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Edited by Olaf Zenker and Anna-Lena Wolf

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Towards a New Anthropology of Justice in the Anthropocene: Anthropological (Re)Turns

Olaf Zenker
Martin Luther University Halle-Wittenberg, Halle (Saale), Germany

Anna-Lena Wolf
Martin Luther University Halle-Wittenberg, Halle (Saale), Germany

Abstract: This introduction to the special issue on 'Justice in the Anthropocene' is animated by the central intuition that the new anthropology of justice should be brought into closer conversation with current debates about the Anthropocene. Unpacking this assumption, we first discuss the potentials and limitations of recent anthropological engagements with justice, and develop an analytical definition of this key concept for both ethnographic and political use. We then turn to debates about the Anthropocene and propose disassembling the name-giving global subject of this new epoch – humanity – through a multidimensional justice lens. The third part highlights the mutual benefits of both debates, notably by jointly becoming attuned to the multidimensionality of conflicting concerns for justice and keeping in focus the different roles that various beings, human and non-human, potentially play here. In part four, we discuss the five contributions to this special issue, demonstrating the work of the proposed analytical concept in advancing our understanding of justice in the Anthropocene. Finally, we recapitulate the extended argument put forward in this text for an *anthropological turn* – or rather: a *return* leading to a new anthropology (not only) of justice in the Anthropocene, rediscovering and reclaiming the human as an indispensable category of analysis and action, promising useful political returns.
[justice; Anthropocene; humanism; posthumanism; anthropological turn]

This text, and the special issue it introduces, is animated by the central intuition that the promising development of a new anthropology of justice and the important contemporary debates about the Anthropocene in anthropology and beyond should be brought into closer conversation with each other and joined together. More specifically, we are interested in scrutinizing, on the basis of ethnographic case studies, how studying the Anthropocene benefits from using anthropological involvement with justice and how a new anthropology of justice can be further developed by engaging with concerns discussed with regard to the Anthropocene.

In order to unpack and process this overall assumption, this text is divided into five parts. It starts by first discussing some of the potentials and limitations of new anthropological approaches to justice. Against this backdrop, it develops an analytical definition of justice as the precondition for studying ethnographically the multiple notions of justice that co-exist, are challenged and renegotiated, and thus evolve in numerous empirical settings. The second part shifts towards debates of the Anthropocene

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and problematizes implicit notions of an undifferentiated humanity as a global homogenous actor allegedly responsible for anthropogenic and anthropocenic ecological crises. While attempting to internally disassemble the idea of a global human subject through a multidimensional justice lens, we remain committed to a meaningful and relevant conception of 'anthropos' – the human as an indispensable category of analysis and action at the moment of the human's supposed conceptual demise and potential extinction in the Anthropocene.

In light of these separate discussions, the third part elaborates on how the new anthropology of justice and debates about the Anthropocene can each profit from each other's insights, notably by becoming attuned to the multidimensionality of potentially conflicting justice concerns (ecological and otherwise) and by keeping in focus the potential and actual roles that different kinds of beings, human and non-human, can play within regimes of justice in the Anthropocene. Part four analyses the different contributions to this special issue in light of the proposed analytical concept of justice. It follows the potentials and pitfalls of turning subjects and concerned agents of justice into responsible providers of their own justice, and it also maps the conflicting trajectories through which opposed actors strategically mobilize different legal orders in search of their own values and norms of justice. This part also zooms in on the shifting interpellations of humans and non-humans as agents (concerned and responsible), subjects and objects of justice, and reflects on the consequences that follow from such variable engagements.

Against this backdrop, the concluding part recapitulates the extended argument put forward in this text for an *anthropological turn* for a new anthropology (not only) of justice in the Anthropocene – or rather: for an *anthropological return* in the sense of both rediscovering the human as an indispensable descriptive category of analysis and reclaiming the human as an indispensable normative category of action promising better political returns than those provided by its alternatives.

The New Anthropology of Justice: Potentials and Limitations

Since its inception as a modern discipline, anthropology has studied numerous issues that are directly related to or have relevance for matters of justice ethnographically, such as the moral legitimacy, fairness and rightness of idea(l)s, practices and normative orders, as well as the social distribution of benefits and burdens. Despite this longstanding empirical interest, a recent body of literature advocating a new anthropology of justice (e.g. Anders and Zenker 2015a; Brunnegger 2019a; Clarke and Goodale 2009; Johnson and Karekwaivanane 2018a; Wolf forthcoming) starts from the observation that 'justice' itself has so far been theorized mainly in political philosophy, while anthropologists have shown 'surprisingly little analytical interest in the concept of justice' (Brunnegger 2019b:3).

Within Western political and moral philosophy, justice has been conceptualized in diverse ways since the beginnings of ancient Greek philosophy. While Plato and Aristotle discussed justice broadly as a quality of both individual humans and larger polities (typically city states) (Brighouse 2004:1–2), modern political philosophers have primarily focused on justice as a characteristic of social institutions (ibid.). In this sense, the American philosopher John Rawls (1971 and 2001) proposed his theory of justice as fairness as one of the most influential philosophical approaches of the twentieth century. Advocating a 'political conception of justice for the special case of the basic structure of a modern democratic society' (Rawls 2001:14), Rawls's social contract theory posits that people would opt for certain principles of egalitarian liberalism if they imagined themselves behind a 'veil of ignorance' that made them unaware of their generational membership, natural endowments, social class background, and conceptions of the good.

Rawls's theory of justice has been criticized for being too communitarian by libertarian philosophers such as Robert Nozick (1974), and for being too individualistic by group-rights theorists such as Will Kymlicka (1989). Furthermore, Amartya Sen also argues against dominant social contract theories such as Rawl's theory of justice as fairness. According to Sen's 'idea of justice' (2009), a narrow focus on arrangement-focused views of justice (*niti*) needs to be complemented by a realization-focused view of justice (*nyaya*) – two Sanskrit terms that Sen borrows from Indian philosophical jurisprudence to illustrate that a concern with just institutions needs to be amplified by the freedom people have to choose a life they have reason to value. What Sen means by a realization-focused view of justice becomes particularly clear in the capability approach he developed with Martha Nussbaum (e.g. Sen 2009; Nussbaum 2007), according to which justice cannot be measured solely by what rights people in a society are entitled to, as the capabilities society actually offers them to make use of these rights also need to be taken into account.

Philosophical approaches such as these aim to develop normative concepts of justice, while anthropological approaches have centred upon an empirical description of what people in their respective fields consider to be just. Due to this different disciplinary orientation, anthropologists within the newly emerging field of an anthropology of justice have criticized philosophical approaches at large for being normative, abstract and ahistorical, and for inappropriately universalizing merely particularistic perspectives without reflecting upon problematic hegemonic implications. In other words, they are seen as lacking ethnographic grounding. Jessica Johnson and George Karekwaivanane (2018b), for instance, criticize the 'transcendental institutionalism' of political-philosophical approaches to justice as 'not feasible' and 'of no real use' (ibid.:2). Sandra Brunnegger bewails the fact that 'philosophical theorization [note the singular form] is often "nomothetic", "universalizing", and transcendental, regardless of scale or context' (2019b:11).

However, such generalizing anthropological criticism may itself run the risk of inappropriately eclipsing important differences within political-philosophical theories of

justice. As the very brief allusion to Rawls illustrates, the philosophical critiques of his theory of justice have been multidirectional, exhibiting vastly divergent, context-sensitive and often conflicting liberal, libertarian, communitarian, welfarist etc. ideals. Moreover, the somewhat limiting focus on social institutions is only a relatively recent development and does not exhaust political-philosophical approaches to justice (Brighouse 2004). Last but not least, there are also political-philosophical approaches that are empirically grounded and therefore not fundamentally different from anthropological engagements with justice. While some political philosophers, such as Rawls, work with abstract thought experiments, others like Nancy Fraser (e.g. Fraser and Honneth 2003) take 'real-world problems' as their starting point in developing their theoretical ponderings. Moreover, as Sen's *Human Development Index* illustrates, political-philosophical theories can produce practical instruments designed to solve real-life problems of justice. Therefore, instead of dismissing political-philosophical theories of justice altogether, we include some important insights from political philosophy in our own analytical definition of justice proposed below.

Before doing this, however, we take a brief look at how 'justice' has been addressed so far in anthropology. As pointed out earlier, matters of justice have been extensively studied empirically, if not necessarily under this name, in anthropology in numerous areas of social life both in and beyond law, including religion, morality, economics and kinship. This has, of course, also included theoretical approaches driven by strong normative concerns with justice such as (neo-)Marxism, feminism, postcolonial theory and critical race studies. Within the evolving field of legal anthropology, 'justice' has been equated with law or legal systems and has been studied in institutional settings. Justice in this sense has been understood as referring to the judicial contexts of customary law, state courts and other alternative dispute resolution forums based on the 'double institutionalization' (Bohannan [1957]1989; see also Hart 1961) of norms and customs, as well as being animated by specific legal cultures (e.g. Rosen 1985, 2018). 'Justice' has sometimes also been treated more narrowly as a synonym of criminal prosecution, as evidenced in the burgeoning literature on 'transitional justice'. Here national or international prosecution is often referred to as 'justice'-seeking, whereas other mechanisms also attempting to come to terms with large-scale abuses, such as truth and reconciliation commissions, are seen as rather advancing 'truth' or 'peace'; these mechanisms are often discussed in terms of a dilemma of 'truth' or 'peace' versus 'justice' (e.g. Rothberg and Thompson 2000; Roht-Arriaza and Mariezcurrena 2006; Sriram and Pillay 2009 – for a critical engagement see Anders and Zenker 2015b). Given that justice has, so far, rarely been discussed systematically within anthropology, these related but separate meanings of justice have often been conflated.

In recent decades, matters of justice have been somewhat eclipsed within political and legal anthropology by a more prominent focus on rights and culture (Cowan et al. 2001), including human rights (e.g. Goodale and Merry 2007). Similarly, within the evolving anthropology of morality and ethics, an emphasis on ordinary ethics (Das 2012; Lambek 2010), virtue ethics (Laidlaw 2014) and moral breakdowns (Zigon

2007) has equally constricted conceptualizations of justice. Against this backdrop, more recent approaches have called for a new anthropology of justice that specifically deals with the justice of broader social, political and economic dynamics (e.g. Anders and Zenker 2015a; Brunnegger 2019a; Clarke and Goodale 2009; Johnson and Karekwaivanane 2018a; Wolf forthcoming).

Mark Goodale and Kamari Clarke (2009) see a historical turning point at the end of the 1990s when justice became a central global ideological, yet empirically pluralized, ordering principle. The authors regard the central question of political-philosophical approaches to justice, namely what justice *is*, to be misleading (Goodale and Clarke 2009:5) because they are sceptical of 'any overly abstracted notion of justice' and instead 'envision a framework for understanding justice that is theoretically substantive enough to serve as a basis for institutional action, but which does not do conceptual violence to what the growing body of ethnographic research on normative practices reveals' (ibid.:5). Their metaphor of 'mirrors of justice' is seen as making visible political, moral and ideological imperatives, which appear condensed in volatile angles of reflection (ibid.:12). For the authors, this metaphor demonstrates that justice is formally contextual, normatively thin, and functions discursively as an 'empty signifier' generating meaning when invoked, instead of constituting a set of norms to be applied (ibid.:10–11).

Investigating how justice is pursued in Africa, Johnson and Karekwaivanane (2018b) follow Goodale and Clarke in abstaining from 'an overarching and abstract theory of justice' because they 'cast doubt on the usefulness of such a theory' (ibid.:2). Referring to 'mirrors of justice', the authors emphasize the contextual and contingent nature of justice (ibid.:3). Gerhard Anders and Olaf Zenker (2015b) equally offer no general definition of justice and focus instead on empirical instantiations of it as characterized by two intertwined dialectical relationships: first, the dynamics unfolding between the lofty ideals that promises of justice typically entail and the usually much more messy, ambiguous and uncertain realities that differentially unfold for various actors regarding their hopes for, and disillusionments with, such promises; and, second, the complex entanglements following from logics that present matters of justice as mundane and ordinary, and profoundly different logics that evoke some sense of emergency as the justification for bringing about exceptional measures of justice (e.g. in transitional justice). Capturing such a broad understanding of justice as a multifarious, spatio-temporally contingent, indeterminate and dynamic 'object multiple' (Brunnegger 2019b:15) that is constantly negotiated between different actors, Brunnegger recently proposed the term 'everyday justice' (2019b). All these approaches share the ambition of developing a new anthropology of justice that is both theoretically sophisticated and ethnographically grounded. Advancing an anthropological concept of 'justice beyond law' (Brunnegger 2020), many of these authors deliberately abstain from offering an a priori definition of justice and thereby claim 'not to privilege any particular epistemological or ontological tradition' (Brunnegger 2019b:4). A theorization of how people in everyday life negotiate, enact and fight for specific notions of moral legitimacy, fairness and rightness has thus been at the heart of these recent endeavours.

While sharing this ambition as an important starting point for a new anthropology of justice, we wish to develop the overall approach further in two important respects. First, rather than following Goodale and Clarke's clear-cut distinction between 'thick' theories of justice developed in so-called Eurocentric philosophical approaches and 'thin' or everyday conceptions of justice (Goodale and Clarke 2009:11), we contend that approaches to justice everywhere are more or less 'thick'. On the one hand, philosophical approaches to justice inspire people around the world in their everyday conceptions of justice and vice versa, since '[t]he fundamental questions that have driven moral and political philosophers' inquiries into justice are similar to those that have exercised individuals and communities' (Johnson and Karekwaivanane 2018b:3). On the other hand, while it is an important anthropological contribution complementing established theories in political philosophy to emphasize the empirical contingency and mutability of persistent negotiations of justice, this is hardly a 'thin' conception of justice free from a priori ontological and epistemological assumptions.

Second, the characterization of justice as multifarious, spatio-temporally contingent, indeterminate and dynamic, situated as it is within a processual, praxeological paradigm, is actually applicable to every social phenomenon seen through this lens. As such, it does not help us understand what is specific about justice or what sets justice apart from other social phenomena. James Laidlaw identifies a similar problem with a Durkheimian perspective in identifying morality and ethics with 'the social' more broadly. Yet, as he argues, it is important to ask, 'what might be true of the ethical dimension of human life that is not true of everything else?' (Laidlaw 2014:23) – and the same applies to 'justice'. We consider this question important because a sole focus on the negotiability of justice at the expense of a more specific definition on what sets 'justice' apart from other phenomena has serious theoretical limitations. This is so because an intentionally unspecific definition of justice paradoxically limits researchers in arbitrary ways. Without an analytical definition of justice, researchers are either arbitrarily constrained to look at settings where people happen to use the word 'justice' themselves (whether in English or in local translation) or to follow their own implicit notions of justice when trying to locate justice empirically. In other words: abstaining from explicitly defining justice does not mean that researchers do not implicitly apply their own definitions. To answer the basic question of what constitutes a field site or case study in the anthropology of justice, some pre-understanding of justice is inevitable – whether implicit or explicit (Wolf forthcoming). Therefore, a more specific and distinctive analytical definition of justice is the precondition for studying the empirical plurality of justice.

In order to develop such an analytical definition, we take inspiration from the English political theorist and philosopher David Leslie Miller, who proposes a pluralist approach to justice 'by identifying elements that are present whenever justice is invoked, but also examining the different forms it takes in various practical contexts' (Miller 2021). Miller suggests that 'the constant and perpetual will to render to each his [its] due' (Miller 2021) expresses succinctly an essential feature of justice, thus providing a

useful starting point. In other words, justice can be seen as something that someone considers to be due to them and others (Wolf 2023).

Setting out from this formula, five core characteristics of justice can be further elaborated. First, justice refers to an entitlement, something, a means to some other end – what we call an *object of justice* – that is *due*. Justice can thus be claimed and demanded as it constitutes some form of right or enforceable obligation – it implies some normative 'force of justice' (in analogy to the force of law). Accordingly, justice is different from charity or humanitarianism based on voluntary goodwill or compassion (Miller 2021; Fassin 2012). Moreover, what is due can include not only benefits and burdens, but also sanctions and punishments following some violation of values and norms. Therefore, distributive and retributive justice regimes can both be analysed by the suggested definition. Second, justice is due to someone or, more abstractly, some entity – the ends for the means (i.e. objects) of justice. Within regimes of justice, specific *subjects of justice* are thus imagined as concrete addressees of entitlement, sometimes called 'rights-holders'. Depending on the particular regime of justice, these subjects may include – as individuals or collectives – humans, non-human animals, other creatures, spirits and gods, as well as (non-sentient) entities.

Third, what is due to these subjects of justice is typically based on values and norms that are assumed to have a minimum of trans-situational stability. Here, it is important to point out a difference between etic observations on the situational negotiability and apparent fluidity of justice (as highlighted above in many contributions to the new anthropology of justice) and emic expectations that values and norms informing claims to entitlements should have some trans-situational continuity. In other words, the fact that norms are observable as constantly contested and negotiated does not mean that they are not seen (and intended) by the actors involved as having trans-situational validity. This is not to say, however, that values and norms of justice are emically expected to be always applied indiscriminately. Exceptions from the rule might be justified in order to deliver justice. Examples of such exceptions include 'equity' as a particular body of law developed historically in the English Court of Chancery as a remedy for legal outcomes deemed unfair (Bathurst and Schwartz 2016) and multiple affirmative action measures offering privileged access to benefits for structurally disadvantaged people. Nevertheless, even in such exceptional contexts, there is still a minimal expectation that comparable cases should be trans-situationally treated in the same way (Miller 2021).

Fourth, regimes of justice typically require specifiable agents who are responsible for ensuring that subjects of justice get what is due to them, and who can be charged if they fail to do so. For agents of justice to be held responsible for their actions, and thus to be accusable of potential injustices, they must be regarded by the actors involved as having good enough 'agency' – that is, the capability to have acted differently, at least to some extent (Giddens 1984:9). Sometimes imagined as 'duty-bearers', these *responsible agents of justice* endowed with (some) agency are thus indispensable for regimes of justice. However, it is important to emphasize that they are not necessarily identical

to the above-mentioned subjects of justice (the beneficiaries of specific entitlements) as illustrated by the example of animal justice or the rights of nature regimes; instead, they comprise any agents deemed capable, in principle, of deliberating about options before acting (Young 2011).

The fifth and last core element of the proposed definition of justice consists in the fact that justice is a *matter of concern* for someone. Someone must consider something to be due to someone (else). Hence, justice requires someone we call a *concerned agent* who can care, and does care, about justice in the first place – that is: agents that are capable of reflecting, communicating and potentially acting upon (in)justices as problems to be addressed and solved. Responsible agents and concerned agents of justice are often seen as being closely aligned within regimes of justice. However, there might also be individual agents, or categories of agents, that are not regarded as being both concerned about and responsible for justice. For instance, a philosopher of justice concerned about the conceptualization of justice regimes may not be held directly responsible for implementing it. For this reason, we suggest distinguishing analytically between responsible and concerned agents of justice.

We argue that these five core elements constitute prototypical components for an analytical definition of justice. *Justice*, we contend, thus refers to *matters of concern about what is due to different (kinds of) subjects according to relatively stable and impartial values and norms to be enacted by specifiable and thus responsible agents*. This definition includes subjects of justice (to whom justice is due), objects of justice (what is due), responsible agents of justice (responsible for implementing justice) and concerned agents of justice (for whom justice is a matter of concern) as well as values and norms (according to which justice is to be realized). This proposed definition is broad enough to be applicable to diverse empirical cases past and present. It can be used to describe and analyse a wide range of empirically observable justice regimes pertaining to questions of social justice, distributive justice, retributive justice, restorative justice, transitional justice, environmental justice, ecological justice and many more such kinds. Moreover, it does so without necessarily making normative (etic) claims about rightful subjects, objects and agents of justice, who, depending on the regime of justice, can be either individuals or collectives (e.g. elites, the working class, women, politicians etc.) as well as human or non-human (e.g. nature, animals, gods). Justice imaginaries of others can thus be described without necessarily being congruent with researchers' own justice imaginaries.

This ideal-typical definition might create the impression that it is always clear within regimes of justice who count as subjects and agents of justice and what count as objects of justice, while in most empirical contexts the scale and scope of justice seems much more complex, ambiguous and multivocal (Fraser 2008). Individual, seemingly innocent acts may accumulate in inadvertent structural injustices (Young 2011) or aggregate into seemingly self-perpetuating institutions of 'structural violence' (Galtung 1969), in which some systematically benefit while others are systematically disadvantaged. In such settings, it is often not that clear what is due to whom by which responsible agents

according to which values and norms. If everyone and anyone, but no one in particular, is an 'implicated subject' in a world seemingly 'beyond victims and perpetrators' (Rothberg 2019), and thus all are somehow somewhat responsible – a situation that is typical of many of the systemic crises that characterize the Anthropocene (see below) – then one might wonder whether this analytical model of justice is still of any use. Turning this argument on its head, however, we contend that, whenever these highly complex situations are being apprehended, discussed and contested in the modality of justice, participating actors cannot but ascribe (some of) the different components to (some) differentially imagined subjects and agents of justice. In other words, unless some actors care about, and advance, *some ideas* about who is (more) responsible to ensure that some subjects get (more of) what is thought to be due to them, on the basis of some values and norms deemed (more) legitimate (than others), we are not dealing with matters of justice but with something else, such as questions of fate or destiny. Therefore, it is precisely the complex process of differentially ascribing divergent roles to different entities, of insisting on differences that do make a difference, especially in ambiguous and equivocal contexts, that is at the heart of contestations around justice.

While humans have been taken for granted in the past as key subjects and agents in justice regimes empirically studied by anthropologists, paradoxically their role has been aggravated massively and simultaneously questioned fundamentally in part of the Anthropocene literature to which we now turn.

The Anthropocene: Posthumanist Turn or Anthropological (Re)Turn?

An emphasis on humans' capacity to act as a geological force has a long history in the natural sciences dating back to the 19th century. The Italian geologist Antonio Stoppani, for example, coined the term 'Anthropozoic era' in 1873 to highlight humans' geological influence. Hence, the concept of the Anthropocene, which has recently gained prominence as a signifier of the influence of human behaviour on earth's geology and ecosystems that is so significant as to have the potential to constitute a new geological epoch, is part of a complex genealogy. It is also situated within the growing ambition of the natural sciences since the 1980s to develop an interdisciplinary Earth System Science comprising disciplines such as geology, physics, chemistry, geography, biology and mathematics, among others. Within this literature, a call for the inclusion of social sciences in the interdisciplinary endeavour to study the Earth System has been raised (Steffen et al. 2020:12). Earth System scientists identify the 'human factor' (Schellnhuber 2001:25) or the 'anthroposphere' (Steffen et al. 2020:12) as an important component of the Earth System next to the ecosphere, geosphere and biosphere. According to the Director Emeritus of the Potsdam Institute for Climate Impact Research, Hans Joachim Schellnhuber, this 'human factor' consists of a 'physical' sub-component that is the 'sum of all individual human lives, actions and products', and of a 'meta-phys-

ical' sub-component that reflects the emergence of a 'Global Subject' (2001:25). This Global Subject is seen as 'a self-organized cooperative phenomenon, a self-conscious force driving global change either to sustainable trajectories or to self-extinction'(ibid.). The human factor is imagined as a homogenous 'global creature' or 'superorganism' in which all human differences are levelled because 'everyone on the planet will become so interdependent that they may grow and develop with a common purpose' (Schellnhuber 2001:29). The urge to include social-science perspectives on the 'human factor' into Earth System Science has thus defined humans – or rather, humanity – as a single global entity affecting the planet at large.

The term 'Anthropocene' itself was first widely debated when atmospheric chemist and Nobel prize winner Paul J. Crutzen and biologist Eugene F. Stoermer published a short eponymous article in 2000 in the *Global Change Newsletter*, a magazine that connects science, society and policy. Following Crutzen and Stoermer's suggestion, in 2016 the Anthropocene Working Group voted to proceed towards a formal proposal to acknowledge the Anthropocene as the official designation for the current geological era (Zalasiewicz et al. 2017). However, in 2024 the International Commission on Stratigraphy and the International Union of Geological Sciences rejected this proposal to recognize an Anthropocene epoch, largely due to its shallow sedimentary record and extremely recent proposed start, sparking renewed discussions to shift attention away from narrow questions of dating and time intervals towards a more transdisciplinary and inclusive approach (Edgeworth et al. 2024).

Much debate has indeed focused on the question of when the Anthropocene actually started. Suggestions range from the Pleistocene extinction of megafauna (50,000 years ago) to the Industrial Revolution of the 19th century to the 'Great Acceleration' of massive growth rates across a large range of measures of human activity since the mid-20th century (Hornborg 2020). No matter when exactly quantitative changes of degree are seen as turning into qualitative changes of kind that justify the claim of a new epoch, the Anthropocene is typically characterized as an era of environmental degradation caused by humanity at large (Hornborg 2020). This central idea has been widely used and developed in scientific debates and beyond after Crutzen and Stoermer suggested the term. Over the past ten years, journals focusing on the Anthropocene, such as *The Anthropocene Review*, have been founded, research institutes such as the Max Planck Institute of Geoanthropology in Jena, Germany, are being established, and publications on the Anthropocene have increased significantly not only in the natural but also the social sciences.

The analysis of the Anthropocene in anthropology and the social sciences more generally has important antecedents in previous decades within ecological anthropology and political ecology. Numerous studies have focused on anthropogenic environmental destruction covering a broad empirical field ranging from industrial disasters in Bhopal (Fortun 2001; Das 2017) and Chernobyl (Petryna 2002) to carbon democracies (Mitchell 2011) to activist groups and social movements fighting for environmental and ecological justice (e.g. Shiva 1991; Escobar 1992). However, studying the Anthro-

pocene within a decidedly interdisciplinary framework explicitly engaging the natural sciences has arguably introduced a new quality to the hitherto more or less self-contained perspectives of the humanities and social sciences. This shift is vividly exemplified by the 2009 article 'The Climate of History' of the postcolonial historian Dipesh Chakrabarty, one of the key texts igniting the debate about the Anthropocene in the social sciences. In this article, Chakrabarty develops four theses 'around the proposition that the present crisis of climate change is man-made' (Chakrabarty 2009:201), emphasizing that anthropogenic explanations of climate change in the Anthropocene 1) fundamentally challenge the established distinction between natural and human history; 2) severely qualify humanist histories of modernity; 3) require us to put global histories of capital in conversation with the species history of humans; and 4) thereby probe the limits of historical understanding (Chakrabarty 2009). Assembling, among others, revised articles published over the past decade, Chakrabarty's recent book *The Climate of History in a Planetary Age* (2021) distinguishes between a 'global' human-centric perspective and a 'planetary' perspective in which humans are intentionally decentred, and argues for the need to simultaneously engage and interrelate them both.

It is somewhat ironic that, while the 'death of the subject' (Heller 1990) became a dominant narrative in the humanities and social sciences during much of the late 20th century, the human subject – as the natural-cum-cultural 'anthropos' – has prominently re-entered the stage of planetary history in the early 21st century to give its name to an entirely new era. However, this human agent of the Anthropocene has been at risk of making its appearance only as a homogenous global subject (Chernilo 2017:48) held uniformly responsible for anthropogenic climate change and global environmental catastrophes. In other words, humans are at risk of merely occupying the undifferentiated slot of the 'human factor' as envisioned in the Earth System Science discussed above. For this reason, much of the debate within the Anthropocene literature has focused on criticising the term itself for not sufficiently considering global asymmetries within humanity based on race, class, gender, etc., and for thereby failing to acknowledge how global environmental degradation and suffering have been caused and distributed highly unequally (Steffen et al. 2015; Davis et al. 2019; Antweiler 2022).

Triggered by this critique, other concepts have been suggested to replace the term 'Anthropocene'. Andreas Malm and Alf Hornborg (2014), for example, have proposed the 'Capitalocene' as an alternative in order to stress that capitalism as the creation of a human minority has been the driving force behind current global conundrums. Developing the concept further, Jason Moore (2017, 2018) argues that the Capitalocene starts 'from humanity's patterns of difference, conflict and cooperation' (Moore 2017:4) and sees the age of capital as characterized by 'exterminism [that] is not anthropogenic but *capitalogenic*' (Moore 2017:597, original emphasis). Following Haraway et al. (2016)'s call to rethink aspects of the Anthropocene in terms of the 'Plantationocene', the potential of the Plantationocene concept has been seen in its decentring of 'the Eurocentric narrative by which coal, the steam engine, and the industrial revolution constitute the epicenter of global environmental change, instead pointing to the crucial role of

plantation ecologies and politics in shaping the present' (Davis et al. 2019:4), informed by an imperative to extract and produce (Wolford 2021). However, the Plantationocene concept has been criticized for not using its potential to analyse racial politics in a meaningful way but rather 'obscuring the centrality of racial politics' (Davis et al. 2019:1; see also Wolf 2022) in the continuation of the idea 'that "humanity" writ large is responsible for catastrophic environmental change' (Davis et al. 2019:2). Moving beyond the Anthropocene, Capitalocene and Plantationocene, Donna Haraway (2016) has evoked yet another concept for our current epoch: The 'Chthulucene' as an inextricably interlinked modality of being and (be)coming together of the human and non-human and of 'making kin' as '[l]iving-with and dying-with each other potentially' (2016:2) within a shared project of 'staying with the trouble'.

While these alternative terminologies have highlighted important aspects of our contemporary moment, the suggested labels arguably have their own limitations. To begin with, there is the risk of merely replacing one homogenizing mono-causality ('humanity') by another ('capitalism' or 'the plantation economy'). This way, such alternative labels may, again, be only insufficiently sensitive towards internal pluralities and variations. Moreover, evocations of the Chthulucene that aspire to generate 'humus' out of 'humans' and 'compost' out of 'posthuman(ism)' (Haraway 2016:32) may be throwing the baby out with the bathwater. In celebrating the coming and becoming together of 'myriad intra-active entities-in-assemblages – including the more-than-human, other-than-human, inhuman, and human-as-humus' (2016:101), Haraway seemingly refrains from offering differences that can make a normative difference vis-à-vis the question of which forms of 'kinning' can, and should be, preferred over others. In other words, in her celebration of the innumerable ways of establishing new lines of 'response-ability' between living beings, Haraway's Chthulucene risks conceptually losing key agents that are not merely descriptively 'response-able', but can also be normatively 'responsibilized', that is, enticed to act as responsible agents for themselves and on behalf of others, such as humans. For these reasons, we follow Anna Tsing, Andrew Mathews and Nils Bubandt (2019), who want to hold on to the concept of the Anthropocene and thereby keep the human in focus, elaborating it further in order to rethink 'anthropology's anthropocentrism while insisting that people matter, still' (2019:S188). However, while Tsing, Mathews and Bubandt (2019) advocate a 'patchy landscape' lens in order to account for 'the uneven conditions of more-than-human livability in landscapes increasingly dominated by industrial forms' (2019:S186), we propose complexifying the term 'Anthropocene' primarily by internally diversifying it with regard to multiple contestations around everyday justice among differentially positioned beings, humans prominent among them.

Disassembling the global human subject while remaining committed to a meaningful and relevant conception of humans in all their complexities and pluralities requires ethico-onto-epistemologically reconsidering the place of the 'anthropos' in the Anthropocene. One prominent position in this debate has been a decentring of the human subject through a shift away from anthropocentrism and a turn towards

posthumanism. Whether denying an ontological difference between humans and non-humans or considering such differences as indecisive factors in determining agency (Kipnis 2015:55), such posthumanist positions have been advocated – in substance, if not in name – by various strands of science and technology studies, including actor network theory (e.g. Latour 1999, 2005) and multispecies feminism (e.g. Haraway 2016), within multiple ontologies approaches (e.g. Viveiros de Castro 1998; Descola 2013; Holbraad 2012) as well as various strands of new materialism (e.g. Barad 2007; Bennett 2010; Braidotti 2013). One main ambition of different posthumanist approaches has been to dissolve 'modern Western' dichotomies such as the Cartesian onto-epistemological dualism between subject and object, nature and culture, human and non-human (Hornborg 2017:96) while being highly critical of the arrogant anthropocentric exploitation of natural resources by humans, disregarding other animals, beings and entities within a more-than-human world.

Instead of further differentiating the human, posthumanist ontologies have thus proposed to flatten ontological differences not only within humanity but among all beings and entities. Posthumanist thinking thereby proposes that non-human actants have agency as well, materialized in distributed agency. For instance, a gunman acts as an assemblage of a gun and a man who jointly carry out the act of shooting (Latour 1999:176). Thereby, not only are ontologies flattened, but also the understanding of agency that Bruno Latour minimally defines as '*any thing* that does modify a state of affairs by making a difference' (Latour 2005:71; original emphasis). As this illustrates, agency thus conceived does not require intentionality (Block 2020:82). Similar to new materialists' ontological monism, material effects are seen as the defining feature of agency (e.g. Barad 2007; Bennett 2010; Braidotti 2013). Non-human agency is thus not merely a metaphorical anthropomorphic projection but '*a property of the world itself* and not only a feature of the language *about* the world' (Latour 2014:12, original emphasis). Confronted with the challenges of the Anthropocene, Latour defines it as the crucial political and ethical task 'to *distribute* agency as far and in as *differentiated* a way as possible' (Latour 2014:15, original emphasis).

