

Constitutionalizing in the Anthropocene

Research Week 2024

Supported by Tilburg Law School, the National Sector Plan (Law) on Transformative Effects of Globalization on Law and the Koninklijke Nederlandse Akademie van Wetenschappen



Monday 8 April

Law and the Inhuman

Convened by Marie Petersmann, Julia Dehm, Kathleen Birrell & Afshin Akhtar-Khavari

Tuesday 9 April

Laws and Societies in Global and 'Anthropocene' Contexts

Convened by Laura Mai

Conference dinner (for invited speakers)

Wednesday 10 April

Law, Technology & Environment Nexus

Convened by Emre Bayamlioglu & Han Somsen

Thursday 11 April

*Climate Change and Cultural Heritage: Moving from Heritage Loss to
Reparation*

Convened by Sophie Starrenburg

-and-

Teaching Law & Policy in the Anthropocene

Convened by Phillip Paiement & Floor Fleurke

Roundtable discussions on LAW AND THE INHUMAN

This workshop will explore the relation between law and the inhuman, drawing on the analytic of the ‘inhumanities’ (Yusoff) to consider how the notion of the ‘inhuman’ might allow us to rethink legal concepts like subjecthood, rights, reparations and loss, and more expansive ideas of obligation, refusal, healing/care, de- and re-worlding. The workshop is funded by a KNAW Early-Career Partnership and the CitA research project

The workshop will focus on the ‘inhuman’ as a powerful heuristic with which to apprehend the forces that both compose and decompose the human. That is, the inhuman as a material and discursive presence, by which the human is mattered and comes to matter. The inhuman is a way of decentring the human as the privileged bearer of agency and acknowledging the vast constellation of inhumanity, traversing the planetary, the terrestrial, the technological, the infrastructural, the microbial, and the mineralogical. Simultaneously, the inhuman also signals the practices of violent exclusion that constitute normative human subjectivity, and a corresponding refusal of the racialised, gendered, ableist humanism defined by an inhuman lack of care. This latter rendering of the inhuman foregrounds the ongoing harm of the ‘humanist script’, including the commodification of the in/human as fungible matter.

This reading of the inhuman draws on scholarly engagements in different registers. It includes posthumanism, new materialism, science and technology studies and actor-network theory, which are rethinking the singularity conventionally attached to human agency and liberal subjectivity, to acknowledge the latent and constitutive presence of the inhuman. In another register, decolonial, First Nations, abolitionist, queer and Black radical traditions are refusing, suspending and subtracting liberal subjectivity, to reconfigure being human besides the legal rights bearing subject. These scholarly registers are not mutually exclusive but interwoven in important ways.

In this workshop, we will explore these various engagements coalescing in four tentative articulations of the inhuman. Participants are invited to share their understandings and insights about these themes. The first roundtable on the **inhuman in the human** will engage with the displacement of the human by broader relational constellations of nonhuman entities, from the planetary to the microbial. That is, the inhuman that materially and discursively constitutes the human, as a creative and resistant agency *in the human*. The second roundtable on the **inhuman as the human** will explore the reconfiguration of the human as hybrid and cyborgian form of being in a context of plural cosmotechnics. That is, the technological and infrastructural inhuman that tacitly operates *as the human*. The third roundtable on the **inhuman as capital** will explore how the appropriation of and extraction from human and inhuman matters are capitalised as resources ripe for exploitation. That is, the inhuman as commodified and made fungible in material and financial flows *as capital*. The fourth roundtable on the **inhuman as refusal** will explore how the inhuman is reappropriated by those once denied as humans, who today refuse to be recognised as such to resist a reinscription of the liberal figure of a free, self-possessed and autonomous human. That is, the inhuman that emerges from the suspension of liberal recognition and subjectivity *as refusal*.

