1. ***Earthbound* seems like a deeply personal book with chapters opening in East Anglia (where you grew up), Hong Kong (where you taught), Glasgow (where you researched). To what extent is *Earthbound* not only an intellectual biography but an actual one?**

   All writing is autobiographical. But academic writing tends to be rather self-conscious about this. Scholarly writing wants to at least appear to strive for a kind of objectivity; polemics, for instance, are always treated with some suspicion in the academy. This is entirely understandable, but this 'scholarly' style tends present knowledge as if were entirely unmoored from the individuals and, perhaps more importantly, *the networks* which generate it. It felt imperative, when finalising the draft of the book, to foreground this more personal dimension to the research and writing process, giving a hint of some of the memories, sights and scene which accompanied the writing of the book. Part of the book's argument turns attention to the human and nonhuman (ecological, geological) networks which sustain the habitability of a given place. I argue that modern law – and modern legal categories like rights, territory, popular sovereignty and so on – are not well suited to this task because they so often abstract us from the ecological milieu on which we all ultimately depend. And this is, in part at least, why we have failed so spectacularly to address the climate crisis: our legal and political concepts fail to attune us to our earthbound reality. This is a theoretical argument that examines, what Charles Taylor calls 'the great disembedding' project of modernity, but it's also a personal one, in the sense that it calls on all of us to reflect on the nature of our boundedness to place and the lively networks which sustain us. I wanted to evoke, if only briefly at the start of each chapter, some of the ways in which I am myself attached, bound, obligated, immersed *within* these material relations. This doesn't make the book a memoir or form of life-writing but it does – I hope in an unobtrusive way – draw on my own experiences to give a little context for the theoretical positions examined in the book.

2. **Much is made in *Earthbound* of language – the language of rights, the language of jurisdiction. What is your theory of language and how does that theory inform your interpretive praxis in *Earthbound*?**

   I don't think I've got a full blown 'theory of language' in the book but I am certainly interested in the way in which concepts have specific *aesthetic effects*; that is, how thinking with and through a given set of concepts constitutively *sensitises and desensitises* us to social and material relations in a particular way. This is a key aspect of my approach to the aesthetics of sovereignty. The argument being that the various concepts which constitute dominant conceptions of sovereignty work to *anaesthetise* us to the geological and ecological forces and relations which are central to the Anthropocene. Take *territory*, for example, a concept absolutely central to modern sovereignty. Territory renders space in a particular way, giving

prominence to its extension, measurability, its polygonal, mappable, and conceptually empty nature. This way of understanding space – prompted in large part through the re-discovery of Ptolemaic cartographic technique in the 15th century – gave rise to an entirely new spatial imaginary, that directly contributed to evolving discourses of sovereignty and helped facilitate colonial occupation and appropriation. In this sense, territory allowed political actors to *see*, *sense* and *order* the world in an entirely new way. But territory not only *sensitises* us to particular dimensions of space (its measurability, mappability etc.) but also *de-sensitises* us to other dimensions: its materiality, depths, intensities, mobilities, its variable agencies and climatological functions. In this sense, territory constitutively anaesthetises us to the very aspect of space that are at stake in the climate crisis and the Anthropocene. The concepts and frames of linguistic reference that we deploy in seeking to addressing the Anthropocene are so important because of their aesthetic implications. If we deploy the wrong languages or conceptual schemes we fail to *sense*, let alone address the agencies at stake in the climate crisis.

3. **Why the Latourian turn in *Earthbound*? What is to be gained from the apparently counterintuitive insight that Gaia is an 'anti-system', especially in light of current (Utopian?) shibboleths that 'we are all connected'? For you, does Latour point the way to a new *lex natura*?**

