

Reconsidering Legal Subjectivity In and Through the Anthropocene

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This workshop is organized by the interdisciplinary DFG-funded network *Law in the Anthropocene*, which brings together perspectives from jurisprudence, sociology and anthropology to reconsider the nexus between law and the Anthropocene. In legal studies, law in the Anthropocene is primarily understood as an instrument for addressing the ecological problems associated with the Anthropocene – either affirmatively, as a means to reshape human influence on the environment, or restrictively, as a lever for protection against human destruction of nature. The network proceeds from the premise that the relationship between law and the Anthropocene is significantly more complex and multifaceted. Rather than being merely instrumental, the Anthropocene is treated as a reflective concept that fundamentally challenges not only long-standing legal assumptions but also basic concepts in the social sciences more generally. One such foundational concept under reconsideration is the notion of (legal) subjectivity.

This workshop seeks to rethink legal subjectivity in and through the Anthropocene on three levels: First, we will debate onto-epistemological challenges to the foundational assumptions of legal subjectivity and their methodological implications. Second, we will explore the concrete ramifications of more-than-human legal subjectivity. Third, we will shift the focus away from the human individual and towards the legal infrastructures that enable and constrain legal subjectivity in the first place.

1. Reconsidering the Onto-Epistemology of Legal Subjectivity

Legal subjects have traditionally been understood as those possessing legal capacity – typically defined as the capacity to hold rights and obligations. This capacity is generally grounded in concepts of autonomy or agency. Therefore, legal subjectivity is primarily attributed to humans whose distinctiveness presumably lies in their ability to act or have acted differently. Agency is often based on reflective consciousness, conceptualised, for instance, through eccentric positionality (Plessner) or reflective freedom (Laidlaw). Legal subjects are thereby set apart from (typically non-human) legal objects, conceptualized as the distinction between *res* and *persona*. However, law in the Anthropocene challenges this categorical and hierarchical binary between legal subjects and objects, the presumed uniqueness of human agency, and the anthropocentrism embedded within prevailing notions of legal subjectivity. This raises important questions that will be addressed in this section:

- To what extent are the boundaries between humans and non-humans transgressed, blurred or re-established in and through the Anthropocene?
- How can nature or other ‘non-humans’ – including artificial intelligence or spiritual beings – be understood as rights-bearing subjects? How does this inclusion fundamentally transform the very category of legal subjectivity?
- Which concepts can be used to address the relationship between humans and non-human and what becomes (in)visible in each case (life or life form; relational addressing, e.g. in the form of assemblage, swarm, milieu etc.)?

2. Ramifications of More-than-Human Legal Subjectivity

The extension of legal subjectivity to more-than-humans – such as natural ecosystems, AI systems, or spirits – is often accompanied by wide-ranging hopes. Rights of nature, for instance, are seen as a pathway to overcome the anthropocentrism of modern law. It is also argued that

such rights extricate nature from the grasp of property and thus function as an anti-capitalist counter-right. In global contexts, rights of nature are further interpreted as mechanisms that empower and protect local – especially Indigenous – communities, granting recognition to their own legal understandings and therefore de-colonizing law. This section invites reflection on questions such as:

- To what extent does the extension of legal subjectivity to more-than-humans serve to protect them, or could it have detrimental effects?
- Do more-than-human legal subjects – such as nature – function as transformative interventions in asymmetrical global power relations, or do they risk reproducing or even exacerbating existing inequalities?

3. Infrastructures of the (Legal) Subject

The prominent focus on rights of nature – often interpreted as an extension of legal subjectivity to non-human entities – can unintentionally narrow debates about law in the Anthropocene to a discussion of anthropocentrism alone. In this framing, the central concern becomes the human-nature relationship, while other configurations and problematizations of legal subjectivity risk being overlooked. Legal subjectivity, however, is not only constituted in demarcation to materiality. Rather, legal subjects are always already embedded within legal infrastructures that both enable and constrain them. A classic example is the property regime, in which property relations mediate liberal notions of freedom. Similarly, liability rules make subjective responsibilities addressable in the first place. These infrastructures face increasing contestation today, particularly in the context of climate litigation, where standing or the rights to bring proceedings are at stake. This section addresses questions such as:

- Which legal infrastructures have coined conceptions of legal subjectivity in what way?
- Which emerging infrastructures are enabling a shift away from taken-for-granted assumptions about legal subjectivity?
- Which legal infrastructures are becoming sites of contestation in the Anthropocene?

We welcome contributions from scholars across disciplines that critically engage with one or more of the three key themes outlined above. Submissions may approach the overarching questions conceptually, methodologically, or through empirically grounded case studies that reconsider the complexities of legal subjectivity in the context of the Anthropocene.

Abstracts of up to 400 words for conference contributions may be submitted to Prof. Dr. Doris Schweitzer (do.schweitzer@soz.uni-frankfurt.de) and Karl Homuth (homuth@em.uni-frankfurt.de) by **August 31, 2025**. Notification of acceptance will be provided by September 15, 2025. For any questions or further information, please contact Karl Homuth.

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