Law & the Inhuman - Workshop Schedule – Monday 8 April
Faculty Club, Tilburg University

- 9.15am: Arrival, tea/coffee
- 9.30am: **Opening Remarks: Historicising the (In)Human**
- 9.45am: **Roundtable 1: The inhuman *in the human***, moderated by Kathleen Birrell
Scott Veitch
Dan Matthews
- 11.00 Coffee break
- 11.30 **Roundtable 2: The inhuman *as the human***, moderated by Afshin Akhtar-Khavari
Matilda Arvidsson
Connal Parsley
- 12.45pm: Lunch
- 13.45pm: **Roundtable 3: The inhuman *as capital***, moderated by Julia Dehm
Angela Last
Adam Bobbette
- 3pm Coffee break
- 3.15pm **Roundtable 4: The inhuman *as refusal***, moderated by Marie Petersmann
Sarah Riley-Case
Juliana M. Streva
- 4.30pm: **Closing Remarks**
Sophie Chao
Alain Pottage

Laws and Societies in Global and ‘Anthropocene’ Contexts

Processes of globalization have unsettled the conceptual, theoretical, and methodological coordinates of legal thinking and practice. To make sense of laws and societies in global contexts, socio-legal researchers have had to grapple with the multiplication of legal actors, sites of authority, types of norms, and modes of ordering. In this process, foundational concepts of law and society scholarship, such as notions of legal pluralism, legal narrative, legal consciousness, and legal culture, have been re-interpreted. Think, for instance, of theories of global and transnational legal pluralism, empirical accounts of how legal transplants travel across jurisdictions, the emergence of ‘networks’ and ‘assemblages’ as tropes that organize legal processes, and ideas about governance that connect international to local sites of jurisdiction and decision-making.

In light of unfolding socio-ecological crises, and what is commonly (though not uncontroversially) referred to as the ‘Anthropocene’, concepts that have been foundational for law and society scholarship are, once again, pushed into unfamiliar terrains. As a result, socio-legal researchers are faced with an alternative set of questions. These include: How to make sense of (more-than-)human relations, collectives, and societies? How to account for the entwinement of social and eco-/geological times and temporalities? Which conceptual tools might be able to acknowledge the space-making practices that characterize Anthropocene states of affairs? And what does the unsettling of law’s subjects, and its temporal and spatial coordinates, mean for the technical legal knowledge practices, skill, and craft that render legal forms possible in the first place?

This one-day workshop will convene scholars whose research grapples with how globalization and/ or the Anthropocene has unsettled/ impacted/ resonated with theoretical registers and conceptual and methodological tools that are central for making sense of socio-legal phenomena, processes, and institutions.

Intended as a forum for discussion and collective reflection about what global and Anthropocene contexts have in common and in what ways they differ, the workshop is organized around four roundtables. Each roundtable will be co-moderated by two discussants and convene up to three invited speakers. To break open how laws and societies emerge from, how they are produced in, and how they shape global and Anthropocene contexts, roundtables are dedicated to a specific dimension of these contexts: (i) socio-legal subjects, (ii) socio-legal times and temporalities, (iii) socio-legal spaces, and (iv) socio-legal forms and techniques.

Across the four roundtables, we will ask: Might it be possible to draw on past developments in law and society scholarship to help navigate emerging questions and debates? If so, what would any such effort involve? How might it unfold? And, if the aim is to do critical, empirical and/or conceptual law and society research, what are the limitations of this approach?

Laws and Societies in Global and Anthropocene Contexts
Workshop Schedule – Tuesday, 9 April 2024
Faculty Club, Tilburg University – 9:15 to 16:45

- 9.15 Arrival, tea/coffee
- 9.30 Opening Remarks
- 9.45 **Roundtable 1: Socio-legal Subjects in Global and ‘Anthropocene’ Contexts**
Speakers: Sophie Chao, Morag Goodwin, Connal Parsley
Moderators: Tim Lindgren and Laura Mai
- 11:00 Coffee break
- 11.15 **Roundtable 2: Socio-Legal Times and Temporalities in Global and ‘Anthropocene’ Contexts**
Speakers: Julia Dehm, Irene van Oorschot, Sophie Starrenburg
Moderators: Eliana Cusato and Laura Mai
- 12.30 Lunch
- 13.30 **Roundtable 3: Socio-Legal Spaces in Global and ‘Anthropocene’ Contexts**
Speakers: Tanzil Chowdhury, Daniel Matthews, Sapna Raheem
Moderators: Anna Beckers and Laura Mai
- 14:45 Coffee break
- 15:00 **Roundtable 4: Socio-Legal Forms and Techniques in Global and ‘Anthropocene’ Contexts**
Speakers: Matt Canfield and Annelise Riles
Moderators: Klaas Eller and Laura Mai
- 16:15 Closing

Law, Technology and the Environment Nexus

The events of the day on *law/technology/environment nexus* will feature a series of sessions exploring a wide range of topics and perspectives pertinent to the legal, regulatory, constitutional, and governance aspects of the Anthropocene-technology relationship.