As a doctoral student I was very much taken by Jean-Luc Nancy's work on community and his re-working of Heidegger's *Mitsein* as 'being singular plural'. When I first engaged with Latour's reading of the Gaia hypothesis developed by James Lovelock and Lynn Margulis, I was struck by something not dissimilar at work here. As Latour's re-construction of Gaia Theory makes clear, every element is connected to other elements, in singular ways. This networked connectivity is extraordinarily complex and is in constant movement and unfolding; this is partly why Latour favours the Ancient Greek notion of *physis* over modernist 'Nature'. Gaia – that is the totality of biotic and abiotic relations which make the earth a place fit for life – is always 'un-working' itself, never static, never enclosed in a way that the systems metaphor suggests. This is, as you intimate Bill, a wonderful antidote to the 'we're all connected' slogan, largely because it takes that idea far more seriously than most who tout it. Of course, our world is made of connections, but the difficult and necessary task lies tracing those connections in the painstaking detail that Lovelock and Margulis do, following the linkages and feedback loops between organism and environment, across the biotic and the abiotic, between planetary spheres and climatic sub-systems. It is by paying careful attention to these interactions – and the singular forms of agency which enable them – that we begin to get a sense of the earth as a fragile mantel or web into whose relations human agency is itself integrated.

Such a conception of 'the natural world' is radically different to the 'Nature' of *lex natura*. As I argue in the book, the Earth Jurisprudence movement, which aims to revive natural law thinking in response to the climate crisis and the Anthropocene, remains indebted to a modernist conception of 'Nature' as a system of normativity which exists 'outside' the human, and to which human law must conform. The Latourian – or perhaps Gaian – insight would be trace the ways in which forms of normativity move between and across human and

nonhuman networks of relation. This would be a very different kind of 'natural law' but one that has, in my mind, some real jurisprudential potential. This is taken up in my book in a very limited way, through an examination of how obligations emerge out of material and ecological relations of dependence and need; but this isn't thematized in relation to the natural law tradition. To my mind, legal theorists like Margaret Davies, Kyle McGee and Anna Grear are all developing some of the most innovative work in this area; though whether (and how) they would situate their writing in relation to 'natural law', I'm not sure. Anyway, this is all to say that much work remains to be done within jurisprudence to understand the implications of the Anthropocene, contemporary ecology, earth systems science, and related approaches like the Gaia hypothesis, for our understanding of law and normativity. Pursuing such inquires in relation to the natural law tradition will undoubtedly become an important and productive aspect of future research.

4. **Are rights always a problem? And is a revivified discourse of obligation always a solution? Is this a step forward or backward? How is your notion of obligation – and Weil's – different from, say, other recent anti-rights movements, e.g., on the right, '90s 'Asian values' and, on the left, '80s critical legal studies?**

I'm certainly not anti-rights! My effort to foreground obligations in the book is less concerned with 'rights critique' – of the traditional CLS variety – than it is with exploring what Simone Weil identifies as the 'priority of obligation'; that is, an attention to the work that obligations do, in binding us to place, within community, and to forms of practice, *prior to* juridification or institutionalisation. In particular Weil grounds obligations in *needs* and *dependencies,* developing an expressly *existential* interpretation of obligations as that which both precede and exceed the rights-duty correlate within modern law. This deeper, ontological sense of 'obligation' is closely connected to a range of related notions of *bindingness, attachment, rootedness* and so on in a way that our expansive and increasingly juridified conception of 'right' rarely does. If we accept that the Anthropocene and the climate crisis compel us to develop new accounts of the human subject as entangled, immersed, and networked within ecological agencies, in ways that I have already hinted at, my sense is that rights don't have the same kind of hermeneutic acuity as obligations. Examining the different meanings and implications of obligation in the context of the Anthropocene felt far more productive than expanding the rights form to include, for instance, 'rights of nature' perspectives. Whilst there is clearly some strategic value to such approaches, my own sense is that they tend to become too quickly absorbed by existing juridical and political mechanisms in a way that can short-circuit their apparently radical potential. So, in trying to articulate our 'earthboundedness' in legal terms, rights felt like a bit of dead end, whereas a focus on obligation opened up – I hope, anyway – some generative possibilities. Now, that's not to say that rights aren't incredibly useful and important in all sorts of contexts. But my wager is that they're not the most productive way to understand the radical implications the Anthropocene poses to our understanding of lawful and political relations.

