

## Weakly Anthropocentric: *The Overstory* of Environmental Legal Personhood

IT TOOK A STONE to call attention to the trees. With his 1972 article, “Should Trees Have Standing?—Toward Legal Rights for Natural Objects,” Christopher D. Stone gave environmental personhood its germinal legal articulation. The history of law, Stone observed, had witnessed the gradual extension of legal personhood to groups of human beings—women, children, racial minorities and Indigenous communities, the imprisoned, the disabled—who had formerly been denied it. Such extensions of rights essentially brought these groups out of what Cajetan Iheka has recently called “the nonright status of the environment” and into the rights-bearing status of the human.<sup>1</sup> When Stone was writing, however, law continued to value the non-human entities populating that nonright category of “environment” as legal *things*—that is, as the property of human owners and the instruments of human users rather than as intrinsically worthy, autonomous entities. This legal anthropocentrism, Stone argued, had enshrined an extractivist relationship to the environment that was both morally indefensible and threatening to the future of life, including human life, on the planet. The time had come, he concluded, to extend the radius of legal personhood again—to “give legal rights to forests, oceans, rivers and other so-called ‘natural objects’ in the environment—indeed, to the natural environment as a whole.”<sup>2</sup>

Such rights would, of course, still involve layers of human mediation, since a watershed or an ecosystem cannot, itself, initiate a suit in a court of human law. But Stone pointed out that such mediation was already common

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ABSTRACT Christopher D. Stone’s 1972 law review article “Should Trees Have Standing?” helped launch movements to extend legal personhood to natural objects such as forests and rivers. Richard Powers’s 2018 novel *The Overstory* addresses Stone’s article explicitly in its diegesis but not, finally, to grant literary personhood to natural objects. Instead, I argue, the novel mounts, by way of its musings on *pareidolia*, a defense of weak anthropocentrism. This defense recognizes the ineluctability of human embodiment and the human sensorium from our perspective. The novel’s weak anthropocentrism, I conclude, is a powerful and timely riposte to both anthropo-supremacist and flat-ontological perspectives. REPRESENTATIONS 172. © 2025 The Regents of the University of California. ISSN 0734-6018, electronic ISSN 1533-855X, pages 136–52. All rights reserved. Direct requests for permission to photocopy or reproduce article content to the University of California Press at <https://online.ucpress.edu/journals/pages/reprintspermissions>. DOI: <https://doi.org/10.1525/rep.2025.172.9.136>.

in law, with judges and guardian-attorneys frequently making decisions on behalf of other entities, such as states and corporations, “whose wants are far less verifiable, and even far more metaphysical in conception, than the wants of rivers, trees, and land.”<sup>3</sup> What mattered most was that a natural object be able to have a legal action brought on its behalf, that injuries to itself (not just to a human owner) be recognizable by law, and that legal remedies for those injuries redound to the benefit of the natural object (and not, again, just to the benefit of a human owner). Stone also called for a body of rights in substance to develop around natural objects, including the elaboration of (relatively) absolute rights for such objects and of robust procedures by which natural objects might be stripped, when necessary, of their nonabsolute rights.

Stone’s arguments and those allied with them have exerted significant and well-documented influence on environmental activism, on legal scholarship, and on a range of legal measures and regimes in the intervening decades.<sup>4</sup> The present article looks at a narrower but much-celebrated literary site where arguments in favor of environmental legal personhood have been received and metabolized: Richard Powers’s Pulitzer-winning novel *The Overstory* (2018). An extensive body of secondary literature considers how works of fiction, including this one, address legal fictions of personhood.<sup>5</sup> My discussion of Powers’s novel does not center on the *fictionality* either of novelistic characters, scenes, and premises or of persons fabricated by law, much less on any assumption that the two fictionalities, novelistic and legal, are the same.<sup>6</sup> It focuses, rather, on how Powers’s book stress-tests certain *techniques* of environmental legal personhood. The techniques in question, however, are not the procedural means by which law or lawmakers establish the nature and parameters of personhood for so-called “natural objects,” but the operations of recognition and misrecognition that might be said, variously, to enable and delimit those legal procedures. The scenes in which *The Overstory* stages these techniques are fictional, certainly, but their orientation is toward a series of questions that surpass fictionality to probe the novel’s historical privileging of human protagonists, narratives, and sensoria. These questions include the following: What role does anthropocentrism—the centering or privileging of humans in relation to other-than-human entities—play in extending legal personhood to those very entities? Does the legal personhood of a forest become thinkable only when human lawmakers have shed their anthropocentrism? Might the anthropocentrism residual in the concept of “personhood” be ineliminable, even—or especially—when that personhood is extended to the other-than-human? If so, is that ineliminability to be deplored? Embraced? Worked around? Although Powers’s novel decries what we might call anthropo-supremacy—the strong anthropocentric view that the other-than-human world exists to be subordinated and

exploited by its human masters—it does not, finally, subscribe to the anti-anthropocentrism with which many readers have associated it. To the extent *The Overstory* endorses environmental legal personhood, it does so by insisting on the inescapable centrality of the human sensorium to human subjects and consequently to human legal regimes. It insists, as well, on the irreducible resistance that sensorium offers to a view of all entities and substances as ontologically coplanar. The novel lands, in other words, on weak anthropocentrism as its set toward the other-than-human world and as the presumptive condition for any functional technique of environmental legal personhood.

