Garden Me Tender

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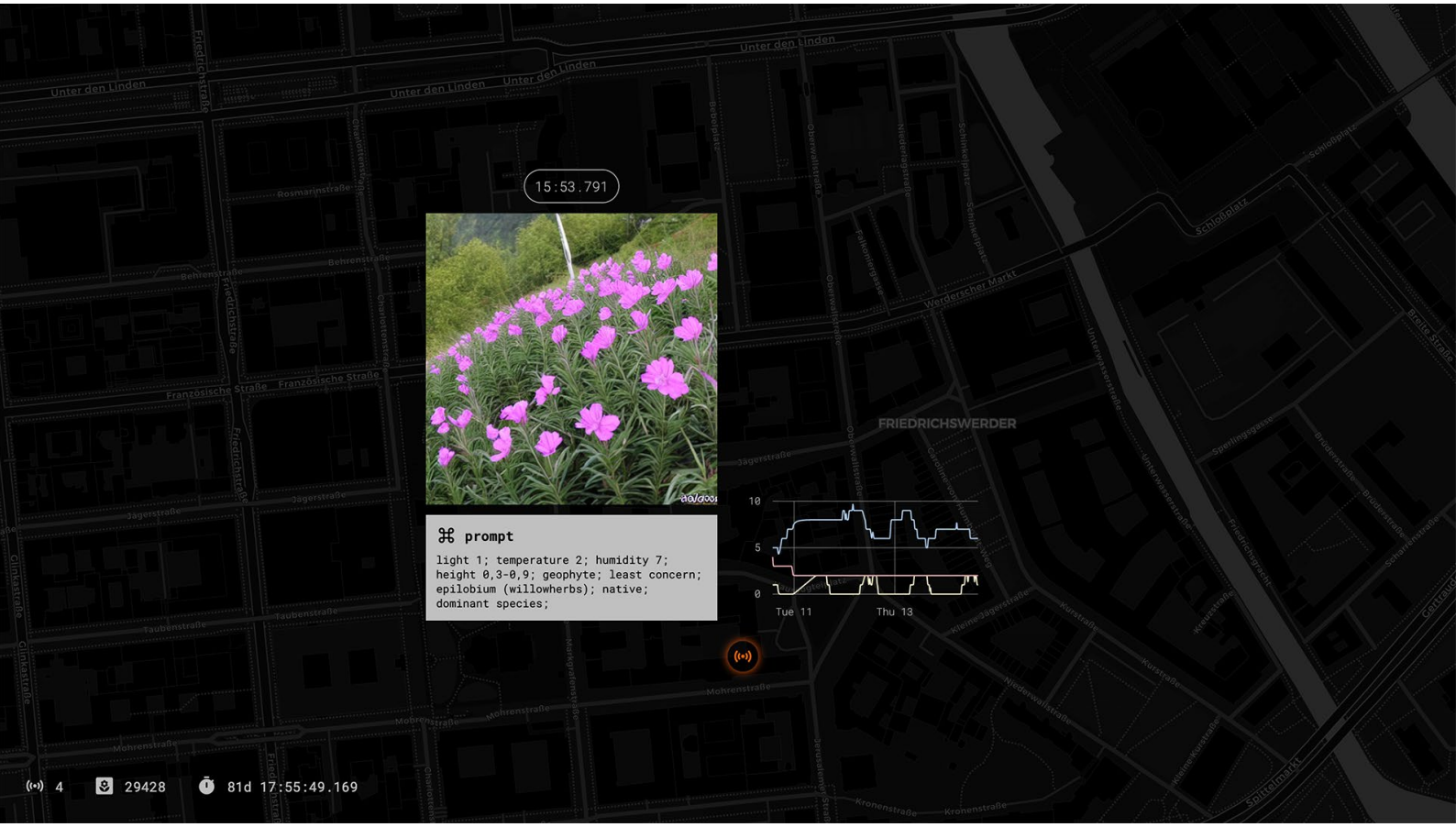

