Reconsidering Legal Subjectivity In and Through the Anthropocene

International Conference organized by the research network Law in the Anthropocene ("Recht im Anthropozän")

27–28 November 2025, Goethe University Frankfurt

The abstracts of conference contributions in alphabetical order
last edit: 15th October 2025

Anindita Chakrabarti
Indian Institute of Technology Kanpur

Deity as Juristic Person and the Hindu Joint Family as Corporate Entity: Legal Subjectivity and Innovations in Post-Colonial India

The paper explores the concept of legal subjectivity of the Hindu deity and the joint family in property and income tax law in contemporary India. In Anglo Hindu law—a unique legal code that carries the indelible mark of their colonial roots —the idol is a legal person, and their possessions are known as debutter. Debutter comes into being when a property is dedicated to God. The idol of the deity thereby acquires proprietary rights and becomes a juristic person capable of suing and being sued. On the other hand, the Hindu Undivided Family (HUF) is a unique income tax entity, governed at the same time by family law and the Indian Income Tax Act. It became a legal and tax entity under the colonial Income Tax Act of 1922. Thus, it emerged as a dual entity, both a family and firm (Eleanor Newbigin 2013). In this paper, I illustrate how the emergence of the modern 'liberal' market economy and individualisation of property rights during the British period in India led to the creation of legal innovations such as juristic personhood of the idol and the HUF. I argue that such legal innovations prevented fragmentation of collectively owned joint property on the one hand and made use of the collective entity of the joint family to preserve individual income of the salaried classes on the other.
Unlike the trajectory of the modernisation of inheritance laws in countries such as Germany, France and the United States, where, as Jens Beckert (2008) has shown, abolition of entails was of crucial importance, in India, colonial modernity was ushered in by legal innovations that led to the formation of religion-based entails. This had far-reaching implications in the post-colonial period. Though the British-led modern market economy attempted to erase, as Christopher T. Fleming (2020) has pointed out, collective ownership by extended networks (of families, temples, and educational institutions) where proprietary rights were circumscribed by various entitlements to ritual rites, new forms of religio-legal entities with their own legal subjectivity emerged during the same period. This legal anachronism awaits sociological investigation. Drawing on contemporary cases around the idol's property or debuttar and data on the HUF, the paper investigates how the legal subjectivity of more than humans has a deep impact on property relations, family structure, as well as legal culture in a post-colonial nation state. Locating the research questions at the intersection of theory, practice, and the history of law, the paper delves into the rather understudied domain of private law in India.

Bayar Dashpurev
MPI for Social Anthropology

Rituals as Rights' Infrastructure: Legal Subjectivity, Cosmopolitics, and Environmental Protection in Mongolia's Sacred Mountains

Mongolia's Bogd Khan Khairkhan mountain was first legally recognized as a sacred place, a status reflecting the nomadic people's worldview of nature as a living being. Since the eighteenth century, both religious and political authorities have continuously held rituals and ceremonies, worshipping the mountain and thereby transforming it into a cosmopolitical actor. This process shares many similarities with practices among Indigenous peoples worldwide, notably in South America and the Indo-Pacific, where the extension of rights—often styled as 'human' rights—to nature has gained prominence. However, the primary motivation for treating the mountains as cosmopolitical actors was not solely environmental protection. Rather, this contemporary essentialization has likely been reinvented to compensate for the shortcomings of modern legal and institutional rules when faced with a growing ecological crisis. I argue that the reinvention of human–nonhuman relations and the extension of legal subjectivity to nature have often critically neglected the role of rituals in this process. I contend that rituals operate as infrastructures through which legal subjectivity is created and extended to nonhuman beings. In the case of Mongolia's sacred mountains, rituals also serve as crucial modes of communication, correspondence, and representation between human and nonhuman actors. Crucially, I show that rituals may simultaneously strengthen environmental protection and undermine the extension of legal subjectivity to nonhuman beings. My article illustrates these inherent challenges by using the sacred mountains as a case study, investigating their historical foundation, transformation, and reinvention in the face of extreme resource extractivism in Mongolia.

Katrin Höffler, Jan-Ulrich Dittmer & Felix Butz
Humboldt University Berlin

In the Shadow of the Symbol – How Does the Discourse on the Expansion of Legal Subjectivity Engage with Global Trends of Rights Deprivation?