Lots of novels, both before and after the publication of Stone's article, might be said to address the question of legal personhood for natural objects. But to my knowledge, only *The Overstory* places "Should Trees Have Standing?" within its diegesis and engages with its argument both indirectly and through direct quotation. To demonstrate the depth and complexity of this engagement, I'll quote at some length from the scenes in which Stone's piece features in Powers's book about human-tree relations. By this point, the centuries-spanning narrative has brought us to the mid-to-late 1980s. Forty-something intellectual property attorney Ray Brinkman is planning to spend a quiet evening in his St. Paul home while his wife, stenographer Dorothy Cazaly, attends a choral rehearsal. Before leaving, she asks if he has enough reading to keep him busy.

He laughs. "At the moment, yes. I'm wrestling with this." He holds the pages up to her: "Should Trees Have Standing?" She reads the title and frowns. Ray examines the words, puzzled himself. "He seems to be saying that the law's shortfall is that it only recognizes human victims."

"And that's a problem?"

"He wants to extend rights to nonhuman things. He wants trees to be rewarded for their intellectual property."

She smirks. "Bad for business, huh?"

"I don't know whether to throw it across the room and laugh or to set it on fire and kill myself."

As Dorothy is leaving, Ray reminds her to button up her overcoat against the cold and she rebukes him: "I'm not your property, Ray. We had a deal."<sup>7</sup> The I.P. attorney has spoken proprietarily to a spouse who has always bridled at the possessiveness of marriage—and who, he knows, has lately been going out to meet a lover under the pretext of rehearsing Brahms. Alone, Ray returns to Stone's article, which shakes his sense of self-possession and his belief in his work's defensibility.

Everything that was *his* is going down, and he doesn't even know what brought on disaster. The terrible logic of the essay begins to wear him down. Children, women, slaves, aboriginals, the ill, insane, and disabled: all changed, unthinkably, over the

centuries, into persons by the law. So why shouldn't trees and eagles and rivers and living mountains be able to sue humans for theft and endless damages? The whole idea is a holy nightmare, a death dance of justice like the one he now lives through, watching the second hand of his watch refuse to move. His entire career until this moment—protecting the property of those with a right to grow—begins to seem like one long war crime, like something he'll be imprisoned for, come the revolution.

*The proposal is bound to sound odd or frightening or laughable. This is partly because until the rightless thing receives its rights, we cannot see it as anything but a thing for the use of "us"—those who are holding rights at the time. (250)*

The italicized passage is the first of three quotations from Stone's essay that are intercut with Ray's reactions to it. By the time he reads and contemplates the third such passage, Stone's essay, coupled with Dorothy's infidelity, has triggered in Ray a self-dissolution tantamount to a death.

*What is it within us that gives us this need not just to satisfy basic biological wants, but to extend our wills over things, to objectify them, to make them ours, to manipulate them, to keep them at a psychic distance?*

The essay flickers under his fingers. He can't follow it, can't decide whether it's brilliant or rubbish. His whole self is dissolving. All his rights and privileges, everything he owns. A great gift that has been his since birth is being taken away. It's a grand, luxurious act of self-deceit, an outright lie, that claim of Kant's: *As far as nonhumans are concerned, we have no direct duties. All exists merely as means to an end. That end is man. (251)*

What dissolves or dies in the scene is the Kantian anthropocentrism that has, until now, grounded Ray's sense of himself as a rights-bearing agent, user, and owner, and with it his sense of the nonhuman world as comprising rightless objects, tools, and properties. That Dorothy's affair deepens his sense of losing "everything that was *his*" suggests she was right to balk at his proprietary tone. For Ray as for the law, the rights-bearing, self-possessive category of "man" has been slow to widen its radius. In this scene that radius disintegrates.

Although Stone's article is only mentioned explicitly in Dorothy's and Ray's strand of *The Overstory*, it clearly underwrites a scene just a few pages earlier, in the narrative of Adam Appich, a Ph.D. student in Social Psychology at UC Santa Cruz. Adam has met with his advisor, Professor Mieke Van Dijk, to discuss his interest in how individuals arrive at moral decisions that are at odds with their communities' received wisdom. "It's like this," he says, and proceeds to borrow an example from the second paragraph of "Should Trees Have Standing?" "I think of myself as a good man. A good citizen. But say I'm a good citizen of early Rome, when a father had the power, and sometimes the duty, to put his child to death."<sup>8</sup> In such an instance, he says, his inclination not to wield that paternal power would be stifled by his desire to uphold a defining trait of his in-group. Van Dijk reassures him that the

realignment of in-groups can and does happen, paraphrasing, in her turn, Stone's third paragraph:

Here in America, people went from believing that women are too frail to vote to having a major-party vice presidential candidate, in one lifetime. From Dred Scott to Emancipation in a few years. Children, foreigners, prisoners, women, blacks, the disabled and mentally ill: they've all gone from property to personhood. I was born at a time when the idea of a chimpanzee getting a hearing in a court of law seemed totally absurd. By the time you're my age, we'll wonder how we ever denied such animals their standing as intelligent creatures.<sup>9</sup>

When Van Dijk refers to the timber wars then unfolding along the West Coast as signs of a contemporary realignment of norms, Adam responds with a paraphrase of Stone's titular question: "Plant rights? Plant personhood?" (236–37). Months later, after a stint of tree-sitting that begins as research and ends as activism, Adam is back in Santa Cruz processing his data, which include questionnaire responses "on human entitlement to natural resources, the scope of personhood, and plant rights." Still preoccupied with his tree-sitting experience, "he tries to read a novel, something about privileged people having trouble getting along with each other in exotic locations. He throws it against the wall. Something has broken in him. His appetite for human self-regard is dead" (331–32). Like Ray's, Adam's anthropocentrism has withered in the heat of Stone's question. With one difference, however: for Adam, anthropocentrism's mascot is not Kant but the novel.

