

Book review

Hydrojustice

by Andreas Philippopoulos-Mihalopoulos. Cambridge, UK and New York, NY: Polity Press, 2025. 150 pp. ISBN: 1509561643

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This review attempts to do justice to the way Philippopoulos-Mihalopoulos' *Hydrojustice* was written—or, more precisely, *wavewritten*. I will thus try to follow the book's gentle yet firm invitation, to be with others' waves as well as my own, in the writing of this review. Here, I have identified three waves, or immanent qualities, of hydrojustice: elementality, swerve, and pervasiveness, which I am navigating below.

1st Wave. Elementality

The book *Hydrojustice* is an in-becoming work of much-needed *elemental justice*. It distances itself from (re)distributive, procedural, or restorative, legal- and human-bound notions of justice: 'Hydrojustice is not distributive (it is not concerned with water as a resource), procedural (it is not about fairness in the legal sense of the word), or restorative (it does not deal for example with environmental reparations)'.¹ Hydrojustice is instead an immanent, pervasive, fully embodied flow, in constant movement, transversing, simultaneously connecting and differentiating human and non-human bodies. Elemental justice as hydrojustice is an ontoepistemology of ethical being *and* becoming water with others. It is happening and acting *now*, converging and diverging multiple spaces, as well as memories of pasts folding into futures, and the omnipresent flesh of matter. Hydrojustice reminds us of our own liquid *ἀρχή* (*archē*), or *origin*, *beginning*, which we are made of, are responsible for, and need to keep (re)adapting to.

This is what reading the book has been for me, a pleasant yet nostalgic (re)immersion into Ancient Greek philosophers (and precisely, the Pre-Socratics) and their elemental justice, as well as their discussion of our own elemental, non-human *ἀρχή*, origin: 'Justice can no longer be seen as a solely human affair. Its elemental and planetary dimensions must be brought through. ... Yes, there are earth, air, and fire on our planet. ... But within it all there is water'.² In Ancient Greek, the term *ἀρχή*, origin, is a multifaceted concept. It is not a distant, fixed point, which humans can separate themselves from. It is not a cause from which effects derive linearly. For the Pre-Socratics, we are materially *made of* that elemental *ἀρχή*: 'Aristotle noted that among the first philosophers, most were looking for a material cause-principle (*ἀρχή*) as something all things are made of, from which they all come into being and into which they perish at the end'.³ Separation from it may have been only an illusion.

We are here in the company of Thales of Miletus (VII-VI century BC), the first known Greek philosopher, to whom the claim is attributed that 'ἀρχὴν δὲ τῶν πάντων ὕδωρ' ('but the origin of all is water').⁴ And of Anaximenes of Miletus (VI century BC), for whom 'τῶν ὅλων ἀρχὴν τὸν ἀέρα' ('the origin of all things is the air').⁵ And of Heraclitus (VI century BC), who identified *ἀρχή* in fire: 'Πῦρ δὲ ἀνταμείβεται πάντα καὶ

¹ Andreas Philippopoulos-Mihalopoulos, *Hydrojustice* (Polity Press 2025) 42.

² *ibid* 1.

³ Maciej Roszkowski, "The Significance of the Semantic Range of the Term *ἀρχή* in the Thought of Sixth Century Greek Philosophers Analysed on the Basis of the Meanings of Certain Words Containing the *ἀρχ*- Root in Early Greek Poetry" (2014) 9 *Littera Antiqua* 66.

⁴ Diogenes Laertius, *Lives of Eminent Philosophers, Volume I, Book I*, trans. by Robert Drew Hicks, Loeb Classical Library 184 (Harvard University Press 1925) 27 1.

⁵ André Laks and Glenn W. Most (eds), *Early Greek Philosophy, Volume II: Beginnings and Early Ionian Thinkers, Part 1*, trans. by André Laks and Glenn W. Most, Loeb Classical Library 525 (Harvard University Press 2016) 338 D2 1.