The debate on extending legal subjectivity to nature and non-human entities has become a dominant strand in discussions of law in the Anthropocene. Yet this focus risks obscuring the fact that merely enlarging the circle of legal subjects is, on its own, insufficient to confront the challenges of the Anthropocene. What is often overlooked is the simultaneous process of rights deprivation and objectification of existing legal subjects. This omission is striking because those most affected by such processes are also those most directly exposed to the conflicts and struggles of the Anthropocene: (climate) refugees and climate activists. We therefore call for broadening the debate beyond symbolic extensions of subjectivity toward a critical analysis of repressive processes and legal infrastructures, particularly in policing and criminal justice, that undermine individuals' subject status.
Giorgio Agamben has provided a powerful illustration of de-subjectivation through his writings on the "homo sacer" and the treatment of refugees.1 As "homines sacri" in Agamben's sense, refugees possess neither civil rights nor full membership in the political community to which they are subjected, thereby becoming deprived of rights and reduced to objects of law.2 The figure of the deprived-of-rights "homo sacer" can be applied not only to (climate) refugees but, differently, also to climate activists—the central focus of our analysis.

Although most climate activists are citizens, and thus de jure bearers of civil rights, the lack of democratic responsiveness effectively excludes them from political participation. Reduced to what Agamben terms "bare life," their resistance takes the form of embodied protest. The protest of the "Last Generation" exemplifies this dynamic: activists turn to civil disobedience because they perceive no other effective channels of expression. While refugees are deprived of rights through the nexus between citizenship and civil rights, climate activists are excluded through the operation of police and criminal law. The branding of the "Last Generation" as a "Criminal Organization" and the use of preventive detention against its members point to a systematic denial of rights—understood as a permanent state of exception in which aspects of the right to assembly are suspended—and thus to a de facto desubjectivation.
The case of climate activists shows that genuine emancipatory legal critique cannot remain confined to symbolic debates about new legal subjects. It must also confront regressive dynamics that strip those striving to address the Anthropocene's challenges of rights and voice.
This perspective can enrich discussions on novel subjectivities, since their rights demand particular protection: unlike human activists, non-human entities cannot stage embodied resistance. The denial or neglect of their rights would manifest immediately in their destruction.

Michael Kalis
IKEM Institute for climate protection, energy and mobility & University of Greifswald

Distributed Subjectivity? How the Law in the Anthropocene Stretches the Concept of Legal Subjectivity

The Anthropocene, understood as both narrative and phenomenon, marks a new paradigm of scale: the unprecedented impact of humankind as a geological factor, its spatial reach across local and global dimensions, and its temporal extension into the far future and even deep time. Law, as a central institution of social ordering, is bound to reflect and operationalize these scales. In doing so, it cannot remain unchanged. Foundational concepts may themselves undergo transformation, gesturing toward what some scholars have begun to describe as a lex anthropocenae.
This paper explores distributed subjectivity as one such transformation. Traditionally, legal subjectivity has been tied to the individual actor, capable of holding rights and duties, asserting claims, and bearing responsibility. Yet in the Anthropocene, impacts and harms are systemic, cumulative, and transgenerational. They resist localization in discrete plaintiffs or actors. Climate litigation provides a critical lens for this phenomenon: while cases such as Urgenda, Carvalho, Neubauer, and KlimaSeniorinnen are formally brought by specific groups — NGOs, families, youth, elderly women — their claims point beyond individual or collective rights. They articulate fragments of a broader, shared condition: the stability of the climate, a "safe operating space" for humanity, or the very conditions of freedom (Freiheitsvoraussetzungen) of human beings and future generations.
In liberal legal thought, standing requires a subjective right or interest. In climate cases, this requirement becomes ambiguous. Do the claimants genuinely pursue distinctive interests, or are they carriers of a distributed interest that transcends their situated existence? In this reading, the plaintiffs function less as discrete rights-bearers than as vectors of a subjectivity diffused across time (future generations), space (the global commons), and actors (human and non-human alike).
The concept of distributed subjectivity captures this shift. It names the fragmentation and redistribution of legal subjectivity across actors, institutions, and temporal horizons. Rather than abolishing subjectivity, the Anthropocene diffuses it into networks of interdependence, mediated

through legal infrastructures such as standing doctrines. By tracing the seeds of distributed subjectivity in contemporary climate litigation, this paper argues that law in the Anthropocene is already beginning to stretch its most basic categories, suggesting a slow but profound reconfiguration of what it means to be a legal subject.