There is also a historical dimension to this that is worth mentioning. The birth of rights discourse in early modernity is directly related to a new emphasis being placed on *the individual* within moral and political thought, which is in turn tied to subject/object forms of

knowledge and the related bifurcation between nature/culture. The 'age of rights' gives priority to the privileges, freedoms, and capacities of individuals, in contradiction to the world of, largely feudal and ecclesiastical, obligations that preceded it. My sense is that the climate crisis is forcing a new kind of reckoning with various non-negotiable limitations to collective and individual action; we are forced to confront the fact that social and political life has to operate *within* certain climatological boundaries. It is a new sensitivity to our *obligations*, *necessities* and *duties*, rather than our *rights*, *privileges* and *freedoms* that feels most apposite in this context. The Anthropocene is very clearly the product of modern social relations, but it struggles to be understood within the conceptual coordinates which have largely defined the modern project. In the book I hope to draw out some of the implications of giving priority to obligation as an older, *pre-* or *a-modern*, way of understanding lawful relations, which stands at a critical distance from the modern individualism found in so much 'rights-talk'.

5. **Much is made in *Earthbound* of the Capitalocene as the source and site of the climate crisis (and the most sinister iteration of the Anthropocene), but most of your analysis seems to turn on law – and especially a reconceived sovereignty – as a potential solution to (rather than symptom of) the climate crisis? A traditional Marxist, might call this legal fetishism? Is it? Why is so little made of economy in *Earthbound* and so much of law?**

Let me address the issue of the economy first. Whilst I end up (rather reluctantly) endorsing the 'Anthropocene' nomenclature in the book, I think the 'Capitalocene' narrative – as developed by Andreas Malm, Jason Moore and others – is a really important contribution to our understanding of the history of climate change and the forms of exploitation that have precipitated our precarious current situation. The idea that the climate crisis is, in a sense, the ultimate 'crisis of capitalism', is position that is now widely discussed. But my own sense, as I began the research for the book, was that not nearly as much attention had been paid to the function of legal and political form, and the way in which the basic organisation and representation of the political in modernity were key aspects of our inability to properly address the climate crisis. So, it's not just a matter of understanding the destructive force of the capitalistic mode of production but also the role played by the dominant political imaginary, which organises space, agency and institutions in ways that are deeply unhelpful in addressing ecological and climatological concerns.

In terms of the status of a 'reconceived sovereignty' in the book, you've put your finger on one of the issues that I struggled with most when finalising the manuscript. Is the argument ultimately *against* sovereignty or is *for* a reconceived sovereignty that is fit for the Anthropocene? My difficulty with this lies with the fact that my theoretical instincts pull in one direction (sovereignty is a key element of maintaining the status quo that is leading is to catastrophe) and my practical or political instincts pull in another (we have to work with what we've got, and state sovereignty still remains a crucially important tool for bringing about change). In the end, I follow Donna Haraway's advice and 'stay with the trouble' that sovereignty engenders, rather than hope for some kind of transcendence into some non-sovereign political future. There is of course an important place for speculative political thinking that imagines ways of organising social relations other than through the sovereignty schema, but as the American climate journalist David Wallace-Wells has said, I'm not sure we

have time for a revolution when it comes to the climate crisis. So for me this involves developing a radical critique of sovereignty – as I hope to have done in the book – whilst also remaining realistic about the deep-seated nature of the sovereign imaginary in structuring the political ambitions and everyday perspectives of so many political subjects and movements around the world. Many might baulk at this kind of equivocation. But this is where I found myself as I concluded the book.

6. **The turn to legality in *Earthbound* is unusual in that aesthetics displaces and trumps politics here, an astonishing and unexpected move in a work of jurisprudence written in a critical vein. Much of the originality of *Earthbound* resides here in the re-conception of sovereignty as aesthetics. Can you elaborate why aesthetics is such a profound and innovative way to reconceive sovereignty and how this advances the fundamental wager of the book?**

I began working on this project in 2016, in the wake of Donald's Trump's election as US president, the Brexit referendum vote, and the rise of nationalisms around the world; not least in Hong Kong where I was working at the time, where questions of self-determination, the meaning of peoplehood, and the importance of territorial integrity were all live and contentious issues. At the same time, the climate crisis was becoming increasingly urgent, with IPCC reports painting stark visions of our climate futures. Furthermore, climate change, ecology, geology and the Anthropocene were all beginning to form the basis of new theoretical debates within the humanities and social sciences.