πῦρ ἀπάντων’ (‘All things are exchanged for Fire and Fire for all things’).⁶ He also believed that ‘ποταμοῖσι τοῖσιν αὐτοῖσιν ἐμβαίνουσιν ἕτερα καὶ ἕτερα ὕδατα ἐπιρρεῖ’ (‘it is always different waters that flow toward those who step into the same rivers’).⁷ Not only is the river’s water always different while remaining the same, but so too are we—and so too do we become—when our bodies connect with its water. As Philippopoulos-Mihalopoulos recalls: ‘Return means returning to water always as difference, the same waters anew, Heraclitus reiterated every time ... Let’s think of it as spiral passage, a Moebius circularity that extends ad infinitum and haunts molecules, organs, fetuses, gods, ghosts’.⁸ Or, let’s think of Escher’s lithograph *Waterfall*,⁹ and the geometrical, yet impossible order of water flowing upwards in perpetual motion.

2nd Wave. Swerve

Justice is embedded in this perpetually flowing ἀρχή. The rich etymology of ἀρχή also suggests that the term does not only signify origin, or beginning, but is also connected with meanings such as ‘to order’ and ‘to lead’.¹⁰ Thus, it has an agentic, powerful role. Leading and ordering actions are essential to elemental justice. Ἀρχή begins by acting, moving, putting things in the (just) order: ‘Ἀρχή and ἀρχός as a head, ruler implies that the agent described in this way does not only exercise his power to direct and restrain but also must comply with some order of conduct’.¹¹ However, this is not a super-imposed, vertical power, but rather, again, a *horizontal, non-human power*. Hydrojustice wishes for horizontal movements, rather than hierarchical and violent verticalities. It asks us to be in the rupture generated by its movements, humbly accepting its limits, but without giving up agency. It is ‘... a dissolution of the usual verticality of decision-making in favour of horizontality, an ethics of flow that emerges from how the bodies array themselves and how they *incline* towards one another. There is no human free will in all this’.¹²

The inclination, or, from Latin, *clinamen*, is another key concept in ancient Greek philosophy. It is where Epicurus departs from Democritus’ theory of atoms, by adding the idea that atoms *swerve* (κλίσις): ‘Clinamen is the first step in the butterfly effect of planetary changes’.¹³ The swerve generates difference without separation. It is yet another essential quality of hydrojustice: the differencing-in-unity operation. This is also where Ancient Greek philosophy meets Deleuzian difference in the book: ‘Deleuze employs clinamen as “the reciprocal determination” of molecules to move in relation to one another clinamen would be the desire of bodies of water both to flow into one (“determination”) and to retain their difference (“reciprocal”)’.¹⁴

As Philippopoulos-Mihalopoulos recalls, differencing without separation, or exclusion, removal, even threat, is how intra-acting phenomena operate within Barad’s agential realism.¹⁵ The rupture occurring within the differencing operation still belongs to the intra-acting phenomena. The entity emerging from the rupture is different while preserving sameness. This is also what justice is, according to Barad: ‘the lived possibility of difference/differencing without exclusion’.¹⁶ Just like in Escher’s lithographs, hydrojustice thus dwells in

⁶ Hippocrates, Heraclitus, *Nature of Man. Regimen in Health. Humours. Aphorisms. Regimen 1-3. Dreams. Heraclitus: On the Universe*, trans. by W. H. S. Jones, Loeb Classical Library 150 (Harvard University Press 1931) 478 XXII.

⁷ André Laks and Glenn W. Most (eds), *Early Greek Philosophy, Volume III: Early Ionian Thinkers, Part 2*, trans. by André Laks and Glenn W. Most, Loeb Classical Library 526 (Harvard University Press 2016) 169 D65 b.

⁸ Andreas Philippopoulos-Mihalopoulos (n 1) 80.

⁹ Maurits Cornelis Escher, ‘Waterfall’ (1961).

¹⁰ Roszkowski (n 2).

¹¹ *ibid* 76.

¹² Andreas Philippopoulos-Mihalopoulos (n 1) 120 (*italics is mine*).

¹³ *ibid* 91.

¹⁴ *ibid* 91–92.

¹⁵ Karen Barad, *Meeting the Universe Halfway: Quantum Physics and the Entanglement of Matter and Meaning* (Duke University Press 2007).