By prominently featuring "Should Trees Have Standing?" as both a diegetic object and a thematic source, *The Overstory* appears to nominate Stone's article as one of its cardinal intertexts, even as its conceptual operating system. The crises experienced by Ray Brinkman and Adam Appich are not only touched off by encounters with Stone's argument but also emplotted alongside the perspectival shift it urges. That plot conducts the subject from an initial state of resistance (finding the proposed expansion of rights "frightening or laughable") through the death or dissolution of the anthropocentrism underlying that resistance, to a state of openness to "a radical new theory or myth—felt as well as intellectualized—of man's relationship to the rest of nature" (455, 498). In following Stone's argument and plot to its conclusion, *The Overstory* might have gone on to show us Ray, after the stroke that paralyzes him, dedicating himself to securing the legal personhood of natural objects such as rivers, watersheds, mountains, and forests. It might have turned Adam's research toward the social-psychological dimensions of environmental-personhood advocacy. Just as the novel's middle chapters borrow from the historical archive of the Pacific-Northwest timber wars of the 1980s and 1990s, its later ones could have set botanist Patricia

Westerford's work among movements to enact broad guarantees of the rights of nature in the Republic of Ecuador or in Bolivia, or among efforts to bestow legal personhood on particular regions or mountains in New Zealand, or on individual rivers in Colombia, the US, or Canada.<sup>10</sup> Even had Powers's novel steered clear of explicitly legal plots and mechanisms, it might have explored the novelistic possibilities of other-than-human personhood by putting a fully foliated arboreal protagonist on the page, or by bending its energies toward multispecies protagonism. Had *The Overstory* been, in essence, a multiplot version of "Should Trees Have Standing?" it might have ended by nominating itself as the radical new theory or myth for which the dissolution or death of anthropocentrism clears the way.

Powers's novel gestures toward such possibilities in the way it pairs human characters with particular species of tree (e.g., Adam with the maple, Patricia with the beech, Ray and Dorothy with the oak and linden) and, in some cases, with an associated myth of transspecies metamorphosis (Ray and Dorothy are associated with Baucis and Philemon, the elderly couple whose hospitality Zeus recognizes, in Ovid, by turning them into an oak and a linden as their human lives end).<sup>11</sup> Several individual trees figure prominently in the stories of the novel's human characters, and one—the giant redwood in whose branches the tree-sitting takes place—is given a name, Mimas. But the second half of *The Overstory* departs dramatically from the plot and worldview of Stone's article. After Ray's stroke, he and Dorothy experience a deepening fascination with the trees growing in their backyard. But when the city comes to cut them down as an eyesore and fire hazard, the couple assert not the trees' legal standing but their own property right—specifically, the inviolability of their home: "Stand your ground. The castle doctrine. Self-help" (497). Adam's plot ends not with a victory for environmental legal personhood but in the carceral world of criminal law: for his role in an ecoterrorist act in which property is destroyed and a fellow activist accidentally killed, he must serve a double life sentence. As both lexicon and theme, rights in general, and rights of nature in particular, are all but absent from the novel's conclusion.

In the end, the key trees in *The Overstory* aren't even left standing, much less given standing. Artist Nick Hoel's ancestral chestnut, fungally blighted, has been cut down, Mimi Ma's family mulberry tree has succumbed to bacterial blight and insect infestation, and Mimas is felled by a lumber company. When Nick turns to performance art, resurrecting Mimas in the form of an inflatable nylon sculpture, it is only to reenact the tree's destruction, this time by fire, against the clear-cut backdrop that was once the old-growth forest where it stood. In the novel's final scene he works, with the help of a team of First Nations men, to drag fallen trees into the shapes of letters forming the word "STILL," enormous enough against the Canadian forest floor to be

legible from low Earth orbit. (As they stand in silence and survey their work, the narrator renders its effect on them not in the language of the rights of nature but in a riff on criminal procedure's Miranda warning: "The shape arrests them. It reads them their rights. *You have a right to be present. A right to attend. A right to be astonished*" [501].) The installation manifests the hope of a tree to endure in some form, to foster the growth of other organisms, and to send a message that might find a recipient. What it does *not* manifest is the hope of a tree to have standing. Far from decentering human persons in favor of arboreal ones, *The Overstory* ends by recentering humans as agents, makers, writers, collaborators, and viewers. Even as endangered: in the forest, Nick realizes that the summons his fallen comrade and lover Maidenhair heard in visions—"The most wondrous products of four billion years of life need help"—was not about trees, as he and his fellow activists had assumed, but about humans. "Not them; us. Help from all quarters" (493).

By engaging closely with the rights of nature at a diegetically time-stamped moment only to veer away from them, *The Overstory* may be said to retrace the growing critique of that set of initiatives by many legal academics and environmental activists. For the question of environmental personhood doesn't, of course, end with Stone, who proposed to stretch the human-centered category of "person" to include natural objects rather than to remake or abandon the category altogether. Anthropomorphism, as Robert Macfarlane puts it, is "awkwardly central to the natural rights movement. Lakes and forests must undergo transformation into 'legal persons,' rather than being recognised as 'legal lakes' or 'legal forests.'"<sup>12</sup> The centrality of anthropomorphism to legal personhood is one of the grounds on which legal theorist Anna Grear has opposed its extension to natural objects, whose "distinctiveness and particularities" risk getting sheared off in the process of their becoming persons. According to Grear, "We risk only having respect for things insofar as they resemble human experience and characteristics."<sup>13</sup> What's more, as Stone himself acknowledges, the status of "person" as rights-bearing entity, like the designation "human" in which it's rooted, has historically been denied many individuals and communities on the grounds of their difference from the subject—white, European, male, able, property-bearing, straight, cisgender, ostensibly rational, and implicitly disembodied—taken to epitomize personhood. Environmental personhood, for Grear, risks perpetuating this homogenization of the human even as it anthropomorphizes the nonhuman. Although unwilling to do away with (human) laws and rights altogether, she urges her fellow legal theorists "to develop a new framework in which the human is entangled and thrown in the midst of a lively materiality—rather than assumed to be the masterful, knowing centre."<sup>14</sup> We need, she writes elsewhere, "to theorise and to deploy legal