What was striking about this moment, then, was firstly this reflux of sovereignty that directly challenged so many of the post-sovereignty narratives that dominated the globalisation literature from the 1990s. It was clear that sovereignty remains an important force within political thinking, shaping not only governmental and regulatory practice but also – as evidenced by a range of political movements seeking nationhood – the desires and ambitions of various kinds of political actors. It was contestations over, and for some an aspiration for, the *sovereign form* that animated prominent political movements (whether in Catalonia, the UK, the USA, Scotland or Hong Kong). I was struck, then, by the persistence of sovereignty and the depth of its continued ability to structure our conception of lawful and political relations. If the post-sovereignty narrative seemed increasingly thin within this context, it was equally remarkable that – with a handful of exceptions – climate change, the Anthropocene and ecology barely received any attention at all within the mainstream writing on sovereignty and statehood in legal and political theory. Whilst we are living through a fundamental transformation to the basic functioning of the earth system, most writing about sovereignty seemed to be entirely uninterested in this fact, re-circulating either Enlightenment approaches to autonomy, self-determination, liberty and nationhood; or continuing to assess the biopolitical organisation of human life made in sovereignty's name. So it seemed to me, as I set out to write the book, that there was something profoundly limited about the existing writing on sovereignty. My own approach which focuses on the aesthetics of sovereignty – or, as you put it Bill, *sovereignty as aesthetics* – seeks to address both issues outlined here.

In order to understand the persistence of sovereignty, I suggest that we need to look not at the organisation of governmental competencies but at the ways in which sovereignty depends on the production and maintenance of particular *representations*, *appearances* and *imaginaries* of power. I think Wendy Brown has made this point most clearly when she argues that as sovereignty has been increasingly re-organised through processes of neo-liberal globalisation, the images and icons of sovereignty have been remarkably enduring. By paying attention to the aesthetics of sovereignty – that is, how the constitutive dimensions of sovereignty depend on the circulation of specific *appearances* (in images, narratives and fictions), which in turn shape our *perception* of social and material relations – we can get a handle on how and why sovereignty remains such a persistent presence. Equally, an attention to the ways in which sovereignty organises our sense perception provides some explanation of the dearth of interest in climate change and political ecology within the dominant writing on sovereignty. Modern sovereignty constitutively inures us to the very forces and relations which define the climate crisis and the onset of the Anthropocene. Take the example I mentioned earlier of territory. Modern territory and the cartographic imaginary are blind to (to name just a few things) *the atmosphere*; *ocean conveyors*; *the materiality of terrain*; *cities*; *nonhuman life*; *the carbon cycle* and *carbon sinks*; and *artic sea ice*: that is, some of the very things that should command most attention in the context of thinking through the implications of the Anthropocene.

The task I take up in the book, then, is to understand how the representational, fictional and imaginative dimensions of sovereignty craft a particular way of seeing and sensing the world. This 'organisation of the lighting system', keeps so many of the forces and relations which define the climate crisis entirely *outside* our prevailing conception of the political. Much of the book is dedicated to examining how this aesthetic organisation of power is generated, unpacking some of legal and political technologies that 'distribute the sensible' – as Rancière puts it – in ways that keep the climatological and ecological largely 'off-stage'. Throughout the book I also examine possibilities of developing an alternative political aesthetic to that which is installed and reproduced by modern sovereignty. I draw on writing in spatial theory to examine *terrain*, *atmosphere* and *volumetric space*; ecology to think about the implication of *sympoiesis* for understandings of peoplehood and political community; and urban studies to re-think *the city scale* in the context of planetary climatic change. These explorations aim to sketch out how different understandings of space, agency and institutional form might produce new political and legal sensitives apt for the Anthropocene. The basic contention here is that without a fundamental transformation to our political aesthetics, which allows to see and sense the world in new ways, our efforts to address the climate crisis will remain severely compromised.