The sessions mainly comprise of draft papers from various disciplines—including but not limited to law, environmental studies, philosophy, and STS—in preparation for a special issue on '[Technology in the Anthropocene: Legal and regulatory entanglements](#)'.

Provisionally, the sessions will be structured around:

- 1) Technologies transforming concepts, theories, and ideas
- 2) The Political economy of technology in the Anthropocene: Legal and regulatory explorations -Paper discussion session
- 3) Technologies transforming law, regulation, and governance
- 4) Taming technologies in the Anthropocene

Law, Technology and the Environment Nexus

Workshop Schedule – Wednesday 10 April

Faculty Club, Tilburg University

8.45am: Arrival, tea/coffee

9.00am: **Alf Hornborg** (Keynote) *Exploring the Materiality of Anthropocene Siconatures: Globalized Technological Metabolism as Intraspecific Macroparasitism*

9.20am: **Session 1: TECHNOLOGIES TRANSFORMING CONCEPTS, THEORIES AND IDEAS**

moderator: Emre Bayamlıoğlu

1. **Marcus Düwell** Darmstadt *Is 'nature' still a meaningful concept in environmental ethics?*
2. **Gökçe Çataloluk** İstanbul *Trust and technological mediation in more-than-human polities*
3. **M. Hoły-Łuczaj** Poland
Joshua Gellers *Consider the Xenobot: Moral Considerability for Intelligent Machines Revisited*

10.30am: **Roundtable Discussion and Q&A)**

11.00am Coffee break

11:15am **Session 2: Paper discussion**

POLITICAL ECONOMY OF TECHNOLOGY IN THE ANTHROPOCENE

Paper 1:
Michael Picard Edinburgh *Constitutionalizing the Plasticene:
Discussant* *On the affluence by effluence of
Juan Auz* *plastic's legalities*

Paper 2:
Lars Kwakman Utrecht *Law and systems thinking in the
Discussant* *Anthropocene: advancing the
Emre Bayamlioglu* *impasse through Hornborg's
ontology of technology*

12.00pm: **Joint discussion and Q&A**

12:30pm: Lunch

2.00pm: **Session 3: TECHNOLOGIES TRANSFORMING LAW, REGULATION, AND GOVERNANCE**

Technology as a tool for governance

moderator Han Somsen

1. Niko Soininen Helsinki *A Brake or an accelerator? Law in
Innovating Sustainability Transitions'*

2. Eva van der Zee Hamburg *Rethinking environmental impact
assessment legislation. The use of new
technologies*

3. Søren Andersen Sweden *Digital Governance in the
Anthropocene: Legal and Extra-Legal
Compliance*

3.00pm **Roundtable Discussion and Q&A**

3.30pm Coffee break

3.45pm **Session 4: TAMING TECHNOLOGIES IN THE ANTHROPOCENE**

moderator Phillip Paiement

1. **María L. Kubica** Spain *Autonomous Vessels and Liability Law within a Sustainable World*
2. **Kostina Prifti** Rotterdam *Assessment method for AI risks in the context of regulation by design*
3. **Louise du Toit** Soton /UK *Artificial intelligence, the earth system, and the law*
4. **Ioannis Kampourakis** Rotterdam *EU Green Deal and its emerging industrial practices*

4.45pm **Roundtable Discussion and Q&A**

5.15pm: **Closing Remarks.**

Climate Change and Cultural Heritage: Moving from Heritage Loss to Reparation

Thursday 11 April 2024, 9.00-13.00

Portraits Hall, Cobbenhagen Building

Tilburg Law School, the Netherlands

In recent years, cultural heritage scholars and lawyers have increasingly emphasised the potential threat posed by the climate crisis to the protection of cultural heritage. Indeed, in many parts of the globe such threats are no longer ‘potential’: climate change is already deeply affecting the ability of countless communities to enjoy their cultural heritage. This workshop invites participants to reflect on how cultural heritage law and governance – whether at the international, regional or national level – frame and respond to ideas of heritage loss in the context of climate change (or, indeed, how they fail to do so). In particular, it seeks to foster discussions on the role of the law in providing reparations to affected states or communities for such heritage loss.