personhood in an altogether more critical-creative way by calling on its innate plasticity to inform a non-hegemonic, complexity- and materiality-sensitive juridical imaginary.”<sup>15</sup> Gear calls on human lawmakers to flatten the ontological differences between themselves and other entities, embrace a vigorously anti-anthropocentric model of legal personhood, and learn to respect beings whose experience and characteristics don’t resemble their own.

*The Overstory* registers its awareness of such critiques—particularly those aimed at anthropomorphism and anthropocentrism—in a formative scene from the childhood of Patricia Westerford, the future botanist. It’s 1950, and Patty has complained to her father, an Agricultural Extension agent, that kids in her class can’t tell a black walnut tree from a white ash. “What are they, blind?” she asks. “Plant-blind,” he responds. “Adam’s curse. We only see things that look like us. Sad story, ain’t it, kiddo?” (114). Here, Patty’s father alludes (anachronistically) to late-1990s work by science education scholars James Wandersee and Elisabeth Schussler, who coined the phrase “plant blindness” to describe people’s inability to notice the plants in their environment, to recognize their importance, to appreciate their aesthetic and biological features, and to rank them on a level with animals.<sup>16</sup> As Karlijn Herforth has argued, *The Overstory* combats plant blindness by spotlighting flora and the people who notice them, by making scientific, narrative, and affective cases for plants’ importance, by celebrating their beauty and complexity, and by insisting on their noninferiority to human and nonhuman animals.<sup>17</sup> Yet just as it forbears to take Stone’s vision of environmental personhood fully on board, Powers’s novel declines to follow the critique of plant blindness to the place Gear would have it lead—that is, to a model of legal personhood that decenters the human to the point of ontological coplanarity with other-than-human beings.

In fact, *The Overstory* doesn’t just decline to radically decenter the human. It gives Patricia, late in her life as a visionary, world-famous dendrologist, an epiphanic experience of anthropomorphism. As if to insist that flat ontology reveals its limits just where it promises consummation, Powers sets this scene of revelation and recognition in the rainforest of western Brazil, where Patricia has come to collect the seeds of endangered species for her seed bank, a hedge against biodiversity loss and climate disaster. Here, in Machadinho d’Oeste, “species clog every surface, reviving that dead metaphor at the heart of the word *bewilderment*. All is fringe and braid and pleat, scales and spines. She fights to tell trees from lanyard strands of liana, orchid, sheets of moss, bromeliad, sprays of giant fern, mats of algae” (390). In forest so dense, the human form is necessarily decentered—that is, until her guides, a group of rubber tappers, summon her and her fellow dendrologists to a bower of vines and branches:

She comes behind the excited men and gasps. No one tells her what to see. A child could make it out. A one-eyed myopic. In knots and whorls, muscles arise from the smooth bole. It's a person, a woman, her torso twisted, her arms lifting from her sides in finger branches. The face, round with alarm, stares so wildly that Patricia looks away.

She steps closer, to see the carving marks. What kind of sculptor would pour such skill and effort into a thing so remote it might never be discovered? But it's not a carving. No sign of sanding or woodworking of any kind. Just the contours of the tree. The men shout hot, fast words in three languages. One of the dendrologists claims, with too many hand gestures, that the wood has been somehow pollarded to look like a woman. The rubber tappers jeer. It's the Virgin, looking on the dying world in horror.

"Pareidolia," Patricia says.

Patricia goes on to explain that pareidolia is "the adaptation that makes people see people in things. The tendency to turn two knotholes and a gash into a face" (393–94). Her knowledge and sharing of the term might promise to dispel the phenomenon it names. But the opposite happens:

Patricia looks harder. The figure is *there*. A woman in the coda of life, raising her eyes and lifting her hands in that moment just before fear turns into knowledge. The face may have formed by the chance efflorescence of a canker, with beetles as cosmetic surgeons. But the arms, the hands, the fingers: family resemblance. The impression grows stronger as Patricia walks around it. A dog would bark at the twisting body. A baby would cry.

As the other botanists and their guides laugh about "the stupefying odds against anything accidental growing exactly like this, like *us*, out of mindless wood," Patricia's ruminations follow two paths. First, she thinks that the odds against the inception of organic compounds and their development into complex life forms were much greater—that, given the existence of trees, finding one shaped like the Virgin is comparatively unmiraculous. And, second, she muses that the innumerable myths of metamorphosis recalled by the tree were messages sent by ancient humans to modern ones saying, "*Remember this, thousands of years from now, when you can see nothing but yourself, everywhere you look*" (394).