Anette Mehlhorn
MPI for Social Anthropology

Rights of Nature – Traveling theories and critical (legal) knowledge production in catastrophic times

The Rights of Nature have become a global phenomenon. With over 200 documented cases, iterations of the concept can be found in laws, rulings, ecological struggles and academic debates all over the globe. This „global success story" has been cause of great enthusiasm and hope for many. With (assumed) roots in Latin America and particularly indigenous philosophies and practices, it has been celebrated as the amplification of indigenous knowledge and as an instance of de-colonial (legal) knowledge production. However, the global translation of RoN has also been analyzed with a more critical stance, as for example the romantisation, essentialisation and de-politication of indigenous struggles, the complexities of juridification or the dominance of (Norther-centric) NGOs have been pointed out. In this contribution I want to move away from question of authenticity or correctness in translation. Instead I will focus on the question why, when and how processes of translation and trans-local knowledge production gain radical content and connect to emancipatory struggles or not.

Andrea Mühlebach
University of Bremen

Title: Do Waves have Rights? On Energetic Processes and the Law

In 2023, the municipal council of Linhares, a coastal city in southeastern Brazil's Espirito Santo State, afforded special protection to the waves of the Doce River Mouth by granting them legal personhood. While there are many challenges this emergent legal movement raises, including who speaks for waves or rivers and what kinds of evidentiary politics get mobilized in court, this paper focuses on two questions: First, I ask what a wave is and what needs to happen for it to be conceptualized as a discrete "legal person" represented or spoken for in court. After all, a wave is a dynamic energetic flow pattern of repetition and re-formation. It is part of a larger natural cycle that includes the length of a wave´s "fetch" – the distance from its point of origin – most of which lies under the surface of the ocean, as well as the rising and breaking of waves which is born out of the air that rhythmically deforms the water and perturbs the flow of air across it. In other words, waves are part of a hydro-elemental planetary churn.
They are unlike other non-humans (animals, ships, corporations) who have long been represented in court. Second, I ask what liberal law is becoming if it is granting legal personhood to discrete entities like waves or rivers both of which are, in fact, an integral part of the elemental churn of nature. If waves are a set of complex relations and if the rights of nature movement is one of the fastest growing legal development of the contemporary moment, how will liberal lawmaking balance discrete "personhood" and elemental energetic process? What must liberal law become to accommodate the wave?

Ana Oliveira
University of Coimbra

Dystopia as method: on the legal objectivation of subjectivity in the Anthropocene

Dystopian imaginaries often depict pre- or post-apocalyptic worlds or hyper-legal forms of surveillance and control, functioning beyond their literary value to interrogate the present. The Anthropocene, as I understand it, operates in a similar vein: a metaphor for a world teetering on the brink of ecological and social collapse. Law occupies a central place in these imaginaries, as most dystopian scenarios are, in some sense, legal dystopias. From Orwell's 1984 and Huxley's Brave New World to Atwood's The Handmaid's Tale and Olga Ravn's The Employees, literature and science fiction have persistently imagined futures in which legality is both constitutive of, and corrosive to, the 'human condition'. Building on this, my paper develops two lines of inquiry. First, these dystopian narratives mirror shifts in legal history, whether in the sources of legal authority or the ways law has constituted the legal subject. Early legal focus was grounded on the body; while the body remains a locus of control, what the law may do to it has changed considerably. Over time, legal focus turned to subjects' inner processes, setting standards for recognising the 'mind' in contexts like criminal liability and testamentary capacity, ultimately encompassing the right to freedom of thought and the need for and capacity to consent. My hypothesis is that the legal subject is increasingly reconfigured through and around informational (self-)determination — illustrated in works such as Minority Report and Black Mirror.
Second, the incorporation of technology, robotics, and other digital devices into governing everyday life has become a fertile ground for speculative approaches to models of subjectivation, sociability, and governmentality: from ectogenesis to "Thanatron" and other technologies of death; from the replacement of human labour to predictive and algorithmic tools deployed in insurance or criminal systems; from androidism to synthetic modulation of consciousness managing or eliminating emotions like grief, heartbreak or trauma. In doing so, they open space for creative ventures into epistemological, ontological, and normative problems — from posthuman to more-than-human relations — unsettling conventional notions of the legal subject and foregrounding new interpellations: is 'human' a matter of form, function, or performativity? Taking dystopia as a method—contra Ruth Levitas's proposition of utopia as a sociological method—this paper analyses how speculative imaginaries and the anthropomorphisation of high-tech robotics, especially sex robots, serve to challenge the legal objectivation of subjectivity, or, at the very least, the fictions through which the legal apparatus has historically constituted and regulated its subjects.