Posthumanism offers critical food for thought for more open and inclusive modalities of planetary care. At the same time, such approaches have also been criticized for various reasons, two of which we want to highlight here. First, conceptualizations of agency in posthumanist approaches to the Anthropocene have been somewhat inconsistent. On the one hand, humans have been criticized (and thus conceived) as the prime perpetrators of environmental degradation, ascribing to them a hyper-anthropocentric ability to act. On the other hand, humans are seen as unable to act decisively on the current ecological crisis, while 'the Earth has now taken back all the characteristics of a full-fledged *actor*' (Latour 2014:3, original emphasis). Anthropocentric phantasies of omnipotence are thus fundamentally criticized, while paradoxically making a reappearance in the posthuman imagination that ecological crises of the Anthropocene have been caused by seemingly omnipotent human agents, constituting what Daniel Chernilo (2017:50) calls an 'anthropocentric paradox'. Second, onto-epistemologically

distributing agency equally among all actors within a network or assemblage of actors also entails ethically distributing responsibilities equally. Such distributed agency thus results in a problematic politico-ethical levelling and flattening (Block 2020), in the course of which everyone and thus, practically, no one can be held responsible, accountable or liable for the ecological crisis. Put differently, rather than merely neglecting important differences between human actors within the figure of a homogenized global human subject (problematized above), distributing agency along posthumanist lines makes this problem even worse by escalating and extending it to the entire world of assembled human and non-human actors.[1] By contrast, and building on our discussion in the previous section, we insist that, while difficult, there is no alternative to descriptively and normatively interrogating the differential implicatedness of everyone in the making of injustices, ecological and otherwise.

In light of these problems, we argue instead for an *anthropological turn* – that is, the rediscovery of and return to the human as an indispensable category of analysis and action at the moment of the human's supposed conceptual demise and potential extinction in the Anthropocene. For this, we mobilize supporting arguments from human ecology, philosophical anthropology and the anthropology of freedom and individuality.

Within the field of human ecology, Alf Hornborg has argued that posthumanist conceptions of distributed agency can actually be seen as a form of fetishism, thus being part of the problem rather than the solution. Yet, as Hornborg points out, 'artifacts have consequences, not agency' (2017), as they may influence human agency but cannot consciously or intentionally reflect on their purposes as humans can (Hornborg 2017:98-99). 'Artifacts may systematically make people inclined to behave in certain ways, but rather than attribute purposes to the artifacts, we must trace their social consequences to the human activity of designing them' (Hornborg 2019:14). By fetishizing artifacts, objects are seen as having the power to organize society, while this attribution of agency to objects is illusory, and problematically obscures unequal social relations (Hornborg 2019:13). Technology fetishism is the illusion that technological progress saves human and natural resources while technology actually '*displaces* demands on human time and natural space onto other populations with less purchasing power' (Hornborg 2019:16, original emphasis). General purpose money, an 'artifact of the uniquely human capacity for abstract symbolic representation' (Hornborg 2019:7), as manifested in the logic that anything can be exchanged for anything else, is another key example of human fetishization. Hornborg shares the posthumanists' 'professed

1 Another haunting illustration of this conundrum consists in cases of genocide. While it can be safely assumed that hardly any posthumanist would actually argue for such a position, it is difficult to see how theoretically refusing to take the capacity to act differently and hence intentionality into account as a crucially differentiating factor of agency can prevent a position in which the victims of genocide are effectively seen as being as 'responsible' for their suffering as the perpetrators (as well as their means of mass destruction imagined as non-human actors).

emancipatory concerns' (2017:96), but argues that attributing agency to artifacts such as money or technology instead of understanding them as the product of human fetishization actually hinders rather than enables such emancipation because the responsibility for human social relations is falsely delegated to things. For Hornborg, by contrast, the analytical distinction between humans and non-humans is the precondition for a truly critical social science, enabling a 'humble anthropocentrism' (Hornborg 2020:3) as the *sine qua non* for radically transforming modern artifacts and society in order to overcome global inequalities and save the planet in the time of the Anthropocene.

The growing demand, if not affordance, of our contemporary moment to reconsider the natural-cum-cultural 'anthropos' in the Anthropocene (along lines sketched, for instance, by Chakrabarty) has also led to an unexpected revival of the field of 'philosophical anthropology', a philosophical tradition that emerged and became influential in Germany during the 1920s. One example is the recent German-medium volume edited by Hannes Bajohr (2020), the title of which explicitly refers to the return of the human in the Anthropocene at the moment of its seemingly irretrievable demise. Several contributions to this book take inspiration from Helmuth Plessner's concept of 'eccentric positionality', which the German philosophical anthropologist developed in his book *Levels of Organic Life and the Human*, first published in 1928 (with the English translation appearing for the first time, tellingly, only in 2019). Building on Plessner's approach, social theorist Katharina Block (2020:77) proposes a 'reflexive anthropocentrism', which decentres the human without running into the same politico-ethical problem of levelling responsibility as posthumanism does. Following Plessner, Block suggests that eccentric positionality is common to all humans, while not being restricted to them. The human is only one historically contingent form in which the eccentric positionality of what Plessner calls 'the person' manifests itself. Key to Plessner's eccentric positionality, as Joachim Fischer (2020) argues in the same volume, is the ability to position oneself self-consciously and reflexively in relation to oneself – to be at the same time within and outside of oneself. The subject of eccentric positionality makes itself (and other entities) the object of reflexive contemplation. Therefore, only eccentrically positioned beings such as humans can be concerned about and care for other creatures (Fischer 2020:34–35).

Building on this tradition of philosophical anthropology and proposing an ethnography-based 'border conversation' between anthropology and philosophy, Thomas Schwartz Wentzer and Cheryl Mattingly equally emphasize that, in light of the pressing political, ethical and ontological demands of our time, '[w]e cannot afford to do away with the category of the human' (2018:145). They insist that we should revisit the human, conceiving it – very much in resonance with Plessner's notion of 'eccentric positionality' – as 'a plural form of life in the manifold of its potentiality' (2018:150). Urging us to keep open the question of human universality while acknowledging the pluriversality of human and non-human existence as experienced in intense ethnographic encounters, they advocate a move '[t]oward a new humanism' (2018). Tim Ingold (2024) also argues that the multiple crises of our age demand a 'new humanism',

one in which we both rejuvenate our ancestral human past (rather than repudiating it as a backward tradition to be overcome) and relearn the arts of coexistence with all beings, human and non-human, inhabiting our planet. Ingold sees this humanism as unapologetically anthropocentric in that 'humans carry a burden of responsibility not shared by other beings [which] does not make them superior to these others; quite the opposite, in fact' (2024:2). He also conceives this humanism as situated within a tension between universality and multiversality, 'one-in-many and many-in-one' (ibid.), echoing the concern with the human-universal-in-the-manifold that has been a dominant theme within both classical and more recent approaches in philosophical anthropology.

Ironically, Ingold wishes to overcome a problematic binary rhetoric that he identifies with 'philosophers of the Enlightenment, in the Europe of the 18th century' (2018:2), evoking a radical break with the past in the promise of a different future – only then to repeat this very rhetorical move in his own homogenizing demand for a 'new humanism' in contradistinction to 'the old humanism'. By contrast, we argue that intellectual histories engaging 'the human' within philosophical anthropology and beyond, within 'the West' and elsewhere, have yielded much more complex, diverse and nuanced genealogies that are worth revisiting and revising. For this reason, we prefer speaking of the need to *return to and rediscover the human* as an indispensable category of analysis and action while in substance agreeing with many of the reflexive arguments advanced under the label of a 'new humanism'.

The importance of reflexivity as a precondition for moral agency is also emphasized in recent anthropological engagements with freedom and individuality more broadly. Within anthropological discussions of ethics and morality, for instance, James Laidlaw (2014) notes that the social sciences, including anthropology, have been ill-equipped to conceptualize 'freedom', which he sees as constitutive for the ethical. For this reason, Laidlaw propagates a new anthropology of ethics and freedom, not as a new sub-discipline of anthropology, but in the sense of a freedom-based integral dimension of anthropological thought as such, given that 'ethical considerations pervade all spheres of human life' (Laidlaw 2014:2). Laidlaw uses the term 'reflective freedom' (2014:147), inspired, among others, by the philosophers Bernard Williams (1985) and Harry G. Frankfurt (1988), which he sees as 'a distinctive feature of personhood'. It implies a human reflective consciousness that 'means that we "step back" from and evaluate our own thoughts and desires, and decide reflectively which desires we wish to have and to move us to action' (Laidlaw 2014:148).

Reasoning along similar lines, Olaf Zenker (2018) makes the case for 'why the individual must be defended', arguing, among other things, that a non-deterministic social theory cannot exist without affording humans at least the potential to behave like individuals with agency, even if such moments might be rare empirically. While 'individualism' as an ideology celebrating the 'cult of the individual' (Durkheim 1898/1973) might thus be historically specific, 'individuality' as a quality of consciousness is not. As Nigel Rapport (2010a:378) puts it, it refers to 'the universal nature of human ex-

istence whereby it is individuals who possess agency'. As Rapport argues, humans can take up the stance of 'anyone', potentially leading the non-indexical and post-cultural existence of a cosmopolitan subject (Rapport 2010b). Thus, whether using the language of critical anti-fetishism (Hornborg), eccentric positionality (Plessner, Block, Fischer), new humanism (Wentzer, Mattingly, Ingold), reflective freedom (Laidlow), individuality (Zenker) or mobilizing the figure of 'anyone' (Rapport), all these approaches highlight the crucial importance of a reflective consciousness underlying an agential capacity to act differently that warrants an *anthropological turn* as a return to the human as an indispensable category of analysis and action.

Synergies between the New Anthropology of Justice and Debates about the Anthropocene

After discussing the new anthropology of justice and Anthropocene debates in anthropology and beyond, we return to our initial intuition that both debates can benefit from each other when brought into closer conversation. We argue that there are two important aspects to what justice brings to debates on the Anthropocene and vice versa.

Analysing the Anthropocene in terms of justice, first highlights the need to disassemble the global human subject into highly diverse and differentially implicated agents of justice. Differently positioned humans are unequally responsible for environmental destruction while at the same time suffering unequally from its consequences. For instance, those who are responsible for tremendous greenhouse gas emissions due to their lifestyle are usually not the ones (humans and non-humans) who suffer most from the consequences of ozone depletion such as extreme weather conditions, megadroughts or harvest losses. Integrating a global justice perspective into thinking about the challenges of the Anthropocene helps improve our differentiation between concerned agents, agents who are (more) responsible for environmental degradation, and subjects of justice to whom a life without extreme heat and with sufficient food is due.

Second, contextualizing questions of ecological justice within complex fields of numerous other justice regimes that may coalesce but also be in conflict with each other is another way in which debates on the Anthropocene may benefit from multidimensional justice lenses. Ecological justice as a primary focus in the Anthropocene is only one among many other justice concerns, and it needs to be recognized as such. A world imagined as ecologically just is not necessarily also perceived as, say, socially or economically just and vice versa. Questions of social and distributive justice need to be balanced with (possibly conflicting) ecological questions. For example, sustainability initiatives advocating localism may promote environmental justice but do not necessarily reduce social injustices and relative exclusions (Born and Purcell 2006). A justice lens complexifies debates on the Anthropocene by internally diversifying them

with regard to multiple contestations around everyday justice also beyond the ecological among differentially positioned human and non-human beings.

Conversely, we suggest two complementary ways in which the new anthropology of justice can learn from Anthropocene debates. First, a focus on the Anthropocene introduces an urgent reminder into general discussions of justice not to neglect the ecological dimension, with its various temporalities, as an important cross-cutting concern within seemingly 'non-ecological' justice debates. In other words, as much as ecological justice benefits from acknowledging the multiple ways in which other justice regimes may coalesce and/or come into conflict with its ecological concerns, discussions of non-ecological interests should take their multifarious interrelations with ecological justice into account. Inasmuch as different dimensions of justice, such as gender, race or class, need to be considered in respect of their intersections with various other regimes of justice, the ecological dimensions should also be included and systematically addressed when engaging in questions such as gender justice, race-based justice or economic justice. An obvious example of such an approximation and the attempted integration of different justice dimensions can be found in contemporary debates about a 'just transition', increasingly conceptualized as addressing socio-economic objectives related to human well-being regarding income, health, education etc. and sustainability concerns in terms of decarbonization, resource efficiency and ecosystem restoration, thus encompassing multiple forms of justice (Abram et al. 2022).

Second, the anthropology of justice may also benefit from the renewed discussions within the Anthropocene literature of the ontological, epistemological and ethical status of human as well as non-human actors. This may help acknowledge, and problematize, the strong anthropocentrism within justice debates that often take for granted the idea that matters of justice are primarily concerned with what humans owe each other. Rethinking the anthropology of justice in light of the humanist and posthumanist controversies that are emerging within the planetary horizons of a multispecies Anthropocene thus helps sharpen our understanding of the various roles that humans and non-humans have played, could play and possibly should play within different regimes of justice. In fact, our own analytical model of justice – ideal-typically distinguishing between objects, subjects, responsible agents and concerned agents of justice, as well as the values and norms trans-situationally interlinking these divergent engagements – is meant to be already informed by, and oriented towards an awareness of such more-than-human worlds, in which various entities and beings may be entangled quite differently within multiple evocations of justice. It is to the specific configurations of these components of justice, shown to be emergent in the different ethnographic settings discussed in the five contributions to this special issue, and the important insights that they garner regarding questions of justice in the Anthropocene, that we now turn.

Everyday Contestations around Justice in the Anthropocene: The Contributions

Nicole Ahoya starts off our empirical engagements with situated matters of justice by studying the trials and tribulations of justice entrepreneurs in Kenya. Her interlocutors in Nairobi and beyond, many trained as lawyers, are deeply dissatisfied with the ways in which the Kenyan state aims, and fails, to deliver justice officially. This has prompted them to look for alternatives in order to achieve (more) justice for themselves and others. These different avenues comprise both alternative legalities and new modalities to seek solutions outside the formal justice sector. Against the backdrop of the explicit inclusion of 'access to justice for all' in the international development agenda in 2015 – as part of the Sustainable Development Goals (SDGs) – and in light of spreading digital service provisions in the context of the COVID pandemic, many of these concerned agents of justice, who are also subjects of justice dissatisfied with their own share of justice, have become digital start-up entrepreneurs. As such, they develop technical tools for reporting examples of corruption, accessing online dispute resolution, providing legal expert knowledge etc.

As Ahoya demonstrates, this drive towards entrepreneurial justice is imagined as offering market-based solutions that are both donor-independent and promise actually to pay. This entrepreneurship is embedded in globally circulating development discourses of 'people-centred justice' that claim to overcome technocratic top-down approaches, include previously unheard voices as well as alternative practitioners of justice, and thereby to democratize justice. This way, ordinary people are envisioned as providers of their own justice, turning concerned-agents-cum-subjects into responsible agents of justice as well: Kenyan justice entrepreneurs are thus responsibilized, while simultaneously responsibilizing themselves. Yet, the political-economic odds are firmly against these hustlers for justice, ingeniously locally called 'justlers'. Hardly ever moving beyond the stage of prototyping, and rarely if ever making a living from their entrepreneurship, these justlers oscillate ambivalently between idealistically fighting for a more sincere system of people-centred justice and cynically living off an ultimately still donor-driven discourse that ever more dissolves responsibility for justice to potentially everyone, and thus to no one.

Leaving behind the solid grounds of terrestrial justice-making in transnational Kenya, Luisa Piart opens up new horizons of justice in the offing by interrogating the cross-border complexities of labour justice among global seafarers. Working on commercial vessels cutting across multiple jurisdictions, seafarers are subject to the national labour laws and regulations of the state whose flag their vessel flies. In the past, shipowners mostly registered their vessels in their respective national registry, forcing them to employ seafarers under their national labour laws. However, with the increasing neoliberalization of the industry since the 1970s, more and more owners have flagged out their ships from, for example, the German registry to 'flags of convenience', that is,

to the open registries of countries such as Liberia or Panama, with their considerably lower labour standards. This has unleashed a race to the bottom in terms of wages and working conditions. Within this overall configuration of multiple national labour laws with vastly divergent standards, shipowners have thus exploited this differential between the national values and norms of labour justice (regulating what is due to seafarers) to their own advantage.

This is the overall context in which members of the International Transport Workers' Federation (ITF) – the main research partners and interlocutors in Piart's project – have been intervening over the past decades. Piart shows how ITF members have successfully campaigned against flags of convenience by themselves using the differential between national jurisdictions to their own advantage: mobilizing dock workers within jurisdictions with stronger labour protection to organize industrial action and ship boycotts, thereby applying leverage in one port to further workers' interests in another part of the supply chain, or aboard ships at sea, ITF labour internationalism has often forced ship-owners sailing under flags of convenience ultimately to agree to transnational collective bargaining agreements. The bargaining power of ITF members further increased when the international Maritime Labour Convention (MLC) came into force in 2013, since the ITF is also charged with inspecting ships and ensuring that the MLC is adhered to, with the power to detain ships in case of non-compliance. This demonstrates how union members cross, selectively mobilize and strategically combine different national labour laws in their struggle to put to work their own transnational values and norms of labour justice in the shipping industry, thereby making their vision of justice a reality, – also in the offing.

The other contributions engage equally with conflicts over the values and norms which different actors see as legitimately ensuring that certain subjects of justice get their dues. Moreover, they also zoom in to the complexities of differential ascriptions of responsibility in order to ensure that justice is actually done. Yet what is particularly interesting, and peculiar to their respective discussions, is the variable emergence of new subjects of justice, which raises important questions about the variable interrelations between subjects, objects, concerned agents and responsible agents of justice in the Anthropocene.

Felix Lussem takes us to the brown-coal mining region of the German Rhineland that has been undergoing a structural transition from an economy based on fossil fuels to renewable energy generation. Studying a self-organized network of coal-critical civil-society actors which formed around the installation and work of the official coal commission (2018–2019), deliberating over possible coal-exit paths, Lussem charts the developments among these actors regarding their views on injustices related to vast open-pit mining. Using various forms of political protest, public education and legal means to oppose the local expansion of mines and their infrastructures, Lussem shows how an original motivation to prevent the immediate loss of the individual quality of life was transformed into expanded concerns with broader injustices related to the coal industry, scaling up towards general questions of climate justice and the future of

planetary habitability. Against this backdrop, many of these coal-critical actors also came to oppose narratives of 'green growth' and the 'just transition' that they see as centring narrowly on the interests of industrial workers. Often, in their view, there is a 'not now, not here' mentality here that emphasizes stable jobs and good salaries for humans in preference to prioritizing biodiversity loss and other problems related to the Anthropocene. In contrast, many anti-coal activists aspire to a 'sustainable transition', envisioning a more encompassing eco-social transformation.

What started out as a local interest group of exclusively human subjects of justice primarily concerned about losing what they saw as being due to them anthropocentrically (e.g. the relative absence of noise and air pollution) was thus transmogrified over time into a network of agents concerned about the larger-scale dynamics of planetary injustice. In this process, the needs and well-being of distant and future human as well as non-human others turned into a crucial concern of their climate activism, despite their remaining spatially and temporally absent in the here and now. As Lussem shows, the more these absent others entered an expanding imagination of planetary justice as new and irreducible subjects of justice in their own right, the more local civil-society actors were responsibilized, and felt responsible, for these absent beings.

Mario Krämer also engages with questions of environmentalism and the renewable energy transition. However, for his interlocutors – rural nature conservationists in Western Germany – climate protection, through the extension of wind power, and nature conservation are not easily aligned. Situating the concerns for environmental justice among his research partners within the specific history of nature conservation in Germany, Krämer shows that the citizen's action group he collaborates with is motivated by the traditional impulse to preserve 'nature' and 'the landscape'. These nature conservationists are deeply concerned about biodiversity loss and species protection, especially with regard to endangered birds such as the red kite, which are greatly exposed to injury or death from wind turbines. Moreover, the landscape and its aesthetic and affective values, unspoiled by the relentless industrializing conquest of nature, are conceived as also in need of protection. Far from seeing the renewable energy transition through the expansive installation of wind turbines in rural regions as a solution advancing environmental justice (as Lussem's activists might be more inclined to think), these nature conservationists experience wind power rather as part of the problem of an ever-accelerating demand for energy. Therefore, many of them subscribe to degrowth ideals while resenting what they regard as the hypocritical discursive hegemony of young urban climate activists in demanding, and consuming, excessive amounts of renewable energy without bearing the costs of its production.

Like the anti-coal activists, the nature conservationists that Krämer works with explicitly extend the subjecthood of justice to non-human beings (such as endangered birds), thereby decentring humans when it comes to those to whom justice is due. At the same time, they regard humans (themselves, politicians etc.) as the most important, if not the only seriously concerned agents capable of and responsible for defending and instantiating their more-than-human ethic. Their vision thus combines a strongly

anthropocentric responsibility for, and concern with, an equally strongly anti-anthropocentric subjecthood of justice, revealing layers of complexity that are easily lost in the indiscriminate talk of flat ontologies. And there's a caveat of further complexity here: when talking about the aesthetic value of pristine landscapes, there seems to be an ambivalence among conservationists in envisioning landscape protection as both an end in itself, i.e. granting the landscape subjecthood of justice, and as a means to some other end, i.e. turning unspoiled nature into an object of justice that is due to some other subject. This observation foreshadows an issue that has been neglected thus far, though it is particularly relevant for the last contribution to this special issue: the potential for instrumentalizing the alleged subjecthood of justice of some other entity for one's own gain.

In the last contribution, Laura Affolter deals with a topic that has been celebrated as iconically breaking with anthropocentrism both in law and in more-than-human planetary ethics, namely 'rights of nature'. This notion refers to a legal instrument that enables ecosystems or species to have inherent rights, allowing their defence in court for the sake of nature itself. In several countries, rights of nature have been introduced into their respective constitutions, as is also the case in Ecuador where Affolter's research is based. The 2008 Ecuadorian Constitution included new rights of nature (integral respect for nature's continued existence; nature's right to be restored; as well as a state mandate for preventive and restrictive measures ensuring protection) as well as the right to environmental consultation, and also lowered the threshold for taking legal action on behalf of such rights. Focusing on resistance to the Llurimagua copper-mining project in the Ecuadorian Íntag region, Affolter notes that much of this anti-mining struggle shifted to the courts around 2018, when political protest was increasingly criminalized and the Constitutional Court became politically more independent under a new government, thus increasing the transformative potential of constitutional lawsuits. Against this backdrop, Affolter studies the meandering dynamics of the Llurimagua and Los Cedros cases, following the question of how and why rights of nature are mobilized in specific circumstances by different actors.

Among the various observations to emerge from this project, three are of particular relevance for our discussion here. First, as was the case with Krämer's nature conservationists, it becomes clear that many local anti-mining activists argue in court and beyond that 'Mother Nature', 'a mountain' or 'a tree' are independent and legitimate subjects of justice in their own right. Yet at the same time, these activists equally insist that these subjects are unable to act as concerned and responsible agents of justice, for which they need humans who can, and must, care and act on their behalf. Second, Affolter shows how strategies in legal reasoning have varied in sometimes focusing solely on the rights of nature (e.g. of endangered species) in order to prevent mining activities, thereby also indirectly benefitting human subjects of justice opposing extractivism. In other contexts, justice is explicitly claimed for both non-human and human subjects through an evocation of their respective rights. In such arguments, the interests of humans and non-humans thus become aligned.

However, and this leads to the third observation, the demands of nature-centred and human-centred justice may also be at loggerheads: rights of nature can also be mobilized against subalterns, criminalizing subsistence practices or silencing their claims to (re)distributive justice. While such confrontational action may be motivated by a genuine concern for nature as a subject of justice, it might also be driven by ulterior motives – for instance, to get rid of mining opponents in order to re-engage in extractivism. This demonstrates that rights of nature may also be instrumentalized from different sides, thereby turning nature's ostensive subjecthood of justice into a mere means to a different end. This may still happen within a framework of justice when the ostensible demand to protect, for instance, an endangered species is not really done for the sake of this non-human being, but for the protection of an environment (including this species) that is actually seen as a cherished object of justice due to humans. However, such instrumentalization may also happen beyond any concern for justice merely to advance one's strategic interests, such as weakening one's opponents (as alluded to above).

This demonstrates that even in one of the most iconically 'posthuman' cases of justice in the Anthropocene, humans remain crucial actors to reckon with – not merely as concerned and responsible agents and as subjects of justice in their own right, but also, as ever before, as strategic actors capable of exploiting the 'rights of nature' as a new resource even when (and precisely through) ostensibly celebrating it as an intrinsic value in itself.

Conclusion: Anthropological Returns

In this introduction, we have suggested how the new anthropology of justice and current debates about the Anthropocene can be fruitfully related to each other. We have discussed recent approaches in the new anthropology of justice and argued for the need to develop an analytical definition of justice that, we insist, is not an obstacle but the precondition for studying justice ethnographically in multiple contexts. Using this framework, it becomes possible to chart descriptively what kinds of values and norms of justice the people we study envision; what kind of agents with agency they see as being concerned about and hold responsible for implementing such justice; what kinds of subjects of justice they imagine as deserving justice; and what specific entitlements they conceive as being due to these subjects. As the ethnographic record of the five contributions to this special issue demonstrates, there are many different ways of imagining regimes of justice and putting them into practice. While multiple entities, human and non-human, thereby make their appearance within regimes of justice as both subjects and objects, all ethnographic discussions eventually highlighted a prominent role for humans as concerned and responsible agents, especially when acting on behalf of non-human beings within the horizons of the Anthropocene.

This leads to the second prominent theme in this introduction, namely our critical engagement with debates about the Anthropocene and related evocations of a global

human subject as allegedly responsible for the ecological crises of our time. We problematized such homogenizing constructions, also haunting terminological alternatives, and highlighted the ethico-onto-epistemological paradoxes undergirding posthumanist approaches. Against this backdrop, we proposed to disassemble the idea of a global subject through our multidimensional justice lens and, mobilizing supporting arguments from human ecology, philosophical anthropology and the anthropology of ethics and freedom, argued for an *anthropological turn* – or rather, for an *anthropological return* in two senses of the word. First, as also demonstrated by the contributions to this special issue, there is a descriptive need to explicitly rediscover and *return* to the human as an indispensable category of analysis, including and especially when engaging with other-than-human entities within considerations of justice. As we showed, anthropocenic contexts in which non-human beings increasingly turn into subjects of justice do not diminish the roles of humans as concerned and responsible agents but, to the contrary, often make them even more relevant.

Max Weber (1949) observed a long time ago that, when studying the values of others, they lose their normative force and turn into descriptive phenomena. However, when confronted with the dramatic conditions not only of the Anthropocene, the question arises whether it can suffice for anthropologists to merely chart descriptively how our interlocutors emically define justice. We suggest that, in order to cope with the ecological and other crises of our time, we also need an et(h)ic(al) definition of capable agents of justice – agents that we believe can be truly 'responsibilized' in that they can be appealed to, made to feel responsible, enticed into action and thus ultimately also legitimately held responsible for the injustices that persist. This underlines the normative need, too, for a *return* to the human as an indispensable category of action. We believe – and this is where the second meaning of an anthropological return comes in – that such an approach promises better political and practical *returns* for a discipline that is also aiming at public engagement and intervention rather than a stance of further consigning 'the human' to forgetfulness (Zenker forthcoming). We remain hopeful that such an analytical framework will allow us not only – echoing Karl Marx (2000:173) – to apprehend and interpret the world of (in)justice in the Anthropocene productively, but also to intervene in it and change it.

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Hustling for Justice: An Analysis of Kenyan Justice Entrepreneurs' Role as New 'Agents of Change' for 'Sustainable Development'

Nicole Ahoya
Ethnologisches Seminar, Universität Luzern

Abstract: Justice entrepreneurs are increasingly being proclaimed as 'game-changers' within global development discourses coalescing around 'sustainability'. With the leveraging of digital solutions for social service provision during the Covid pandemic and the inclusion of 'access to justice' on the international development agenda in 2015, market-based and digital justice innovations have gained relevance in the justice sector, particularly in the Global South. In conjunction with the formal recognition of formal and informal channels to justice in Kenya's justice system and the global development framework, market-based pathways to justice are said to be transformative, as they provide new solutions to defining, achieving, and creating access to justice on people's own terms.

Drawing on ongoing ethnographic and anthropological research in Kenya, this article critically explores the contested and dynamic terrain of justice entrepreneurship and innovation in Kenya. The paper analyses how, as new actors, justice entrepreneurs are themselves becoming 'responsibilized' and 'responsibilize' for defining and delivering justice by bringing closely entangled debates about humans as 'agents of change' and individuals' responsibilities for the Anthropocene and sustainable development into a conversation. In exploring these issues, the paper aims to reflect critically on the importance of a definition of justice for academics and practitioners and disagreements over it.

[(access to) justice; Anthropocene; (social) entrepreneurship; Kenya; sustainable development]

Introduction

In an informal conversation in early 2022, a Kenyan justice entrepreneur told me that she feels as if 'justice' had been arbitrarily and carelessly included in the 'Sustainable Development Goals' (SDGs). Grimacing while stirring her tea, she started acting how she imagined the inclusion of justice in the SDG agenda to have gone. Assuming that development experts and strategists thought of it at the last moment, she gave her face a shocked expression. Then changing her facial expression to show determination, she continued narrating how they decided to make up for having forgotten justice by randomly including 'access to justice' in the SDGs without giving it a clear definition, instead making it 'people-centered'. Initially, she and other justice entrepreneurs treated this vaguely defined goal like a blank canvas to be filled with 'local' conceptualizations of justice by local justice actors. However, by that day on which we met in a café in the busy Central Business District of Nairobi, her initial enthusiasm for the vaguely de-

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fined concept of justice had almost evaporated. The start-up, which she had co-founded with two colleagues roughly a year ago, was not doing well. Although they had hustled to bring their vision of (access to) justice to life and maintain it so as to offer 'alternative' entrepreneurial and digital solutions for 'filling the justice gap' in Kenya, they eventually decided not to continue with their start-up. However, as she was busy preparing to leave the country to try her luck by working in a different development sector abroad, she was still grappling with the shortcomings of the vague 'people-centered' justice concept on current international and national development agendas, which she saw as one of the reasons why justice solutions could never materialize. The sense of vagueness would eventually make it void and meaningless for those concerned.

The in-depth study of her and her co-founders' Kenya-based justice start-up forms the basis for this paper. It exemplifies the new phenomenon known as 'entrepreneurial justice' in the Global South. 'Entrepreneurial justice' is still a niche phenomenon in globally shifting justice regimes. Taking inspiration from Burgis-Kasthala's definition of it, entrepreneurial justice has emerged to fill a 'gap or weakness in existing public accountability fora' by creating a 'new private or privatized organization and/or approach that seeks to address (at least part of) this gap' (2019:1165).

This shift towards the recognition of privatized and market-based justice solutions in global development discourses is strongly influenced by the change towards 'entrepreneurial development' which emphasizes the notions of shared responsibility and opportunity for all in development efforts (Irani 2019). Furthermore, these new justice solutions have drawn on the adoption of a 'stand-alone goal' of access to justice in the SDG framework (Satterthwaite and Dhital 2019:96; Sandvik 2020). In line with a general shift away from 'top-down' development approaches (Fukuda-Parr 2016:46), the visionary and broad justice goal was defined as drawing on the 'people's own experience of justice' (Satterthwaite and Dhital 2019:96) to include formal recognition of judicial problems 'within and beyond law' (Brunnegger 2020). As Sandefur argues, if the justice system is understood as legal, 'the solution is more legal services. If the problem is unresolved justice problems, a wider range of options opens up' (Sandefur 2019:50). Furthermore, 'entrepreneurial justice' solutions also draw on a shifting public justice system in Kenya towards the formal (re-)inclusion of 'alternative justice solutions'. The adoption of this broadly conceptualized goal and the increased funding for justice gained further momentum with changes in the provision of social services during the Covid pandemic. That event, as a justice entrepreneur recounted in a conversation, was a 'golden moment' for founding a start-up offering innovative channels for access to justice. The conjunction of these changes unlocked new opportunities for individuals, but also responsibilities.

The inclusion of justice as a formally recognized 'stand-alone goal' is also closely bound up with the shift toward 'sustainability' as a complex concept closely entangled with the uptake of the concept of the Anthropocene in the public sphere (see, e.g., Chua and Fair 2019). 'Sustainability' in development has emphasized that the quandary of tackling environmental degradation equitably should be rethought by compre-

hensively taking into account environmental, economic, and social development for all (Bandola-Gill et al. 2022:4). Similarly, justice has been framed as an all-encompassing goal for development in delivering (social) justice and economic prosperity and in protecting the environment (UNDP 2020:121).[1]

Against the background of these multi-facetted changes both globally and locally, the article describes the highly diverse and multi-faceted phenomenon of 'entrepreneurial justice' in Kenya. This diversity is seen in terms not only of the professional backgrounds of the justice entrepreneurs – ranging from economics, law and design to IT – but also of the 'justice solutions' being offered. As pointed out above, the phenomenon draws on a justice category that is deliberately framed as broad and open-ended. The justice entrepreneurs created justice solutions such as access to legal knowledge and legal experts, digital platforms for reporting incidences of corruption, online dispute-resolution platforms, tracking tools to locate stolen motorbikes, or emergency service platforms connecting citizens to emergency care-providers. Despite their diversity, the justice entrepreneurs shared three characteristics: first, they offered solutions outside the 'formal' justice sector; second, they used digital technology, such as apps, chatbots, digital platforms, and social media; and third, their justice solutions were profit-oriented, aiming at being economically sustainable.

Starting from these shifts towards entrepreneurial and sustainable development and a change towards justice for all and by all, in this paper I analyse how the vague definition of justice in (international) development approaches, in conjunction with its increasing visibility both locally and globally, has allowed justice entrepreneurs to come into existence as a new group of agents and subjects of justice in Kenya. Building on the call for an etic definition of justice in this Special Issue, I am dwelling particularly on the question of whom to 'responsibilize'. Zenker and Wolf refer to agents that 'can be truly "responsibilized"' are thus 'capable agents of justice' that 'can be appealed to, made to feel responsible, enticed into action and thus ultimately also legimately held responsible for the injustices that persist' (Zenker and Wolf:this issue). I will focus on how justice entrepreneurs have come to be conceptualized as new agents in the age of the Anthropocene in which all humans can and should be 'agents of change' (UNDP 2020). Through the lens of the analytical concept of the hustle, I will look at the intricacies of how they are being constructed and are positioning themselves as agents who 'are capable of reflecting, communicating and acting upon (in)justices as problems to be addressed and solved' (Zenker and Wolf:this issue).