*Pareidolia*, the term Patricia uses to gloss the scene, names the neurological predisposition toward seeing meaningful patterns in fields of random or ambiguous visual data. The psychologist Karl Ludwig Kahlbaum coined the term in German (*Pareidolie*) in an 1866 paper on delusions of the senses, assembling it from the Ancient Greek elements *παρ-* ("amiss") + *εἶδωλον* ("image" or "shape") to denote an image seen in error, the misperception of a form (*εἶδωλον* is from *εἶδος*, "form").<sup>18</sup> The English word *pareidolia* appeared the following year in a review of Kahlbaum's work, defined as an "indirect hallucination" or "false perception" that occurs when a "deficient

subjective stimulus” fuses perceptually with an external object that resembles it.<sup>19</sup> During the late nineteenth and twentieth centuries the word’s ties to abnormal psychology gradually fell away. Nowadays its most frequent use is Patricia’s, as a shorthand for face pareidolia, the especially strong predisposition in humans and some nonhuman primates to see the shapes of faces in arbitrary visual fields.<sup>20</sup> The tendency would appear to confer several evolutionary advantages on its possessors. An infant who responds strongly to visual patterns resembling faces, including the faces of actual adults, is more likely to elicit the attention and attachments of those adults at a time when their protection and caretaking allow it to survive.<sup>21</sup> Those predisposed toward facial pattern-recognition are also primed to notice concealed enemies and predators. If such perceptual tendencies sometimes verge on hyperactivity, even this may be a kind of advantage. According to Colin Palmer, a psychologist who studies face pareidolia, “if you’ve evolved to be very good at detecting faces, this might then lead to false positives, where you sometimes see faces that aren’t really there. . . . [I]t’s better to have a system that’s overly sensitive to detecting faces, than one that is not sensitive enough.”<sup>22</sup> Pareidolia is no longer considered pathological, but the term’s residual connection to abnormal psychology helps it capture the paradox that only too much readiness to perceive faces is enough.

Why does *The Overstory* take the time not only to stage the phenomenon of pareidolia but also to instruct readers in the technical term that identifies it as an evolutionarily adaptive feature of the primate sensorium? This is, remember, a novel that earlier likened human perceptual anthropocentrism—the fact that “we only see things that look like us”—to “Adam’s curse,” the wages of original sin. As we’ve already seen, knowledge of the word *pareidolia* doesn’t absolve Patricia (or her companions) of this sin or bias; it appears, rather, to deepen her conviction, as she studies the tree, that “the figure is *there*.” Yet the impression that “the arms, the hands, the fingers” of the tree point to a “family resemblance” between trees and humans does something other than confirm the centrality or supremacy of humans. By evoking myths in which people turn into trees and trees into people, it gestures to the intimacy, even the interconvertibility, of the two—to their shared genetic heritage, to their forms’ being shaped by the same physical forces, to the sociality of their relations with one another. As Patricia recovers from her shock at the tree’s resemblance to an alarmed and staring woman, she comes to see that resemblance as a function of intimacies and relations that exceed the accident of physical congruence: “*every* trunk now appears like an infinitely lifelike sculpture too complex for any sculptor but life to have made” (395, my emphasis). If pareidolia is an error, the scene suggests, it is also a gift from one part of the brain to another. A human-shaped aperture, pareidolia might admit or readmit us to a cognizance of other-than-human

beings' fragility, complexity, and profound unlikelihood—and, by way of *these* family resemblances to ourselves, reactivate our sense of interdependence with and obligation to other entities, whether they happen to look like us or no.

I mentioned above that *The Overstory* veers away in its second half from the kind of head-on engagement with environmental legal personhood found in earlier scenes involving Adam and Ray and Dorothy. However, Patricia's encounter with the woman-tree in western Brazil summons the category of the person quietly but repeatedly back into play. Her first sight of the tree prompts her to think not "it's a human" but "it's a person." Later, when she returns home to Colorado and shows photos of the tree to her lover, Dennis, he reacts with gratifying amazement. "It was even eerier in person," she insists, to which he responds, "In *person*. I bet" (393, 395). By stressing the word "person" while echoing Patricia's phrase, Dennis asserts both the personhood of the tree and the fact that when two entities are physically present to one another, the personhood of their "in person" encounter is relational, located *between* them rather than *in* each of them singly. Just before this play with person and personhood, the section also features a subtle allusion to the rights of nature. Having looked harder at the tree, Patricia recalls stories of human-to-tree metamorphosis and reflects that myths generally are "memories posted forward from people standing on the shores of the great human departure from everything else that lives." Then her thoughts turn to a nearer shore, in the present:

Just upriver, the Achuar—people of the palm tree—sing to their gardens and forests, but secretly, in their heads, so only the souls of the plants can hear. Trees are their kin, with hopes, fears, and social codes, and their goal as people has always been to charm and inveigle green things, to win them in symbolic marriage. These are the wedding songs Patricia's seed bank needs. Such a culture might save the Earth. She can think of little else that can. (394)

On the heels of Patricia's thinking about myth, the passage reads like an all-too-familiar conscription of an Indigenous community, as living repository of the past, to the work of saving the settler present. But the Achuar have in fact been consequentially active in and for their own present. In northern Perú, along the Pastaza River, they have successfully resisted fossil fuel exploitation, recently prompting Chile-based oil company GeoPark to abandon its oil concession there. And as members of the Fundación Pachamama and the Pachamama Alliance, the Achuar played an important role in making the Republic of Ecuador the first country in the world to recognize the rights of nature in its constitution, in 2008.<sup>23</sup> By alluding to that watershed legislation through a reference to one of its key Indigenous proponents, the passage

obliquely answers the question “should trees have standing?” in the affirmative.

