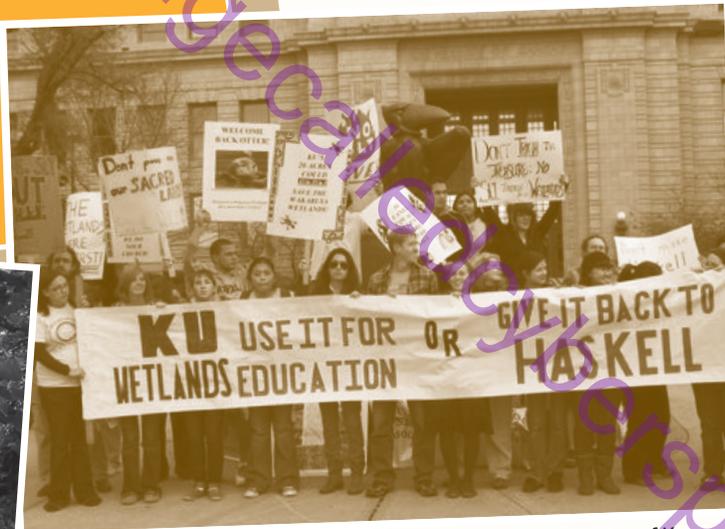
This elevation of abstracted, Western ways of knowing over place-based, indigenous knowledge was given physical expression in the geographical placement of the two universities that shaped my time in Lawrence, Kansas. A large land grant university, the University of Kansas sat on a hill so steep one could not ride one's bike more than halfway up before having to hop off. A university on a hill that froze hard and cold the first winter—although the second winter it hardly snowed at all, alarmingly—while down below was the town. And below that in the river bottoms of the Wakarusa lay the remnants of wetlands surrounding another school, this one wrested from the bloody history of the federal Indian boarding schools. Haskell Indian Nations University was built in the swamps in the late 1800s—next to the wastewater lift station, next to the hazardous materials drop-off site for the small Midwestern town in which I found myself.

I found my way to the wetlands during that first, strange semester in Kansas, searching for some place or community that could hold the pain of what felt like the death of a previous self. At a dinner where the new postdocs were introduced to the donors who had made our positions possible, a woman from Haskell approached, introducing herself and giving me her card. She was the librarian there. *You said you do environmental justice work. You should come visit us*, she said.

That's how I found my way to the Wetlands Preservation Or-

ganization and to the wetlands. For more than thirty years, Native students at Haskell and local allies had held off plans by the city and the state highway department to expand a highway project that would cut through the last bit of existing river bottoms that surrounded Haskell's campus. For almost twenty years, they had tied up the project in court; when one lawsuit failed, they'd file another. The wetlands were not only beautiful, their biodiversity not only endangered; they also had deep historic and sacred meaning for the students who attended Haskell from 150 different indigenous nations. The wetlands were where Indian children, wrested from their families during the boarding school years, would meet family members barred from staying in town by anti-Indian racism. The wetlands were where children

ran away to escape the militaristic environment of a school whose Americanizing mission cut off hair, prohibited native languages, and forced children to learn Western agricultural methods, so as to "kill the Indian and save the man," in the infamous words of Captain Richard Pratt. The



Wetlands Preservation Organization at the University of Kansas

of their previous meanings and histories.

provided the cover for forbidden ceremonial practices to continue. They were where children sought refuge, and where they were buried when they died from cold or malnutrition or disease. In the years after Haskell transferred to tribal administration and became a center of indigenous cultural survival rather than its extermination, the wetlands served as the living lab where students recovered traditional medicine and native languages.

This history remained embedded within the landscape, even as the local, state, and federal governments of the U.S. encroached upon Haskell's campus little by little, parceling off pieces of the wetlands to the fish and wildlife bureau; the university on the hill; the university down the road; and eventually to the highway expansion project aiming to ease commuter traffic by connecting the bedroom community of Lawrence to the wealthy suburbs of Kansas City. There in the fragments of wetlands that remained, I felt the presence of the children who had died so far from home. That space of atrocity and survival was the only space that reached within me the grief of exile and metamorphosis both, that understood my terrible longing to return home. There were almost no Chican@s in Kansas, almost no one who looked like--well, not necessarily like me, given my mixed blood. But almost no one who looked like familia, like gente I grew up with, like home. I had to stop myself from waving to the roofers I saw on my trudge up the hill, knowing they would not see me as kin. Almost no Chican@s...but there were Indians. And for the first time in my life, in my non-indigenous alliance with indigenous communities, I was struck by what it really means to have mestiza conscious-

ness, to think of ourselves not as “Hispanics” or even “Latin@s,” but as mestizas and mestizos, descendents of place-based cultures engaged in struggle to preserve an original relationship to sacred lands, still reeling from the trauma of historical displacement.

The irony, then, is that I arrived in Kansas feeling uprooted and displaced, but it was in Kansas, fighting alongside Native students and professors to defend the wetlands, that I came to understand the profound importance of a kind of intellectual work that is embedded in specific homeplaces, and as a result engaged in an embodied way in struggles to protect them. It was my time in Kansas that finally gave me permission to stop running away from my longing to come home.