1 For example, suppose poor people do not have 'access to justice' to fight against unfair employment conditions. In that case, they are forced to cook with cheap but highly polluting kerosene or live in informal settlements, which negatively impact the environment and make their inhabitants extremely vulnerable to the impacts of climate change.

'Entrepreneurial Justice' and 'Justice Entrepreneurs' in Nairobi

Field Site and Methods

This paper draws on an in-depth study of a Nairobi-based 'justice start-up' in 2021. The start-up offered a wide variety of 'justice-related' solutions leveraging digital technology. The co-founders all had a background in law, as they had attended law school together, but had then ventured into different professional careers in the legal sector, IT, and finance. Over the course of five consecutive months, I participated in a wide variety of activities in the start-up, both as a participant observer and observing participant (Thieme 2015:229, citing Welker 2009; Holmes and Marcus 2005; Mosse 2005).

My ethnographic fieldwork within the start-up took place in the office and online meetings, at and pitching events, and digital communication platforms such as Slack or WhatsApp. Moreover, I actively contributed to various tasks 'on the ground', as they called it. For example, I assisted in trying to acquire clients and promote the start-up's solutions in densely populated and low-income neighbourhoods in the outskirts of Nairobi. I also helped prepare funding applications, draft conference papers on the justice innovations they aspired to, and accompanied the co-founders to 'access to justice' conferences in Kenya. In addition to my observations, I conducted in-depth semi-structured interviews and engaged in numerous informal conversations with the co-founders. Starting from the extensive study of the 'justice start-up' as an access point, I have used snowball sampling to connect with other actors within their networks (e.g., interns and employees, investors, mediators) with whom I have conducted twenty online and in-person interviews during this on-going fieldwork. Furthermore, this article's findings are based upon evidence gathered during interviews and informal conversations with ten justice entrepreneurs in Kenya, Uganda, and Nigeria, several representatives of international organizations such as UNDP, government officials, and employees of 'The Hague Institute for Innovation of Law' (HiiL). I also participated in various public events on justice innovation and training sessions of the 'Justice Accelerator'. In addition, I conversed informally with countless people on 'access to justice' while living in Kenya for several non-consecutive years. Nairobi was a particularly suitable location for this study not only due to shifting conceptualizations of access to justice in Kenya at large, as will be discussed in detail below, but also due to its reputation as a 'tech hub' on the African continent attracting global entrepreneurs, impact investors, and global tech companies like Google. This environment has also brought to the fore various organizations specializing in Law Tech, such as Legal Tech Kenya or the Lawyer's Hub. Nairobi's pioneering role in digital technology also earned it the moniker 'Silicon Savannah' (see e.g., Poggiali 2016; Friederici et al. 2020; Mavhunga 2017).

Discovering and Situating Justice Entrepreneurs in Kenya

During my fieldwork, I was struck by the absence of opportunities to observe the working of justice solutions in action on the ground. This aspiration to observe groundbreaking and innovative justice solutions stemmed from my pre-fieldwork desk-based research during the global Covid pandemic, which highlighted the rapid adoption of legal tech, often touted online as a means to 'scale up' or 'leapfrog' access to justice in Kenya. The rhetorical hype surrounding legal tech in Nairobi drew upon the imaginary of digital solutions for development (ICT4D; see, e.g., Ndemo and Weiss 2017; Wahome and Graham 2020). At the height of the pandemic, Kane observed that 'legal services are part of a growing niche in which "justice entrepreneurs" and "legal empowerment actors" have found ways to deliver their services to under-served populations and strengthen their capacity to solve justice-related issues on the continent in a user-friendly way' (Kane 2020; see also UNDP 2022). However, as I soon came to realize in my research, many entrepreneurial justice solutions seldomly progressed beyond the prototype stage (Lindtner 2020; see also Donovan 2012 and 2018 on the experimental turn in international aid). Furthermore, my initial research revealed that the 'legal' prefix to tech was somewhat misleading. Technologies appeared rather as 'extra-legal', 'beyond the law', or an 'alternative' to the (traditional) legal field, in parallel to the formal public legal system introducing digital service provision (e.g., online court hearings or the digitalization of legal files).

I therefore focused on the heterogeneous and unregulated group of 'justice entrepreneurs' situated within a complex and dynamic entanglement of local and global as well as public and private 'justice actors' striving to 'deliver access to justice'. I focused on small-size start-ups by trying to get a foot into the market of entrepreneurial justice. As it turned out to be challenging to obtain an overview of this heterogeneous and often invisible group, I opted for an access point through one of the globally operating actors 'empowering' justice entrepreneurs. This empowerment is built on the idea that 'innovating justice starts with you' and can thus be delivered by everyone. One of Kenya's pioneering and most active actors was HiiL. HiiL is a Netherlands-based civil-society organization that runs a 'Justice Accelerator' in several African countries such as Kenya, Uganda, and Rwanda. A 'Justice Accelerator' is a 'flagship Innovation programme that funds, trains, and coaches a global cohort of justice startups'. HiiL's Justice Accelerator, similar to other accelerator programmes,[2] was promoted as an access point to funding, training (e.g., marketing, pitching, impact measurement, or financial strategies) and networks. Based on the portfolio of start-ups on HiiL's website,

2 Anonymization of HiiL was not feasible due to HiiL's pioneering role and visibility in global networks for 'innovating access to justice'. However, this paper is not a case study of HiiL's specific practices but about the broader phenomenon of 'entrepreneurial justice' in the current era of development coalescing around 'sustainable development'. See also other 'Justice Accelerator' programmes, e.g. by UNDOC (https://www.unodc.org/e4j/zh/secondary/justice-accelerators.html, accessed October 6, 2024).

I contacted start-ups that had participated in the four-month Justice Accelerator programme. Thus, HiiL's selection of start-ups and their implicit definition of justice on which the selection drew shaped my initial access point. It is also important to note that the term 'justice entrepreneur' was not an emic or self-attributed designation by local practitioners but was ascribed to the heterogeneous groups by global and predominantly Western-based actors such as HiiL. Thus, I use it as an analytical, not an actor's category in this paper. However, this attribution also suggests the need for a critical examination of the move towards people-centred justice, as it may entail a reframing of justice based on the agendas of influential and well-funded international actors.

The heterogeneous group of justice entrepreneurs shared a frustration with the 'system'. Justice entrepreneurs explained that they see the Kenyan legal system as 'riddled by all different stories of corruption, inefficiency, slowness. Questioning the legally framed justice system', they asked rhetorically: 'Is justice still just if it is not accessible?' Many were lawyers by profession, but, as one entrepreneur pointed out, the profession

> didn't appeal to my heart. […] It didn't make me feel happy. I was like, […], the legal profession needs a shake-up. It needs a shake-up. Really, really. And probably, I always saw myself doing law, not as an end in itself. Because I need money, but I saw there is a clear path for me to make the system better. […] So, I was like, let me go and innovate something. Maybe, just maybe, it'll lead to something greater for me, not just, not only just on a personal level but also on a policy/state level. To be involved in projects that get to justice.

As much as law and the legal system often served as a starting point for them, they aimed to go 'beyond it'. All of them shared the perception of an urgent need and responsibility, as well as equally new opportunities to create and accelerate solutions outside the formal justice system, which was deemed mostly inaccessible for the 'common *wananchi*' (a commonly used term in Kenya mixing English and Swahili for 'ordinary citizens') due to a lack of social relations, money, language, and education.

Justice entrepreneurs found themselves navigating complex social dynamics amid rapid ICT innovations and international development interventions contrasted with persistent uneven development and systemic inequality in Nairobi (Thieme et al. 2021). As much as justice entrepreneurs were foregrounded as crucial new actors in this global movement to provide universal access to justice on people's own terms, they often told me that they felt they did not belong to these networks. Their social position was characterized by oscillating between different roles. On the one hand, many justice entrepreneurs emphasized their past experiences of poverty in conversations, pitches, or their online presence – referred to as 'poverty porn' by a justice entrepreneur. 'Poverty porn', drawing on actual and imagined experiences of poverty, created the authenticity and legitimization to create 'people-centred' justice solutions. On the other hand, they embraced and showcased their roles as youthful, dynamic, and smart actors with the capacity to pioneer and implement grassroots justice initiatives. The journey towards acquiring influence and power, not only to envision justice solutions but also to deter-

mine political decisions and resource allocations – thereby transcending their status they described as 'beggars' both locally and globally – was sometimes described by my interlocutors as getting a *kitambi* (Swahili for 'potbelly'). This widely known term in Kenya symbolizes wealth, respect and power, rather than literally physical weight. It is a metaphor – a phenomenon also often characterized as *tumbocracy*[3] – signifying the aspiration to transition from a position of dependence to one of influence in Kenyan society, someone 'who has made it' like the entrenched Kenyan elite. Nonetheless, the justice entrepreneurs' social positioning remained flexible, contingent upon the context, and shaped by whichever identity was most advantageous in a given situation.

In the following, I will first delve into the emic and analytical concept of the hustle. I will then elucidate how 'people-centred' development and justice, alongside social entrepreneurship, have emerged as pivotal frameworks in the age of the Anthropocene and the discourses of 'sustainable development'. These frameworks have opened up new grounds for actors to 'responsibilize' themselves and be 'responsibilized'. Building on these insights, I will describe how the justice entrepreneurs' role as emerging agents aspiring and hustling for justice can provide important insights into the intricacies of the implementation of the lofty ideal of 'people-centred justice'. I will elucidate how their practices are intricately woven into a tapestry of diverse ideas, aspirations, funding mechanisms and political dynamics within emerging, globally entangled regimes of justice. This discussion will occur against the backdrop of enduring social, political and economic disparities, which are increasingly obscured by broad conceptualizations of justice that emphasize grassroots empowerment and participation in the era of sustainable development.

Hustling for Justice in the Era of Sustainable Development

The 'Hustler Nation'

During my fieldwork, political campaign slogans and party programs by the then presidential candidates, William Ruto and his opponent Raila Odinga, in the lead up to Kenya's 2022 elections, not only dominated public discourses but also permeated many of our informal conversations in the office. In a conversation in late September 2021, as we prepared instant coffee with powdered milk and plenty of sugar and ate biscuits instead of a proper lunch, one justice entrepreneur pointedly remarked that 'Politics here is not just about politics'. He stressed, 'stakes are higher here'. At that juncture, a year prior to the elections, there was a sense of hope among many that change could finally be brought to the 'common *wananchi*' who wielded minimal power in Kenya's political

3 *Tumbo* means belly in Swahili; see e.g. Makokha (2018); see also Bayart (1993) on the 'politics of the belly' in Africa.

and economic landscape. Ruto's rallying cry of 'hustlers versus dynasties' deeply resonated with the widespread discontent and profound frustrations of ordinary citizens, stemming from the entrenched injustices within the Kenyan system within which the responsibility and accountability of those in power were largely non-existent (see e.g. Lockwood 2023; Karanja 2022). Using the slogan 'hustlers versus dynasties', Ruto promised to narrow the divide between the entrenched elites and ordinary citizens, the 'hustler nation'. By foregrounding his 'humble beginnings', such as his childhood experiences of going to school barefoot and hustling by hawking chicken by the roadside, he pledged to challenge and overcome the status quo of entrenched inequalities and injustices through a 'bottom-up economic model' that aimed for inclusivity and social justice for all within the 'hustler nation' (Shilaho 2022).

One of the co-founders emphasized that Ruto is campaigning for an 'untribal thing', as he was not politicizing along ethical lines but rather advocated the development of a new class consciousness to break open the cleavage between the 'rich and the poor'. The self-ascription of being a 'hustler' or engaging in 'hustling' has thus permeated Kenyan society across social classes, serving as a 'language of action' (Thieme et al. 2021:5; see also Lockwood 2023; Mwaura 2021). Building on the seminal work by Thieme et al. on the concept of the 'hustle' as both an emic and analytical framework, I observed that 'to hustle' has been used by my interlocutors as an 'expressive articulation of everyday struggles and getting by' (Thieme et al. 2021:7). It symbolized an ongoing endeavour and a sense of obligation and responsibility among the highly educated Kenyans, to which the justice entrepreneurs belonged, to seek out new avenues for creating just solutions amidst persistent uncertainties, injustices and inequalities. Therefore, to 'hustle' signifies a way of expressing and asserting (the) 'agency to cope with and work through a constellation of economic, political and social barriers' (Thieme et al. 2021:7). However, it is imperative to clarify that 'to hustle' does not stand for deceitful and illegal practices or modes of tricksterism (ibid.:6). Instead, it stands for innovative and creative practices of doing things the 'African way', despite perceived very unequal chances due to uneven development. Furthermore, the concept of 'hustling' is imbued with 'values of solidarity, caring and nurturing' aimed at fostering a better and more just future (ibid.:8, paraphrasing Kinyanjui 2019:xiii). The pervasive presence of the 'hustler' in Kenya has led to the emergence of various word creations such as the 'hustler economy', 'hustler mentality' or the 'Hustler Fund'. Similarly, HiiL coined the term 'justler' – blending 'justice' and 'hustler' – to signify individuals 'who hustle to bring justice to their country and the whole world'. Thus, I employ the framework of 'hustle' – or its derivative 'justle' – to elucidate the distinctive endeavours for justice being undertaken by justice entrepreneurs at the grassroots level while being entangled in shifting paradigms of justice at globally, particularly in the realm of international development. Thus, justling, in this paper, means accounting for how 'aspirations for justice play out on a number of different scales' (Johnson and Karekwaivane 2018:10).

In the following, I will briefly outline how the concept of 'people-centred' development, as a focal concept in the SDG framework, has come to the fore in the era of

'sustainable development' and how it is 'closely linked' to the Anthropocene (UNDP 2020:121; UNDG 2013).

'People-Centred' Development

Locating injustices as a barrier to development and delivering justice to create a better world figured prominently in many of my conversations with justice entrepreneurs. Many of them, implicitly and explicitly, as well as positively and negatively, referred to the SDGs. Their reference to the goal of access to justice was used in informal and formal conversations, papers for events, pitches, workshops and business plans. The sustainable development agenda seemed uniting and ubiquitous, providing a shared vernacular for globally and locally dispersed actors (Bandola-Gill et al. 2022; Brightman and Lewis 2017:3; Moore 2017:68; Rival 2017:184). This might have even played out more in Kenya, as elsewhere in the Global South, due to the heavy influence of international development institutions on Africa's development trajectory (Wahome and Graham 2020:1125).

This has entailed new conceptualizations of how and by whom development problems should be solved and how development goals should be defined. Although humans have been identified as the causes of (environmental) destruction, they are also foregrounded as 'agents rather than as patients' of development (UNDP 2020:6; see also Rival 2017:185). While the concept of the Anthropocene *describes* the environmental degradation caused by human activity, 'sustainable development' is proposed instead as a *prescription for* making our world a better place (Rival 2017:184). The 'sustainable development' approach is sold as improving the shortcomings of the Millennium Development Goals (MDGs), which focused heavily on a reductionist approach towards meeting minimal standards for the 'global poor' (Fukuda-Parr and McNeill 2019). The SDGs were announced as more 'transformative and ambitious', aiming at an equal and fair world for all (Fukuda-Parr and McNeill 2019; Merry 2019). This vision entailed that, first, the SDGs had to be framed as a global agenda for all countries, not only for the Global South, as on the MDG agenda. The highly criticized 'technocratic top-down' and 'donor-driven approach' of the MDGs was to be replaced with a 'collaborative journey' in which 'no one will be left behind' (UN General Assembly 2015:1).[4] This meant that 'all voices' should be taken into account in the conceptualization and the implementation phase (Fukuda-Parr 2016; Fukuda-Parr and McNeill 2019). Particular emphasis was placed on the previously unheard voices of

4 However, discourses on 'people-centred' or 'human' development are not new. They date back to the 1990s, when the focus on economic performance was gradually replaced with a focus on the multidimensional conceptualization of human well-being in international development (Hulme 2007; Fukuda-Parr et al. 2014:107). This shift was triggered by realizing that the development of industrialized nations contributed greatly to the deterioration of the global environment (Bandola-Gill et al. 2022:4, citing WCED 1987:7).

those in the Global South, focusing on those who are poor, and marginalized (UNDG 2013). Second, the criticism of the MDGs for having focused on 'solving discrete siloed problems' (UNDP 2020:5) has been replaced with a multidimensional and interconnected approach aimed at simultaneously considering economic, environmental and social components (Gale 2018).[5]

The 'people-centred' development of the SDGs is said to have been accompanied by a 'revolution in responsibility' (Caballero 2019:140; see also Fukuda-Parr 2016:44; Fukuda-Parr and Hulme 2011). The aim of the SDGs, according to one development practitioner, was to 'launch a revolution in responsibility, a revolution in how we understand and engage on development so as to be fit-for-purpose for tackling the risks in an age we are already calling the Anthropocene' (Caballero 2019:140). The catchy term 'people-centred' in 'sustainable development' documents was taken up by justice entrepreneurs with much frustration. As much as they felt a positive shift towards taking into account a more diverse understanding of development, they also felt they were being 'responsibilized' within highly unequal power dynamics and politics, which came to be hidden behind a framing of inclusion. For example, as I was waiting for a prospective client with a justice entrepreneur in one of the many highly populated areas in Nairobi, we got engaged in a heated discussion on the term 'developing countries' as being increasingly discussed as an inappropriate term for development approaches, as it relied on a linear idea of development towards 'the West' as an idealistic endpoint. He brushed me off, replying, 'That's very academic! It is so disconnected from the real-life world of people. We want just that; we want it just like that, how it is in the West!' This seemed somewhat contradictory, since he had usually insisted that Kenya needs local solutions for its problems. What he seemed to insist on is that he feared that 'if we drop it, it is like veiling that we have not yet got what we deserve as well'. He felt that although development should be framed as 'people-centred', it had still been easier for someone from the West to obtain funding for development-related projects. 'If I were white, I would have already founded seven justice start-ups', he noted, referring to unequal access to money and other resources. He was bitter about current approaches to 'people-centred' development in which he and other entrepreneurs have become 'just entertainment' instead of being treated as capable actors.

In the next section, I will show how the adoption of justice as an SDG has involved the complexities of keeping it open to a 'people-centred' approach while equally making it specific enough and thus measurable.

5 The insights on the shifting paradigms of international development and the implications of these shifts for development interventions have significantly benefited from the process of jointly writing a grant proposal with Ass. Prof Sandra Bärnreuther on data-driven development, that was recently granted funding by the Swiss National Science Foundation (https://data.snf.ch/grants/grant/10000933, accessed October 5, 2024).

People-Centred Justice

Both terms, sustainability and justice, are characterized by their ubiquitous use and cross-cultural resonance around the globe, their universalistic nature and normativity towards a better future for all humankind, but avoiding a universally agreed definition (Bandola-Gill et al. 2022). The inclusion of the 'stand-alone goal on justice' in international development was hard-won and based on years of controversial political and scholarly work (Satterthwaite and Dhital 2019:96; Namati 2015:4). However, in Kenya, access to justice beyond legal concepts has a long history, as discussed in various studies of legal pluralism (see e.g., Helbling et al. 2015; Ikanda 2018). These mechanisms were formally revived with the enforcement of the new Kenyan Constitution in 2010, in which 'access to justice for all' was recognized as an elementary constitutional right (Article 48), including 'alternative solutions to dispute resolution' (Article 159(2)(c)). The 'Alternative Justice Systems Baseline Policy' 2020, drawing on the Constitution, stated: 'The plain recognition that a great majority of people in the Global South access justice through AJS (Alternative Justice Systems) has returned the focus on these mechanisms. The obsession with formal state institutions only (Courts and Tribunals) as the instruments of access to justice has now given way to all mechanisms that guarantee access to justice' (The Judiciary of Kenya 2020:5). As a newspaper article in the local *Daily Nation* emphasized: 'By constitutional dictate, the "traditional" is no longer "irrational" or its ideas of justice presumptively "repugnant" and bereft of a human rights quotient. Justice is not just about the occasional and spectacular performance before an official font such as the court but more so about the everyday relational practices within the community. It is not teleologically dictated by discrete and atomised activities in courts; it is negotiated and remade in everyday life' (Ouma Akoth and Ngugi 2020; see also Nader 1980 on 'alternative justice'). This call for a people-centred approach to justice has been further elaborated and specified in the recently published 'Blueprint for Social Transformation through Access to Justice (STAJ): A People-Centred Justice Approach 2023-2033.' This ten-year strategic blueprint, published in 2023, states that 'justice cuts across all our lives, and therefore belongs to all of us. While the Judiciary plays its constitutional role of ensuring that it delivers justice, the people themselves must become agents for their own justice' (2023:6). According to the STAJ and other policy documents, these shifts in the justice sector entail a 'shift in the relationship between the people of Kenya and the organs of the State' (The Judiciary of Kenya 2023:iv). The members of the Judiciary are envisaged as becoming 'connectors, promotors, and facilitators', as people themselves become the providers of justice services (The Judiciary of Kenya 2023:v). Furthermore, harnessing (digital) technology is seen as a 'game-changer' 'to make justice not just expeditious but also widely accessible' (STAJ 2023:ii).

Justice was not new in development approaches, and the MDGs had implicitly drawn on a justice concept (see e.g., Satterthwaite and Dhital 2019). Indeed, law and justice – often used interchangeably – have been discussed as prerequisites for develop-

ment for a long time. This has been analysed in a wide body of anthropological research on how human rights, the rule of law and transitional justice have become critical in international development approaches since the 1990s (see e.g., Merry 2011:87; Clarke 2019; Anders and Zenker 2014). The proponents of a new idea of justice in the SDGs envisioned a justice concept that 'lies beyond the technocratic realms of development programming, by insisting that people's own experience of justice – and injustice' – should be included (Satterthwaite and Dhital 2019:96). Thus, the vision of justice to be included in the new development framework foregrounded a definition of justice that is 'formally *contextual*' (Clarke and Goodale 2010:10; emphasis in the original). This concept is different from human rights-based approaches in previous work on development, which are 'formally *universal,*' as they are based on and established through an 'identifiable body of international instruments' which are 'meant to be[6] immune from substantive interpretation based on historical, cultural, political, and other contingent factors' (Clarke and Goodale 2010:10). Thus, justice departs from the 'minimum nature' of human rights in the direction of a form of 'imaginary' (Hinton 2018). At this point, it is important to note that I do not dwell on the highly contested debate and technical considerations about measuring a broader understanding of justice (Merry 2019; Satterthwaite and Dhital 2019). This rendering of justice resulted in it being narrowed down 'to a very incomplete version of access to justice', focusing on criminal justice problems which seemed to be measurable due to the available data and easier measurability (Satterthwaite and Dhital 2019:97). Only in 2020 was a broader indicator for also measuring access to 'civil justice' included (see e.g. Nanima and Durojaye 2020; Sandvik 2020). Instead, I am interested in the vernacularized notion of access to justice on which the justice entrepreneurs' work has been built and has been widely shared across the network of different actors in Kenya. For example, on discussing the meaning of justice with a local UNDP representative during one of the many coffee breaks at the national conference on access to justice, he stressed that the 'beauty of the concept (of justice)' is exactly its elasticity, openness and fluidity that make it 'people-centred'. The turn towards an open approach to justice was simultaneously seen as a turning away from the definition of justice by the 'white man'. In a discussion of whether and how the constitutionally recognized 'alternative justice methods', such as arbitration, should also be regulated to hold practitioners accountable, one participant argued vehemently against it as if 'we are taking it from the white man'. He asked: 'Can we go back to the roots? If we take it as the white man wants it, then it will just be like any other method'. The emphasis on 'people-centred' justice was continued in a discussion with a justice entrepreneur. The local UNDP representative expressed his

6 As many anthropological studies have shown regarding the normative universality of human rights, 'international human rights standards are being taken up, translated, resisted, and transformed' and these studies have also highlighted 'the implications that engagement with several of these rights in particular can have, not only for the individuals and groups involved, but also for the broader society' (Foblets et al. 2022:7, citing Destrooper and Merry 2018).

puzzlement at why the justice entrepreneur would not use the increased NGO funding options for justice at the global level. On the other hand, the justice entrepreneur emphasized that he would not want to become a 'beggar'. Instead of 'humble begging', as he called the process of asking for money from NGOs, he opted to hustle for justice in order to 'democratize justice'. In many justice entrepreneurs' perceptions, NGOs were a political means to keep Africa dependent on the 'West'. They described being dependent on donations from NGOs to solve justice problems as an oxymoron, not only because NGOs would continue to dominate justice agendas, but also because NGO business models thrive on injustices as a 'business model'. One of the entrepreneurs cited the example of malaria, arguing that they could have eradicated it, together with unequal access to healthcare, a long time ago. But because NGOs are 'in the boat', malaria is still a huge problem in Africa because the NGOs want their business to continue. While 'businesses grow big by providing value, NGOs grow big by extracting value'. Thus, it was not only that being 'grant-dependent' was seen as unsustainable, but the phenomenon of the NGOs was seen as a cause of the injustices and unjust development that surrounded them. Thus, as they have repeatedly tried out new justice solutions – improvising, shifting the focus when things do not work out and venturing into new areas – that 'entrepreneurial justice' would eventually allow them to define and deliver their visions of justice. This was framed as a revolutionary and innovative counter-agenda to donor-driven international development agendas and ineffective, inaccessible, unequal and corrupt governmental justice institutions, which 'for thousands of years, have remained rigid' (Muthuri 2022). It was thus not solely an approach to revive local justice solutions but to invent and allow for just development 'the African way'.

As I mentioned earlier, their solutions remained at the 'prototype' stage (see Lindtner 2020 on the 'Prototype Nation'). It seemed as if the process of 'prototyping' 'people-centred' justice solutions was itself providing value in tandem with seemingly heterogeneously developing the definition of justice itself. Hackathons with names such as 'Jenga Haki' (Swahili: 'to build or construct justice or rights'[7]) alluded to this process of continuously making and experimenting with justice amid a 'justice emergency' (UNDP 2022). It seemed the more prototypes, the closer 'access to justice' for all. For example, in an advertisement video of a globally operating social enterprise seed funding justice entrepreneurs, the CEO switched on a vacuum cleaner and said: 'It is nice that we can make vacuum cleaners user-friendly, but we think justice is a little bit more urgent'. By saying this, the CEO did not refer to commensurable and universal solutions for justice – as in the global applicability of a vacuum cleaner – but rather foregrounded that humans have been intelligent and capable of building simple and effective solutions in other areas of life. Thus, 'prototyping' justice seemed to be viewed 'as a promising way to intervene in entrenched structures of inequality, exploitation,

7 See Becker 2018 on the complex translations of the Swahili term *haki* into English and the term's fecundity.

and injustice' (Lindtner 2020:1). However, ambitious goals like 'justice for all' raised questions about financing (see e.g. Manuel et al. 2019) as I will discuss in the following section.

Justice as a 'Business Case'

As we have seen in the previous section, the shift toward 'people-centered' justice in tandem with the 'revolution in responsibility' has opened up fluid and emergent channels to justice and a changed conceptualization of capable actors beyond institutions toward the inclusion of individuals. For example, the Organisation for Economic Co-Operation and Development (OECD), has suggested in White Paper 'Building a Business Case for Access to Justice' (OECD n.d) that the proposed business case for access to justice draws on a 'people-centric understanding of access to justice' going beyond a focus on institutions and legal concepts such as the rule of law 'to consider the entire range of justice channels and mechanisms', by taking 'the experiences of the people as a starting point' and seeking 'to approach access to justice from the standpoint of individuals and social groups rather than that of institutions' (OECD n.d:1).

While some argue that justice should be reflected in national budgets, others say that social enterprise models are the way forward as it empowers creative and innovative individuals for closing the 'funding gap' for access to justice solutions (see e.g. IDLO 2019; World Justice Project 2019:115). Entrepreneurial models in development – also called 'entrepreneurial developmentalism' have come to the fore with the turn toward business in development toward render(ing) commercial the problem of poverty' (Mosse 2013:239; Dolan and Rajak 2018:236). The initial focus of 'entrepreneurial developmentalism' lay on Corporate Social Responsibility (CSR) models which have been criticized for their philanthropic and paternalistic nature (Rajak 2011; Dolan et al. 2011; Schwittay 2011). The successor social enterprise models foregrounded a 'new individualist paradigm of progress' promising that 'everyone is potentially an entrepreneur, from the least to the most privileged' (Irani 2019:2; see several anthropological studies on entrepreneurial models, e.g. Bärnreuther 2023; Huang 2020; Neumark and Prince 2021) and thus an 'agent of change' (Irani 2019). This mirrors the Anthropocene discourse in the SDG documents that in the 'age of humans', 'human development puts people at the center of development – people are agents of change' (UNDP 2020:70). Or, put differently, if individuals can change the planet for the worse, they should also be able to come up with innovative solutions. Thus, the market is increasingly seen as generative for 'solutions to social problems' (Dolan et al. 2018) and as a way of economic justice as 'development imperatives' are turned into 'business opportunities' (Dolan et al. 2018:2–3; Burgis-Kasthala 2019:1175).

In comparison to other sectors, entrepreneurial models in the justice sector are not only thought to be an alternative model for implementation but also to define the justice sector or the goal of access to justice themselves. To start their justice innovation, the justice entrepreneurs depended on the non-equity 'seed funding' from social enter-

prises such as HiiL, which were further entangled into complex networks of governmental actors, international organizations and investors.[8] Based on good performance or awards, the justice entrepreneurs qualified for more 'untied' funding, which was said to allow them to not only scale their justice solutions relatively freely, but also to create an impact and change the concept of justice delivery. However, scaling their solution proved impossible for most justice entrepreneurs. One justice entrepreneur commented sarcastically: 'They give you 20,000 USD to create justice, to eliminate poverty. What can you do with that money? I hate such challenges!' Having their business model thrive on the 'poor and marginalized' inflicted them with ethical and moral concerns. Thus, instead of taking money from 'people who need it the most', pitching became part of their business. One justice entrepreneur said, for example, '*nikiamka* (Swahili for 'when I wake up') I don't even know whether I'll pitch to (company x) or (company z)!' Pitches became more and more filled with the same lofty principles and 'creative stories' of how you want to 'save the poor'. It must be an imaginary, a vision, a dream because 'once it is established, it does not work anymore'. Their identities shifted continuously from someone who is being responsible and also capable of making justice come true by setting up an office, a fancy website, or nice business plans, and their feelings of 'just surviving' and 'just trying' and making justice a business opportunity by building on inequalities, precarity and injustices.

Discussion and Conclusion: Hustling for Justice

The vague and fluid definition of justice in the SDGs has provided new potential to be filled with local definitions of justice. In this paper, I have tried to unpack how 'entrepreneurial justice' allows us to study ethnographically how a heterogeneous group of individual justice providers is trying to bring a vaguely defined definition of justice to life and deal with its fuzziness. They have started with the assumption that it is not about balancing market logics with social justice but rather about making use of the market as an alternative to donor-driven and normatively loaded development interventions to create instead solutions to injustices which are often seen as an aspect of the neoliberal structures that are imposed on Africa by the West. The hype around (social) entrepreneurship mirrors current jargon in terms of empowerment, inclusion, participation and responsibility that are widely used in 'sustainable development' discourses. Entangled in continuous dilemmas around trying to make justice available on their own terms, they 'pitched' justice to Western-based funders as something that can be harnessed and scaled up for sustainable development while simultaneously feeling that justice can never be turned into a 'business case'. The framing as of justice as 'people-

8 As it goes beyond the scope of this paper to provide a better understanding of the funding mechanisms for entrepreneurial justice, see instead e.g. HiiL 2022; Manuel et al. 2019; OECD n.d.

centred' in international development discourses conveyed an image that justice can be created in spaces that are free of politics and that if solutions are tailored enough to local needs, they will work and 'scale' in numbers and scope. The continuous 'prototyping' of and 'experimenting' with justice solutions conjured up an image that the uptake of 'justice solutions' in the local market depends on the justice entrepreneurs' abilities to understand local justice needs. Studying the justice entrepreneurs' hustle in order to envision, conceptualize and sometimes dump 'justice solutions' allows us to study how they navigate precarity, uncertainty and informality to create new ways to deliver and not just hope for justice. Furthermore, it will enable us to analyse how these new actors use their solutions not only as new opportunities but also as a form of resistance against imposed justice solutions and injustices from the West. Their hustle for justice provides insights into their opportunistic and playful activities of subversively and creatively making use of new funding streams to build 'justice' in the absence of public justice systems while being in a constant dilemma, fearing that 'justice is unprofitabilizable and unmonetizable by definition'.

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Justice in the Offing? Trade Union Politics in the Shipping Industry

Luisa Piart
Max Planck Institute for Social Anthropology, Halle (Saale), Germany

Abstract: In this article, 'the offing' is used as a metaphor to think about demands for justice. The offing literally refers to the most distant part of the sea in view, while the phrase 'in the offing' means that something that is about to happen, or about to appear on the horizon, but is not there yet. The perpetual movement of commercial vessels sailing the oceans and cutting across multiple legal jurisdictions generates risk and profit at the same time. Discussions and struggles to bring about norms of social justice for seafarers working aboard ocean-going commercial vessels thus provide a prime example with which to consider the disembedding of workers' rights from their national contexts along international supply chains. Oil tankers, container ships and freight carriers of all kinds that form part of the world's fleet constitute moving working environments where labour-rights violations are everyday occurrences and ethnographic fieldwork often remains off limits. When, where and how is workers' justice achieved in the liminal setting between shore and the distant offing? Based on ethnographic material, the article situates the anthropology of justice being advocated in this special issue in debates over labour rights in the global economy by questioning the aspirational, technocratic and transnational nature of maritime labour politics.
[justice, trade unions, maritime labour rights, labour internationalism]

Introduction: 'Workers of the Sea, Unite!'