The co-presence of pareidolia and environmental legal personhood in this part of Powers’s novel is not a coincidence. At present, human law must turn a natural object into a notional “person” to endow it with rights, making anthropomorphism, in Macfarlane’s words, “awkwardly central to the natural rights movement.” Patricia’s encounter with the woman-tree suggests that the predisposition to see human forms in other-than-human entities is a prompt to such person-making and rights-giving. We might understand pareidolia as a misrecognition of human personhood where it doesn’t exist or as a recognition of other-than-human personhood where it does. Either way, Powers’s novel identifies pareidolia as a technique of environmental legal personhood—even as the grounding insight or enabling error of such personhood, the perceptual door through which it walks. The late legal theorist Gwendolyn Gordon characterized the shift from environmental protection laws to environmental legal personhood measures as a movement “from anthropocentrism to ecocentrism,” where the latter is “nature centered where humans are part of nature and [the] non-human has intrinsic value” and where “human interest[s] do not take automatic precedence and humans have obligations to nonhumans independently of human interest.”<sup>24</sup> The weak anthropocentrism espoused by *The Overstory* is closer to Gordon’s “ecocentrism” than to what it opposes—that is, the anthropo-supremacy that accords automatic precedence to human interests. But by routing Patricia’s encounter with the woman-tree through pareidolia, and by marking that encounter as *strengthening* her dedication to trees’ intrinsic value, the novel insists on three related points. First, human sensorial predispositions need not lead to a strong, supremacist anthropocentrism. Second, those human sensorial predispositions do not and cannot shed at least a weak anthropocentrism. And, third, the weak anthropocentrism that attends human embodiment may more effectively counter strong anthropocentrism than does an anti-anthropocentrism founded in the fantasy of disembodiment.

As if to underscore these points, the section of *The Overstory* that begins with Patricia’s coming face to face with a tree in the body of a human ends in a loss that casts her back into her own body, even as it underscores that body’s family resemblance to the same tree. After seeing a particularly vivid photo of the woman-tree in western Brazil, Dennis urges Patricia to make a poster of it in support of her campaign against plant blindness, with the caption “*They’re Trying to Get Our Attention.*”

She wakes up that night, in darkness, with his big, gentle hands slack around her waist. “Dennis?” She tugs at his wrist. “Den?” In a flash, she twists out from under the limp arm and is on her feet. The room floods with light. Arms outward, fingers spread, her face so frozen in horror that even the corpse has to look away. (395)

In the Baucis and Philemon myth with which Ray and Dorothy are associated, the elderly couple become trees as they die. In Dennis's death scene, however, it is the survivor, not the deceased, who assumes the form of a tree that has itself assumed human form. The metamorphoses in the scene are powerful and strange enough to unpetrify the dead man, who averts his eyes from his lover just as she looked away from the woman-tree, unable to meet her horrified gaze.

Why dwell so intently on a single novel when the question of environmental legal personhood is so vast? As I read it, *The Overstory* offers the most tangible distinction between strong and weak anthropocentrism in recent memory, its multiplot narrative acting as a mesh for filtering one from the other. Strong anthropocentrism, the novel suggests, leads to a world in which humans *can see nothing but themselves*, everywhere they look, because they've instrumentalized, exploited, and subordinated all other beings to the point of invisibility or extinction. Weak anthropocentrism dwells in the perceptual bias by which many, perhaps most, humans *can only see what resembles them*, whether by way of physical resemblance or by extending to other-than-human entities the status of person, soul, ancestor, kin. Powers's novel models a humility about the human capacity to transcend the weaker anthropocentrisms. Far from offering narratives in which these biases are heroically negated, renounced, or overcome, *The Overstory* asks: what could be more anthropocentric than the view that humans could simply *decide* to stop being anthropocentric—could, through a sheer exertion of will, opt out of bearings grounded in materiality, embodiment, sensoria? The novel poses this question neither to excuse nor to deplore weak anthropocentrism but, rather, to defend it as an opening toward a sense of social relations, interdependencies, and reciprocities with other-than-human beings.

As will be clear by now, this is pointedly not a defense of anthropocentrism in all its forms. But as emphatically as *The Overstory* rejects strong anthropocentrism, it also rejects the flat ontology advocated by Grear and entertained, if more ambivalently, by Gordon. This is the view that the (human) subject-object relation enjoys no metaphysical privilege over the object-object relation. Despite its profound commitment to the intrinsic worth and beauty of trees, Powers's novel declines to adopt a tree's point of view as an eighteenth-century it-narrative might do, or even to focalize its narration through other-than-human entities.<sup>25</sup> Where Adam throws a novel against a wall for requiring of its human reader an "appetite for human self-regard" he no longer feels, *The Overstory* renounces neither human readers nor their human-oriented appetites, much though it seeks to prune their self-regard and invite it to grow up new trellises. Although it weakens the subject-object distinction, the novel never collapses it into the object-object relation. In this it practically evokes the construction of environmental personhood in law. In

both, other-than-human entities may have standing, enjoy a notional or analogical personhood, and be the defendants and beneficiaries, not just the stakes or spoils, of human actions. But the agency and subjectivity of other-than-human entities are not imagined to be indistinguishable from or even coplanar with human ones. Powers's novel would have its human readers work to end the brutal instrumentalization and subordination of the other-than-human world. It no more expects trees to initiate that work than to bring suit for themselves in a court of human law.