The organisers welcome contributions not only from legal scholars working on these topics, but also from scholars in other disciplines who are more broadly engaged with issues at the intersection between cultural heritage and climate change. Potential questions which could be tackled by participants include:

- What can the law offer in terms of framing a horizon of reparation for heritage loss, for example by incorporating cultural claims within climate litigation?
- Can the notion of ‘caring for’ cultural heritage also encompass the ‘letting go’ of such heritage?
- For that matter, what does it even mean to ‘let go’ of heritage, and who gets to decide on this?
- Is heritage ever truly ‘lost’, or does it simply assume new shapes? How can the law cope with such chameleonic heritage?
- Should responses to heritage loss differ according to the type of heritage at stake, such as intangible cultural heritage?
- What role can digital technologies play, both in responding to risks and providing novel forms of reparation?
- How does heritage loss as a result of climate change intersect with other past, present and future injustices, such as colonialism – as well as projects of reparation for such injustices?

**Climate Change and Cultural Heritage: Moving from Heritage Loss to
Reparation**
Workshop Schedule – Thursday 11 April
Portraits Hall, Tilburg University

- 9.00 am Arrival, tea/coffee
- 9.30 am Opening remarks
- 9.45 am **Roundtable 1: Impacts**, moderated by Chiara Bortolotto (UNESCO Chair on Intangible Cultural Heritage and Sustainable Development, CY Cergy Paris Université)
- Alina Holzhausen (Researcher in Environmental and Climate Change Law at the British Institute of International and Comparative Law)
- Nadia Khalaf (Impact and Partnership Development Manager for Cultural Heritage at the University of Exeter)
- Gertjan de Boer (Heritage and Climate Advisor at the Rijksdienst voor het Cultureel Erfgoed; Chair of Platform *Klimaat en Erfgoed*)
- 11.00 am Coffee break
- 11.30 am **Roundtable 2: Responses**, moderated by tbd
- Margaretha Wewerinke-Singh (Associate Professor of Sustainability Law at the University of Amsterdam; legal counsel to Vanuatu before the International Court of Justice; member of the Committee of Legal Experts of the Commission of Small Island States)
- Colin Sterling (Assistant Professor of Memory and Museums at the University of Amsterdam)
- Amanda Byer (Postdoctoral Researcher, University College Dublin, Sutherland School of Law)
- 1 pm Lunch

Teaching Law & Policy in the Anthropocene

Thursday 11 April 2024, 14:00-17:00

Portraits Hall, Cobbenhagen Building

Tilburg Law School, the Netherlands

This workshop features a roundtable discussion about how legal, political science and public policy education can be adapted to better address the pressing issues of the Anthropocene. The roundtable discussion will feature contributions from educational leaders who have worked on mainstreaming climate change in legal education, integrated ecology and social science disciplines in graduate level education and developed action-oriented legal skills training in the form of legal clinics devoted to climate change and environmental justice. Through these presentations and subsequent discussion and exchanges among attendees, we seek to identify the challenges of such education innovation projects, the goals that such changes seek to achieve, and how they reflect changing notions of the role of the university and education in the Anthropocene.

Confirmed speakers:

Julia Dehm (La Trobe law School) – *Mainstreaming Climate Change in Australia’s Law Curriculum*

Miriam Huitric (Stockholm Resilience Centre) – *Interdisciplinarity in SRC’s MSc program “Socio-Ecological Resilience for Sustainable Development”*

Clemens Kaupa & David Rossati (Vrije Universiteit Amsterdam) – *Clinical Education on Climate Change and Sustainability*