In March 2019, in the middle of her PowerPoint presentation at the headquarters of the International Transport Workers' Federation (ITF) in London, Anna, the shipowners' representative, looks at her audience and briefly pauses before saying tauntingly:

> Well, the MLC [Maritime Labour Convention] is a dream come true for shipowners; now that seafarers' rights to decent working conditions are secured, the ITF and its transnational system of collective-bargaining agreements is no longer needed. It is only a question of time before it fades!

About ten union members listen to her as she dismisses the relevance of their organization in the conference room on the top floor of the ITF building. They are taken aback by the critical tone of her remarks. Anna, the speaker, is a member of the Labour Affairs Department at the International Chamber of Shipping (ICS), whose headquarters are also located in London, just across the bridge over the Thames from where we are sitting in Southwark. Anna's presentation is part of the induction training for an inter-

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national group of maritime trade unionists who will start working as ship inspectors on behalf of the ITF, the largest international federation of trade unions for seafarers.

After a brief moment of silence, Ali, an experienced ITF inspector who has organized the training, gives life to the sense of disbelief as he fights back. He asserts that the ITF is an international labour organization. The Maritime Labour Convention of 2006 that Anna mentioned establishes minimum working and living standards for seafarers, but the ITF actually works to raise such standards and to ensure just and decent working conditions for all seafarers, regardless of nationality, gender, or religion: 'The ITF and its affiliates are not about technicalities and minimum standards, it is about making a difference and improving things for seafarers'.

The ITF and the ICS are the two most important international institutions representing seafarers' and shipowners' interests. Unlike most other global industries operating transnationally, in the shipping industry, capital and labour representatives are accustomed to discussing with one another and agreeing on measures that have important social and economic outcomes for seafarers. They often sit at the same table in several international organizations, such as the International Labour Organization (ILO) in Geneva and the International Maritime Organization (IMO) in London.

The adoption of the Maritime Labour Convention (MLC) in 2006 at the ILO was the result of several years of tripartite discussions between representatives of governments, the ICS and the ITF. The MLC became binding international law in 2013 (ILO 2020). Why would the ITF become redundant and lose its role with the implementation of a legal instrument that its members actively contributed to negotiating? Is class struggle over once labour rights have been secured, or is this assertion simply another expression of corporate aspirations to self-regulate that reflects the fragmentation of the working class? Are demands for justice fulfilled once global measures of harmonization and standardization are achieved? When, where, and how is justice achieved for workers in the liminal setting between shore and the distant offing?

During my thirteen-month multi-sited fieldwork conducted in London, Hamburg and Panama City on the topic of seafarers' rights, several of my interlocutors in the shipping industry were convinced, as Anna was, that the ITF was ultimately doomed to disappear because of (or, more accurately for those interlocutors, 'thanks to') new legal instruments such as the MLC. Starting from this assertion, this article is a reflection on the nature of current maritime labour politics and the role of the ITF in it. Because it stretches over multiple jurisdictions, the setting of the shipping industry creates major challenges in upholding seafarers' labour rights. The transnational collective agreements that the ITF negotiates with shipowners reconfigures labour rights beyond states' responsibilities.

Justice in the Offing

Based on ethnographic and archival material, the article contributes to the anthropology of justice being advocated in this special issue by questioning the aspirational, technocratic and transnational nature of the politics of maritime labour.[1] Its focus is on the International Transport Workers' Federation (ITF), which has its headquarters in London and a worldwide network of 120 ship inspectors. I argue that this organization enacts global solidarity across the world's oceans and provides an example of *reinvigorated unionism*. After positioning the progressive action of the ITF within the broader movement of labour internationalism and empirical research on trade unions, the article investigates the complex system of collective-bargaining agreements that the ITF and its affiliated maritime trade unions have developed as part of their ongoing campaign against flags of convenience. In order to contextualize what is specific about ITF transnational agreements, I introduce the national German collective bargaining agreements for the shipping industry. Finally, I scrutinize the responsibilities of ITF inspectors as agents enforcing justice on behalf of seafarers between industrial action and the mobilization of labour rights in relation to the new legal standards introduced with the implementation of the MLC from 2006.

1. Labour Internationalism: Trade Union Politics and Its Maritime Other?

Notwithstanding a considerable amount of diversity between and within countries, regulations at work and the density of collective-bargaining agreements negotiated by trade unions on behalf of workers have dropped sharply across the world since the 1970s (Adaman et al. 2009; Boltanski and Chiapello 2018; Lazar and Sanchez 2019; Mollona 2009). In the process, labour unions lost their power and legitimacy to such an extent that 'popular disaffection with formal trade unionism' has been identified as a 'widespread feature of contemporary labour politics' in the Global North and South (Kesküla and Sanchez 2019:110). Where does the ITF as a federation of national trade

1 The empirical evidence for the article was gathered from June 2018 until September 2022. through participant observation during the induction training of inspectors at the ITF London headquarters in March 2019 and during on-board ship inspections with German ITF inspectors, as well as through interviews with different current and former ITF officials, and archival research at the German ITF affiliated union Verdi. Research for this article has been made possible thanks to the generous funding of the Martin Luther University Halle-Wittenberg (Institute for Social and Cultural Anthropology), the Max Planck Institute for Social Anthropology, as well as the Volkswagen Foundation (funding 9B343). I am grateful to George Baca, the two anonymous reviewers, the editors of the special issue and of the *Zeitschrift für Ethnologie* | *Journal for Social Anthropology* for helpful comments made on the draft.

unions fit into this picture? Arguably it has asserted itself as one of the most successful federations of the global trade-union movement and a 'substantial player in the global labour market for seafarers' (Lillie 2004:63). It rose to prominence in the 1990s and reached its most significant achievements through its campaign against flags of convenience at a time when de-unionization was spreading. The ITF illustrates an innovative form of unionism that has not been adequately scrutinized in order to understand the transnational seesaw movements of capital and labour movements. While capitalism is a global phenomenon, and while the left calls for workers of the world to unite, the global labour historian Marcel van der Linden (2008:261) rightly emphasizes that 'cross-border [workers'] solidarity may seem logical, but in practice it is not'. In her famous research drawing on an extensive database of worker protests, Beverly Silver (2003) points to the challenges related to the spatial mobility of capital by showing that labour unrest in one country or in one industry often prompts corporations to relocate their activities elsewhere.

By relying on a unique system of transnational collective-bargaining agreements, the ITF found innovative ways of getting shipowners to show responsibility towards crew members working on board their ocean-going vessels. ITF inspectors are union officials who are engaged full time in working on the objectives of the Flags of Convenience (FOC) campaign. In each of their ports, ITF inspectors are able to fight for national and non-national seafarers sailing their way. Through its action, I argue that the ITF therefore illustrates a new instance of labour internationalism, defined as a

> collective action of a group of workers in one country who set aside their short-term interests as a national group, on behalf of a group of workers *in* [*or from*] another country, in order to promote their long-term interests as members of a transnational class. (van der Linden 2008:259, emphasis added)

The ITF as an international federation stands out because the dominant type of trade union 'evolved in symbiosis with the nation-state, which first contested and later protected their right to organize' (Streeck and Hassel 2003:337). This is reflected in the literature on trade unions that overwhelmingly focuses on national trade unions (see for instance Lazar 2017). The ITF was created in London in 1896 at a time when the international trade-union movement was on the rise (ITF 1996; van der Linden 2008). Prior to 1945, labour internationalism was strongly associated with the Communist International and did not recognize the primacy of the liberal state and of parliamentary democracy. Seafarers and dockworkers were particularly active in revolutionary international trade unionism, notably through the transport workers' section of the Industrial Workers of the World, founded in the United States in 1909 (Cole et al. 2017). While the ITF includes both left-wing and right-wing trade unions today, during the Cold War it had a clear anti-communist stance (Rübner 1997:82-87).[2] In

2 After 1945, the ITF's main political rival organization was the Red International of Labour Unions (founded in 1921 in Moscow), which became an instrument of Soviet foreign policy. The ITF became

western liberal democracies, progressive trade unions no longer aim to overthrow and replace governments through strikes. In return, states afford unions the right to strike 'in the context of disputes with employers and in pursuit of collective agreements on wages and working conditions' (Streeck and Hassel 2003:335).

Following the same pragmatic line, the ITF and its affiliated trade unions do not expect a radical change in the balance of power between seafarers and shipowners, nor the abolition of capitalism. Instead, the union leadership strives to establish legal and bureaucratic solutions to secure workers' rights. Similar to formal trade unions that emerged with the rise of Keynesianism and the welfare state, the ITF 'shares much with the progressive logics of capitalism itself' (Kesküla and Sanchez 2019:115). Following anthropologists, sociologists and legal scholars (Simitis 1987; Michel 2017; Kesküla and Sanchez 2019), who analyse the increasing mobilization of law to achieve justice by trade unions in the Global South and Global North, this article considers the successful political action of the ITF that is ingrained in its progressive orientation and bureaucratic work.

Responding to the rise of global supply chains, the growing importance of transnational companies and deregulation, workers and labour organizers have created new types of social movement and political activism based upon new practices and strategies for protecting labour rights in contradistinction to the emergent organization of capital in the form of global value chains during the late twentieth century.[3] Anti-sweatshop activism, alter-globalization movements and corporate social responsibility strategies promoting the industry's self-regulation essentially bypass the traditional labour unions (Bair and Palpacuer 2012; Boltanski and Chiapello 2018, Chapter 7; Maeckelbergh 2009). These new forms of advocacy for workers are premised on the assumption that state regulation has given way to corporate self-regulation and that this therefore requires new types of collective political action to hold corporations accountable for their actions. Echoing these critiques, Richard Appelbaum and Nelson Lichtenstein (2016:4-5) argue that 'industrial tripartism is in decay', and that the three points of the triangle are no longer states, employer representatives and worker representatives, but rather 'the brands, their contract factories, and a set of largely Western NGOs that prod the corporations to improve labour standards and monitor the firms hired by the brands to inspect their factories and report back (to the brands) their findings'. Illustrating these understandings of labour politics, this article explores maritime labour politics with a focus on the ITF's most famous campaign against Flags of Convenience (FOC). The anti-FOC campaign of the ITF has been described as 'one of the most original, far-reaching and sustained … in all world history' (Fink 2011:178). In

an affiliate of the International Confederation of Free Trade Unions (ICFTU) upon its foundation in 1949. The ICFTU was created to outflank the communist organization of labour movements across the world during the Cold War (Carew 1996).

3 On the relation between labour unions and social movements, see Lazar and Sanchez 2019, especially pp. 7–9.

the following sections, I consider how the ITF as a federation of national trade unions brings about global justice on the world oceans and whether their ingenious politics can be transferred to other industries on shore or are bound to stay in the offing.

2. ITF Politics Between Industrial Action and Legal Expertise

Topics in which new ITF inspectors are inducted ranged from wage calculations to the MLC, but also included tips and tricks for ship inspections and the use of the digital management system that allows ITF inspectors to upload their reports on their ship inspections. While there was an atmosphere of intense concentration in the classroom during the sessions, the organizers of the induction training also emphasized that 'law is one thing' but 'trust and solidarity are the backbone of your work as ITF inspectors'; moreover, 'you need connections in order to be able to efficiently conduct an inspection on board in your port'. The goal of the training at the London headquarters was for participants not only to improve their legal expertise, but also to get to know other ITF inspectors, as well as the support team at the ITF's headquarters. Their future cooperation and communication would be critical in tracking ships moving from one port to another and in succeeding in their collective action, which necessarily takes place across borders. Although ocean-going vessels sail between and beyond different national jurisdictions, they are subject to the laws and regulations of the state whose flag they fly. Flag states confer their nationality upon ships by registration. The law governing labour and employment on board is therefore primarily the law of the flag state. When in a non-German port, a German-flagged ship is thus in an extra-territorial situation.

While an important part of the induction training is about international maritime labour law, this legal expertise was not presented as the only necessary skill: 'Twenty lawyers speaking different languages could not replace us', said one of the trainers. In order to transmit this know-how and practical skills best among ITF inspectors of different countries, induction training also includes a so-called 'field training', where new inspectors leave the London headquarters to accompany experienced ITF inspectors in their everyday work in a European port for one or two weeks. While the campaign against Flags of Convenience started in 1948, the first ITF inspectors were appointed in 1972 (Johnsson 1996:49). The formalization of the induction training and the tightening of the supervision of ITF inspectors occurred with time after their numbers and geographical spread increased. In 1989, there were 42 ITF inspectors based in 18 countries (Koch-Baumgarten 1997:283). In 2000, they were 120 in 40 different countries (ITF 2011). The number of ITF inspectors has remained relatively stable since then, as they are now spread in 54 countries (see Figure 1). At the same time, the legal team of the ITF seafarers' department in London expanded as the number of legal cases involving the ITF increased.

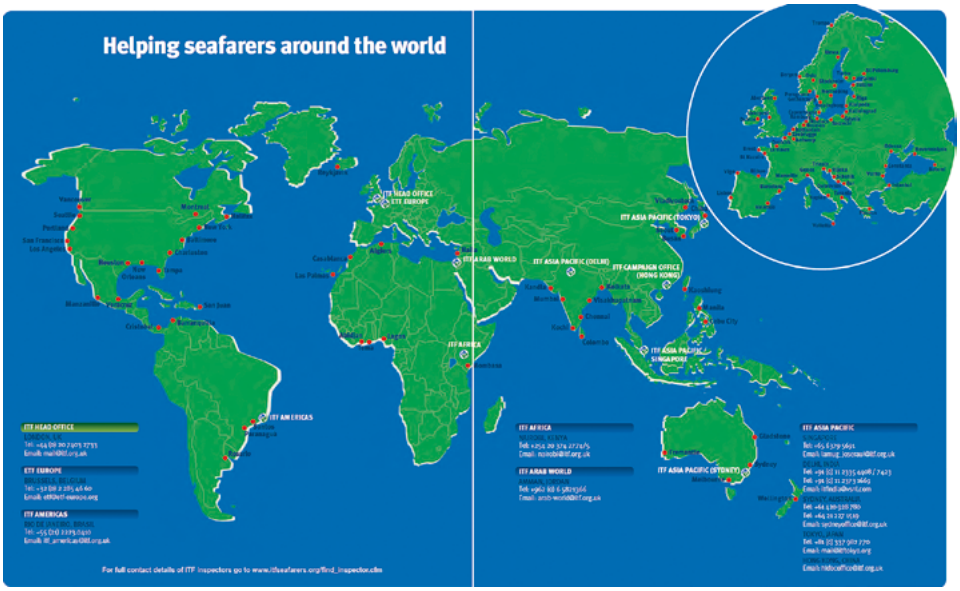

Fig. 1 Locations of ITF inspectors. Source: *ITF Seafarers' Bulletin* 2021:4–5

Even though strikes organized by ITF affiliates are much rarer occurrences today, the success of the ITF campaign against Flags of Convenience was established first and foremost through major industrial action and labour stoppages in the 1980s and 1990s. Strikes took place not only in European ports where the ITF originates, but also in Canada, Australia or Israel. Given that strikes as a form of labour unrest that causes disruption to work are not legal everywhere, the ITF and its affiliated unions came under attack. Yet, ports are work settings where 'a relatively minor malfunction, mistiming or interruption introduced at the right place and moment' can bring entire operations to a standstill (Mitchell 2013:22-23). Given the growing importance of maintaining supply chains, strikes in a port thus have powerful effects akin to sabotage.

The ITF's industrial action for seafarers mainly takes the form of ship boycotts in the port. By standing in solidarity with seafarers, port workers boycott ships at berth by preventing them from being loaded or unloaded, or from leaving. While seafarers certainly have the ability to go on strike, dockworkers in ports are much more numerous than the seafarers on board one ship. That makes is easier for them to coordinate and organize industrial action than seafarers, whose labour is atomized, fragmented and mobile. Ship boycotts thus exploit interdependencies in transportation production chains, applying leverage in one port to further the interest workers have in another part of the chain, or aboard ships at sea. Ship boycotts as a form of industrial action for ITF affiliates existed prior to the ITF campaign against flags of convenience (anti-FOC campaign). Looking at early boycotts instigated by the ITF-affiliated union in

Germany provides interesting insights into understanding ITF politics and the shifting demands for justice in the shipping industry. Until 1993, the German ITF affiliate was one of the big four ITF trade unions in terms of union members (Koch-Baumgarten 1999:507). The German trade union called Gewerkschaft Öffentliche Dienste, Transport und Verkehr, the Public Services, Transport, and Traffic Union (thereafter ÖTV), with its headquarters in Stuttgart, was the German ITF affiliate throughout its entire existence from 1948 until 2001. In 2001, the ÖTV was dissolved and a new trade union called Verdi (Vereinte Dienstleistungsgewerkschaft, the United Services Trade Union), which is still the only ITF German affiliate today, took its place.

Up until the 1980s, the ÖTV's main political goal for its seafaring members was to force their employers to apply the sectoral collective-bargaining agreements of the German shipping industry on board German-flagged ships. The two collective-bargaining agreements of the German shipping industry are the Manteltarifvertrag See (MTV See) and the Heuertarifvertrag See (HTV See). The first provides the recognized framework for the working conditions of seafarers in German shipping. The second addresses wage levels and is renegotiated at shorter intervals to make wage adjustments. While collective-bargaining agreements have been part of the German state's welfare tradition since the late nineteenth century, German labour law does not require employers to apply collective bargaining agreements (Kott 2014). Industrial action is therefore an important means to force employers to enter into collective-bargaining agreements (Hachtmann 1998:52). Once signed, these become legally binding for both employers and employees who are members of the institutions that negotiated them. In German shipping, this means the German Shipowners Association (VDR) and the ÖTV (later Verdi) respectively (Bubenzer et. al. 2015).

Until 1976, strikes on board German-flagged ships were repeatedly declared illegal. While freedom of association in the German Federal Republic is established by the Basic Law of 1949, for seafarers on board German-flagged vessels the right to strike was restricted when in non-German territorial waters. In order to bypass these restrictions and advance their political agenda, the ÖTV negotiated the boycott of German-flagged ships with no collective-bargaining agreement by non-German ITF affiliated dockworkers in foreign ports. From 1969 until 2003, the ÖTV (and then Verdi from 2001 until 2003) had a foreign office in Rotterdam which was instrumental in arranging such actions in the port there (personal interview). If their ship was boycotted in a non-German port, seafarers on board German-flagged vessels were technically not on strike. The right to strike was finally recognized as an acceptable form of industrial action on board German-flagged ships in non-German territorial waters in a judgement of the German Federal Labour Court in 1976 (ÖTV 1999:101).

Before flags of convenience spread across the shipping industry, ship boycotts among ITF affiliates were conducted by foreign dockworkers at the request of national trade unions (such as the ÖTV) on behalf of their members. To use the vocabulary of this special issue's editors, in that case the subjects of justice are seafarers and trade-union members. The agents of justice responsible for implementing a specific justice

regime and improving working conditions are the shipowners. And foreign dockworkers arranging a ship boycott could best be described as actors of justice concerned about their fellow workers. During this early phase, the normative touchstone of solidarity within the ITF was the protection of seafarers' existing national labour markets. By including seafarers employed on board German-flagged ships in German collective-bargaining agreements, the goal for the ÖTV was to strengthen the German labour jurisdiction and thus bring justice closer to the German shore. Coming back to the definition of labour internationalism by Marcel van der Linden cited in the first section of the article, in that case, dockworkers in a non-German port set aside their short-term interests on behalf of German seafarers. For ITF affiliates, ship boycotts abroad were another mean to pursue their own national labour politics.

3. Transnational Collective Bargaining Agreements for Seafarers

Once the possibility of conducting industrial action on German-flagged vessels eased after the legal decision of the German Federal Labour Court in 1976, flags of convenience spread throughout the German shipping industry and led to the massive layoffs of German seafarers in the 1980s and 1990s. During that period, German shipowners 'flagged out' their ships from the German registry to the 'open registries' of developing countries such as Liberia, Panama and the Marshall Islands. These 'open registries' are called flags of convenience because they allow shipowners to flag their ship in their flag registry without living in or being citizens of these countries themselves, which is not the case for the German flag registry. With one stroke of a pen, German seafarers were no longer working under German labour law, but under a different jurisdiction which made it possible to replace German seafarers with seafarers from the Global South at much lower wages. The number of German seafarers shrank from 50,000 in 1970 to 25,000 in the mid-1980s and 9,000 in 1999, while the number of ships in the German flag registry dropped from 2,342 to 535 throughout the same period, making up respectively 82% and then 13% of the German-owned commercial fleet's tonnage (ÖTV 1999:104). This type of massive unemployment typically led to the weakening of trade unions in the industries of the Global North: this is not what happened in the shipping industry.

By using flags of convenience, shipowners can sidestep the labour regulations of their own countries. The rise of FOCs in the shipping industry unleashed a race to the bottom in terms of wages and working conditions. Most of the 1.9 million seafarers sailing in the world's merchant fleet come from a handful of countries: the Philippines, China, Ukraine, the Russian Federation and Indonesia are the five largest supply countries for seafarers, which does not match the largest ship-owning countries (i.e. where shipowners are located) (BIMCO/ICS 2021). Most seafarers are now employed on a contingent basis by shipowners or crewing agencies. They suffer from major labour-

rights abuses ranging from delayed wages, or a lack of payment, a lack of shore leave, poor safety standards and abandonment. Fighting flags of convenience through 'the establishment of a regulatory framework for the shipping industry' has been the main target of industrial action by the ITF in recent decades (ITF 2011:10). If a ship is flying a flag of convenience, the ITF pursues industrial action by warning shipowners that if they do not agree to a collective-bargaining agreement with the ITF, they risk a ship boycott at any port in the world by any ITF-affiliated union.

ITF agreements apply to ships flying flags of convenience and are an integral part of the anti-FOC campaign. The effective recognition of the right to collective bargaining as a mechanism for setting labour standards, wages and working conditions is a fundamental workers' right acknowledged by liberal democracies across the world (Appelbaum and Lichtenstein 2016). Collective bargaining agreements result from sectoral negotiations between employers and employee representatives. The organization of collective bargaining is in state hands and has binding effects on workers through the law governing their employment contracts. In comparison, ITF collective-bargaining agreements signed by ITF maritime affiliates and shipowners for FOC ships have no clear state patronage. With its system of collective-bargaining agreements, the ITF is using the language of formal trade unions, but ITF agreements are unilateral and therefore akin to private regulation (Charbonneau 2016:264). Their existence has been established through ship boycotts. In German ports, the massive layoffs of German seafarers during the 1980s and 1990s prompted solidarity from dockworkers and helped the ÖTV sign additional ITF agreements with ships flying flags of convenience (ÖTV 1999:105). ITF collective-bargaining agreements have been increasingly attacked in the courts since the start of the anti-FOC campaign (see Carballo Pineiro 2015, Chapter 5).

Through these agreements, the ITF forces shipowners to enter into collective bargaining with them and to agree seafarers' wage scales and onboard working conditions. Signatory unions often negotiate ITF agreements on behalf of seafarers who are not their union members and who are most usually not residing in their countries. While the frame of reference for the HTV See to periodically negotiate the wage scales of German seafarers was other German workers, the wage scales in ITF agreements are minimum wage scales imposed unilaterally by the ITF. When signing ITF agreements, shipowners pay membership fees to the signatory union, as well as social contributions to the ITF welfare fund. In exchange they are issued with an ITF certificate, which counts as a guarantee that the ship will not be boycotted. As one ITF inspector put it: 'We are not collecting membership fees from seafarers, we are collecting fees from companies.' In the ITF agreements I could see, the yearly contribution paid by the shipowner ranged from USD 1000 to 5000 per ship. These contributions finance the anti-FOC campaign and the positions of the 120 ITF inspectors.[4] The ITF is the only

4 The allocation and redistribution of financial resources from ITF agreements have generated important controversy and competition among ITF-affiliated unions (Koch-Baumgarten 1999).

trade-union federation funded by both membership fees and employers' contributions (Koch-Baumgarten 1998:388).

Today more than 72 per cent of the ships are registered under flags of convenience, one third is covered by ITF agreements (UNCTAD 2021:35, ITF 2011). Since 2010, ITF agreements have relied on the concept of the beneficial ownership of the vessel, with the assumption that the country where the beneficial shipowner is located is also the country where the trade union will be most effective in negotiating an agreement (ITF 2011). This means that ITF affiliates in large ship-owning countries are the ones signing most ITF agreements, even though these are not the countries where most seafarers are from (as I explained above). Out of the 13,400 ITF agreements currently in force, around 1,500 have been signed by Verdi, according to my interview partners. This makes Verdi one of the ITF affiliates with the most ITF agreements, but it is no longer one of the ITF affiliates with the most members, as used to be the case until the 1990s. Verdi representatives are also present in the strategic ITF Fair Practice Committee, deciding on a yearly basis which flag state registries are Flags of Convenience and should be targeted by the ITF anti-FOC campaign.

Since 2003, the main global collective-bargaining institution for shipowners and seafarers has been the International Bargaining Forum (IBF). Prior to that date, ITF unions negotiated collective bargaining agreements unilaterally with individual shipowners. Every two years, the ITF now negotiates an IBF Framework Agreement with the International Maritime Employers' Council (IMEC). This Framework Agreement is then used by affiliated unions to sign ITF agreements with shipowners who are IMEC members. Upon signing IBF–ITF agreements, shipowners are issued with a green certificate, while for other standard ITF agreements shipowners are issued with blue certificates. In 2024 the IBF wage is USD 1,700 a month for an able-bodied seafarer, who is fully trained but also the lowest ranking seafarer on board. According to Nathan Lillie, the IBF is the 'only well-developed example of union-driven transnational wage bargaining coordination covering large numbers of workers' (Lillie 2006:39). At the moment, 308,000 seafarers are covered by ITF agreements (ITF 2011). Three-quarters of these ITF agreements are IBF-ITF agreements. Yet, the ITF anti-FOC campaign is a rare instance of labour internationalism where employers have accepted engagement in serious transnational collective bargaining.

With the entry into force of the MLC in 2013, the work of ITF inspectors and their legal scope for action improved dramatically. When an ILO Convention enters into force, it becomes binding international law for the countries that have ratified it. The legal requirements for the entry into force of the MLC were described as particularly stringent compared to other ILO Conventions (McConnell et al. 2011:3-4):

> This Convention shall come into force 12 months after the date on which there have been registered ratifications by at least 30 Members with a total share in the world gross tonnage of ships of at least 33 per cent. (Article VIII of the MLC)

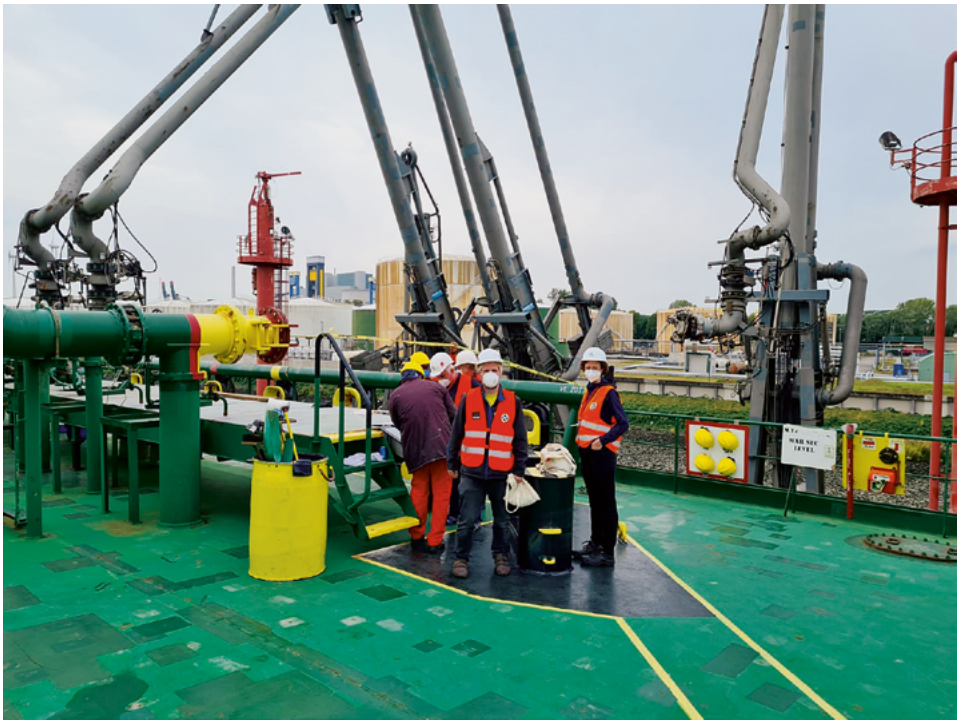

Fig. 2 On board an oil tanker during the ITF week of action in Hamburg in 2022. Photo: Luisa Piart, September 2022

The MLC has been widely ratified, an important exception being the United States of America. In cases where seafarers do not have an employment contract or have not been paid accordingly, during their on board visits (see Figure 2) ITF inspectors can now appeal to port state authorities in order to detain their ship. ITF agreements as such are not recognized by the MLC, but according to the MLC, seafarers should be paid according to their employment contracts, which may be included in ITF agreements. The MLC thus broadens the range of options available to ITF inspectors in their daily inspections more than it undermines it.

Conclusion

Workers' struggles for decent working conditions are often conducted against all the odds. This article considers the ITF and its affiliated trade unions to be progressive 'political bureaucracies' maintaining permanent tensions between industrial action and administrative work (Kesküla and Sanchez 2019). Seafarers aboard moving ocean-

going commercial vessels provide an interesting case through which to consider the transnational dimension of labour struggles and the possibilities of cross-border social dialogue along supply chains. National labour laws recognize the role of labour in the economy and seek at once to emancipate workers from their relations of subordination to their employer and to ensure that the economy functions for the common interest, as identified by representatives of capital and labour. In this sense, following the legal scholar Ruth Dukes (2019), I consider labour law to be a distinct body of law resting on the assumption that the straightforward application of private law rules in employment relations would result in inequalities.

Transnational companies increasingly operate across borders, and the global dimension of social justice is a keenly felt necessity (Appelbaum and Lichtenstein 2016). The ITF anti-FOC campaign illustrates the positive aspiration of trade unions to represent seafarers transnationally and mobilize the law to achieve justice amid political disillusionment. The spread of flags of convenience is a legal loophole that removes seafarers' rights from state protection. The anti-FOC campaign is an innovative strategy that generates new forms of labour rights that are not strictly under a single state's responsibility.

The metaphor of the offing has afforded me the means to consider these changes. In contrast to earlier forms of labour internationalism committed to utopian or radical politics, the ITF is not dismantling the FOC system, but engaging with it pragmatically. While the working environment of ocean-going vessels is highly racialized and dominated by large corporations, the ITF instantiates a hopeful interpretation of labour internationalism on the one hand and the power of maritime workers on the other.

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Negotiations of Justice in the Anthropocene: Mining Conflicts, Unacknowledged Loss and Responsibility for Absent Others

Felix Lussem
University of Cologne

Abstract: Starting from the premise that modern legal institutions are increasingly challenged by the temporal and spatial implications of Anthropocene phenomena, this article shows how various civil-society actors struggle for a more just approach to coal-exit policies in the Rhineland's brown coal mining region. Contrary to general criticisms arguing that the Anthropocene narrative inherently disregards a differentiated perspective on issues of justice, I follow approaches that engage with the concept's generative tensions and situate it ethnographically. The article goes on to suggest that growing awareness of the entanglements of industrial infrastructures with planetary crises has led to local protests against mining coinciding with an engagement for future planetary habitability. Whereas mining-induced losses were previously written off as a necessary sacrifice for growth and progress, I discuss how the affected inhabitants reframe them in this emerging context as injustices on a planetary scale. Motivated by a responsibility towards non-human others and coming generations, these coal-critical actors contest official transition measures that center on 'green growth' and instead call for situated policies that account for matters of concern related to accelerated planetary change. The article concludes by arguing that the pursuit of justice in the Anthropocene is fundamentally characterized by a responsibility towards absent others, spatially and temporally.
[Anthropocene, (planetary) justice, mining conflicts, coal exit, civil-society, responsibility]

Introduction

It is early 2021, still a few months before devastating floods caused many deaths in the Ahr valley, brought large-scale damage to parts of the Erft region and the Rhineland, and reheated the cyclically waxing and waning media debate about climate change impacts in Germany. Of course, the coronavirus pandemic has been ongoing for about a year now, sparking some discussion about the links between accelerating anthropogenic habitat and biodiversity loss and the risks of zoonotic pandemics. Generally, however, this is being anticipated as a crisis that will be overcome by a mixture of patience and medical engineering. At that time, I am participating in a voluntary group of active citizens ('Aktive') at the Hambach open-pit mine in the Rhineland's brown coal region, who are protesting against mining impacts and demand a greater recognition of planetary climate change, biodiversity loss and other problems related to the Anthropocene in regional politics. We are mostly meeting in virtual calls or com-

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municating via email, owing to public health restrictions or voluntary precautions. The group is all that remains of a larger self-organized network of coal-critical civil-society actors who had gathered in the mining region around the installation of the so-called *Kohlekommission* ('Coal Commission') which was in session from summer 2018 until early 2019.[1] This commission was itself inaugurated by the federal government to deliberate over possible coal-exit paths and the accompanying frameworks for structural transition (*Strukturwandel*) from an economy based on fossil fuels to renewable energy generation in Germany's brown coal regions, after the country ratified the Paris Agreement and set out its national emission goals.