Ana-Marija Rus
University of Ljubljana

Law Beyond the Living: Future Generations

Confronted by increasingly dire warnings about serious ecological harm(s) resulting from climate change, environmental contamination, and biodiversity loss, the status quo of (international) environmental law has been called into question, as it has been described as limited, fragmentary, inconsistent, and insufficiently binding. Thus, in recent years, discussions surrounding the rights of nature have expanded into the realm of environmental law. These discussions propose rights of nature as a potential solution to the shortcomings of international environmental law, as this approach aims to protect nature for its inherent value, independent of

its utility to or influence on humanity. However, there has been significant pushback, as current environmental law is largely based upon anthropocentric ethics, aiming to protect nature for human use and/or enjoyment, thus understanding nature as a resource to be appropriated and exploited. In alliance with the current anthropocentric environmental law, there is another evolving approach. In recent years, there has been a sharp increase in the number of cases brought before national courts addressing the constitutional rights of future generations in the context of environmental protection. Examples range from Colombia, United States, Brazil, Canada, Norway, Sweden, Germany, Pakistan, and Korea.
This is in large part attributable to growing awareness of the intergenerational impacts of climate change and their implications for those at the far end of the temporal spectrum. In turn, litigators and advocates have advanced legal strategies aimed at safeguarding the ecological foundations of life for children and future generations, while also promoting a fair allocation of environmental burdens across generations—whether unborn, currently children, or otherwise. It is an attempt to expand the temporal boundaries of the legally relevant and the conception of causation in the legal realm. However, future generations' concepts might not fill the insufficiency to protect nature, as it protects only parts of nature that can influence or harm human life. However, even though it could seem that all of nature is important for human health, and the elevated anthropocentric protection (that is through the recognition of rights of future generations), could help, pollution is more harmful at lower levels to mitochondria than to humans. As when nature protection is centred solely on human interests, gaps in protection can and do arise, particularly when humanity does not directly benefit from certain natural entities or processes. Yet the crucial problem in this anthropocentric related environmental protection, through the representation of future generations, lies within the legal status of future persons, no consensus is currently taking shape as to whether future generations can possess rights or legal personality, or they have only hypothetical interests to be represented.

Anna-Julia Saiger
University of Freiburg

Beyond Trees and Rivers: Fungi and the Future of Rights of Nature

Fungi powerfully illustrate the challenges of extending legal subjectivity to the more than-human world, especially as they surface as key subjects in biology and climate science. From soil remediation (NASA, 2020) to carbon storage and climate resilience (University of Sheffield, 2023) – fungi's role in sustaining ecosystems is only beginning to be understood. Despite their ecological importance, fungi are increasingly under threat and remain poorly protected under current legal frameworks. Therefore, at COP16 (2024), the UK and Chile have proposed a "fungal conservation pledge" to expand biodiversity protections beyond "flora and fauna" to include "funga".
Yet fungi's elusiveness and deep entanglement with life on Earth demand more than inclusion in existing multilateral frameworks. With over 90% of species undocumented, fundamental questions persist about what fungi even are – plants, animals, ecosystems, or something else entirely. This scientific ambiguity challenges conventional notions of legal personhood. As Merlin Sheldrake notes in Entangled Life, fungi are "better thought of not as a thing, but as a process" (2020, at 7).
Bringing fungi into legal subjectivity is not just an expansion of Rights of Nature – it fundamentally transforms the concept of legal subjectivity itself, inviting a relational, interdependent, and open ended legal ontology. Additionally, the law would need to accommodate scientific uncertainty, ambiguity, and processuality. Some of these concepts are familiar to legal thought, yet their rights dimension remains to be fully elaborated. While these

issues extent beyond fungi, their unique qualities sharpen the questions legal theory must confront in reimagining who or what the law can 'en-title'.