From Occupation to Reinhabitation: Back to the Bridge

As Mexican- and African-origin peoples, we once were connected to land—this land or land elsewhere. Environmental historian Carolyn Merchant makes the point that there is an indigeneity for European-descended peoples as well; part of what the expansion of capitalism as a global system has meant is that European elites enclosed the land that the peasantry managed in common as a kind of practice run for the more infamous enclosures and displacements (land theft, genocide, slavery) involved in colonizing other lands. Wherever our ancestors come from on the planet, then, most of us once lived in intimate relation to specific homeplaces—and some of us still do. For communities of color in the US, a large part of what histories of colonialism have meant is the trauma of being physically uprooted from those homeplaces via forced relocation and culturally displaced via the erasure of local, place-based ties, languages, histories, and identities. The land grab has always been, and continues to be, central to the displacements of colonial processes. *This is mine now*, says the colonial land grab, *even if you have some prior claim. Your prior claim means nothing in the face of our ability to redefine the terms of the agreement when it works to our interest. If we say this land was never intended as a park*, says the legal apparatus of the postcolonial state, *that history never existed. If we say there has been a fourteen-month process of consulting with supportive local elites, there never was a prior fourteen year process of city meetings with a diverse cross-section of community interests.*

Thinking about what would be necessary now to resist the “colonization of space for the affluent” within contemporary cities—Harvey’s words once more—I think of the Idle No More uprisings of the past winter, or Haskell’s 30-year struggle to keep the Kansas Department of Transportation out of the wetlands. I think of the victorious, decades-long legal battle against Chevron by Kichwa groups in Ecuador, for the transnational oil company’s dumping of billions of gallons of toxic wastewater into the Amazon. I think of the words of Diane Wilson, 4th generation Gulf Coast shrimper, who remembers as a child seeing a grey woman, protector of gulf waters, rising from their spume. *We must have immediacy in our actions and fight ceaselessly for the earth, its creatures and all of our fellow human beings. We will never surrender.* I think of Haskell professor Daniel Wildcat’s argument that what the crisis of climate change requires is the “cultural climate change” represented by “indigenuity.” *Hopefulness resides*

with the peoples who continue to find their identities emerge out of what I call nature-culture nexus ... and it resides with those who are willing to reimagine lifeways that emerge from that nexus. Native or not. I think of Devon Pena’s concept of “Chicana/o bio-regionalism,” a call for the mestiza/o peoples of the Southwest to reinhabit homelands we have lost in plain sight:

[O]ur origin communities created ecologically sustainable livelihoods well before the term ‘conservation’ entered the vernacular[.] ... Our effort to reorient Chicano Studies through an epistemology of place intends to open new avenues for the expression of the social and cultural practices of local, or situated knowledge. ... Lacking an epistemology of local knowledge, students of Chicano Studies will be left with few options for critically approaching and perhaps reversing the political-economic processes that destroy places. ... [W]e argue that decolonizing ourselves (our communities and bodies) is inherently connected to the decolonization of nature.

I think of these struggles, these words, these concepts, because I think there is something that happens to a people’s resolve when their identities are grounded in a profound connection to land. The right to the city must in the end lead us to recognize the city—both public spaces and private property—as nature, and to recognize the rights of nature for itself, and to remember in our lived connections to homeplaces that we are guardians of those rights. The rights of nature are not above our right to survive and thrive and sustain ourselves as a species, but they do—or, should—supercede the rights of property as encoded within the entire western legal system, defended by a few at the cost of everyone else.

As we’ll pick up on in the next and final installment, our vision of community “development” does not simply involve expanding the entitlements of property and capital accumulation among those historically excluded from doing so. Rather, we envision an alternative social and economic organization grounded in a careful restoration of local—place-based—knowledge. This is a recovery of mestiza/o neighborhood lifeways of building, trading, doing, and relating that have been paved over by the enclosures of property, the dispossessions of race, the violences of gender. This is what Chicana environmental scholar Laura Pulido calls the “environmentalism of everyday life,” poised against both the depredations of neoliberal urbanism and the insufficient environmentalisms of city initiatives, inattentive to deep considerations of power and justice. This is the survival of working class engagements with place via the sharing of memorias, fotos, dichos, comida, stories: Westside stories, Eastside stories, Southside stories. *I remember when I was a kid and there was no bridge there, to cross the tracks on Guadalupe. A memory shared at a meeting, of riding in the car with his mother. Man, those trains would hold you up forever, sometimes.* What it felt like to be cut off physically, pushed out. Or: *Once, when my family was having a rough time.* Spoken to me forty years later on the Hays Street Bridge, the words of an Eastside neighborhood son, beer in hand. *I remember running out into the neighborhood, to hang out on the bridge.* Hopelessly inebriated, but making sense still. What it felt like to inhabit those same marginal spaces of neglect as nature, seeking refuge in what lives yet. Some original, surviving connection to home, preserved in memory, that now is worth fighting for.

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