As we ruminate on possible ideas for regeneration of the damaged landscape at the mines, a curious message is spreading on social media and in the news, profoundly tied to the group's own concerns: in what is dubbed a ground-breaking decision, the German constitutional court judged partly in favour of a joint lawsuit initiated by climate activists and environmental associations targeting the recently adopted national climate protection law ('Klimaschutzgesetz'). The court did indeed not support the general claim that the German government would fail to meet its constitutionally stipulated responsibility for climate mitigation in absolute terms. However, the judges did reason that the complainants' fundamental rights were being violated because the quantities of emissions permitted by the bill until 2030 will substantially reduce the remaining CO_2budget after that date, thereby endangering virtually all of the claimants' rights to freedom protected by the constitution. On the one hand, the court's reasoning did acknowledge that CO_2-related uses of freedom will most likely have to be completely abolished if 'climate neutrality' is to be reached eventually. But its decision only obliged lawmakers to revise existing legislation in a way that ensures a more just distribution of the burden of climate protection between generations on the basis of 'intertemporal' fundamental rights of freedom ('intertemporale Freiheitssicherung').[2] The constitutional court's reasoning thus not only concedes the deep conjuncture between liberal democratic freedoms and fossil-fuel use that political theorist Timothy Mitchell (2009) has so vividly identified: it also addresses the threats to those freedoms posed by climate change, famously alluded to by postcolonial historian Dipesh Chakrabarty (2009). This ruling by Germany's highest federal court of justice is therefore remarkable in that it declares climate protection a matter of constitutional priority and qualifies the conventional concept of freedom in light of intergenerational justice concerns as they relate to anthropogenic climate change. Some of my interlocutors indeed consider it a partial success that climate protection oriented to the current state of research and international agreements has become a litigious matter nationally, and most appreciate that the climate legislation in place has to be adjusted accordingly. Yet, many are rather cautious about what impact these abstract formulations will actually have on the day-

1 https://revierperspektiven-rheinland.de/koordinierungskreis/

2 https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/DE/2021/bvg21-031.html

to-day activities of anti-coal activism and their joint engagement in environmental and social concerns.

The fact that the past and present freedoms claimed by certain parts of humanity are impinging on future planetary habitability is one of the most general discoveries to have been woven into the space-time configuration referred to as the Anthropocene (cf. Chakrabarty 2021). In this context, the remarkable decision by the constitutional court illustrates how the established procedures of legal institutions – the principal vehicles for pursuing justice in liberal democracies – are being substantially challenged by the temporal and spatial scales of Anthropocene phenomena, as questions of future burden-sharing become urgent matters in the here and now. Departing from this point, I will explore critical civil-society actors' extra-legal and legal struggles for a more just approach towards the energy transition that not only includes industrial workers' interests but also anthropocenic concerns beyond CO_2-reduction, as well as the perspectives of local communities regarding their region's future. First, the article briefly summarizes the history of brown coal extraction in the Rhineland and introduces the current situation. Then, it offers a reflection on positionality in contested fields of transformation research, followed by a section that discusses the literature on extractivism and questions of justice in the Anthropocene. The next two sections trace recent developments in the local resistance to the mining industry in the context of anthropogenic climate change and the impending exit from coal. The penultimate section describes the critical engagement of self-organized civil-society actors oriented on the ideal of a 'sustainable transition'. Motivated by a responsibility towards non-human others and the coming generations, these coal-critical actors contest official transition measures that center on ideologies of 'green growth'. Instead, they call for situated policies that account for matters of concern related to accelerated planetary change. The article then concludes by arguing that the pursuit of justice in the Anthropocene is fundamentally characterized by a responsibility towards absent others, spatially and temporally.

Brown Coal Extraction in Germany's Rhineland Region

The Rhineland's mining district (*Rheinisches Revier*[3]) is a relatively rural area, which lies between the urban centres of Cologne, Aachen and Mönchengladbach, thus bordering on Germany's largest metropolitan area, the Rhine-Ruhr region. Historically this peri-urban area is characterized by agricultural land-use, large stretches of woodland and a comparatively low population density. It also has a long history of lignite or brown coal extraction, a soft, combustible rock geologically formed from compressed peat with a relatively low energy value and therefore a high environmental impact when

3 Curiously, this mining-centred denomination was not widely used in public discourse to refer to the area before political plans to phase out the coal industry became more concrete.

burned. The vast seams of brown coal currently exploited by some of the world's largest excavators in depths of up to 400 meters below the surface formed in the lower Rhine bay more than 10 million years ago. While small-scale extraction of deposits located closer to the surface existed before that, the Rhineland's modern brown coal industry developed around the end of the 19th century in the context of Germany's accelerating industrialization. At first, brown coal was mainly used for the production of heating briquettes and then increasingly in generating electricity in newly constructed power plants (Jansen 2017).

As a domestic energy source, brown coal played a vital role in Nazi-Germany's war economy and its concomitant policy of energy autarky. After World War II and the country's partition, brown coal extraction in the Rhineland was further intensified to supply West Germany's growing population and expanding economy with heat and electricity. Unlike domestic black coal that could not compete with cheaper black coal on the liberalizing world market, brown coal is not traded internationally because transport costs would quickly exceed the resource's energy value. For this reason it became an important building block for national energy security (*Energiesicherheit*) as a 'cheap' and reliable energy source (Kierdorf 2018). With the postwar modernization of the brown coal industry and the development of large-scale surface mines (*Großtagebaue*), the negative environmental and social impacts of resource extraction increased significantly. To date, more than 40,000 people in the Rhineland have had to relocate for mine expansion, scores of villages have been devastated, and fertile farmland and large forest areas destroyed.[4]

In the wake of the 1970s' oil shock and the growing need for a domestic energy supply, brown coal extraction received a further push, which resulted in the development of the currently still operating large-scale surface mines *Hambach*, *Garzweiler* and *Inden*. Local resistance to mining mostly came from the *Hambachgruppe*, a group of young scholars from the Technical University of Aachen that formed in the late 1970s and was active throughout the 1980s (cf. Hambachgruppe 1985). Otherwise, opponents of brown coal extraction were for the most part politically sidelined, their concerns never achieving widespread public support in the mining region, let alone in the rest of the country. After Germany's reunification, rationalization measures led to a stark decrease in employment in the brown coal industry over the following decade. This is why it can be argued – and I have often heard this argument from opponents of mining during my research – that the 'structural transition' has already largely been accomplished in the Rhineland's mining region, at least when it comes to the brown coal industry as a factor in regional employment (cf. Oei et al. 2020).

As the extractive industry partly forfeited its prominent position in the region's economy, opposition to mining in the Rhineland received a vital impulse from the growing climate movement after 2010. Besides climate camps and spectacular protest

4 Cf. https://www.bund-nrw.de/themen/braunkohle/hintergruende-und-publikationen/verheizte-heimat/

actions conducted at the mines, the most important development in this context was the occupation of the forest at the Hambach mine. In 2012 a small group of younger activists from outside of the region built treehouses and other protest infrastructure in the remaining patch of a formerly continuous forest area that had been cleared for brown coal extraction (cf. Krøijer 2020). Their goal was to protect it from further mine expansions and to protest against the global environmental impacts of the brown coal industry.[5] Even though the activists were regularly evicted by police to enable planned expansions, their presence reinvigorated local resistance to the extractive industry, brought unprecedented media attention to the mining region and contributed to the public problematization of brown coal as a domestic driver of anthropogenic climate change. The rising awareness of the links between fossil-fuel use and planetary transformation in German politics culminated in the federal government's decision to phase out the brown coal industry as a national contribution to the *Paris Agreement's* climate goals ratified in 2016.

In 2018, the year I started my dissertation research, the federal government eventually inaugurated a commission with the mandate to negotiate a wide public consensus over the timeframe and conditions of exiting from coal. This so-called Coal Commission[6] consisted of politicians, industry and union functionaries, scientists and representatives of environmental associations, as well as one citizen to represent the mining region in the west and one for the mining regions in the east of Germany. In the case of the Rhineland's mining region the person invited to represent affected citizens was a longstanding opponent of the coal industry and a member of the most vocal citizens' initiative against mining. Her appointment to the commission was a huge success for the regional anti-coal movement and sparked the formation of a self-organized network of locally active opponents of mining. During the period the coal-exit commission was in session in Berlin from the summer of 2018 until early 2019, this local 'coordination circle' (*zivilgesellschaftlicher Koordinierungskreis*) regularly assembled in a Protestant community centre in a village close to the Hambach mine. The group of usually twenty to forty participants was made up of mining-affected citizens, activists from the forest occupation, members of protest groups and anti-mining initiatives, members of environmental organizations, church groups and local representatives from the Left and Green Party, among other local stakeholders. While most of the regular participants were already connected to the fields of environmental protection, sustainable energy, or anti-coal activism prior to the commission's commencement, quite a few

5 In 2018, three of the Rhineland's brown coal-fired power plants were in the top five of the EU's largest single emitters of CO_2. Cf. https://www.energiezukunft.eu/klimawandel/von-den-10-groessten-klimasuendern-kommen-7-aus-deutschland/

6 The official name was *Kommission 'Wachstum, Strukturwandel und Beschäftigung*', or 'Commission for Growth, Structural Transition and Employment', signaling the commission's economic bias (cf. KWSB 2019).

took this officially inaugurated localization of global climate politics as an opportunity to become more involved.

After conducting a number of more formal interviews with key members, I joined the circle's meetings in the autumn of 2018, when the conflict around the contested Hambach forest was escalating. At that time, coal-critical actors and environmentalists demanded the forest be protected and further mine expansions halted, at least for as long as the commission was debating a framework for exiting coal. On the other hand, the energy company operating the Rhineland's brown coal mines and power plants insisted on its right to exploit the coal deposits under the remaining forest, which incited large-scale protests and caused the biggest police operation ever conducted in the state of North Rhine-Westphalia.[7] During most of the meetings I attended, the local commission representative informed the participants about recent commission proceedings and asked for pressing issues to be brought up in negotiations with the commission. After that, the participants typically exchanged information about recent events surrounding the conflict around mining, coordinated protest activities, and discussed further steps to influence coal-exit policies from a local perspective. With the support of environmental organizations and larger protest networks, and backed by general public opinion, the locally active coal-critical actors ultimately achieved their goal of stopping the Hambach mine when the coal-exit commission officially suggested protecting the remaining forest at the edge of the mine in its final report, and both state and federal governments announced they would comply with this recommendation (Grothus and Setton 2020).

'Passively' Engaged Transformation Research

Being from the Rhineland's brown coal region myself,[8] I still somewhat hazily remember how my mother, who worked in one of the *Umsiedlungsdörfer* ('relocation villages'), told me about mining-induced displacements and the demolition of whole landscapes for brown coal extraction around the time of my elementary school. Looking back, this is one of my first memories of injustice beyond my immediate individual involvement, as even my childhood self could not fathom how the state coerces its citizens to leave their homes for a mining company to dig coal out of the ground. More than two decades later, I returned to this constellation of problem as a doctoral researcher interested in local negotiations over exiting coal and climate change. Before my dissertation project, I was not involved in opposition to mining in the Rhineland

7 Cf. https://www.spiegel.de/politik/deutschland/hambacher-forst-gruene-werfen-nrw-landesregierung-taeuschung-der-oeffentlichkeit-vor-a-bec05674-fb0a-4fc8-99ba-7013c714edfb

8 Until its recent shutdown, my hometown hosted the largest facility for the production of heating briquettes in western Germany.

and only followed the conflict sporadically on the news. But to gain access to the activities of coal-critical civil-society actors it has been advantageous and sometimes downright necessary to maintain a certain distance from the mining industry. This has led me to adopt an approach oriented towards 'interface ethnography' (Ortner 2010), where I mainly focus on public communication strategies or interactions with mining opponents with regard to industry actors. My own research experience thus borders on activist ethnography without being fully committed to it, as I am consciously making efforts to establish at least some level of reflexive distance from my engaged access to the field.

Although I share most concerns and agree with many of my interlocutors' opinions on the topics of exiting coal, transition policies and eco-social politics, this distancing results in a kind of 'passive' engagement in which I do contribute to the group's activities, but for the most part only if explicitly approached or to maintain rapport. The situational dynamics can sometimes mean deeper engagement such as co-writing an alternative concept for the agroecological development of post-mining landscapes and even jointly presenting it to officials of the state ministry for the environment or functionaries of the locally active mining company. Given my status as a doctoral researcher with limited resources who is not part of a larger institutional research project, I can often only contribute minimally to my interlocutors' activities, not least because they are already well connected with various actors in the fields of NGOs, politics and science. Common assumptions about the relatively privileged and powerful position of ethnographers in researching mining-affected communities (cf. Bainton and Skrzypek 2022), which primarily developed in the context of research in the Global South, are therefore less applicable to my own ethnographic experience. So when we are not working to acquire knowledge about a mining-related issue together, I mostly learn from my interlocutors about the history, politics and impacts of the lignite mining complex. In that regard, my research experience comes closer to the educational approach outlined by Mario Krämer in this special issue. In practice, however, this interest in learning about mining-related issues from their perspective while participating in activities critical of the coal industry at times causes awkward positioning vis-à-vis my interlocutors, who typically have a clear mission and standpoint regarding perceived injustices.

In reflecting on doing research in the contested field of structural transition, social and political scientists Herberg and colleagues have coined the term 'committed transformation research' (*engagierte Transformationsforschung*). Instead of taking a perspective from 'nowhere', they argue, committed researchers are searching for a vantage point in the middle of the transformation process (Herberg et al. 2021:25). Granted that this situatedness is one of the basic principles of ethnographic research, their term nonetheless illuminates my own approach and stresses that even less ethnographically oriented social sciences recognize the impossibility of establishing an 'objective' distance in complex negotiation processes associated with planetary change. In this context of unavoidable personal implications, Kim Fortun formulates a justice-oriented

direction for a committed anthropology in the Anthropocene, which identifies ethnographic research with the critical practices of engaged actors:

> We [here: anthropologists] work from soiled grounds, in an atmosphere thick with the byproducts of fossil-fuel-intensive political and economic systems. Our anthropologies to come must work to dislodge the future these systems so forcefully anteriorize. (Fortun 2014:324)

Matters of Justice and Anthropocene Concerns

While mining conflicts and environmental justice are central topics in the anthropology of resource extraction, conventionally the field has focused more on the colonial legacies of extractivism (cf. Acuña 2015; Appel 2019; Ferguson 1999; Kirsch 2014; Li 2015; Pijpers and Eriksen 2018) than on Europe's centres of resource accumulation. However, with the ongoing acceleration of planetary crises, it is becoming clear that even the traditional beneficiaries of *ecologically unequal exchange* (Hornborg 2009) are increasingly affected by the ruinous effects of extractivist activities, which calls for a more symmetrical study of mining impacts. Accordingly, the research interest in brown coal mining in Germany is growing in the recent context of the impending phasing out of coal and policies for the structural transition. Whereas the Rhineland's mining region has been at the centre of the current wave of climate protests and resistance to mining, anthropological research has so far tended to focus instead on the two remaining brown coal regions in the former GDR or East Germany (cf. Everts et al. 2023; Müller 2019; Müller 2021). To mitigate possible social issues related to plans to phase out coal, the concept of a 'just transition' is increasingly being applied in both policy and research. However, as my ethnographic research with opponents of mining suggests, in practice the concept is primarily geared towards the interests of industrial workers and often tends to eclipse broader issues of environmental justice, which are becoming more and more urgent in the Anthropocene.

Contrary to the perspective taken in this article, anthropologists and other social scientists have criticized the Anthropocene concept for various reasons, often connected to issues of (environmental) justice. For example, two of the most prominent critics, Alf Hornborg and Andreas Malm, argue that the 'dominant Anthropocene narrative' is overwhelmingly informed by natural-science perspectives and is therefore ahistorical and socio-economically undifferentiated. By positing the whole of humanity as a species actor responsible for accelerated environmental change, the concept not only veils the 'sociogenic' nature of problems related to the Anthropocene – their historical rootedness in capitalist formations of ecologically unequal exchange – but also overlooks the vastly unequal distribution of vulnerabilities with potentially disastrous depoliticizing effects (Malm and Hornborg 2014). While Hornborg and Malm, coming

from a Marxist perspective, do not at all take exception to the central focus on humans, several other critics like Donna Haraway have taken the Anthropocene concept to task exactly for its anthropocentrism, supposedly inscribed into its very name (Haraway et al. 2016). Such criticisms have spurred the suggestion of a variety of alternative concepts from the humanities and social sciences, aimed at decentring or entirely replacing the Anthropocene concept, including the *Capitalocene*, *Plantationocene*, *Technocene* or Haraway's own *Chthulucene* (Antweiler 2022).

On the other hand, in a short piece on 'The Anthropocene and Environmental Justice', the environmental humanities scholar Rob Nixon urges social scientists not to shun the concept completely and risk letting technocrats or economic interest groups define the public meaning of the Anthropocene. Instead, he suggests taking up the particular challenges Anthropocene thinking poses to customary approaches to justice, despite all conceptual reservations. Nixon thus urges humanities scholars to work as 'stratigraphers' who combine geohistorical perspectives with analyses of social stratification and 'tease out the complex connections between rising atmospheric CO_2 levels, the rising oceans, and rising levels of inequality, connections that are not reducible to a centralized species story' (Nixon 2016:31).

In a recent contribution to *Anthropology Today*, Manuela Tassan argues in a similar direction. She briefly retraces the environmental justice movement's genealogy and shows how its early focus on *environmental racism* crucially amended then popular ideas of the *global risk society*. However, Tassan argues that the 'movement mainly offered a "technicist" anthropocentric reading of the "environment"' as background to human action, thus being more concerned with issues of distributive equity than with an expansion of justice to the non-human or the environment itself (Tassan 2022:13). In light of the material-symbolic unsettling of the nature-culture dichotomy that the Anthropocene constitutes (cf. Latour 2014), Tassan suggests decentralizing the 'anthropocentric view of the environment without losing sight of social equity issues'. She therefore even goes beyond Nixon and reformulates environmental justice in the Anthropocene as a 'multispecies issue' (Tassan 2022:14–15). Far from viewing it as intrinsically anthropocentric, she thus seems to employ the Anthropocene – in the words of Liana Chua and Hannah Fair – as a 'lens onto the world' that raises questions about how categories such as 'human' or 'non-human', 'nature' or 'culture' are presently being transformed (Chua and Fair 2019:13).

In their widely received plea to 'retool' the discipline of anthropology for the challenges of the Anthropocene, Anna Tsing, Andrew Mathews and Nils Bubandt have already pushed in the same direction of simultaneously accounting for multispecies relations, histories of inequality and geological scales in ethnographic research (Tsing et al. 2019). The authors suggest directing ethnographic attention to the emergence of *Anthropocene Patches* to capture the entanglements, tensions and contradictions between particular sites and the universal 'geostory' of the Anthropocene. While Tsing et al. understand patches as empirically accessible patterns of multispecies relations, they are also supposed to be 'sites for knowing intersectional inequalities among humans' and

thus offer the possibility of a situated, justice-sensitive approach to the temporal and spatial complexities of the Anthropocene (Tsing et al. 2019:S194).

Despite some influential criticisms, there therefore seems to be no inherent reason for the Anthropocene concept not to permit acknowledging differences in the distribution of risk or vulnerability. What it does elucidate, however, is that there will ultimately be no possibility of avoiding its impacts, for the Anthropocene is coterminous with the continuing breakdown of mechanisms that externalize the negative effects of industrial modernity into other times and places. As industrial progress and the unequal accumulation of wealth depends on this destructive process of externalization, the Anthropocene is fundamentally marked by the undeniable return of previously externalized elements,[9] whether in the form of impending climate catastrophe, an increasing number of marginalized people demanding their fair share of wealth and safety, or even the coronavirus pandemic (cf. Lessenich 2018). According to such considerations, questions of (human) justice are not necessarily discounted by the scales associated with the Anthropocene and might even become more urgent if articulated with planetary conditions with situated attentiveness. Since Anthropocene conditions warrant a political recentring on the more-than-human meshwork of live-ability, social justice struggles, and a less anthropocentric perception of environmental issues can potentially reinforce each other instead of being mutually exclusive.

Nonetheless, tensions between systemic perspectives and concrete matters remain in this context that cannot easily be unravelled on either side of the knot, as Andrew Mathews implies in emphasizing temporal matters:

> There is, however, a structural tension between the urgencies of focusing on a particular mine, dam, or toxic waste site and a longue durée anthropological analysis of the processes that have produced environmental degradation and social deprivation. […] This tension between long-term change and the urgencies of policy or politics is both productive and problematic. (Mathews 2020:76)

In attending to such tensions, this contribution follows Donna Haraway's now classical injunction to 'stay with the trouble' in the sense of ethnographically exploring how different actors navigate possible contradictions between urgent matters and planetary concerns (Haraway 2016). Accordingly, I understand my field-site at the Hambach mine as an 'Anthropocene patch' (Tsing et al. 2019), where planetary issues are negotiated in conjunction with social injustices, destructive extraction and environmental care.

9 Thus, in a vital modification of Chakrabarty (2009: 221), there will most likely be 'lifeboats [...] for the rich' in the Anthropocene, yet these will not allow them to evade precarities quite in the same way as in regard to earlier upheavals of economic globalization.

Expanding the Backyard: Dealing with Injustices beyond Official Institutions

Adhering to the views of coal-critical locals undoubtedly privileges a partial perspective of the universalizing geostory of the Anthropocene. Yet, such a situated approach can complicate narratives of change on a planetary scale and account for how concerns related to the Anthropocene make a difference in matters of the everyday. Even though my interlocutors do not actively utilize the Anthropocene concept, the realization that they are living in a time of inextricable anthropogenic poly-crises of planetary scale is one of the fundamental insights motivating their engagement. During a debate about possible next steps in the face of global impacts of extractivist destruction, one senior participant of the 'coordination circle' boiled it down as follows:

> I do not think we always realize how dramatic the situation is. […] The damage is already enormous, but politicians are looking the other way – all the alarm bells should be ringing![10]

While some of the core members of the local anti-mining network feel connected to the climate justice movement, the group usually does not frame its actions in terms of a fight *for justice*, but more *against* locally experienced *injustices* related to mining activities. As Sandra Brunnegger notes, justice, especially outside juridical contexts, tends to remain tacit, while injustices are often vividly felt and clearly expressed (Brunnegger 2019). On a practical level, therefore, justice can be understood in terms of what is lacking in a specific context to achieve a desired state of things. It serves as an underdetermined guiding principle that allows 'concerned agents' (Wolf and Zenker, this issue) to denounce certain matters as unjust and thus differentiates current conditions from possible, more desirable futures. Justice, it can thus be said, operates as a force of the otherwise which extends the call for responsibility to formerly unacknowledged concerns.

In Germany, the extraction and burning of brown coal for energy generation is still officially defined as an indispensable contribution to the national common good (*Allgemeinwohl*). This legal-political definition of brown coal mining and burning as serving the general public interest establishes a formal state of exception in the country's brown coal regions that enables most of the injustices experienced by the affected inhabitants to occur relatively unchallenged. For decades now, this legal exception has allowed mining law to trump civil rights, authorizing the expropriation and displacement of local inhabitants and the destruction of landscapes for the sake of expanding vast open-pit mines. Needless to say, the destruction of the familiar landscape and the loss of their homes are incontrovertibly unjust for the human as well as non-human populations

10 Original conversations held in German. All translations by the author.

in the Rhineland's 'energy sacrifice zone' (Lerner 2010). Yet, the local extraction of lignite was largely inscribed into a national narrative of progress, first with imperialist underpinnings, then, after the founding of the Federal Republic, with welfare-state characteristics and later on, following reunification, with stronger neoliberal tendencies basically equating social progress with economic growth (Herberg et al. 2021).

Guaranteeing the domestic supply of cheap energy, brown coal generally functioned as a material and symbolic resource for national prosperity and the promise of a better future, or at least the continuation of current socioeconomic conditions for the majority of the population. This dominant narrative of industrial progress construed unequal environmental burdens as a necessary sacrifice for economic growth rather than injustice. It also sustained a far-reaching ideology of the reversibility of the negative effects of mining. In line with this ideology, displaced persons were financially compensated, demolished villages rebuilt in other places and destroyed (agricultural) landscapes 'recultivated'. Thus, according to the locally active energy corporation, mining-induced losses were not only fully offset by such measures of compensation, but resource extraction ultimately led into a better future, with more modern communities and 'prettier' landscapes (Brock 2023).

This hegemonic alignment of coal-mining with the general public interest or national common good eventually resulted in an ambivalent relationship between critical civil-society actors and state institutions in the Rhineland's brown coal region. After all, positioning oneself against the coal industry ultimately means acting against the state's interest. Moreover, the factually implemented state of exception which assigns special privileges to mining structurally calls for an expansion of engagement beyond legal procedures and representative politics to achieve the public acknowledgement of marginalized concerns, as the following example of a local initiative against mining impacts illustrates.

One of my first contacts in the field of mining conflicts and coal-exit policies was Thomas,[11] who lives in a village close to the Hambach mine. He usually co-hosts the sessions of the informal circle of coal-critical citizens together with the local representative in the coal-exit commission, and he has developed into one of the leading voices of the local anti-coal movement over the past years. In one of our first meetings at the contested Hambach forest, he told me how the local commission member, himself and other villagers founded a citizen's initiative (*Bürgerinitiative*) years ago which acted as the nucleus for the larger civil-society platform formed during commission negotiations. Originally, their aim was to prevent the relocation of the nearby highway closer to their homes by protesting about the unjust burden of an anticipated loss of quality of life (*Lebensqualität*). The state and local administration deemed this large-scale infrastructural intervention necessary for the mining company to expand the Hambach mine, one of Germany's largest single sources for CO_2 emissions, further and allow a smooth

11 All the names in this article have been changed by the author.

continuation of extractive activities. To stop this destructive project, the members of the initiative made efforts to educate the public about possible noise and air pollution resulting from the highway's relocation and tried to convince politicians to support their concerns. They also supported a joint lawsuit by environmentalist associations to halt the mining-induced relocation, which was ultimately rejected by the Federal Administrative Court in Leipzig. One member of the initiative described the course of the trial to me as an experience that has severely shaken his confidence in democratic procedures, since independent legal experts assured him, Thomas, and their fellow claimants of at least a partial success after the main session. He went on to criticize the fact that, instead of independent assessments, the court relied heavily on data provided by the energy company for its decision. He also told me that he later learned from 'informed circles' that the lawsuit was ultimately only narrowly rejected:

> We thought that there had to be another massive exertion of influence [after the court session], there is really no other way to explain it – but that is idle talk, that is speculation […]

Until the appointment of 'one of their own' to the coal-exit commisson, this experience of defeat was followed by numerous other setbacks in their involvement against the injustices resulting from what many involved actors perceive as worryingly close ties between state institutions and the energy industry. But even though the actors associated with the initiative are predominantly middle-class, white German citizens, who can habitually expect the justice system to work in their favour and politicians to represent a great deal of their concerns, such experiences of 'betrayal' did not lead them to indulge in demobilizing cynicism or to resort to a 'politics of resentment' (cf. Krämer, this issue). Instead, they doubled down on their call for more democracy and stronger participation in matters of industrial politics, as Thomas explained to me:

> That [court decision] was devastating for us, and then we immediately sat down together and said, What do we do now? […] And for me it was clear: Now more than ever, now we have to organize with everything we've got against the real issue behind it, because if they treat us the same way when it comes to mining, what else will be in store for us?... Then we asked ourselves the question for whom we are doing this – because when we turn against RWE [the energy corporation responsible for mining in the area], it was clear that there are some who support us openly here in the village, some who support us covertly because they agree with us but do not want to show themselves, but we also have many against us! Then I said at some point 'I'm doing this for me, for my own personal attitudes and for our children', and that was actually, from that moment on, the second wave of our initiative. It soon became clear that we will conduct it this way and position ourselves quite openly against fossil fuels and against RWE.

This first-hand experience of injustice related to the court as a public judicial institution which they expected to protect their rights as citizens made the members of

the initiative come to the resolution that they should rely less on legal procedures or representative politics. Rather, they decided to resort to autonomous engagement and actively search for allies in environmentalism and social movements going forward. As the initiative's original motivation placed a stronger emphasis on preventing the loss of quality of life in their immediate 'backyard', transitioning to focus more directly on matters of mining and the burning of fossil fuels made them gradually expand their scope towards broader injustices related to the coal industry.[12]

As they were still struggling to gain support for their concerns in the villages around the mines, many coal-critical civil-society actors[13] welcomed the first forest occupation in 2012 by younger activists from outside the region as a breath of fresh air, which, moreover, brought about increasing media attention to the issues surrounding brown coal mining. Together with public debates about the causal relationship between the domestic coal industry and anthropogenic climate change gaining momentum over the years, the activists' translocal perspective and radical devotion[14] further inspired members of the initiative and other mining opponents to connect local mining impacts more concretely to processes of accelerated planetary change.

Shifting 'Public Interest' from Below: Articulating Locally Experienced Injustices to Planetary Damage

Whereas the inauguration of the coal-exit commission was generally embraced as a political confirmation of the end of the hegemony of brown coal extraction in the region, even during and after the commission, opponents of mining had to sustain numerous injustices related to the industry's privileged position. In the autumn of 2018 for example, various civil-society actors, politicians and media personalities publicly demanded a moratorium for the clearing of the forest at the Hambach mine while the commission

12 As an effort to forge international connections with other climate and environmental activists, for example, they even hosted the 'Pacific Climate Warriors', a grassroots movement for climate justice from the Pacific island states during the international climate policy negotiations at COP 23 in Bonn.

13 Coal-critical residents often refer to themselves as *Zivilgesellschaft* or *zivilgesellschaftliche Akteure* to give further legitimacy to their non-institutionalized, 'informal' engagement in relation to politicians, corporate actors or unions and to differentiate their positioning as actively engaged local citizens from more radical activists, as well as more professional NGOs or environmental associations active in the field.

14 Despite feeling a general indebtedness to the forest squatters' devoted struggle, the civil-society actors do not always agree with their interpretation of 'civil disobedience' and regularly feel the need to distance themselves publicly from some of their more radical activities. This is especially the case when industrial actors or conservative politicians and media accuse the local residents of supporting alleged acts of 'climate terrorism', conducted by radical activists.

was negotiating a national coal-exit path and while a lawsuit to recognize the highly biodiverse old-growth forest as a protected area was still pending. In spite of this, the conservative-led state government of North Rhine-Westphalia (NRW) escalated the conflict in concert with the mining company by conducting the largest police operation the state has ever seen with the aim of removing the forest occupation. During the operation, which lasted several days, many protesters and police were injured, large parts of the forest severely damaged, and one person fell off the bridge of a treehouse in the turmoil and died. Shortly after this tragic incident, the Higher Administrative Court in Münster finally enacted a stop on clearing the forest while the lawsuit to protect the forest ecosystem was still pending. In 2021, the Administrative Court in Cologne even declared the entire police operation illegal, deeming the government's reasoning for evicting the activists from their treehouses because of fire-safety regulations as a pretext to enable RWE to utilize the territory for extraction.[15] For many of my interlocutors, such publicly recognized occurrences are only the tip of the iceberg showing how the state's institutions act as proxy for the mining company. This is why some of them have come to speak of 'NRWE' in this context to signify the indistinguishability between administration and energy corporation regarding issues related to coal-mining in the state of NRW.

In early 2019 the coal-exit commission presented the final compromise negotiated by its members, the so-called *Kohlekompromiss*. This document served as the basis for Germany's climate protection law that was later declared insufficient by the constitutional court. Even though it was already obvious at the time that the planned exit path for the domestic coal industry in the compromise was not in line with national climate-protection goals, the Rhineland's local representative and other coal-critical commission members ultimately supported the negotiated outcome to break the logjam of German climate policy. Taken together, these examples show that in recent years many of the coal-critical actors' worries have proved to be at least partially valid. While some of their demands have ultimately been met by the courts, this often happens only after the mining company and the government have created ineluctable material facts such as the destruction of protest infrastructure or even entire landscape patches (Lussem 2021). So although the increasingly undeniable links between climate change and burning fossil fuels have tended to tip legal judgements more in favour of coal-critical voices, the judicial system generally figures as a slow force in urgent matters of *planetary justice* (cf. Johnson and Sigona 2022). While this habitually delayed recognition of concerns related to the brown coal industry which my interlocutors regularly experience is certainly also rooted in institutional procedures that are not explicitly part of my research, in countless instances legal institutions still effectively sanction injustices by allowing the avoidance of responsibility for Anthropocene phenomena to continue.

15 More recently, however, in June 2023, the Higher Administrative Court of NRW revised this decision and ultimately declared the operation legal. Cf. http://www.justiz.nrw.de/nrwe/ovgs/ovg_nrw/j2023/7_A_2635_21_Urteil_20230616.html

My coal-critical interlocutors therefore vehemently criticize the state's contradictory position in coal-exit politics, which on the one hand acknowledges the coal industry's opposition to the general public interest of ensuring a live-able future for all, while on the other hand still allowing it to operate within a legal state of exception based on the national common good of 'energy security' (*Versorgungssicherheit*).

These localized negotiations are currently contributing to the wider redefinition of the domestic coal industry as an actor that might have supported economic growth and prosperity historically, but only at the incalculable cost of threatening a liveable future on a planetary scale. This ongoing redefinition also entails the erosion of the ideology of the general reversibility of mining-induced damage. Instead of being 'necessary sacrifices' for the common good of energy security and associated promises of prosperity (cf. Bovensiepen 2018), losses related to coal-mining and burning then become entangled with irreversible damage on a planetary scale, leading to a potentially catastrophic future. Whereas the mining company still adheres to the logic of offsetting damage locally in the future by investing in the construction of new villages and practices of landscape recultivation, coal-critical actors increasingly argue that such matters cannot be accounted for locally anymore since local resource extraction is inextricably linked to accelerated planetary change. In this way, referring to Anthropocene phenomena enables the affected residents to frame local damage as a matter of planetary justice and to challenge the idea that industrial actors could settle their debt once and for all and absolve themselves of all future responsibility by simply fulfilling their contractual obligations to complete post-mining restoration (cf. Lussem, forthcoming).