None of which is to suggest that the story of environmental legal personhood should end where *The Overstory* does, any more than it ends with Stone's 1972 article. Powers's novel models a weak anthropocentrism that I take to be an insightful characterization of legal personhood for natural objects as well as a salutary alternative to both strong anthropocentrism and flat ontologies. But its version of weak anthropocentrism performs a more satisfying adjustment to *-centrism* than to *anthropos*, which the novel conceives narrowly, with a faith in generalizable species-being and formal equality that minimizes the differences, internal hierarchies, and exploitative histories that the term would contain. A sufficiently weak anthropocentrism would make "highly patterned impositions of hierarchy . . . consciously and reflexively central" to its understanding of *anthropos*.<sup>26</sup> In calling for Anthropocene discourse to do the same, Grear rightly points out that the concept of the legal person as a quintessentially disembodied and rational mind amplifies this tendency to abstract and homogenize the *anthropos* on which it is based. In the face of such tendencies, *The Overstory*'s emphasis on what human embodiment impedes and affords might contribute to an immanent critique of personhood as a concept both within and beyond the law. The philosopher Roberto Esposito has observed that if the concept of the person is unable to bridge "the epochal hiatus between life and rights, between *nomos* and *bios*," it is because that hiatus is in fact produced by the concept of the person.<sup>27</sup> In Esposito's analysis, the person is the rights-bearing, rational part of ourselves that subjugates the part that is merely alive—the sensory body, the animal, and the part in others that may be violated because it does not partake of sacred personhood. As an antidote to this *dispositif* of the person, he invokes Simone Weil's claim that "so far from its being his person, what is sacred in a human being is the *impersonal* in him. Everything which is impersonal in man is sacred, and nothing else."<sup>28</sup> From Weil, we might take heed that expanding the radius of the person well beyond the human may inadvertently license the violation of whatever remains outside that radius. At the same time, via Powers's focus on the sensorium we might observe that the extension of legal personhood to mountains and rivers is, for all its analogical grounding in human personhood, also a consecration of the impersonal.

## Notes

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This essay grew out of a short entry on “Environmental (or Nonhuman) Personhood,” in the *Elgar Concise Encyclopedia of Law & Literature*, ed. Robert Spoo and Simon Stern (Cheltenham, 2025), 168–71. I’d like to thank the editors of that volume and of the present special issue for inviting and encouraging me to work on these challenging questions.

1. Cajetan Iheka, “Rights,” in *The Cambridge Companion to Environmental Humanities*, ed. Jeffrey Cohen and Stephanie Foote (Cambridge, 2021), 27.
2. Christopher D. Stone, “Should Trees Have Standing?—Toward Legal Rights for Natural Objects,” *Southern California Law Review* 45 (1972): 456; hereafter abbreviated as *STHS*. An updated, book-length version of the essay, Christopher D. Stone, *Should Trees Have Standing? Law Morality and the Environment* (New York, 2010), is in its third edition.
3. *STHS*, 471.
4. For just one example, see the special issue “Should Trees Have Standing: 40 Years On,” of the *Journal of Human Rights and the Environment*, ed. Anna Grear 3 (2012), with a response by Stone.
5. See, for example, Lisa Siraganian, *Modernism and the Meaning of Corporate Persons* (Oxford, 2020); Angela Naimou, *Salvage Work: U.S. and Caribbean Literatures amid the Debris of Legal Personhood* (New York, 2017); and Jeannine Marie DeLombard, “Salvaging Legal Personhood: Melville’s *Benito Cereno*,” *American Literature* 81, no. 1 (2009): 35–64. On *The Overstory* and environmental legal personhood, see Alyse Bertenthal, “Standing Up for Trees: Rethinking Representation in a Multispecies Context,” *Law & Literature* 32, no. 3 (2019): 355–73.
6. On the complex relationship between these fictionalities, see Simon Stern, “Legal and Literary Fictions,” in *New Directions in Law and Literature*, ed. Elizabeth S. Anker and Bernadette Meyler (New York, 2017).
7. Richard Powers, *The Overstory* (New York, 2018), 247; hereafter cited parenthetically.
8. Stone: “Maine tells us that as late as the *Patria Potestas* of the Romans, the father had *jus vitae necisque*—the power of life and death—over his children. A fortiori, Maine writes, he had power of ‘uncontrolled corporal chastisement; he can modify their personal condition at pleasure; he can give a wife to his son; he can give his daughter in marriage; he can divorce his children of either sex; he can transfer them to another family by adoption; and he can sell them.’ The child was less than a person: an object, a thing” (*STHS*, 451).
9. Stone: “The legal rights of children have long since been recognized in principle, and are still expanding in practice. Witness, just within recent time, *In re Gault*, guaranteeing basic constitutional protections to juvenile defendants, and the Voting Rights Act of 1970. We have been making persons of children although they were not, in law, always so. And we have done the same, albeit imperfectly some would say, with prisoners, aliens, women (especially of the married variety), the insane, Blacks, foetuses, and Indians” (*STHS*, 451).
10. In 2008, the Republic of Ecuador became the first country to enact a broad guarantee of the rights of nature; see n23, below. Bolivia accorded nature legal personhood rights in its Framework Law on Mother Earth and Integral Development to Live Well (2012, No. 300), which, like the Ecuador constitutional provisions, is informed by Andean Indigenous worldviews. Individual states and

municipalities in a handful of other countries, including India and the US, currently recognize the rights of nature; see David R. Boyd, “Recognizing the Rights of Nature: Lofty Rhetoric or Legal Revolution?” *Natural Resources & Environment* 32, no. 4 (2018): 4–5.