Thomas Scheffer
Goethe University Frankfurt

Legal Subject Formation in the Anthropocene

One could argue that, overwhelmed by the enormous tasks ahead of us, the capacity to respond to the existential problems of our times has yet to be achieved. Responses to climate change, for example, are thus preliminary and must bridge the growing spatiotemporal and socio-material gaps between the current inadequate situation and the impending demanding future. Subject formation is part of this contingent unfolding since subject status has always been intimately linked to obtaining agency within a given situation . In the Anthropocene, the subject capable of acting on the matters put to it has yet to be formed. In my talk, I will sketch the premature status of the legal subject as it is meant to unfold to its full capacity. This unfolding is both a dire necessity and an improbable utopia—it is both urgently needed and unimaginable.
One articulation of this legal subjectivity to be realized is the notion of "society" within an "international community" as the subject of a climate regime that fulfills its duties and responsibilities. Indeed, it takes an entire society within a division of societies, meaning a new "Vergesellschaftung" (Weber), to meet the major demands of the Anthropocene, which include climate change and biodiversity loss. This, in turn, reminds us of how the human, within the Anthropocene and facing such enormous problems, is losing its subject status. It is pushed back, to use a phrase of Luhmann, into "the environment of society" once again. From there, some of those humans launch their retrotopian rebellions against what alone could protect them from full exposure to nature: the society to come.

Berit Völzmann
Humboldt University Berlin

From Eco-Colonialists to Cosmic Persons? – Thoughts on (Post-)Human Legal Subjectivity

Specific assumptions are associated with the understanding of human legal subjectivity: the separation of legal subjects and legal objects, of culture and nature, of human and non-human. The core element of the liberal subject is the assumption of a pre-legal autonomy: independence from other people (and also from nature). This has long been criticized from communitarian and feminist perspectives with regard to the social nature and interconnectedness of individuals; relational approaches have been developed, for example a relational theory of fundamental rights. However, human connectedness exists not only between individuals, but also with regard to nature. Considerations of relationality must be extended to these dependencies and we must ask what this means for humans, for their legal subjectivity, and for the role of law. This article pursues the thesis that the existing understanding of legal subjectivity must change: what is needed is not only an extension to other legal personalities, but also a different understanding of existing (human) legal subjectivity.

Verónica Zuccarelli Freire
MPI of Geoanthropology

At the Crossroads of the Anthropocene and Abya Yala: Extractivism, Energy Transitions, and Indigenous Ecologies

This presentation contributes to debates on legal subjectivity in the Anthropocene from a grounded, bottom-up perspective rooted in Indigenous and Traditional Ecological Knowledge. In recent years, Indigenous voices have gained visibility in academia and in political arenas such as the UN Climate Change Conferences, particularly in the defense of forests, water, animals, and territories against the global surge in extractive activities. We contend that understanding the Anthropocene requires tracing its historical roots and acknowledging perspectives shaped by colonial and postcolonial processes. In the Global South, projects linked to the Energy Transition intensify contested narratives around "resources," generating tensions between global decarbonization demands and local ecological worlds.

Through our working group ECHOES (Exploring Climate and Human Observations from the Global South), we introduce interdisciplinary perspectives on the Anthropocene crisis. ECHOES integrates palaeoecology, archaeology, anthropology, and Traditional Ecological Knowledge to situate contemporary challenges within long-term human–environment histories. By foregrounding Indigenous ontologies and Global South perspectives, we argue for rethinking legal subjectivity in the Anthropocene as hybrid, situated, and dialogical—emerging not from universalized categories but from localized forms of world-making that recognize more-than-human agency.

This approach challenges dominant extractivist logics, including "green capitalism" and conventional notions of development, while opening pathways toward plural ecological futures. Linking deep histories of human–environment interaction with urgent contemporary debates on governance, environmental justice, and sustainability, we present examples from socio-environmental conflicts in South America where these alternative perspectives are actively shaping the present.