Critical civil-society actors in the Rhineland's brown coal region thus aim to redefine the general public interest or *Allgemeinwohl* to be guided not only by the blinkered promise of national prosperity, but also by other scales, actors and entities implicated in matters associated with the Anthropocene (cf. Barad 2019). As I garnered mostly from social media research and participation in public discussion forums, however, many people who profit from the coal industry's activities in the region perceive current phaseout plans as a grave injustice to them too. Members of the industrial union IGBCE (*Industriegewerkschaft Bergbau, Chemie, Energie*), for example, often argue that Germany's contribution to global CO_2-emissions is minimal, whereas countries such as China, Russia or Indonesia keep increasing their exploitation of fossil fuels. While these actors usually do not deny the general necessity to transition to a carbon-neutral economy, they often champion a 'not now, not here' approach and insist on their entitlement to 'have stable jobs and make good money', as one union spokesperson phrased it during a public debate. Sometimes criticizing anti-coal activists for misusing environmental problems such as climate change to push their own particularistic agendas, these industrial workers and local proponents of mining partly disavow the urgency my interlocutors ascribe to Anthropocene concerns and actively insist on their individual freedom to avoid responsibility for entanglements beyond their immediate lifeworld instead.

Situated Engagement: Dissensus and Transformations Towards a More Just Order for the Anthropocene

Aside from supporting the local commission member's work, the self-organized coordination circle was established to act as a grassroots organization in matters of structural transition policies after the end of the commission. As impending coal-exit and related processes of socioeconomic transition promised to break up the perceived nexus of state and industry to a degree, this also meant the outlook for more democratic participation in regional future-making brightened for many of my interlocutors. Against official plans for a transition oriented towards securing jobs and energy supplies under the aegis of 'green (industrial) growth', the group developed its own guidelines for an eco-socially sustainable development. Focusing on ending the destructive exploitation of the environment and stopping dispossession for corporate profit, their engagement is connected to aspirations to regain political agency in the search for a 'good life' beyond the imperatives of economic growth. An integral part of this is the stated desire to 'reconnect' with a home region many felt alienated from because of drastic environmental transformation and a related lack of possibilities for democratic participation (*Mitbestimmung*). Striving for stronger participation in a region dominated by industrial interests, at first many of the civil-society actors appreciated the public opportunities to participate in development policies which state government and communal administrations offered following the official inauguration of the structural transition process (Kamlage et al. 2021).

Soon however, most of them grew increasingly frustrated because the very limited and highly pre-formatted occasions provided by the responsible development agency gave little room for articulating real dissensus in fundamental questions regarding the future relationship between economic growth and ecological survival (cf. Eriksen & Schober 2018). Furthermore, the official planning agency responsible for coordinating structural transition measures in the region cooperates closely with the mining company. This led some of my interlocutors to worry that the participation process might not only distract them from more impactful engagement on their own terms: they also suspected that their criticisms could at worst be co-opted to legitimize transition policies that do not break with hegemonic industrialism (cf. Fortun 2014). Thus, after a brief period of rapprochement, the group decided to assert a more critical stance publicly and to refocus its engagement outside officially prescribed institutions, to actively shape the structural transition process in a socially and ecologically just direction. However, when the commission ended, this self-organized network of active citizens lost some of its momentum and struggled to develop a unifying structure and common modus operandi. The outbreak of the coronavirus pandemic further complicated the process of reorganization so that only a fraction of the larger group is currently still active (Lussem 2020).

Besides Thomas, the leading figure in this new constellation was Britta, a retired biologist and teacher, former local politician and well connected, active environmentalist. She often described the grassroots initiative as a 'delicate gem' (*Schätzchen*) since it assembled so many different perspectives and provided an opportunity to engage collectively with 'matters of concern' (Latour 2004) outside the more rigid structures of political parties or environmental associations. However, for lack of a more institutionalized structure, it was also a rather precarious organization. Even though the size of the group considerably decreased over time, the remaining members still value the autonomous form of organizing as an opportunity to transcend the classic divisions between nature conservation, climate protection and (environmental) justice issues and actively engage with planetary problems from a localized perspective.

Emphasizing the inescapable continuation of current injustices into the future, critically engaged residents explicitly defy the official rhetoric of 'new beginnings' after coal (Anders and Zenker 2014). In this context, those who have been negatively affected by mining impacts often consider it somewhat cynical that 'just transition' discourses centre around the concerns of industrial workers, who are comparatively sought after on the labour market and relatively privileged economically.[16] Yet, this has not led my interlocutors to resent workers employed in the coal industry totally. On the contrary, Thomas, for example, openly criticizes the mining company for allegedly funnelling state subsidies to shareholders, rather than publicly committing itself to securing the future of its employees, an injustice he sees as further fuelling social conflicts in the region. So, instead of a 'just transition' that only assumes the responsibility for a narrowly defined group of affected actors, they argue for a 'sustainable transition' (*nachhaltiger Strukturwandel*[17]), understood as a more encompassing eco-social *transformation*. This objective goes against official planning ideologies of 'new beginnings' for the area as a 'green' industrial model region after coal to encompass also more than human issues such as landscape integrity and the interests of future generations and geographically distant populations. Taking up the opportunity to actively shape their region's future, as presented to them by the process of phasing out coal, the group around Britta and Thomas is developing alternative concepts for transition measures that advocate local cooperation and a renewed care for environmental relations. The remaining working group for a sustainable transition presents its ideas to administration officials, politicians and other local stakeholders to raise awareness, get feedback, gain support, or simply make their point of view known.

One concept I was involved in drafting recommends the ecological reconnection of the remaining Hambach forest to other forest patches insulated by mining and agricultural activities. The concept argues that this reconnection project would not only protect the severely damaged forest from succumbing to recently intensifying

16 https://arepoconsult.com/wp-content/uploads/2019/11/2017_gruene_arbeitsplaetze-braunkohle_kurzstudie.pdf

17 https://www.ansev.de/unsere-ziele

climate-change impacts, but also contribute to carbon dioxide sequestration and the regeneration of biodiversity as healthy old-growth forests act as effective carbon sinks and biodiversity hotspots. In contrast to environmentalists or more traditional nature conservationists, the group of engaged residents aims to combine this ecological reconnection with agroecological development centred around the conversion of intensively used agricultural fields bordering the forest into corridors for regenerative agroforestry. As Britta explained to me, this combination of silviculture and agriculture would not only potentially strengthen the edges of the existing forest, it could itself actively contribute to the regeneration of soils and make regional food production more resilient with respect to climate change impacts. Another aspect of the concept was that its successful implementation would require all the remaining land near the forest to be utilized. This was important because the mining company is actively pursuing the demolition of a not yet completely abandoned village adjacent to the forest for extraction of the soil needed to stabilize the banks of the mine after its shutdown. Rather than being a technical necessity, as the company claims, my interlocutors are convinced that the demolition of the village is justified solely by the mining company's business considerations, which makes the ongoing destruction of land and buildings another of the countless injustices that go unacknowledged by the state government and communal administration in their eyes.

Britta, Thomas and other engaged residents actively offer opposition to official transition measures that in their opinion do not seriously engage with the problems related to anthropogenic climate change, but almost exclusively bank on the development of technical solutions to guarantee a continuation of economic growth in a 'green' guise. Taking the structural transition process as an opportunity to consider how the needs of human and non-human actors like the forest or the soil can be jointly accounted for from the perspective of regional development, the self-organized group also goes beyond classic environmentalist concerns of nature conservation. The struggle for the public acknowledgement of mining-related damage as injustice and the active engagement for social and ecological regeneration thus to a certain extent overlap with the idea of 'justice as healing through recognition', that is, the striving to repair and revitalize damaged relations (Johnson and Sigona 2022:2). However, rather than emphasizing the closing of wounds once and for all, the justice negotiations entail a call for ongoing engagement with the inextricable mess that is present in the Anthropocene. Arguing for a simultaneous transformation of (agricultural) practices of production, care for extractivist damage and active engagement with planetary crises from a situated perspective, coal-critical civil-society actors in the Rhineland are challenging the destructive continuation of industrial exploitation (or the 'conquest of nature'; cf. Krämer, this issue) that rests on the avoidance of responsibility towards unacknowledged others, whether human or non-human.

The mining area's relative geographical marginality was once drawn upon to define it as a 'void', a sacrifice zone subject to destructive extractivism. Yet, under the auspices of intensifying environmental crises, coal-critical residents now posit its rural

character against official plans for industrial development and redeploy it as a resource for more socio-ecologically responsible future-making (cf. Puig de la Bellacasa 2015). In contrast to traditional(ist) conservationists (cf. Krämer, this issue), however, they are trying less to restore an idealized past than to intervene in the present situation and mobilize everything at their disposal to make a habitable future possible. While none of the people I met in this context were convinced their engagement would 'save the world', they nonetheless felt compelled to act in light of a perceived inability of official institutions to match the scale and urgency of the issues in question. By raising matters of concern against the matter of factness of the government and the mining company, my interlocutors insist on the possibility of a fundamental dissensus in the question of what has a part to play in political considerations and what does not (Rancière 2008). As I have shown, their engagement for a sustainable transition is characterized by calls for the public recognition of formerly unacknowledged losses, accounting for future uncertainties related to planetary transformations, and factoring in the well-being of future generations and distant others, as well as valuing non-human entities as something other than mere resources. Accordingly, the civil-society actors actively oppose the looming threat of the externalization, avoidance or invisibilization of Anthropocene concerns in official transition policies. In this sense, their practical commitment to situate deep time scale problems with planetary distribution within everyday matters may open up a space for responsibility for absent, yet entangled others (Barad 2010). In an evocative discussion of generational justice, Jacques Derrida even suggests that '[n]o justice […] seems possible or thinkable without the principle of some *responsibility* […] beyond all living present' (Derrida 1990:xix). Justice in that sense is more than reparation, revenge, or the repayment of debts associated with the law. Instead of completely restoring some disjointed order, therefore, there is always the task of inheriting responsibility from other times and places. Derrida considers this responsibility towards spatially or temporally absent others to be the fundamental requirement for justice as something other than the effect of legal procedures. In the context of the Anthropocene, this assertion appears to become immediately more applicable since issues of planetary justice need to account for the entanglements of past actions with future events and to recognize the needs of absent others.

Conclusion

If I now apply Anna-Lena Wolf's and Olaf Zenker's analytical definition of justice, proposed in the introduction to this special issue, we can see this article depicting the self-organized coal-critical actors as the main *concerned agents* of justice in the present case. Based on a common obligation to maintain earthly habitability, these actors not only demand the discontinuation of industrial infrastructures, which are locally destructive and entangled with planetary crises: they also insist on a political transfor-

mation towards more sustainable socio-environmental relations as the *objects of justice*. Even though my interlocutors mainly engage with these issues from a localized perspective, the *subject of justice* ultimately implied in their actions is thus every entity that is threatened by accelerated planetary change. They do address state institutions and industrial actors as *agents responsible* for delivering what they consider is due. Yet, owing to the longstanding experience of close ties between the state and industry, as well as the overwhelming scale and urgency of the issues in question, the critical locals in the Rhineland's brown coal region primarily envisage themselves, and ultimately everyone, as responsible for challenging the status quo. This might lead us to another core element of an analytical definition of justice that is not explicitly mentioned by Wolf and Zenker: the *antagonists of justice* or *sources of injustice* that concerned agents regularly invoke. In the context of coal-mining as a local issue affecting villagers' quality of life, this position was chiefly ascribed to the mining company and some other influential local actors. However, with the potential loss of planetary habitability becoming a plausible possibility in the Anthropocene, this position is increasingly attributed to what can be called an 'imperial way of life' that is dependent upon infrastructures of externalization and implicates basically everyone, albeit in very different ways (Brand and Wissen 2017). Hence, the most fundamental *norm or value* animating my interlocutors' struggle against injustices related to brown coal mining is a care for the environment in terms of a *Mitwelt* (as some of them explicitly call it) that includes non-human others and future generations, as well as other matters of concern made absent in industrial relations of growth and progress (cf. Latour et al. 2018).

As illustrated by the recent decision of Germany's constitutional court, introduced at the beginning of this article, questions of intergenerational justice and responsibility for past actions and unintended (planetary-scale) consequences are increasingly being addressed in the legal arena as well. Yet, although the court ruling was influenced by taking future impacts of irreversible planetary damage into account, it still essentially depended upon the claims of presently living human subjects. The same, of course, goes for the practices of critical engagement I presented in this article, which depend on human faculties like language or social inventions like rights to make claims on behalf of the civil-society actors themselves, as well as on behalf of non-human others, or absent (human) others who are structurally excluded from the realm of politics. As I have shown, these practices of negotiation bring unacknowledged, avoided or externalized entanglements of human and nonhuman actors – like the spatial and temporal interrelations of forest, people, the energy industry and climate change – into the arena of politics, rearticulating them as matters of public concern.

Accepting the premise that the responsibility for absent (or *absentized*) others is the central condition of justice, I have presented my interlocutors' coal-critical activities as a struggle for justice in the context of accelerated planetary change. In light of this, the question remains if clinging to the ontological assumption of human exceptionality might not serve to justify the avoidance of responsibility for entangled others and eventually run the risk of obstructing the conditions for justice in the Anthropocene.

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Nature Conservation and Opposition to Wind Power in Rural Germany: Divergent Views on (In)Justice and Environmental Crises in the Anthropocene

Mario Krämer
Global South Studies Center, University of Cologne

Abstract: The extension of wind power and the installation of wind turbines in the low-mountain regions of Germany against the background of the national transition to renewable energies is meeting with opposition from some nature conservationists, who perceive a conflict between climate protection and nature conservation. This article illustrates the nature conservationists' views on questions of (in)justice and the various environmental crises in the Anthropocene. I argue that their opposition to wind power is based on at least three different aspects: commitment to species protection, concern for the aesthetic value of landscapes, and a plea for a degrowth paradigm. In addition, the supposed indifference of the state and national government towards these objectives leads to resentment and is developing a rural consciousness. Methodologically, the article shows that collaborative research in contested settings might have the transformative potential to spin a conversational thread on the urgent question of what is due to whom in the Anthropocene.
[anthropocene, justice, nature conservation, wind power, renewable energies, traditional impulse, rural consciousness, collaborative walking, Germany]

Introduction

What do nature conservationists living in rural areas perceive as (un)just in terms of the various environmental crises in the Anthropocene, and what motivates them to preserve the non-human environment?[1] What values and norms of justice, what kinds of subjects and objects of justice and of responsible agents do they envisage? Or to rephrase it in the editors' words (see Zenker and Wolf, this issue), what is due to whom with regard to human-environment relations in the Anthropocene from the perspective of rural nature conservationists? I address these questions by focusing on the intensifying conflicts over nature conservation and wind power in rural regions of Western Germany against the background of the enormous extension of renewable energies expected in the coming years.

1 I am particularly indebted to my collaborators for their companionship during our collaborative walks and for making time to educate me in their views on nature conservation and (in)justice in the Anthropocene. All names of interlocutors mentioned in this article have been anonymized. I also thank the two anonymous reviewers and Ute Dieckmann and Felix Lussem for their insightful comments.

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In the agreement underpinning the so-called 'traffic-light coalition' (*Ampelkoalition*) consisting of Social Democrats (SPD), Liberal Democrats (FDP) and the Green Party (Bündnis 90 / Die Grünen) from November 2021, the rapid extension of renewable energy sources takes a prominent place. The agreement is titled 'Daring to make more progress' (*Mehr Fortschritt wagen*),[2] as the coalition intends, for example, to double the number of wind turbines in Germany from about 30,000 in 2022 to 60,000 in 2030 in order to increase the share of renewable energy sources in total energy use to 80% in the same year. In the agreement, the coalition states that the extension of renewable energy sources is a central project of the national government, that the latter plans to speed up the extension drastically, and that it will 'clear all hurdles and obstacles out of the way' (Koalitionsvertrag 24.11.2021:56). The war in Ukraine that started in February 2022 increased the perceived urgency of transforming energy production and the sharpness of the rhetoric still further. The Minister of Finance, Christian Lindner, rechristened renewable energy sources as 'freedom energies' (*Freiheitsenergien*), and the extension of wind and solar energy production has become a question of national security according to the so-called 'Easter Package' (*Osterpaket*)[3] of the ruling coalition. Eventually, the adoption of the 'EU Emergency Decree' (*EU-Notfallverordnung*)[4] by the cabinet in January 2023, which simplifies licensing processes substantially to accelerate the construction of wind turbines, met with opposition from a specific milieu of nature conservationists I have been collaborating with since 2021, as well as by members of the Green Party itself.[5] In May 2023, the *Naturschutzinitiative*, one of the newest nature conservation organizations, lodged a complaint about the German government's renewable energy legislation in the Court of Justice of the European Union.[6]

Against the background of the rise of renewable energy production worldwide, anthropological studies on wind power have started to increase in number in the last few years (see, for example, the 'duograph' by Boyer 2019 and Howe 2019 on wind power in Mexico). However, there have been few on Germany so far (for one of the earliest publications, see Krauss 2010), unlike studies in energy social sciences more broadly

2 Koalitionsvertrag zwischen SPD, Bündnis90/Die Grünen und FDP (24.11.2021) Mehr Fortschritt wagen. Bündnis für Freiheit, Gerechtigkeit und Nachhaltigkeit.

3 Deutscher Bundestag (07.07.2022) Osterpaket zum Ausbau erneuerbarer Energien beschlossen. https://www.bundestag.de/dokumente/textarchiv/2022/kw27-de-energie-902620, accessed September 29, 2022.

4 Bundesministerium für Wirtschaft und Klimaschutz (30.01.2023) Kabinett beschließt Beschleuniger für Wind- und Netzausbau. https://www.bmwk.de/Redaktion/DE/Pressemitteilungen/2023/01/20230130-kabinett-beschliesst-beschleuniger-fur-wind-und-netzausbau.html, accessed February 6, 2023.

5 Krumenacker, Thomas (22.11.2023) 'Der Naturschutz wurde niedergewalzt': Innerparteiliche Opposition will Öko-Wende bei den Grünen. *RiffReporter* https://www.riffreporter.de/de/umwelt/gruene-naturschuetzer-klimaschutz-fokussierung-schutzgebiete-windkraftausbau, accessed November 24, 2023.

6 Naturschutzinitiative e.V. (02.02.2024) EU-Beschwerde gegen die Bundesrepublik Deutschland: EU-Kommission rührt sich bisher nicht! https://naturschutz-initiative.de/aktuell/neuigkeiten/eu-beschwerde-gegen-die-bundesrepublik-deutschland/, accessed February 8, 2024.

(see among many others Müller and Morton 2021 and Kerker 2022). Since right-wing populist movements in general and the *Alternative für Deutschland* (AfD) in Germany in particular explicitly position themselves against wind power extensions, the anthropological and social science literature on the politics of renewable energy and the far-right is also proliferating (see, for example, Lockwood 2018, and Shoshan 2021). What most of these studies do not consider, however, which is also the main focus of this article, is to explore divergent perceptions of (in)justice and environmental crises in the Anthropocene and the potential clash between climate protection and nature conservation in particular.

In the following, I elaborate on the concept of 'traditional impulse' and the origins of nature conservation in Germany. The second section introduces the case study, while in section three, I reflect on the methodological approach with a focus on collaborative walking as a key method. The fourth section deals with the perspectives of nature conservationists on what is due in terms of human-environment relations in the contemporary anthropocenic crises, while in section five, I examine the repercussions on perceptions of (in)justice, resentment and rural consciousness. Section six, finally, discusses conflicting perceptions of the human being and its relationship to non-human beings, and the clash of scales in preserving the environment and nature in the Anthropocene.

Traditional Impulse and the Origins of Nature Conservation in Germany

In contrast to most anthropological studies that deal with environmental activism and environmental justice (for a brief overview, see Tassan 2022), the focus of this article is on nature conservationists who are inspired by what Peter Marris (1986) called a 'conservative impulse' (see also Waldmann 2017). Marris originally developed this concept when interviewing widows who had lost their husbands and were forced to cope with this radical and irreversible change. He then compared it with other instances of *Loss and Change* (the title of his book), for example, the forced expulsion of lower class people from their neighbourhoods in the course of urban restructuring and the rise of ethnonationalism in postcolonial Nigeria. According to Marris (1986:67), rapid change (social, cultural, political, technological) threatens familiar relationships and the meaningfulness of life, which catches people in an inherent, sometimes irreconcilable conflict: 'neither to bury the past, nor be buried in it' (ibid. 83).[7] Several decades before Marris, Karl Mannheim (1964:412–416; my translation) distinguished

7 More recently, the German sociologist Andreas Reckwitz (2021) rediscovered Marris and argues that experiences of loss are constitutive for an understanding of 'modern societies'.

between 'conservatism' and 'traditionalism' and argued that the latter refers to a scepticism about innovations, the 'dogged holding on to the traditional', which in his view constituted a 'general human characteristic'. According to Mannheim, traditionalism is a basic anthropological disposition, a 'formal psychological characteristic which is inherent in more or less every individual human being'. Following on from this, Mannheim characterized traditionalism as 'an almost pure reactive behaviour', whereas the term 'conservatism' refers to a more or less elaborated political ideology.

In further developing the ideas of Mannheim and Marris, I argue that what I refer to as a 'traditional impulse' in the following constitutes a basic anthropological characteristic to hold on to and preserve the existing. I further argue that this traditional impulse becomes particularly evident in times of perceived rapid and drastic change. I prefer the adjective 'traditional' to 'conservative', since the impulse is not necessarily linked to conservatism as political ideology, as I try to make clear in this article. In contrast to Mannheim, I do not claim that the traditional impulse is merely a reactive behaviour to change, but rather maintain that it characterizes a broad spectrum of affects, attitudes and practices which in its extreme form may become firmly entrenched as exclusive, conflictual identities. In other words, the 'traditional impulse' serves as an analytical concept and not as a normative term. When I argue that the nature conservationists I collaborate with are inspired by a traditional impulse, this does not mean that I am pigeonholing them as 'traditionalist' or 'repugnant others' (see Harding 1991).

In order to assess the relevance of what I refer to as a traditional impulse, it is crucial to trace the origins and trajectory of nature conservation in Germany since the nineteenth century. I argue that nature conservation was based both historically and contemporaneously on the perception of loss due to rapid, drastic change. I also find that the traditional impulse manifests itself today in at least two ways: in the opposition to innovations (for example, wind power) and in the revitalization of the past (for example, the reconstruction of an 'unspoiled' and 'aesthetic' landscape). According to the historian David Blackbourn (2008), the inherent and aesthetic value of landscape was the key driving force of the nature conservation movement in Germany. Whereas the *Conquest of Nature* (the main title of Blackbourn's excellent book) was central to human-environment relations in the Enlightenment, resulting in often disastrous consequences for humans as well as the non-human environment, the perception of nature and landscape started to change in the second half of the nineteenth century. Ernst Rudorff's essay *'Ueber das Verhältniss des modernen Lebens zur Natur'* ('On the relationship between modern life and nature', published in 1880) was the symbolic beginning of the nature conservation movement in Germany, but Blackbourn claims that even in the decades before then feelings of loss proliferated and people projected these feelings from the individual human being on to nature (Blackbourn 2008:225). Rudorff and parts of the traditionalist educated middle class rejected further industrialization, technological change and utilitarian thinking. For them, the aesthetic value of the landscape was key, and the foremost objective of nature conservation was to protect and conserve a landscape that was perceived as edifying, unspoiled and beautiful. Ac-

cording to Karl Ditt (1996:12), the movement intended 'to preserve nature and the countryside as an alternative world, as a place of refuge from the "nervous", "materialistic" and "superficial" life of the city'. Whereas their focus was on the protection of the local and regional landscape and of particular species, Rudorff and his contemporaries also adhered to a 'cultural nationalism, based on the belief in a symbiosis of nature, people and culture' (Ditt 1996:13). A few decades later, and owing to this ideological affinity, many nature conservationists supported the Nazi regime, only to find that ideology and legislation were at odds with practice and that 'the natural landscape was encroached upon more than ever' in the Nazi era (Ditt 1996:20).

After the Second World War, the nature conservation movement in the Western part of Germany put forward a critique of excessive economic growth and materialism. The idealized image of an aesthetically valuable landscape remained the point of reference, but from the 1960s onwards the terms 'environment' (*Umwelt*) and 'environmental protection' (*Umweltschutz*) entered the public discourse. Most interestingly for the purposes of this article, a crack between two different movements came to the fore in the 1970s: on the one hand, the traditional nature conservation movement continued to protect local and regional landscapes and species. The new environmental movement, on the other, had far-reaching objectives, pleading for a fundamental socio-economic transformation, and widening the focus from the local to the global. It also started to shift the perspective from an anthropocentric to a biocentric approach. One could therefore argue that the 'multispecies' and 'more than human' turn in anthropology (Kirksey and Helmreich 2010; Tsing 2015; Haraway 2016) is a more recent development that originated from the original environmentalism paradigm of the 1970s.

Case Study and Collaborators

Since September 2021, I have worked with nature conservationists in rural areas in the western part of Germany. My focus is on a rural area in the low-mountain regions of Rhineland-Palatinate, which for the most part has been a landscape protection area (*Landschaftsschutzgebiet*) since 1968. I conduct fieldwork with a citizen's action group (*Bürgerinitiative*), several of whose members describe themselves as nature conservationists. I have expanded my research site in the meantime and have started to work with representatives of other citizen's action groups in the wider region, as well as conducting interviews with nature conservationists in other regions of Germany. Most of my interlocutors are more than fifty years old, typically come from a middle-class background, including some academics (mostly with a degree in the natural sciences), and the majority are male. Interestingly, quite a number supported the Green Party in the past and pinned their hopes on the Party's commitment to nature conservation, which were dashed in their perception. That is, my focus is not on people living in rural areas or nature conservationists per se, but rather on a specific milieu of rural actors

who are committed to the original, 'traditionalist' idea of nature conservation that can be traced back to the late nineteenth century in Germany, with a focus on preserving 'nature' and 'the landscape'.[8]

The citizen's action group was established in 2015 when one of the founders became aware that a wind power company planned to build fifteen wind turbines near the local villages. The group was able to prevent the building of the wind turbines for many years, but a decision by a Higher Court in 2023 cleared the way for their construction, which is about to start soon. Two ornithologists in the group register the existence and movements of endangered species such as the red kite, black stork and different kinds of bats in their area. Together they compile detailed annual reports on the occurrence of endangered species in the projected wind turbine areas, reports that were key to preventing the construction of wind turbines until recently. In the low-mountain regions of central Germany, wind turbines are often constructed in forests today. German federal states have different regulations on the necessary distance between a wind turbine and a settlement, which is why wind power companies avoid building wind turbines close to villages or small towns in order to avoid delays by court action. Forest areas that are situated at a sufficient distance to human settlements are thus the preferential sites for the construction of new wind turbines. Another key criterion is the wind potential (*Windhöffigkeit*), which differs substantially in different parts of the low-mountain regions. The new generation of wind turbines is more than 250 metres high, and their construction in forests requires the cutting of trees on a site of about 0.8 hectare for each turbine, sealing the surface with concrete, and constructing access roads through the forests. That is, forests and non-human species are considerably affected by the extension of renewable energy sources, and nature conservationists claim that these effects are insufficiently dealt with in public and academic debate.

Collaborative Walking in Contested Settings: Methodological Reflections

My methodological approach is not activist but educational (Ingold 2018) with collaborative elements (Zenker and Vonderau 2023). That is, my intention is to have an edifying conversation with the nature conservationists, to learn from them (and hopefully also the other way round) and to understand what people think and how they act. In addition to everyday informal conversations, semi-structured interviews, participant observation of community meetings and analysing and evaluating newsletters, blogs and nature conservation magazines, one key method in establishing a rapport with

8 For a different approach, one focusing on the spatial dimension of wind energy politics and the local arena (in Eastern Germany), see Müller and Morton (2021).

the conservationists is what I call 'collaborative walking', that is, joint walks and hikes with my collaborators during which I learn a great deal about ornithology, forestry and nature conservation in general. Originally, I applied collaborative walking as a stopgap due to the COVID-19 pandemic and its limitations in conducting participant observation and interviews, but soon I learnt to appreciate the edifying and productive aspects of collaborative walks. Lee and Ingold (2006:83) argue that walking can be 'a practice of understanding' and that the shared bodily engagement and rhythm of walking could be an edifying experience that establishes a common ground, whereas face-to-face interaction (as in interviews) could be 'more confrontational and less companionable' (ibid.:79–80). 'Walking gives the opportunity to be together, where sharing a rhythm of movement is the basis for shared understanding of each other in a holistic rather than ocularcentric manner [...]' (ibid.:82). The edifying aspects of the collaborative walking approach became most apparent in a joint day's hike involving representatives of the citizen's action group with students on my Master's course in June 2023: although the political and normative views of both groups, and particularly their perspectives on what is due in terms of the anthropocenic crises, differed considerably, the shared assessment at the end of the day was to have learnt unexpected insights from each other which gave both groups pause for thought.

However, my educational-cum-collaborative approach is accompanied by at least three challenges. First, and in contrast to activist research on the subaltern (Spivak 1988), I am working in contested settings and with people whose political and normative viewpoints I do not necessarily share. My research means walking and stumbling (physically) not only in nature but also (symbolically) in difficult political terrain. For example, at the beginnings of my research I felt that my interlocutors underrated the consequences of climate change and restricted their attention to nature conservation. This initial assessment of mine has changed over time, and the collaborative walks especially helped me to experience and to better understand my interlocutors' viewpoints. Hence, one objective of this article is to make these perspectives and the underlying assumptions of what is due in terms of human-environment relations more visible and comprehensible. In doing so, I address a frequently voiced complaint by my interlocutors that they are supposedly allocated to the 'complicated and right-wing slot' when voicing their criticisms of or opposition to wind power.

Second, another challenge of my methodological approach is to balance giving sufficient space for the nature conservationists' viewpoints with maintaining my autonomous stance as researcher.[9] For example, after reading a draft of this article, one of my interlocutors criticized me for placing nature conservationists in a 'traditionalist slot'; but based on my current empirical findings, I am convinced that at a substantial number of rural nature conservationists' perceptions and actions is indeed inspired by a

9 This is definitely not a problem which only concerns my research, as it is even more prevalent in a research context with extremist actors, as the 'Teitelbaum controversy' (Teitelbaum 2019 and the following comments) so aptly illustrates.

traditional impulse, which I understand analytically and not normatively, as explained already. A third challenge arising from my educational-cum-collaborative approach is to negotiate a tricky balance between sympathy and empathy. Zenker and Vonderau (2023:149) argue that researchers position themselves very differently in collaborative and publicly engaged research, 'ranging from sympathetic closeness, via empathetic distance to instrumental understanding'. In my experience, collaborative walking is a methodological device for preventing instrumental understandings and for facilitating temporary empathetic closeness. Rather than associating empathy with distance, I argue that empathy is characterized by constantly negotiating a balance between affective closeness and analytical distance for which collaborative walking and experiencing nature together – despite potential normative and political differences – is emblematic.

Ultimately, collaborative walking as a practice of empathetic understanding has a transformative potential. Taking others seriously in joint walks and thus showing a willingness 'to be educated by them' (Ingold 2018:14) is particularly important against the background of frequently voiced complaints by nature conservationists that they find it unjust that their perspectives on the various anthropocenic crises are under- and misrepresented in the public media and in political discourse. As Georg, one of my key collaborators, put it in March 2022 during one of our collaborative walks: 'It makes me feel good if someone listens with interest to the remarks of a nature conservationist'. That is, giving a voice on a highly contested matter may stimulate a necessary debate in times of escalating anthropocenic and political crises. However, this certainly does not mean avoiding conflicts or ignoring our own normative and political positioning as researchers, but rather understanding that to differ with others in empathy is also a means to taking others seriously and accepting them as a fellow human beings.

What is Due to Whom? The Perspectives of Rural Nature Conservationists on Human-Environment Relations in the Anthropocene

From the perspective of the rural nature conservationists I collaborate with, what is due to whom in terms of human-environment relations in the Anthropocene? In the following, I distinguish three main perspectives on the basis of my empirical findings, mostly taken from the collaborative walks and interviews, but also from opinions voiced in newsletters, blogs and nature conservation magazines. These perspectives are neither exhaustive nor mutually exclusive but often interlinked. However, I argue that these three perspectives make it clear how the nature conservationists assess the various anthropocenic crises, how they perceive the role of humans in relation to the non-human environment, and why they are by and large opposed to wind power extension. I thus differentiate between these three key perspectives for purposes of conceptual clarity.

Nature Conservation and Species Protection

In brief, the perspective on nature conservation and species protection illustrates that nature conservationists perceive themselves as concerned actors and endangered non-human beings as the subjects of justice. From this perspective, non-human beings have an entitlement to an individual right to life as stipulated in the *Bundesnaturschutzgesetz* (federal nature conservation law) of 1976 and in European nature conservation legislation more widely. To protect non-human beings is a core value of nature conservationists, and the responsible agents for implementing and upholding protection measures are humans in general and state officials (legislators, administrators and the judiciary) in particular.