In 2014, New Zealand’s Te Urewera, the traditional homeland of the Tūhoe, a Māori *iwi* (tribe), was declared a legal entity “with the rights, powers, duties, and liabilities of a legal person” (Te Urewera Act 2014, New Zealand Pub. Act No. 51, 27 July 2014). Formerly a national park owned by the government, Te Urewera became a freehold owned by the land itself and managed by a board of Tūhoe- and Crown-appointed members. In 2017, New Zealand recognized the legal personhood of Mount Taranaki, regarded as a *whanau*, or family member, by the eight Māori *iwi* that now share its guardianship with the Crown (Te Anga Pūtakerongo [Record of Understanding], 20 December 2017); and of the Whanganui River, which is considered a *tupuna*, or ancestor, by the local *iwi* that shares its name (Te Awa Tupua [Whanganui River Claims Settlement] Act 2017, New Zealand Pub. Act No. 7, 20 March 2017). Since then, Indigenous-led efforts have resulted in personhood rights for the Amazon River in Colombia, the Klamath River in the US, and the Magpie River in Canada.

11. I discuss the myth of Baucis and Philemon in Powers’s novel, in relation to questions of grievability and diegetic frame-breaking or metalepsis, in “There Is Grief of a Tree,” *American Imago* 77, no. 1 (2020): 137–55.
12. Robert Macfarlane, “Should This Tree Have the Same Rights As You?” *Guardian*, 2 November 2019, <https://www.theguardian.com/books/2019/nov/02/trees-have-rights-too-robert-macfarlane-on-the-new-laws-of-nature> (accessed 1 April 2025). The present essay was completed just before the publication of Macfarlane’s book on the rights of nature, *Is a River Alive?* (London, 2025).
13. Anna Grear, “It’s Wrongheaded to Protect Nature with Human-Style Rights,” *Center for Humans & Nature*, 15 March 2019, <https://humansandnature.org/its-wrongheaded-to-protect-nature-with-human-style-rights> (accessed 1 April 2025).
14. *Ibid.*
15. Anna Grear, “Deconstructing *Anthropos*: A Critical Legal Reflection on ‘Anthropocentric’ Law and Anthropocene ‘Humanity,’” *Law and Critique* 26, no. 3 (2015): 246.
16. James Wandersee and Elisabeth Schussler coined the term in a 1998 poster-paper delivered at a conference. Their first published discussion of it is James H. Wandersee and Elisabeth E. Schussler, “Preventing Plant Blindness,” *American Biology Teacher* 62, no. 2 (1999): 82, 84, 86.
17. Karlijn Herforth, “Justice for Trees: Representations of the Law in Richard Powers’ *The Overstory*,” *FRAME* 33, no. 2 (2020): 123.
18. Karl Ludwig Kahlbaum, “Die Sinnesdelirien,” *Allgemeine Zeitschrift für Psychiatrie und psychisch-gerichtliche Medizin* 23 (1866): 1–86.
19. John Sibbald, “Report on the Progress of Psychological Medicine—II. German Psychological Literature,” *Journal of Mental Science* 13, no. 62 (1867): 238.
20. See Jessica Taubert et al., “Face Pareidolia in the Rhesus Monkey,” *Current Biology* 27, no. 16 (2017): 2505–9.
21. An early proponent of this view was Carl Sagan, in *The Demon-Haunted World: Science as a Candle in the Dark* (New York, 1995), 45. Sagan was invoking the concept of pareidolia (though not the word itself) in order to debunk paranormal claims about faces in the moon, Mars, and other sites.

22. Lachlan Gilbert, "Why the Brain Is Programmed to See Faces in Everyday Objects," *Newsroom*, UNSW, Sydney, <https://newsroom.unsw.edu.au/news/science-tech/why-brain-programmed-see-faces-everyday-objects>, posted 13 August 2020. See also Colin J. Palmer and Colin W. G. Clifford, "Face Pareidolia Recruits Mechanisms for Detecting Human Social Attention," *Psychological Science* 31, no. 8 (2020): 1001–12.
23. The Constitution of the Republic of Ecuador reads: "Nature, or Pachamama, where life is reproduced and occurs, has the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes. All persons, communities, peoples, and nations can call upon public authorities to enforce the rights of nature" (Title II, Chapter 7, Article 71). The subsequent article stipulates that "Nature has the right to be restored," intrinsically and apart from compensations owed to affected human individuals or other legal entities. As Gwendolyn Gordon ruefully observes, "Even now that there are several cases wherein rights of nature arguments were used successfully [in Ecuador], it is notable that the losing cases tend to be ones versus large extractive interests"; Gwendolyn Gordon, "Environmental Personhood," *Columbia Journal of Environmental Law* 43, no. 1 (2018): 85.
24. Gordon, "Environmental Personhood," 72. The gloss on "ecocentrism" in Gordon's article is a quotation from the Indian Supreme Court's decision in *T. N. Godavarman Thirumulpad v. Union of India*, AIR 2012 SC 1256–59 (India), a famous case involving the conservation of the red sandalwood tree (57n35).
25. The period's first it-narrative was Charles Gildon's *The Golden Spy* (1709) and its most successful Charles Johnstone's *Chrysal; or the Adventures of a Guinea* (1760–65). For an excellent compendium of such works, see *British It-Narratives: 1750–1830*, 4 vols., ed. Mark Blackwell et al. (London, 2012).
26. Grear, "Deconstructing *Anthropos*," 246.
27. Roberto Esposito, "The *Dispositif* of the Person," *Law, Culture and the Humanities* 8, no. 1 (2012): 19.
28. Simone Weil, "Human Personality," in *Simone Weil: An Anthology*, ed. Siân Miles (London, 1986), 74; quoted in Esposito, "Dispositif of the Person," 30, emphasis added.