Garden Me Tender is an ongoing project that investigates the legal concept of agency, questioning whether vegetation could acquire land ownership. Data collected from residual plots is linked to an AI model retrained on the Czech flora and vegetation database, generating speculative images of plants that *could* grow under specific conditions. By merging legal institutes, technology, and artistic practice, the project reframes ownership beyond human-centered constructs, prompting reflections on the role of emerging technologies in redefining agency, subjectivity, and the rights of nature in an increasingly *datafied* world. At xCoAx 2025, we would like to develop the third iteration of *Garden Me Tender*, focusing on collecting ecological factors by positioning sensors near the location in Dundee where the conference will take place. The exhibition will consist of displaying images generated by artificial intelligence (Stable Diffusion) based on the data collected by the sensors.

Lucia Bergamaschi
Faculty of Fine Arts, Brno University of Technology,
Brno, Czechia
xvbergamasch@vutbr.cz

Tomáš Javůrek
Faculty of Fine Arts, Brno University of Technology,
Brno, Czechia
xvjavurek@vutbr.cz

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The Case

The project *Garden Me Tender* continues a research trajectory that began around 2020, as a way of exploring the recent phenomenon of granting legal personhood to natural entities. The first prototypical version of the project took shape in May 2024 with the creation of a case study *Parcel No. 981*, starting from the vegetation that had colonized the remains of an abandoned factory.

This specific site, located at the foot of Špilberk Hill in Brno, is raising key questions about its shifting ontological status over time. Originally built around 1892, the factory had been partially excavated into the hillside, as evidenced by a section of embedded rock in the basement. Over time, vegetation had grown on the rear section of the factory, which had fallen into disuse. The factory walls, which bordered other residential structures along Pekařská Street (formerly Bäckergasse, a suburban district of Brno dating back to the High Middle Ages), now enclosed this new growth. The architectural composition of the site evoked images of a *hortus conclusus* – medieval monastic gardens. Yet here, the monastery and its cultivated flora had been replaced by city infrastructure and ruderal species. This new vegetal assemblage emerged as an adaptation to shifting environmental conditions and to the specific mineral composition of the soil.

Floristic research from the 1970s by botanist František Grüll (1979) focused on sites constantly exposed to human intervention, such as former quarries, railways, and post-industrial sites, where vegetation was shaped by anthropogenic disturbances. These areas, defined as habitats for synanthropic flora, often became refuges for threatened plants displaced by agricultural land use or for newly introduced species, such as those brought into the country via imported wool. These sites, also referred to as “vague terrain” (Haluzík 2020), “*délaissé*” (Clément 2005), or simply categorized as “other areas” in cadastral registries, are typically not considered ecologically relevant, unless a protected or endangered species of bird or fungus is found there. In such cases, this might interrupt their temporal suspension by assigning them a use or function within the urban productive machine.

Is it possible to define such sites on the basis of their environmental specificities or by the relations and multiple agencies at work? What role does emerging plant communities play within the discourse on the recognition of legal personhood for natural entities? How might synanthropic flora enhance the perceptibility of non-human forms of agency?

The vegetation, by reclaiming the minerals embedded in the bricks – without which it could not exist – seemed to be becoming something

Fig. 1. *Parcel No. 981*. Photo: Denisa Römerová, 2024.

distinct from both the hill and the factory, while at the same time remaining part of them. This led to an investigation into the possibility of recognizing the *de facto* power exercise over time by vegetation on the (abstract) parcel. Collaborating with Professor Lososová (2024) from the Department of Botany in Brno, we identified various types of spontaneous plants – some native, others neophytes, most likely introduced by birds or ants. The mapping reveals a landscape still undergoing transformation, composed of plants with a competitive ecological strategy – species that thrive in habitats with sufficient resources, non-extreme conditions, and limited disturbance. It is assumed that these conditions have existed in the parcel for approximately 50 years.

This long-standing vegetal presence evoked the legal concept of adverse possession (*usucapio*), a principle by which ownership is acquired through long-term, peaceful, and uninterrupted possession. Despite fulfilling these criteria, plant communities – lacking legal personhood – cannot claim land. And yet, their prolonged and undeniable occupation invites a speculative rethinking of such frameworks: could land be claimed by more-than-human forces, simply by virtue of persistent presence?