For most of my interlocutors, nature conservation and species protection are central aspects of their professional occupation and private lives (which often intermingle). Many of them spare no effort to register the occurrence and movement of endangered bird species, they commit themselves to the preservation of moors, and they mobilize for the establishment and expansion of nature conservation areas. In the course of one of our collaborative walks through the forests and rural landscape in January 2022, Georg explains to me that for him the conservation of the environment is not synonymous with climate protection. Georg is one the four leading figures of the civil action group and works in a local high school as a biology teacher. He grew up near the potential construction sites of the wind turbines in a comparatively remote rural area and has been engaged in nature conservation since his youth. Georg was a compassionate hunter for many years but became more and more interested in ornithology in the course of time. In his view, the public debate in Germany is restricted to climate protection, as nature or biodiversity conservation receives less than its fair share of public and political attention.[10] Georg's statement points to different ways of evaluating and weighing up the significance of the various anthropocenic crises. As we look at a forest where several wind turbines are likely to be built in the coming years, Georg explains to me that he sees himself as a wind power critic but not as a strict opponent. In his view, the often voiced argument of climate activists that climate protection is equivalent to biodiversity conservation takes no account of the problem that the current and future extension of wind power in forest areas jeopardizes conventional nature conservation efforts.

The extension of wind power in the low-mountain regions means for many nature conservationists the continuation of what Blackbourn (2008) called the conquest of nature by other means, and it contradicts one of their main objectives: to safeguard nature from extensive human interference. They engage passionately in multispecies care (see Schroer et al. 2021), but what distinguishes them from the multispecies and more than human turn in anthropology is the fact that they allocate an exceptional position

10 For a natural science perspective which supports this argument, see Legagneux et al. (2018).

(*Sonderstellung*) to humans who are perceived as being responsible for non-human species care. In other words, the nature conservationists with whom I collaborate have turned away from the modernist paradigm of conquering nature and see humans as responsible for safeguarding it. However, most of them hold on to a hierarchical and authoritative[11] but nevertheless protective rather than exploitative relationship between humans and non-human beings.

The red kite (*Milvus milvus*) is probably the most symbolic figure of the conflict between species protection and wind power extension in the low-mountain regions of Germany. About 50% of the world's existing red kite population lives in Germany, and nature conservationists argue that the German state must assume a particular responsibility for protecting the species. The revised version of the so-called *Helgoländer Papier* by the Working Group of German State Bird Conservancies (*Länderarbeitsgemeinschaft der Vogelschutzwarten*) deals with, among other issues, the use of wind power in forests and recommends minimum distances of wind turbines from bird areas and breeding sites and points out 'the need to keep areas of high densities of large bird species free of wind turbines due to potential impacts at the population level' (Länderarbeitsgemeinschaft der Vogelschutzwarten 2014:15). § 44, section 1, no. 5 of the federal law on nature conservation (*Bundesnaturschutzgesetz*) regulates that individual species are not allowed to be killed (the so-called *individuenbezogenes Tötungsverbot*), but section 5, no. 1 prescribes an exception in so far as the intervention does not result in a significantly higher risk of injury or killing of individuals of the respective species.[12] According to the *Helgoländer Papier*, the red kite has a high risk of collision with wind turbines because the species lives on the borders of forests and pastures and shows no avoidance behaviour (*Meideverhalten*) of the turbines. Mating flights and the search for food occur at about the same height as the rotors of wind turbines, which makes red kites potential and actual collision victims (Länderarbeitsgemeinschaft der Vogelschutzwarten 2014:26–27). Therefore, the registration of red kites and other endangered bird species in a specific bird registration app is one important aspect of my collaborative walks with nature conservationists.

Ontologically, nature conservationists implicitly relate to birds and other animals as 'companion species' in Haraway's (2003) words, but without being aware of or being interested in the multispecies literature. For example, during our joint monitoring of woodpeckers on the basis of a registration module by the umbrella organization of German ornithological associations (*Dachverband Deutscher Avifaunisten*) in March 2023, Georg eventually spots a lesser spotted woodpecker (*Dryobates minor*) after being unsuccessful at the preceding observation spots in the early morning. Georg becomes excited when we watch the small woodpecker with our binoculars high up in an oak tree, and he whispers: 'We've made him wild, now he wants to show us who's the master of his territory!' Somewhat later, when we pass a seemingly deserted nest in

11 See Popitz (1992) on the meaning of 'authoritative power' (*autoritative Macht*).

12 http://www.vogelschutzwarten.de/windenergie.htm, accessed August 9, 2022.

another tree, Georg explains to me laughingly that 'stock doves (*Columba oenas*) always construct their nests in a slipshod way', in contrast to one of his favourite bird species, the red kites, who 'reuse and refurbish their nests every year.' A few days earlier, Georg's Whatsapp status showed a photo with red kites returning from their yearly migration to the south with the caption 'my friends are returning'.

This common practice of relating to birds as companion species (or 'animated beings' in Dieckmann's 2023 words) implies a co-constitutive relationship and contrasts sharply with the regulations proposed in the 'Easter Package' by the national government. Therefore, it is not surprising that this legislation raised an outcry among many nature conservationists. The 'Easter Package' proposes a paradigmatic change from the protection of individual non-human beings (*Individuenschutz*) to the protection of the entire population of a species (*Populationsschutz*). The national government thus basically intends to speed up the construction of wind turbines and reduce the opportunities for nature conservation organizations to successfully sue wind power companies in court for endangering individual birds. Most nature conservationists reject what they perceive as a serious reduction in bird protection standards and find it unjust that individual birds should be deprived of the right to physical integrity and the right to life. In an article in the *Naturschutzmagazin* by the chairperson of the *Naturschutzinitiative*, for example, the government is accused of a 'betrayal', and the new legislation is condemned as a 'frontal attack' on nature conservation (Neumann 2022:4).

Landscape Protection: the Aesthetic and Affective Values of Landscape

In essence, the nature conservationists I collaborate with perceive themselves as responsible agents in a world faced by severe ecological crises. A key motivation for their commitment to nature is to safeguard the human entitlement to an aesthetic, edifying and non-industrial landscape. From this viewpoint, an 'unspoiled' landscape and its aesthetic and affective values constitute a refuge for human and non-human beings from what is criticized as the relentless conquest of nature.

The inherent and aesthetic value of the rural landscape is often highlighted in conversations with or in writings by nature conservationists. Given Blackbourn's (2008) assessment that the concern for landscape aesthetics constituted the beginnings of the nature conservation movement in Germany, it is hardly surprising that the remodelling of the landscape in the low-mountain regions by means of the construction of wind turbines and solar panels is a concern for most nature conservationists I work with. For example, in an article in a special volume on the 'Easter Package' by the *Naturschutzinitiative*, the landscape architect Werner Nohl (2022, my translation) voices the concern that the planned doubling of the number of wind turbines by 2030 would result in a 'country without landscape'. His main argument is that the landscape has an intrinsic, aesthetic value and that the conversion of landscapes into 'energy-industrial production spaces' (ibid. 2022:39) puts an end to the aesthetic and essential enjoyment of nature. In other words, the author claims that conserving the landscape means safe-

guarding a vital aspect of humanity. Conserving the landscape is often equated with protecting the local or regional *Heimat* by my interlocutors, which is largely sensed in an affirmative manner. Shoshan (2020), however, demonstrates that the term *Heimat* is heavily contested in German political discourse due to its instrumentalization in and significance for German nationalism in both the past and present, and he emphasizes its ambiguous meanings. On the one hand, it refers to local forms of belonging and may serve as an alternative to far-right nationalism (ibid. 2020:130). 'It summons sensorial images of familiar landscapes, vernacular dialects and linguistic expressions [...] or flora and fauna, waterways and topographies, seasonal patterns and agricultural cycles' (Shoshan 2021:45). On the other hand, Shoshan stresses the disquieting potential of *Heimat*, as it might link concerns for the natural environment with nationalist and exclusive forms of belonging (ibid. 2021:48).

In an online interview with Lothar, one of the nature conservationists I work with, in November 2021, he tells me that he deliberately moved from the city to the rural area where he currently lives several decades ago in order to experience the unspoiled countryside. By 'unspoiled', Lothar means spaces as close to nature as possible and with a minimum of human interference – 'the Canada feeling', as he calls it in our interview. Since the 1960s, Lothar and his wife have lived in this landscape protection area in the low-mountain regions of North Rhine-Westphalia, but in his words 'not a damn soul' cares about the protection of these areas anymore. After retiring, Lothar invested plenty of his time and energy in nature and landscape conservation, for example, in local projects to prevent the extinction of rare butterfly species, but also in educational projects for children because he perceives the alienation from nature as a key problem of contemporary society. Together with his wife, for many decades Lothar was a leading member of the regional *Naturschutzbund* (NABU), one of the main nature conservation organizations in Germany, but nowadays he feels alienated from the national organization's shift towards a pro-wind power policy.

Lothar tells me that he rejoices at the splendid view of the forests and hills surrounding his rural home. He does not argue that the landscape is timeless and purely 'natural', but rather sees it as man-made – as a cultural landscape, in other words – with the aim of balancing the entitlements of humans, animals and plants. However, for a few years now a fear has crept in that the beauty of this landscape and what Lothar perceives as indispensable for human well-being might well be destroyed by the construction of wind turbines on a large scale. And with the 'Easter Package' his fear might become fact: due to the comparably high wind potential in this rural, low-mountain area, numerous wind power companies have applied to construct wind turbines on the mountain ridges. Given the background of Lothar's decades-long engagement in nature and landscape conservation in his region and his deliberate decision to settle in the countryside, the recent and upcoming transformations in Germany's energy production are a prime example of what Marris carved out in his investigation of rapid change and perceived loss. In Lothar's case, the recent developments have led to despair, feelings of injustice and resentment, to which I turn below in more detail.

Energy Consumption and the Degrowth Paradigm

In sum, the degrowth perspective, which is arguably the most radical form of opposition to wind power among nature conservationists, maintains that both human and non-human beings are entitled to modest, self-sufficient lives. From this perspective, only a drastic reduction in energy consumption may produce a more just and sustainable world. Renewable energies in general and wind power in particular are, however, perceived as a continuation of the conquest of nature by other technological means and are therefore rejected.

For some of the nature conservationists I work with, a degrowth paradigm and a critique of neoliberal capitalism take centre stage. Several of my interlocutors have become doubtful in recent years whether the current levels of energy consumption are sustainable in the long run, while others are totally convinced that they are not. The citizen's action group I collaborate with initially started its mobilization with the sole focus on preventing wind turbines in the region. The group was founded in 2015, and initially it was very successful in mobilizing the local population to its cause, and it attracted quite a large membership. But within the last five years (and speeded up by the COVID-19 pandemic), this support fizzled out, to be replaced by contradictory views on the main purpose and objectives of the citizen's action group. Whereas the majority obviously wants to prevent wind turbines in the vicinity of their villages (partly for aesthetic reasons, as described above), one of the main protagonists, Bernd, tries to divert the initiative into a local degrowth movement and questions the compatibility of economic growth with ecological sustainability per se. In other words, Bernd comprehends the relationship between sustainability and growth as a 'double bind' in Bateson's (1972) sense, his perception being that it is 'impossible to have it both ways' (Eriksen 2016:24).

At one of our first meetings in September 2021, Bernd tells me that for him wind power is 'reactionary' because it gives industrialization new force, to the detriment of the rural landscape and both humans and non-human beings in his view. Bernd aspired to an academic career in the 1980s but decided to leave urban life behind and moved to a remote rural area, where nowadays he owns a small farm. Bernd tries to live as self-sufficiently as possible: he has his own well, cultivates food for his and his wife's own consumption, has no car and instead rides his bike. For him, it is unthinkable to take a plane. Bernd is unemployed, and he is very critical of wage labour and consumption as such. Therefore, he deliberately leads a modest life in a materialistic sense. Bernd is also strictly opposed to renewable energies such as solar and wind power, and he rejects a possible return to nuclear energy, which is currently and controversially being discussed in parts of the nature conservation milieu. Bernd's key argument for his rejection of renewable energy sources is that the planned reshuffle from energy production based on coal, oil and gas would not solve the fundamental problem, which, from his perspective, is excessive human energy consumption and the underlying economic growth paradigm. In contrast to most nature conservationists I work with, Bernd is neither a

wind power critic nor a sceptic but an outright opponent. Therefore, by 'reactionary' he means that wind power is a continuation of the old, disastrous growth principle by new means which nevertheless continues to harm human and non-human beings, as well as nature and the landscape. Therefore, Bernd also rejects any form of modernist 'Green Deal' as envisaged by the European Commission. In allusion to the term 'military-industrial complex' by Mills (1956), he calls the planned extension of wind power in Germany an 'eco-industrial complex'. A logo on one of the flyers of the citizen's action group reads 'no wind power industry in our forests!'

In other words, the extension of renewable energies is seen as a continuation of the conquest of nature by other means, instead of turning away from what is perceived as a ruinous growth paradigm. Interestingly, there is some convergence with a leftist, anti-capitalist critique of the wind power industry in the Global South (see Boyer 2019; Howe 2019), which considers it as 'the juggernaut of high-energy modernity' and pleads for 'communal models of renewable energy oriented to humbler kinds of sustenance' (Howe and Boyer 2020). The difference, however, is that, whereas Boyer and Howe perceive renewable energies as necessary for mitigating climate change and reject the underlying neoliberal economic model, Bernd and the few like-minded nature conservationists who urge a strict degrowth paradigm criticize the supporters of wind power production for holding on to the illusion that growth and sustainability could proceed hand in hand.

Perceptions of Injustice, Resentment and Rural Consciousness

As indicated in the three perspectives outlined above, many of the rural nature conservationists I work with reject the renewable energy policy of the 'traffic light coalition', and some are pronouncedly resentful of it. Their resentment is mainly directed at the Green Party and established nature conservation organizations, which are accused of betraying a formerly common cause, that is, the conservation of nature and the landscape. The national policy of expanding wind power on a large scale and doubling the number of wind turbines to 60,000 by 2030 thus evoked considerable feelings of injustice and resentment amongst many nature conservationists.

What does injustice mean? Drawing on ideas by Nancy Fraser (Dahl et al. 2004), Carolan (2020) argues that rural grievances are often grounded in perceptions of injustice that fall into three dimensions: first, unfair economic redistribution; second, unjust political representation; and third, insufficient cultural recognition. In a programmatic article on 'authoritarian populism' in rural regions worldwide, Scoones et al. maintain that, in order to address such perceptions of injustice, it is crucial to forge a new politics which combines

> … concerns with redistribution (and so concerns with class, social difference and inequality), recognition (and so identity and identification) and representation (and so democracy, community, belonging and citizenship). (Scoones at al. 2018:9)

Perceived injustices might culminate in resentment, that is, 'a feeling of anger or unhappiness about something that you think is unfair' (according to the *Oxford Advanced Learner's Dictionary*) or 'a feeling of anger because you have been forced to accept something that you do not like' (as defined by the *Cambridge Dictionary*). Resentment thus has a strong affective dimension and can aggregate into what Cramer (2016) calls a 'politics of resentment'. In the recent literature on authoritarian populism, resentment is discussed in terms of an illiberal backlash resulting from globalization, neoliberal policy reforms, and rapid change in rural areas in the last few decades (Mamonova et al. 2018). It is argued that perceptions of injustice and feelings of marginalization express themselves in a 'rural reawakening' (Woods 2005) and exclusive rural identities. In her study of the rural-urban divide in Wisconsin, Cramer argues that politics in rural areas is characterized by resentment and a 'rural consciousness', that is,

> [a]n identity as a rural person that includes [...] a sense that decision makers routinely ignore rural places and fail to give rural communities their fair share of resources, as well as a sense that rural folks are fundamentally different from urbanites in terms of lifestyles, values, and work ethic. (Cramer 2016:5)

During a community hall meeting of the citizen's action group I attended in May 2022, some participants expressed a general sense of resentment against the wind power industry in particular, as well as against the Green Party and local and national state institutions such as planning authorities and courts. One speaker called wind power companies 'a brutal and unscrupulous industry' and criticized the fact that the 'Easter Package' aims to annul democratic procedures. In his view, its key objective was the elimination of nature conservation, and it thus contradicted both German and European law. Moreover, some nature conservationists read the current conflicts on the extension of renewable energies as the manifestation or deepening of a rural-urban divide. For example, Lothar maintains with despair that the construction of wind turbines in the immediate vicinity of his home would destroy his dream of a lifetime. What he finds unjust is that German society declared several decades ago that the landscape had a value of its own and that this public consensus was prescribed by law in the *Bundesnaturschutzgesetz*. But this social contract has been terminated by the ruling 'traffic-light coalition', Lothar maintains indignantly. He claims not to be against renewable energies per se, but what he finds unjust and what he resents is that energy consumption is the highest in urban areas, whereas renewable energy production predominantly affects nature and the landscape in rural regions. Lothar's argument is basically that 'the rural' bears the cost for excessive energy consumption by 'the urban'. One could read this statement as reflecting a rural-urban divide, but it is also a critique

of the growth paradigm and of the refusal to question 'high-energy modernity'. In a more radical manner, Bernd maintains that political parties and public officials are principally oriented towards an urban clientele and that the extension of wind power is tantamount to 'structural violence', as he calls it, against rural citizens. He speaks of an imperialist politics of 'the urban' and 'the state' against 'the rural' (see also Batel and Devine-Wright 2017 on 'energy colonialism' in the UK).

Divergent Views on Anthropocenic Crises

What distinguishes the rural nature conservationists' perspectives from publicly and academically more acknowledged views on human-environment relations and on the various anthropocenic crises as interpreted by environmental and climate protection movements? The main differences relate, first, to a divergent assessment of what constitutes 'the human' in relation to the non-human environment; and second, to the question of which cognitive and political scales matter most in human-environment relations in the Anthropocene.

In terms of the first aspect, one objective of the Special Issue is to rediscover human subjects in the Anthropocene (see Zenker and Wolf, this issue) and thus to critically discuss the current multispecies and more than human turns in anthropology. The case study of rural nature conservationists complicates this discussion in the sense that, on the one hand, my interlocutors take the position that the conquest of nature (Blackbourn 2008), which is seen as one of the unintended and devastating consequences of the Enlightenment, has to be brought to an end, but on the other hand they are mostly indifferent to the more than human paradigm (Haraway 2016; Tsing 2015) and rather continue to place the human being at centre stage: they perceive humankind as being exceptional, but at the same time as responsible for protecting and preserving 'nature' and 'the landscape'. For example, by referring to and elaborating on Jonas's (1984) 'imperative of responsibility', Epple (2009) criticizes the common utilitarian thinking on human-environment relations and pleads for a non-anthropocentric ethics that extends the moral community (*Moralgemeinschaft*) to non-human species. Although he claims that all human and non-human beings have the same right to live, Epple assigns an exceptional position (*Sonderstellung*) to humanity because it is responsible for safeguarding this fundamental entitlement.

Second, the nature conservationists I collaborate with and environmental activists who focus on climate protection clash in their assessments of the cognitive and political scales which matter most, that is, the local and regional versus the global and planetary scales (see also Eriksen 2016, and Shoshan 2021). This means that the question of what is due to whom in the Anthropocene is at the same time a conflict about different forms of belonging and increasingly irreconcilable identities. Whereas climate activists are generally concerned to preserve the global environment, rural nature conservationists

focus – not exclusively but mainly – on preserving their immediate surroundings, that is, the local nature and landscape and what my interlocutors refer to as *Heimat*. In essence, the scales on which perceptions of justice apply, as well as the underlying norms and values, the kinds of subjects and objects of justice, and the responsible agents, differ significantly between the two groups. Despite all these divergences, however, they at least share a common concern for the non- and more than human environment.

Concluding Remarks

This article has illustrated and discussed what nature conservationists living in low-mountain regions of rural Germany perceive as (un)just and due in terms of the various environmental crises in the Anthropocene. Against the background of perceived rapid and drastic change, and inspired by what I refer to as a traditional impulse, they focus on the preservation of the non-human environment and cultural landscapes and express their opposition to the extension of wind power in at least three ways: as a commitment to nature conservation and species protection; as a concern for the aesthetic and affective values of local and regional landscapes; and as a plea for the reduction of energy consumption and a degrowth paradigm. The article also shows that perceptions of injustice in the transition to renewable energies may produce resentment and a rural consciousness in opposition to what is perceived as indifference towards and neglect of local concerns. Ultimately, the key but unsettled question is whether the divergent views on what is just and due (nature conservation versus climate protection) on different scales (local versus global) constitute a typical double bind which cannot be resolved, or whether different views on future-making may be integrated to tackle the various anthropocenic crises. The normative goal of my methodological approach and of this article is therefore to shed light on the transformative potential of collaborative research in contested settings and to spin – rather than disrupt – a thread of conversation on what is due to whom in the Anthropocene.

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Humans as Those Who Must Care and Act: Mobilizing Rights of Nature in Anti-Mining Struggles in Ecuador

Laura Affolter
Hamburg Institute for Social Research, Hamburg

Abstract: This article follows Mihnea Tănăsescu's (2022) call for critical scholarship on rights of nature to examine empirically how and why such rights are used. It does so using the example of resistance to mining in the Ecuadorian Íntag region. Drawing on fieldwork among communities within the area of influence of the Llurimagua copper mining project and with other anti-mining, environmental and human rights activists, I argue that while in academic debates around rights of nature questions of 'being' and ontology take centre stage, these issues do not really seem to matter to those who mobilize action to secure these rights. On the contrary, despite the portrayal of rights of nature as posthuman or as more-than- human law, the article shows how, in mobilizing in favour of rights of nature, the human is retained as an important 'category of analysis and action' (Zenker and Wolf 2024) as those who (must) care and can be made responsible.
[rights of nature, anti-mining struggles, justice, anthropocentrism, responsibility]

Introduction

Rights of nature have become a global trend: in June 2021, Alex Putzer et al. identified 409 rights of nature initiatives worldwide (Putzer et al. 2022:90). They are put forward as a 'legal revolution that could save the world' (Boyd 2017) and are celebrated for reconceptualizing 'nature', it being claimed that their revolutionary potential derives from their break with the anthropocentric bias in law (see Adloff and Hilbrich 2021:180; Gutmann and Morales Naranjo 2021:331–332; Tabios Hillebrecht 2017:19). Rights of nature are claimed to turn away from conceptualizations of nature as a resource and thus from nature as something that can be appropriated, exploited and instrumentalized, instead recognizing its intrinsic value(s). This epitomizes a shift towards care for nature and non-human others irrespective of their usefulness for humans. But many rights of nature proponents go further still, arguing that such rights overcome so-called 'Western' dualisms between humans and non-humans, subjects and objects, nature and culture. They do so by associating the idea of rights of nature with what are referred to as 'Indigenous philosophies', 'thought', 'cosmovision' or 'ontologies' (see Adloff and Hilbrich 2021:174; Kauffman and Martin 2014; Knauß 2018). Rights of nature are thus depicted as a form of more-than-human law and celebrated as a move

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towards epistemic justice, since they are claimed to derive from and build on 'non-Western' knowledge. Often the 'Indigenous origin story' is simply taken as a given and mentioned in passing, with rights of nature being assumed to be 'rooted in indigenous lifestyles and perspectives on nature and the environment' (Viane 2024:300). This uncritical rendition of the 'Indigenous origin story' has been criticized by several authors. On the one hand, based on empirical research on how rights of nature emerged in policy- and law-making, scholars have argued that this story is not true and that in many places rights of nature efforts 'have taken the form of an elite proposition in search of a grassroots' (Tănăsescu 2022:16) or that they are the outcome of tough negotiations and should be regarded as 'hybrid constructs' (see Gutmann 2021), for example. On the other hand, several authors have pointed to the essentializing danger arising from the assumed association of rights of nature with 'indigenous lifestyles and perspectives on nature and the environment' (Viane 2024:300). Not only does this discourse about rights of nature risk essentializing indigeneity and reinforcing the image of the so-called 'ecological native' (see Tănăsescu 2020:436; Viane 2022:199): it also essentializes 'the West'. That is, it cements a new dualism 'between Western and non-Western modes of thought' (Martin 2020:359), a dualism that is historically inaccurate (see Graeber and Wengrow 2021) and that risks downplaying or even ignoring doubts, disagreements, ambiguities and 'shifting perspectives' within these two huge 'groups' (Martin 2020). Finally, some scholars have addressed 'implementation' problems, showing how the language of rights of nature itself – working as a 'legal ornament', as María Ximena González-Serrano (2024) calls it – conceals power asymmetries, leads to the criminalization of local subsistence practices, and does nothing to 'dismantle the private law "legal arrangements" that provide stability to extractive projects and interests' (2024:1; see also Melo-Ascencio 2024).

In this article, I critically approach rights of nature from yet another angle. Like Mihnea Tănăsescu, I understand that critically reflecting on rights of nature is not about rejecting or embracing them per se, but about taking a step back and empirically examining 'how and why [and by whom] they are used' (2022:15) in specific contexts (see also Viane 2024:307). My focus is thus not on the origins of these rights, but rather on their practical mobilization and 'application'. The case study through which I examine this is resistance to the Llurimagua copper mining project which intersects with four rural *mestizo* communities, Junín, Chalguayacu Alto, Cerro Pelado and Barcelona, in the Ecuadorian Íntag region. As part of this resistance, two constitutional lawsuits were brought against the Ministry of Environment and ENAMI EP, the holder of the Llurimagua mining concession. I call these the Llurimagua lawsuits. In some parts of the article, I also draw on another lawsuit against mining in the Íntag valley that came to have a big impact on the Llurimagua lawsuits: the Los Cedros lawsuit. Both cases argued at least partly with reference to rights of nature, which are enshrined in the Ecuadorian constitution. Thus, nature has 'the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes' (Art. 71, Ecuadorian Constitution), as well as 'the right to be

restored' (Art. 72, EC).[1] Furthermore, the constitution mandates 'the state' to 'apply preventive and restrictive measures on activities that might lead to the extinction of species, the destruction of ecosystems and the permanent alteration of natural cycles' (Art. 73, EC).

My observation – and argument – from studying the mobilization of rights of nature in the Llurimagua case is that, while in academic debates around rights of nature questions of 'being', of ontology, of how to (re)define humans, nature, non-human others and the relationships between them take centre stage, these issues did not really seem to matter to the people I have worked with. In particular, I did not witness discussions and concerns around the (non-)demarcation between humans and non-human others. This may be partly due to my research design and interests. My focus was mainly on law-based acts of resistance. And yet there seems to be more to it than that. My fieldwork shows that for the people mobilizing rights of nature, humans remain an important 'category of analysis and action' (Zenker and Wolf 2024:202). On the one hand, humans are those who need to (and do) care for nature and non-human others and who act on behalf of them or, given our relationality, on behalf of both humans and non-humans. On the other hand, humans remain important as those agents that can and should be held responsible. The depiction of rights of nature as posthuman or more-than-human law, I argue, is thus at best misleading, but it might also be harmful.

A Short Note on Fieldwork and Methodology

My ethnographic material derives from four field-stays and a total of ten months of fieldwork between July 2018 and January 2023. In 2018 and 2019, I spent several weeks in Junín and Chalguayacu Alto, two of the communities intersecting with the Llurimagua copper mining project. There I sometimes stayed with a family in Junín and sometimes at a cabin belonging to the *Reserva Comunitaria Junín*, a collective of local inhabitants that set up a project of 'eco-tourism' as a viable alternative to the income-earning opportunities created by mining. I spent my time talking to local inhabitants – mostly those opposed to mining – and accompanying them to events they attended, such as resistance strategy meetings, press conferences or 'information events' organized by the Ministry of Environment and the mining companies. I also conducted interviews with regional and national environmental organizations, activists, officials and lawyers involved in the Llurimagua and Los Cedros cases and resistance to mining in the area in general. Furthermore, I conducted interviews with (ex-)employ-

1 All translations of the Ecuadorian constitution that I quote in this article are taken from Georgetown University's Political Database of the Americas: Georgetown University: Republic of Ecuador Constitution of 2008. *Political Database of the Americas*. https://pdba.georgetown.edu/Constitutions/Ecuador/english08.html, accessed July 10, 2024.

ees of the national constitutional court and academics or academic activists working with and/or on rights of nature, as well as representatives of the defendants' side, such as mining companies' lawyers or employees of the Ministry of Environment.

Besides interviews, my fieldwork consisted of (participant) observation. When possible, I tried to accompany my interaction partners to 'happenings'. Some of these have already been mentioned above; other examples are meetings between local mining opponents and their lawyers, a meeting between mining opponents and representatives of the Ministry of Environment, a roadblock in Cerro Pelado – a village in the area of influence of the Llurimagua mining project – and the second-instance court hearings in the Los Cedros case. Finally, in my analysis I also draw on publicly available documents from the Llurimagua and Los Cedros cases. Empirical data is presented in an anonymised way. Wherever possible without making people identifiable, I make use of descriptive features such as institutional affiliation or profession. Where this is not possible, I refrain from it.

The Mining Conflict in Junín and Chalguayacu Alto

The mining conflict in Junín and Chalguayacu Alto is nothing new. ENAMI EP, the Ecuadorian state mining company currently in possession of the Llurimagua mining concession is already the third owner of the concession. Although on a national level mining was 'only' declared a strategic economic sector in 2009 by the Rafael Correa government, partly in order to compensate for the increasing loss of oil revenues, in the area surrounding Junín and Chalguayacu Alto initial exploration work had already started in the early 1990s as part of PRODEMINCA, a project to carry out a nationwide survey of mineral resources, which was financed by loans from the World Bank and the British, Swedish and Japanese governments (Kuecker 2007:98). The concession was, at that time, granted to the Japanese company Bishi Metals, a subsidiary of Mitsubishi. I was often told that, while at the beginning there was no local opposition, and villagers supported the mining company in their exploration work by clearing paths, carrying heavy equipment and providing accommodation, things changed when the first signs of water pollution became visible, several local employees of Bishi Metals were fired, and especially when the Environmental Impact Assessment that was carried out by the company became publicly known. Bishi Metals' environmental impact study showed that the planned copper mine would lead to large-scale deforestation, pollution of rivers with mercury and cyanide, desertification and changes to the local climate. Furthermore, it indicated that about one hundred families would have to be relocated (Kuecker 2007:101–102; Murillo and Sacher 2017:54). In 1997, a group of local residents burnt down the Bishi Metal camp, whereupon the Japanese company abandoned the project. The second holder of the concession, the Canadian mining company, Ascendant Copper, had their concession withdrawn by the Ecuadorian gov-

ernment in 2007 after violent conflicts arose between its private security personnel and local residents, especially after local residents managed to disarm and hold the security personnel hostage for several days in the local church. In 2011, the concession was granted to the Ecuadorian state mining company ENAMI EP, which in turn formed a partnership with the Chilean state mining company Codelco. In 2014, when ENAMI EP and Codelco first entered the concession, they arrived in the company of approximately three hundred police and military officers as well as government officials, with the police remaining in the villages for several weeks. Furthermore, shortly before ENAMI EP, Codelco and the police arrived in Junín and Chalgauyacu Alto, Javier Ramírez, who was the village head of Junín at the time, was arrested and spent ten months in pre-trial detention, while his brother was forced to go into hiding for several years.[2] They were accused of 'rebellion', which became a criminal offence through a revision of the penal code in 2014 (see Acosta et al. 2020:109).

In the interviews I conducted with local inhabitants opposed to mining, I was repeatedly told that, while in the 1990s and 2000s their communities had been fairly united in their resistance to mining, this had changed with the arrival of ENAMI EP and Codelco. 'We are so few now', is something I heard often, referring to the fact that many of the local residents had in some capacity started working for the companies: as labourers creating paths through the thick cloud forest or carrying heavy machinery, as *muleros* (muleteers), *lavanderas* (washerwomen) or by cooking for the miners, for example. In 2018 and 2019, everyone was either a *minero* – those supporting mining regardless of whether they worked for the companies or not – or an *ecologista* – those who did not, with hardly anybody escaping this labelling (see also Weydt 2023).[3]

In recent years, and in line with a global trend, there has been a shift towards law-based forms of political resistance, particularly towards constitutional lawsuits. The 2008 constitution not only introduced new rights, such as rights of nature or a right to the *consulta ambiental* (environmental consultation),[4] which have both come to play an important role in the resistance to mining, it also introduced a new form of constitutional action called *acción de protección*. The former constitution of 1998 already recognised a similar form of constitutional action, the *acción de amparo*, but in comparison the *acción de protección* is supposed to make the threshold for taking legal action even lower. It is no longer necessary for one's own subjective rights to have been violated – it can be a matter of someone else's subjective rights too, as in the case of nature, for

2 See Frontline Defenders: Case History. Darwin Javier Ramirez Piedra. Frontline Defenders. https://www.frontlinedefenders.org/en/case/case-history-darwin-javier-ramirez-piedra, accessed April 22, 2024.

3 Such positionings are, however, not fixed, as people sometimes change sides. Yet at the same time, in line with David Kneas' (2021) analysis, I experienced family ties as having a strong impact on such positionings.

4 The *consulta ambiental* states that '[a]ll state decision or authorization that could affect the environment shall be consulted with the community, which shall be informed fully and on a timely basis' (Art. 398, EC).

example. The rights violations no longer have to be of a certain severity, and anyone can file an *acción de protección*, not only lawyers. Furthermore, the *acción de protección* not only allows judges to suspend certain activities for the protection of constitutional rights, it also gives them the ability to order reparation measures (see Ávila Santamaría 2011). The Llurimagua and Los Cedros cases both involved *acciones de protección*. For the sake of simplicity, I here refer to them simply as constitutional lawsuits.

The trend towards constitutional lawsuits since 2018 is remarkable (see also García Ruales 2024:5). In that year, one case was filed against the Río Blanco mining project and another against mining on the territory of the A'i Cofán of Sinangoe. These were followed by the Los Cedros case, a second case against the Mirador mine and mining in the canton of Nangaritza in 2019, the Llurimagua cases in 2020 and 2021, and the case against mining in the wetlands of Fierro Urco in 2022, and there might also be others. There seem to be various reasons for the shift towards constitutional lawsuits, although I cannot be entirely sure of the causal links. Firstly, it fits into a global trend towards the judicialization of politics that is particularly found in Latin America (see Sieder et al. 2005). As a result of the constitutional reforms that have taken place in nearly all Latin American countries since the mid-1980s, many of which introduced extensive socioeconomic and cultural rights and granted judges more interpretive power, 'courts and judges … [have] come to make or increasingly dominate the making of public policies that had previously been made by other government agencies, especially legislatives and executives' (Sieder et al. 2005:3). Thus, the existence of new rights in itself constitutes a reason for this shift towards constitutional lawsuits. These new rights fuel hopes, making resorting to the courts to advance one's political interests a more promising avenue for anti-mining activists.