¹⁶ Karen Barad and Daniela Gandorfer, ‘Political Desirings: Yearnings for Mattering (.) Differently’ (2021) 24 *Theory & Event* 46.

seeming paradoxes and impossibilities: ‘How is it possible to balance these two seemingly opposing forces? ... How to accept difference without threat? How to accept conflict without demonising it?’¹⁷

3rd Wave. Pervasiveness

This theoretical depth, however, translates into concrete action. Hydrojustice is pervasively agentic. It dwells within, rather than moving away from, such paradoxes and impossibilities. It thus differentiates without excluding.¹⁸ By doing so, it also performs a political action. It is an ‘ontological position’,¹⁹ a clear assumption of responsibility embedded within and directed toward our water origins, for our—‘fully pervaded with water’—earth, or ‘hydrogeos’ (‘υδρογείος, which means “hydroglobe” in modern Greek’).²⁰ Philippopoulos-Mihalopoulos showcases hydrojustice’s immanence, pervasiveness, and call for action through carefully described macro- and micro-scale examples: from Indigenous water cultures intra-acting²¹ with legal knowledges; while also recounting autoethnographic memories of the author as a kid living in Greece, at close contact with the sea, as well as his relationship with the watery Venice.

Radically, Philippopoulos-Mihalopoulos claims that ‘law must become water’,²² even though it (law) is resisting it: ‘Waters resist inscription and law cannot operate unless it inscribes, categorises, simplifies, defines, distinguishes, fixes’.²³ Law has made important steps, such as for example the recognition of legal personhood to rivers, and managing rights to access water resources. However, this is not enough to adequately address hydrogeos’ current and future environmental challenges. Law must start to consider water as an ‘omnipresent juridical and political factor’.²⁴

To show how this is far from being an oddity, as it may sound from an anthropocentric, Western, rationalist-legal perspective, Philippopoulos-Mihalopoulos mentions *other* jurisprudences, such as ‘Confucian-inflected collectivity, ... Islamic divine mediation, ... Indigenous juridical cosmogonies’.²⁵ Philippopoulos-Mihalopoulos guides the reader through the watery (in)formal legalities of Indigenous tribes in Kenya;²⁶ or the ‘Nibi (“Water”) Declaration of Treaty #3 – on the entanglement between the Anishinaabe citizens and Nibi in their territory’;²⁷ or climate change disasters, provocatively represented by the Pacific island ‘Tuvalu’s foreign minister, Simon Kofe’ who ‘delivered his 2022 Cop26 address standing in seawater up to his thighs’.²⁸ Here, Tuvalu is amending the constitution while reimagining its future without land.²⁹ Philippopoulos-Mihalopoulos also showcases law’s deep inadequacy in the cases of slave ships and people thrown overboard.³⁰

Drawing on his personal story, he then shows how he is himself inside and outside the water, at the same time. How pervasive water has been in his own life as a legal scholar and artist: for example, the encounter with the jellyfish, when he was a kid, then reflected in his art practice. Or when he explains how the MoSE’s floodgates function in Venice, his ‘other home’:³¹ trying to control the yearly floods, but being, in the end, inadequate. Here a decision may need to be made in the future, whether to save the lagoon without Venice, or Venice without the lagoon: ‘Whether the lagoon is sealed off to save Venice or Venice is allowed to sink

¹⁷ Andreas Philippopoulos-Mihalopoulos (n 1) 95.

¹⁸ Karen Barad and Daniela Gandorfer (n 16).

¹⁹ Andreas Philippopoulos-Mihalopoulos (n 1) 25.

²⁰ *ibid* 1.

²¹ Karen Barad (n 15).

²² Andreas Philippopoulos-Mihalopoulos (n 1) 71.

²³ *ibid* 75.

²⁴ *ibid* 76.

²⁵ *ibid* 77.

²⁶ *ibid* 118.

²⁷ *ibid* 119.

²⁸ *ibid* 111.

²⁹ *ibid* 108.

³⁰ *ibid* 51–52.

³¹ *ibid* 19.

... a new kind of body of water will be generated. Water becoming difference ... there is violence in the act of deciding'.³² Dwelling in the rupture, thus, becoming different with the water while remaining oneself, is an alternative form of agency. It is an urgently needed movement of justice, which negotiates with other entities their being *and* becoming water.

In Philippopoulos-Mihalopoulos' book, rich theoretical framings encompassing Ancient Greek philosophy, Deleuzian studies, water studies, Indigenous scholarships, relational philosophies, critical (and posthuman) environmental law, and beyond, meet a concrete call for planetary action: by making us aware of our profound, ontological, *original* connectedness with water, and by inviting us to take responsibility for it. *Hydrojustice* is a provocative text that reminds us of our origins, and pushes us to accept and (re)adapt to what we are made of.

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³² *ibid* 98.