Sensitive Practices

> Posthuman subjects are formative processes resulting in dynamic structures, affectively embedded within wider complex systems comprising inter-cultural, multi-species nature-culture continuums. (Bignall 2022)

Today, the concept of agency has undergone profound re-evaluation compared to its original humanistic conception, which was grounded in intentionality, rationality, and voice, and tied to a reductive view

of subjectivity. In posthuman and new materialist thought, a broader, more relational perspective has emerged – one capable of including the multiple non-human actants with whom we co-inhabit and co-constitute our shared world. The Anthropocene, as Jeffrey Scott Marchand notes in the *Posthuman Glossary* (2018), compels us to recognize and take seriously non-human agencies as active and affective forces participating in world-making – laying the groundwork for new ethical parameters to guide future actions. In this scenario, we must ask: what does it mean today to act, to intervene, and to produce effects – sometimes unpredictable – within a living, more-than-human web of material relations?

A recent study on Brno's spontaneous flora documented 1,492 taxa present in the area between 2011 and 2021. Led by Professor Lososová (2024), the research aimed to highlight the ecological significance of urban vegetation. Using a grid-based methodology typically applied to protected areas, the study proposed that urban spaces, too, be considered potential centers of biodiversity. It drew a strong correlation between land use and floristic diversity, classifying seven categories of land use (residential, industrial, urban, agricultural, forest, meadow, and aquatic) to analyze how abiotic conditions influence the distribution and survival of plant species in the city.

Abiotic factors – nonliving physical and chemical aspects of ecosystems, such as sunlight levels, soil chemistry, and climate – shape the environment. Each plant species responds to a combination of these parameters, such as light availability, temperature, continentality, humidity, soil acidity, and nutrient richness. These plant preferences were systematically recorded through extensive fieldwork by the German ecologist Heinz Ellenberg and compiled into what are now known as the Ellenberg indicator values. These values remain a widely adopted tool in contemporary botanical and ecological research, offering insight into the environmental tolerances and habitat preferences of plant species.

The idea that abiotic conditions determine the survival of certain plant species and/or the transformation of entire plant communities recalled the notion of "vibrant matter" (Bennett 2010) and brought to mind the thermostat – a common domestic device used to detect and display temperature fluctuations. What kind of knowledge could this tool offer when recontextualized from a domestic to an outdoor place, detecting environmental factors that shape plant communities?

Responding to these questions, sensitive environmental sensors – capable of measuring light, temperature, and humidity – were in-

Fig. 2. *Garden Me Tender* sensor. Photo: Polina Davydenko, 2024.

stalled on *Parcel No. 981*. These DIY, energy-autonomous devices detect and store fluctuations in electromagnetic fields, converting them into numerical values visualized as time series. Connected via wireless signal to a server, each data point is time-stamped and associated with a unique identifier.

While data collection is often linked to surveillance and control, here it is reconfigured as a form of testimony – a way for the vegetation to demonstrate its uninterrupted, long-term presence. Since Galileo, data collection has been foundational to scientific inquiry – a core method for exploring and instrumentalizing the world. Yet data only becomes "objective" under specific epistemic conditions; the knowledge extracted through data is never neutral – it is an active force shaping and manipulating reality (Javůrek 2019). The term *data harvesting* – used by AI scholar Kate Crawford (2021) to describe the planetary-scale extractivism of Big Tech – evokes both the literal mechanics and the allegorical consequences of this practice. In this project, however, measurement becomes a performative act that seeks to return agency to nature – affirming its own spatial logic and autonomy. Within this context, abiotic conditions emerge as the only true *nomos* – the regulating principle – for every individual plant.