7. **Sovereignty and its aesthetics are also linked to 'the imaginary', as developed by Castoriadis. But the source of this notion is, of course, Lacan who said (in)famously, 'Beware the image'. How does your notion of 'the imaginary' release us – or not – from the lures of phantasy, be it sovereignty, rights, Gaia-as-coherence, or 'blood and soil'? Is there a psychoanalysis of environmentalism latent in in *Earthbound*?**

Castoriadis was right to argue that we can't really function without participation in a shared imaginary that allows us navigate social interactions, understand social hierarchies and evaluate social action. In this way, an imaginary *constitutes* social and material relations; it determines in advance what counts as *real*, *significant*, *worthy of attention* and so on. So, there's no escape from the imaginary. The task, it seems to me, lies in shifting our prevailing political imaginary – which remains captivated by the basic co-ordinates of modern sovereignty – towards new sensitivities that allow us to address the climate crisis and its many profound challenges. Whether there is a psychoanalytic trace to these reflections, I'll leave to you Bill; you're much more qualified than me to talk about this!

8. **Your last three chapters – territory, people, scale – have a kind of Foucauldian, triadic ring about them, 'population, territory, security'. Is *Earthbound* articulating a new kind of 'governmentality' around a rethought jurisdictional space of the city redux, with a reconceived, performatively embodied citizen-subject – the holobiont – at its centre?**

As Foucault makes clear governmentality is as much about a *mentality* – a way of thinking, seeing and ordering the world – as it is about a new form of *government,* that developed in the course of modernity. And it's this former aspect that is perhaps most relevant to my re-conceptualisation of territory, people, and scale. In the context of the Anthropocene and the climate crisis we need more than anything a 'new way of seeing' our lawful and political relations, a new set of co-ordinates which can help us address and represent the immense ecological challenges we face. As you intimate, one aspect of this involves re-considering the scale at which we think and act politically. In lieu of 'national' or 'global' scales, I give particular prominence to the 'city scale' in the book's final chapter, arguing that cities – which are both especially vulnerable to climatic change and largely responsible for GHG emissions – might offer an alternative scale through which reimagine law and politics. As your evocation of the 'holobiont' suggests, Bill, it is by focusing on a seemingly smaller scale – of the city – that we can also become sensitive to the vast networks of dependency that operate at the *planetary* scale that is now in urgent need of attention and careful theorisation.

9. **What next Dan? What are you working on now? And congratulations again on winning the 2021 Penny Pether Prize for Scholarship in Law, Literature and the Humanities.**

Thanks Bill! The Law, Literature and Humanities Association of Australasia – who awarded the prize – has been a really important site for the development of my scholarship and provided important opportunities to present my work in progress and learn from others as the project enfolded; so, I was really thrilled for the book to be recognised in that way. In terms of my next projects, I'm working on a short book that continues to think about sovereignty, hoping to address not only the challenges posed by the climate crisis to extant theorisations of this concept, but also the COVID pandemic, questions of planetary scale computational technologies, and surveillance capitalism. It's a short book that tries to cover a lot of ground! But the basic thrust will be to examine how dominant approaches to sovereignty – in both

critical and orthodox forms – have failed to provide appropriate conceptual resources to address the key challenges of the present. Whether it's through a focus on globalisation, populism or biopolitics, most of the existing academic writing on sovereignty relies on theoretical devices that struggle to understand the emerging forms of agency and spatiality, the institutions and forms of normativity that are increasingly defining the 21st century. Well, that's the claim anyway.

I'm also chipping away at a bigger, collaborative project that has a working title of 'law and inhumanities'. The initial set of questions for the project – taking a cue from Kathryn Yusoff's exemplary work on race, geology and the Anthropocene – turn on the ways in which the dehumanising processes which define slavery, colonialism and other forms of 'inhuman' domination are themselves implicated in the organisation of nonhuman (geological, mineralogical, ecological) processes and resources. The project aims to trace law's role within these dynamics and start to develop new forms of legal theorising that are sensitive to the imbrications between human and nonhuman in the context of the Anthropocene. But we're at the very early stages of all this.