Proof as Evidence as Proof

As is written in contribution to *More PostHuman Glossary*, under the gloss "Ecolaw": "We inhabit a nomos", so "the law is the product of ecologically-connected legal subjects that coalesce into normative worlds" (Davies 2022). These worlds from socio-legal theory are situated in the everyday routines and relationships of social life. Posthuman discourse positions itself as a valuable tool for reimagining law; however, the shadow of the legal subject and of agency in the strict sense – both tied to intention and will – still persists. Is this

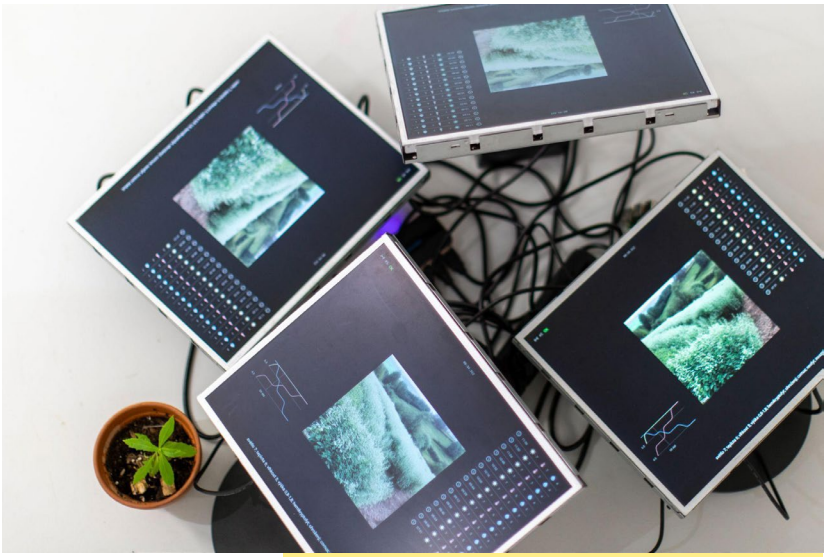

Fig. 3. *Garden Me Tender* installation. Photo: Barbora Trnková, 2024.

concept of legal agency, tied to persons, still valid when applied to plants – beings that are inherently collective and vitally dependent on 'weaker' forms of agency? Could the collected data on abiotic factors – once contextualized and made visible – serve as evidence of the legal subjectivity of the parcel, or do they instead reveal the fictional construction of both the subject and the parcel?

Data visualization became another key element. The environmental data collected by the sensors was not only plotted as diagrams or time series, but also transformed into images. These images, speculative in nature, represent fictitious plants: visual metaphors for organisms that could potentially survive under the recorded abiotic conditions. This was made possible by integrating the data with a retrained instance of Stable Diffusion – an image-generation model fine-tuned on the Czech flora database (*pladias.cz*). Hosted on the same server as the sensor data and accessible via an API, the model receives environmental prompts in the form of Ellenberg ecological indicators. When queried by a microcomputer running a display application, it generates an image of a hypothetical plant suited to the previously gathered conditions. The app periodically collects raw values from the server, reformulates them into ecological indicators, and displays both the data and the generated image of the hypothetical plant.

Geographic maps are no longer the sole tools of neocolonial power. Today, colonization is encoded in charts, diagrams, n-grams, and vectors – the fluid, persuasive aesthetic of data visualization that conceals systems of extraction and control (Pasquinelli and Joler 2020). Knowledge itself has become a territory to conquer, its flows diverted by algorithms, its truths flattened into readable conquest. Against this, our project enacts a *détournement*: we repurpose these very techniques, distorting their logic to amplify non-human agencies and restore abiotic sovereignty. We invoke the speculative legal notion of

usucapio not to justify possession, but to imagine a counter-claim: what if plants, rocks, or atmospheres, by resisting, could reclaim space from human systems of domination? In doing so, we challenge not only human centrality, but also the legal and epistemic architectures that have rendered the world a resource to be harvested.

Notes

Website:
https://gardenmetender.site

1. As discussed by Grüll (1979) in Czech, in Synanthropic flora and its distribution in the city of Brno.

2. These notions are discussed, respectively, by Haluzík (2020), in Czech, in City Upside Down: Vague Terrain, Inner Peripheries, and Places Between Places, and by Clément (2005) in Manifesto of the Third Landscape.

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