I experienced this growing hope first hand during fieldwork in Junín and Chalguayacu Alto, when two constitutional lawsuits against mining projects in other areas of the country – the so-called Río Blanco and Sinangoe cases – were won. The lawyers I interviewed at the time were particularly enthusiastic about the transformative potential of the precautionary principle linked to the rights of nature and its potential to prevent future harm (see also Affolter 2020). Not only does the Ecuadorian constitution grant nature the right to 'respect for its existence' (Art. 71, EC) and 'to be restored' (Art. 72, EC), it also prescribes a duty on behalf of the state to 'apply preventive and restrictive measures on activities that might lead to the extinction of species, the destruction of ecosystems and the permanent alteration of natural cycles' (Art. 73, EC). As one lawyer from the Ombudsman's Office explained to me:

> When you argue with the violation of the right to prior consultation [another common argument in resistance to mining], that is something the Ministry of Environment can then carry out, and then the mining project will continue. But if you can get the courts to apply the precautionary principle, that is something that will never go away. (Interview, December 2018, my translation)

I encountered a similar hope in Junín and Chalguayacu Alto, one local activist, for instance, telling me:

> [W]e don't have to wait for damage to happen here. … Because if we can see that there is a possibility that an activity will cause [environmental] damage, then we have to do something. We do not have to wait and see whether the activity will contaminate. … Ever since the company arrived here [to do exploration work] and since the rights of nature were introduced [into the constitution] in 2008, I have said that we should prepare a lawsuit with the rights of nature. (Interview, November 2018, my translation)

This was precisely what happened with the Los Cedros case, where the highest Constitutional Court interpreted the precautionary principle very strictly, arguing that as long as it was not possible to determine with certainty what damage might result from mining in such a complex ecosystem, mining could not be carried out (see Gutmann 2022; Prieto 2021). The judges argued that, by allowing initial exploration activities to happen, despite this lack of (scientific) certainty, the state had violated its precautionary duty.

One reason for so many constitutional lawsuits only being filed since 2018, although the new constitution that introduced rights of nature came into force in 2008, seems to be the change of government in 2017. Many lawyers told me that now they were less afraid of political persecution and also felt that the courts – especially the Constitutional Court – had become more independent. Soon after the introduction of the new constitution, two constitutional actions had been taken: one was a lawsuit against the Mirador mine in 2013, the other an action of unconstitutionality brought against the 2009 Mining Law. However, both of them had failed.[5] As one lawyer explained to me, it was then a conscious decision to desist from further constitutional actions for a while in order to avoid setting anymore negative legal precedents. The lawyer explained the failure of these two actions with reference to the lack of independence of the courts during the Rafael Correa government and to the judges not being familiar enough with the new constitution and their newly strengthened role in interpreting it. This was a view shared by many of the lawyers I spoke to and led to many organizations refocusing their attention on the training of legal professionals. From 2018 onwards, however, this started to change.

5 The constitutional lawsuit against the Mirador mine was lost at first- and second-instance, with the judge arguing that 'civil society's efforts to protect nature constituted a private goal, while Ecuacorriente … [the mining company] was acting in favour of a public interest, namely development' (Kauffman and Martin 2016:6). In the case of the unconstitutionality of the Mining Law, 'the Constitutional Court upheld the Mining Law's constitutionality, noting that the law requires procedures designed to avoid environmental damages … [and ruling] that Article 407 of the constitution grants the State the authority to make exceptions to constitutional restrictions on mining in environmentally sensitive areas when the government declares this to be in the national interest' (Kauffman and Martin 2016:6).

In Junín and Chalguayacu Alto, many of the people I spoke to told me how scared they were to speak up and take action out of a fear of persecution. 'With the state here, there is nothing we can do', I was often told, referring to the presence of police and military in the area, the fact that ENAMI EP is a state company, but also to the fact that mining was now being pursued so actively by the changing governments, with mining opponents being slandered 'unpatriotic' and as standing in the way of development (see van Teijlingen and Fernández-Salvador 2021:250).

> Those of us who are protecting nature have always been persecuted with threats and blackmail. … We can no longer take any 'de facto actions' like blocking roads because it would only mean more persecution for us if we try evicting the company. (Interview with a local activist in Junín, July 2018, my translation)

This fear and disillusion over not having achieved the desired goal, despite having engaged in resistance for so long – namely that the mining companies leave for good – thus seem to have contributed to the shift towards constitutional lawsuits and the mobilization of rights of nature too. While administrative claims were declared to be useless – here it was basically 'the state ruling over itself', several lawyers explained to me – constitutional lawsuits, and particularly the rights of nature, were ascribed more transformative potential.

The Llurimagua and Los Cedros Lawsuits: Subjects and Agents of Justice, and Those Who Care

The first constitutional lawsuit against the Llurimagua copper mining project was filed with the first-instance cantonal court in Cotacachi in February 2020 by the biologist Andrea Terán from the Jambatu Amphibian Research and Conservation Centre (*Centro Jambatu de Investigación y Conservación de Anfibios*), who had conducted research in the area of Junín and Chalguayacu Alto. Although the lawsuit was finally presented by Andrea Terán, several other organizations engaged in resistance to mining and rights of nature advocacy were involved in its making too – DECOIN, CEDENMA and GARN (Global Alliance for the Rights of Nature) – and the lawsuit passed through several lawyers' hands before it was finally presented. It was intentionally held back for a while to await the judgement in the Los Cedros case. The lawsuit presented by Andrea Terán argued solely with reference to the rights of nature (particularly Art. 71 and 73 EC), claiming that mining posed a threat to the many endangered and endemic species living in the area. This was argued in great detail for two endangered frog species that became protagonists in the lawsuit. One species had previously been unknown and was only discovered a couple of years prior to the lawsuit in the Llurimagua concession area: the *rana cohete resistencia de Intag* (Intag resistance rocket frog). The other

one was the *rana arlequín hocicuda* (harlequin longnose frog), which was thought to be extinct but was rediscovered in the Llurimagua concession in 2016. Andrea Terán criticized the environmental impact study commissioned by the mining companies as being inadequate, since many endangered species were not listed on it, and because the planned precautionary measures to prevent negative impacts on various species and their habitats were insufficient and would, in some cases, be impossible to implement. The first-instance judge ruled in favour of the plaintiffs. Among other things, she ordered that the authorization process for the environmental licence be suspended until the companies could demonstrate that they had taken all the necessary and adequate precautionary measures to avoid negative impacts on the different species living in the area and their habitats, and to avoid any possible extinction of those species. This is precisely what one of the lawyers who was temporarily involved in preparing this lawsuit had hoped to achieve, as he told me in an interview:

> With protection actions (*medidas cautelares*), there's a standard of risk. It is no longer a standard of harm. … And here the standard of proof is extremely lax. In other words, in this case, to prove that there is a risk, I just have to show that the environmental impact does not include this frog, … but that it does exist in this area. That should be enough to create a risk standard. I am not yet saying that there is a harm to the frog, am I? I'm not saying that today's operations are harming those animals. I am just asking the judge to fulfil his constitutional duty to protect nature. And if he does a reasonable job he will say, OK, let's stop everything until we have more evidence. … And this buys us time, it strengthens our position, it allows us to gather more evidence, to bring further actions. (Interview 2019, my translation)

However, this first-instance judgement was later overruled after disciplinary proceedings were initiated against the judge, and she was fired.[6] A new attempt was made in 2021, the plaintiffs this time being six inhabitants from the area of influence of the mining project – each represented by a different lawyer – and the provincial representative of the Ombudsman's Office. The plaintiffs argued with reference to the violation of nature's rights for the same reasons discussed above, as well as to the violation of the 'environmental consultation'.[7] For both arguments, they drew heavily on the Los Cedros case. While the first-instance judge rejected the lawsuit – claiming that this was not a constitutional but an administrative matter – the second-instance court ruled in favour of the plaintiffs, arguing that no 'environmental consultation' had been carried

6 I am not sure of the reasons, but from what I could find out, it seems that the judge returned the case to Andrea Terán, as it turned from a *medida cuatelar* into an *acción de protección*, whom she asked to resubmit the claim, specifying which rights had been violated.

7 The Ecuadorian constitution recognizes and grants the right to two types of consultation. One is the right to 'environmental consultation' granted to any potentially affected person or community as laid down by Article 398 of the constitution. The other is the right to prior consultation for '[i]ndigenous communes, communities, peoples and nations' (Art. 57.7, EC).

out, neither before the concession, nor before the environmental licence was awarded. The court revoked ENAMI EP's environmental licence and ordered the suspension of all mining activities until 'ENAMI EP complies with all the mechanisms and guidelines foreseen for the environmental consultation in judgement 1149-19-JP/21 [the Los Cedros case], for the elaboration of an Environmental Impact Assessment and Environmental Management Plan'.[8] In May 2024, the constitutional court decided not to admit the appeal by the Ministry of Environment and ENAMI EP, hence rendering the second-instance ruling legally binding.

So far, I have focussed on the 'official arguments' of the plaintiffs. Besides plaintiffs and defendants, the figure of the *amicus curiae* gives other actors an opportunity to voice their arguments too.[9] In the Los Cedros case, numerous individuals and collectives became involved in this way, the hearing of all the *amici* alone lasting for almost seven hours. On the side of the plaintiffs, it was mainly biologists who got involved, many of whom had carried out research in the Los Cedros forest, as well as representatives of environmental and human rights NGOs and members of the local communities located within the area of influence of the mining project. The defendants were also supported by local inhabitants, as well as by the representatives of numerous transnational mining companies, of the Ministry of Finances and the Ministry of Non-Renewable Resources, the Chamber of Industry, the Chamber of Mining, and Women in Mining, for example. Through the *amici*, the different motivations and goals of the different actors involved in anti-mining struggles – local inhabitants, biologists, environmental, human and indigenous rights (grassroot) organizations, etc. – become visible.

For local inhabitants opposed to mining, getting the companies to leave and disallowing mining activities from taking place on their territory was the primary goal. They feared losing their means of subsistence, not only by having to relocate, but also due to water and soil contamination. In Junín and Chalguayacu Alto, most people are small-scale farmers who cultivate *naranjilla*, tamarillo (*tomate de* árbol), coffee and sugarcane, amongst other things, and tend cattle that they sell for meat. Local inhabitants, moreover, feared the negative effects that mining would have on their health and that of their children and animals, as well as losing the 'tranquillity' of their rural and somewhat secluded life. As one of my elderly interview partners said to me:

> The tranquillity we have here, we live in a paradise, [and] as I see it, this cannot be exchanged for anything. To have the tranquillity of having everything here, that

8 Corte Provincial de Justicia de Imbabura, 'Juicio No. 10332202100937', my own translation, https://www.derechosdelanaturaleza.org.ec/wp-content/uploads/2021/05/SENTENCIA-SEGUNDA-INSTANCIA-LLURIMAGUA-1.pdf, accessed April 22, 2024.

9 An *amicus curiae* is a 'person or organisation who/which is not a party to the proceedings … [but] set[s] out legal arguments and recommendations in a given case' mostly in the form of a written brief (ECCHR: Amicus curiae brief. *Glossary*. https://www.ecchr.eu/en/glossary/amicus-curiae-brief/, accessed July 12, 2024). In the cases I observed in Ecuador, however, the people were also heard orally.

> nobody steals the from an unlocked house […]. To be sent away from here, at my age, it's not right. (Interview, July 2018, my translation)

Other actors involved as *amici curiae* in support of the plaintiffs stressed rather the need for climate and environmental justice, emphasizing the importance of cloud forests for global climate and cautioning against the loss of so-called 'ecological services' due to the destruction of ecosystems. Several pursued the aim of changing the county's extractivist agenda for good, while others saw the legal cases as opportunities for recognizing the rights of non-human species, such as 'the Andean bear, the coffee-headed spider monkey, the white-headed capuchin monkey, the coastal howler monkey [or] the *pristimantis mutabilis* frog' (*amicus* brief Mónica Feria Tinta, my translation), without the effect on humans being an issue. This shows that in (strategically) mobilizing rights of nature, justice is claimed for both human and non-human subjects. In some cases, human subjects are silently included, while in other cases this is done more explicitly by mobilizing rights of nature in concert with other rights, such as the right to a healthy environment. Mobilizing rights of nature strategically with both human and non-human subjects in mind was not perceived as a contradiction, given their mutual dependence and relationality. Hence, many actors acting as *amici curiae* stressed humans' or humanity's dependence on nature for survival. The following quote by a representative of CONAIE (*Confederación de Nacionalidades Indígenas del Ecuador*), Ecuador's largest indigenous organization, whom I interviewed, illustrates this:

> The question is: Who is the holder of the rights of Mother Nature? Who defends the rights of Mother Nature? Mother Nature herself? A tree is not going to raise [its voice], a mountain is not going to raise [its voice], they are not going to say: 'Hey, respect my ownership'. It is the equilibrium that matters. For us, within the 21 collective rights [granted to indigenous people(s)], the most important right is the territory, the territory as a living entity, […] we are the ones who are living in the territory, the ones who have the ownership of the rights of Mother Nature, so if mining comes and we are not granted the right to free, prior and informed consultation, […] they are violating not only the rights of Mother Nature, but also of those of us who live with Mother Nature. [That is why] we have said that we are the ones who must defend the right of Mother Nature, as peoples and nationalities, but […] Mother Nature is not only for indigenous peoples, […] even if you are living here in the city, you need Mother Nature, if you do not find an equilibrium with nature, you will simply not be able to live anymore. (Interview, January 2023, my translation).

But not only does this member of the CONAIE directive stress humans' dependence on nature – regardless of whether 'they are indigenous' or 'live in the city' (an interesting dichotomy being made here) – he also makes it clear that, in the face of the Anthropocene crisis, nature or non-human others require humans to take action on their behalf, in this case, to take a stand for them and mobilize their rights. This obligation,

which at the same time is a necessity, results from mutual dependence, connectedness, and the idea of the territory as a living entity. This connectedness is also why, in the eyes of the CONAIE representative, rights of nature must necessarily be mobilized in concert with the right to political participation.

Apart from remaining an important 'category of analysis and action' (Zenker and Wolf 2024:202) in terms of who cares and needs to care, humans are also addressed as those that are 'responsible for ensuring that [different] subjects of justice get what is due to them' (Zenker and Wolf 2024:195). Since what I have analysed in this article are constitutional lawsuits, it is hardly surprising that the main actor to which responsibility is attributed is 'the state' (see also Affolter 2020). But the obligations that arise from constitutional rights also apply to others – 'individuals, communities, companies' (*amicus* brief Esperanza Martínez Yánez, my translation) – and were stressed in the constitutional lawsuits accordingly. That these are all humans is not something the people I have worked with dwelled on, simply taking it as a given. However, the *amicus* brief by the *Sociedad Ecuatoriana de Derecho Forestal y Ambiental* explicitly addresses this, stating that those who are made responsible must necessarily be humans, since 'the human being is the only species that has the capacity of discernment, the only one that can consciously bring about the destruction of the biosphere or contribute to its conservation' (*amicus* brief *Sociedad Ecuatoriana de Derecho Forestal y Ambiental*, my translation). In other words, humans are appealed to because of their capacity to act differently, and to understand that they need to do so (see also Zenker and Wolf 2024).

Embracing Anthropocentrism: Some Concluding Remarks

As shown above, rights of nature depend on humans as a 'category of analysis and action'. Though rather self-evidently, there is a shift in terms of who the *subjects of justice* are: these, in contrast to other environmental laws, do include non-human others as subjects, humans remain important as *agents of justice*, as those who are seen as 'responsible for ensuring that subjects of justice get what is due to them', and as *concerned agents*, those who care or, in other words, those who 'consider something to be due to someone (else)' in the first place (Zenker and Wolf 2024:195, 196). It could thus be argued that rights of nature, at least in theory, have the potential to overcome 'normative anthropocentrism' (Mylius 2018:159) – the assumption of human superiority – through their extension of care towards non-human others in the form of a new subject of rights and justice. However, they remain firmly rooted in 'descriptive anthropocentrism by separation', that is, the idea that 'human beings have some feature or capacity that 'separates' them from the rest of the universe (whatever that means)' (Mylius 2018:181). Or, in other words, the 'strict dividing line between humans and nonhumans' is not overcome (Schweitzer 2021:41). This leads me to two conclusions: first, that more conceptual clarity is needed when people writing about rights of nature

claim that they are breaking with 'anthropocentrism'; and second, that the denomination of rights of nature as posthuman or more-than-human is at best misleading, and potentially also harmful.

Doris Schweitzer (2021) criticizes the fact that rights of nature do not overcome the 'dividing line between humans and nonhumans' as a shortcoming. I choose not to do so, not only because the people I have worked with did not, but also for normative reasons. Yet, before turning to these normative reasons, I would like to remark that this does not equal fully embracing rights of nature and disregarding their shortcomings and/or silencing and racializing downsides. Both María Ximena González-Serrano (2024) and Diego Melo-Ascencio (2024) have shown how rights of nature can in practice be mobilized against subalterns, leading to the criminalization of local subsistence practices, for example, or to the silencing of (re)distributive justice claims. These critiques are not something I can discuss in detail here, because it would go beyond the scope of this article and because I still need to carry out more research on the 'implementation' of the court judgements and their effects. Nevertheless, I would like to share an observation from my fieldwork that speaks to these critiques and needs to be investigated and reflected on further. At a meeting I attended to discuss strategies on how to act towards the announced 'socialization events'[10] by ENAMI EP and Codelco, mainly attended by members from villages outside the direct area of influence of the mining project, an elderly man rose to his feet. He was visibly annoyed, stating right at the beginning that he is not in favour of mining.[11] But, he continued,

> whenever we farmers kill an animal or burn a bit of forest or sell a bit of wood, they put us behind bars, they give us fines, but the [mining] companies can do whatever they please. And the *ecologistas* just sit behind their desks, not understanding anything about [our] reality. (Field notes, January 2019)

Another man added in support: 'I don't support either of the two sides [*bandas*]. Neither the *mineros* nor the *ecologista*s are here for us. Nobody helps us. They don't support us when our crops are destroyed and we are forbidden to kill the creatures responsible' (field notes January 2019). The fieldwork episode implicitly illustrates that, although sometimes rights of nature are strategically mobilized for both human and non-human

10 Information events by the Ministry of Environment and/or mining companies are often referred to as *socializaciones*. In the cases against mining projects, the Ministry of Environment and mining companies have repeatedly argued that such *socializaciones* comply with the requirements of executive decree 1040 from May 2008, leading to the granting of social participation rights. Mining opponents, on the other hand, claim that these *socializaciones* and executive decree 1040 do not fulfil the specifics of the right to prior consultation, nor of the right to 'environmental consultation'. This argument was, for instance, also taken up by the second-instance court in the Llurimagua case.

11 This 'third position' between being an *ecologista* or a *minero* is not something I encountered often in Junín and Chalguayacu Alto, where mining had been an issue for a long time. However, in communities that had been less affected by mining still – like the community where this socialization event took place – it was more common.

subjects of justice, their respective needs being deeply entangled due to connectedness and mutual dependence, this must not always be the case. Claims to (re)distributive and ecological justice can also relate to each other in an antagonistic manner.

Each in their own way, Peter Burdon (2020), Alf Hornborg (2020) and Olaf Zenker and Anna-Lena Wolf (2024), take a stand towards embracing anthropocentrism, but with humility. This does not mean assuming human superiority over other beings in terms of values, or whom we should care for. Nor does it mean holding humans everywhere equally responsible for the Anthropocene crisis. And it does certainly not mean assuming that humans have the power to change everything according to their will with nature being designated 'the powerless other'. It merely implies acknowledging the fact that as a species, humans have the power to destroy the planet for us and many of its other inhabitants, as well as the ability – even if this is limited – and responsibility to act against this. If I choose not to regard holding on to the human as an important 'category of analysis and action' in rights of nature mobilization as a flaw, I do it in this sense.

As Zenker and Wolf argue in their introduction to this Special Issue (2024), whether one chooses to flatten the difference between humans and non-humans – to assume that there is something specific about human agency or not – is not provable and, thus, ultimately a question of belief. In making the choice to embrace anthropocentrism but with humility, I thus acknowledge and recognize this limitation. This choice is not meant to discredit the knowledges and beliefs of others – understood here not in a dualistic sense – but to take the 'recognition of our common limitations' (Graeber 2015:28) – the fact that ultimately we do not know – as a starting point to think together about what mutual care could and should look like, what obligations derive from this mutual care, and how to make these binding, instead of dwelling on questions of 'essence' or ontology. Therefore, the more pressing questions I think we need to address are first, whether in and with our legal systems, obligations reach far enough to address the root causes of the Anthropocene crisis, in which powerful policy-shaping actors in the age of global fossil capitalism remain 'beyond law's conceptual grasp' (Eckert and Knöpfel 2020:2), and second, what we need to do to change that.

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Politisches Chamäleon: Richard Thurnwald und seine kolonialethnologischen Ansätze in der NS-Zeit

Peter Rohrbacher
Institut für Sozialanthropologie der Österreichischen Akademie der Wissenschaften, Wien

Abstract: This study examines Thurnwald's colonial ethnological activities in the years 1935 to 1945, also taking into account the U.S. context. The first part deals with Thurnwald's academic position at the Friedrich-Wilhelms University in Berlin and his attempts to found an Institute for Ethnic Studies (Institut für Völkerforschung). The second part examines Thurnwald's conception of a practical colonial policy, which he had already developed in rudiments in the United States. Finally, the third section illustrates how Thurnwald's volatile behavior affected his interactions with selected colleagues. The sources are drawn from eleven archives in Austria, Germany, Great Britain, Italy, Switzerland, and the United States. Epistemologically and methodologically, a source analysis is pursued that combines the approaches of historical anthropology with those of contemporary history for specialized historiography of ethnology.
[history of anthropology, National Socialism, university history, racism, colonialism, functionalism]

Einleitung

Wie alle Hochschullehrer an der Friedrich-Wilhelms-Universität (FWU) zu Berlin musste auch Richard Thurnwald nach Kriegsende Rechenschaft über seine Tätigkeit im Nationalsozialismus ablegen. Im Fragebogen zur Feststellung der politischen Zugehörigkeit zum Nationalsozialismus gab Thurnwald an, er habe „dem Nationalsozialismus ablehnend" gegenübergestanden, zumal er „vom Auslande aus, von [den] USA und Australien, die Gefahren klar erkannte".[1] Er begründete das damit, dass er in den USA mit Franz Boas und dessen Schüler Edward Sapir „in freundschaftlicher Beziehung" gestanden habe. Zudem sei er der NSDAP gegenüber kritisch eingestellt gewesen und habe die Aufrufe zum Eintritt in die SS und in die Partei abgelehnt. Ebenso habe er sich „in Veröffentlichungen sachlich" verhalten und keine „propagandistischen Phrasen" verwendet, da sie ihm „mit ernstlicher wissenschaftlicher Arbeit" unvereinbar erschienen.[2] Solche Stellungnahmen finden sich nicht nur in behördlichen Schriftstücken, sondern auch in Thurnwalds privater Korrespondenz. In den Briefen nach Kriegsende an Carl G. Jung etwa, den er im Sommer 1939 auf der Eranos-Tagung

1 HU UA, PA nach 1945, Thurnwald, Bd. 7, ohne Blattangabe; Thurnwald an das Amt für Wissenschaft, 09.07.1945.
2 Ebd., Bl. 13–14, hier 13; Thurnwald an das Amt für Wissenschaft, 11.07.1945.

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in Ascona persönlich kennengelernt hatte (Thurnwald 1940a), spricht Thurnwald von den „Wahnsinnstaten der Nazi“[3] und vermerkt, dass die Deutschen „kollektiv gestraft“ seien, da „sie Hitler und das Nazitum nicht eher ausrotteten“[4]. Gegenüber dem US-amerikanischen Anthropologen Robert H. Lowie behauptete Thurnwald sogar, die Repressionen des Regimes gegen ihn seien so stark gewesen, dass er nur knapp einem Konzentrationslager entgangen sei.[5]

Lowie (1954:863), der aus Wien stammte, würdigte in seinem Nachruf Richard Thurnwald (geb. 1869 in Wien, gest. 1954 in Westberlin) als „one of the most productive ethnologists of his time“. Thurnwald gilt als Begründer der Ethnosoziologie und war ein Vertreter des Funktionalismus mit Schwerpunkt auf dem sozialen Wandel (Stagl 2022). Thurnwald habilitierte sich an der Vereinigten Friedrichs-Universität Halle-Wittenberg und erhielt 1923 die Lehrbefugnis für die Fächer Völkerpsychologie, Soziologie und Ethnologie in Berlin, wo er 1935 zum Honorarprofessor ernannt wurde. Von 1931 bis 1936 unterrichtete er in den Vereinigten Staaten und hielt Vorlesungen in Harvard, Yale und an der University of California. Mit der Wiedereröffnung der Berliner Universität 1946 wurde Thurnwald umgehend zum Professor für Ethnologie und Soziologie berufen (Scholze-Irrlitz 2024:390; Kreide-Damani 2024b, 2024c).

Thurnwalds Bild als Gegner des Nationalsozialismus war in der unmittelbaren Nachkriegszeit nicht nur im deutschsprachigen Westen bestimmend und wurde trotz kritischer Äußerungen aus den USA (Bohannan 1948) über Jahrzehnte hinweg bewahrt, wozu auch Thurnwalds Schülerkreis beitrug (Eberhard 1968). Selbst im Jahr 2010 stuften die Herausgeber der bekannten *Routledge Encyclopedia of Social and Cultural Anthropology* Thurnwald noch als „entschiedenen Gegner der Nazis“ (outspoken opponent of the Nazis) ein (Barnard and Spencer 2010:750). Ab den späten 1970ern entstanden aber auch Gegendarstellungen, die deutlich machten, dass Thurnwalds Eigendarstellung nicht kohärent war (Timm 1977; Poewe 2005; Steinmetz 2009, 2010). Dies führte zu gegensätzlichen Positionen, die in ihrer Extremform unvereinbar sind. Die eine Seite betont Thurnwalds Kolonialambitionen während der NS-Zeit und bezichtigt ihn der Kollaboration, die andere Seite akzentuiert Thurnwalds Ablehnung des Nationalsozialismus im US-amerikanischen Kontext und argumentiert ferner, dass Thurnwald unter dem NS-Regime kein Ordinariat erhielt und zudem parteilos war (Melk-Koch 1989). George Steinmetz (2009:93, 2015:64), der diesen widersprüchlichen Befund erstmals untersuchte, schätzte Thurnwald als „hochadaptive“ Persönlichkeit ein und attestierte ihm einen „gespaltenen Habitus“ im Sinne Bourdieus, das Profil „eines Menschen ohne feste Eigenschaften“ (Steinmetz 2010:25).

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3 Hochschularchiv der ETH Zürich, 1807-7:Hs 1056, Bl. 11671; Thurnwald an C. G. Jung, 28.06.1945.

4 Ebd., Bl. 12817; Thurnwald an C. G. Jung, 14.02.1946.

5 „Thus I had to leave Berlin in 1943, in order to escape concentration camp“ (UC BL, Lowie Papers; Thurnwald an Lowie, 05.02.1947). Vgl. Rohrbacher 2024.

Die vorliegende Studie untersucht Thurnwalds kolonialethnologische Tätigkeit in den Jahren 1935 bis 1945 unter Berücksichtigung des US-amerikanischen Kontextes. Sie ist in drei Abschnitte gegliedert: Der erste Teil befasst sich mit Thurnwalds akademischer Stellung an der FWU zu Berlin und seinen Versuchen, ein „Institut für Völkerforschung" zu gründen. Der zweite Teil beschäftigt sich mit Thurnwalds Konzeption einer praktischen Kolonialpolitik, die er in Ansätzen bereits in den USA entwickelt hatte. Der dritte Abschnitt veranschaulicht, wie sich Thurnwalds opportunistisches Verhalten auf seine Interaktionen mit ausgewählten Kollegen auswirkte. Die Arbeit steht in der theoretischen Tradition des US-amerikanischen Anthropologiehistorikers George W. Stocking, der der biografischen, institutionellen und historischen Kontextualisierung ausdrücklich den Vorrang vor präsentistischen Zugängen einräumt (Bashkow 2019). Epistemologisch und in methodischer Hinsicht wird eine Quellenanalyse verfolgt, die für die ethnologische Fachgeschichtsschreibung die Ansätze der historischen Anthropologie mit denen der Zeitgeschichte verbindet (Gingrich and Rohrbacher 2021:26–28).

Honorarprofessur und Gründungsversuche eines Instituts für Völkerforschung 1935–36

An der FWU zu Berlin waren die Fächer Ethnologie und Anthropologie in der Person Felix von Luschans noch vereinigt. Bei den Verhandlungen um seine Nachfolge wurden die Fächer dann getrennt. Eugen Fischer wurde 1927 für das Fach der Anthropologie berufen, während die Ethnologie unbesetzt blieb. Seit seiner Ernennung zum nichtbeamteten außerordentlichen Professor am 12. März 1925[6] war Thurnwald in der Position, „der einzige Vertreter der allgemeinen Ethnologie" an der FWU zu Berlin zu sein.[7] 1929 unterbreitete das Dekanat dem Ministerium für Wissenschaft, Kunst und Volksbildung den Vorschlag, Thurnwalds Stelle mit einem „Ordinariat für Völkerkunde" zu besetzen.[8] Diese Bemühungen scheiterten jedoch und wurden erst in der NS-Zeit wieder aufgegriffen. Die nächste Initiative erfolgte im November 1934 durch Ludwig Bieberbach, Dekan der Philosophischen Fakultät der FWU zu Berlin. Er holte ein entsprechendes Gutachten ein, das von Fritz Krause verfasst wurde und die internationale Bedeutung Thurnwalds für die Ethnologie hervorhob (Melk-

6 HU UA, Phil. Fak. 01/1471, Bl. 354; gez. Becker an den Dekan, 12.03.1925.
7 HU UA, Phil. Fak. 01/1474, Bl. 218–222, hier 220; Dekan und Professoren an den Minister für Wissenschaft, Kunst und Volksbildung, 02.09.1929.
8 Ebd., Bl. 219.

Koch 1989:268; Gohm-Lezuo and Gingrich 2021:430).[9] Mitte Februar 1935 teilte das Reichswissenschaftsministerium (RWM)[10] dem Dekanat zunächst mit, dass es mit „lebhaftem Bedauern" nicht in der Lage sei, Thurnwald einen „planmäßigen ordentlichen Lehrstuhl" zu verleihen, da er die gesetzliche Altersgrenze von 65 Jahren bereits überschritten habe. Franz Bachér, damals kommissarischer (ab April 1935 regulärer) Leiter der Hochschulabteilung im Wissenschaftsamt des RWM, fand jedoch einen Kompromiss: „Ich beabsichtige nunmehr, Dr. Thurnwald zum Honorarprofessor zu ernennen und ihm Sitz und Stimme in der engeren Fakultät zu verleihen unter gleichzeitiger Erhöhung seiner Lehrauftragsvergütung."[11]

Die Beförderung Thurnwalds beruhte somit auf einer gemeinsamen Initiative der Universität und des Ministeriums. Seine Ernennung zum Honorarprofessor erfolgte „namens des Führers und Reichskanzlers" am 14. März 1935. Theodor Vahlen, der Leiter des Amtes Wissenschaft im RWM, verdoppelte im Einvernehmen mit dem Finanzminister Thurnwalds Lehrbezüge zum 1. April 1935 von 300 auf 600 Reichsmark pro Monat.[12] Der neue Arbeitsvertrag blieb wie bisher befristet, hatte aber den entscheidenden Vorteil, dass er an keine Altersgrenze gebunden war.

All diese beruflichen Verbesserungen blieben Thurnwald zunächst verborgen. Er befand sich zu diesem Zeitpunkt auf einem Ozeandampfer, der ihn von seiner „Südseeexpedition" von Sydney in die USA brachte. Den ministeriellen Bescheid erhielt er über den universitären Verwaltungsdirektor Ende Juni zugestellt, nachdem er nach Berlin zurückgekehrt war. Sein Aufenthalt war aber nur vorübergehend, denn er hatte eine Einladung erhalten, ab September Gastvorlesungen an der Universität Yale zu halten. Die Beförderung zum Honorarprofessor entsprach nicht den Erwartungen Thurnwalds. Er wollte ein Ordinariat. Um sein Karriereziel zu erreichen, wandte er sich an Eugen Fischer und bat den vormaligen Rektor (1933/34) um Unterstützung. Fischer beantragte am 9. August 1935 beim Rektorat, einen Lehrstuhl für Völkerkunde einzurichten und mit Thurnwald zu besetzen. Dieser sei ein „völkerkundlicher Forscher von Weltruf", so Fischers Begründung. Es müsse alles getan werden, um Thurnwald in Berlin zu halten.[13] Dekan Bieberbach holte daraufhin eine politische Stellungnahme des zuständigen Dozentenführers ein. In seinem Gutachten befürwortete Wenzeslaus Graf von Gleispach die Einrichtung eines solchen Lehrstuhls, lehnte Thurnwald aber mit der Begründung ab, er sei kein Nationalsozialist:

> Die Dozentenschaft begrüsst den Antrag Prof. Fischer, einen Lehrstuhl für Völkerkunde zu gründen und auszustatten. Gegen die Person des Prof. Thurnwaldt

9 HU UA, Phil. Fak. 01/135, Bl. 20–26, hier Bl. 22; Krause an Dekan Bieberbach, wissenschaftliches Gutachten zu Thurnwald und Walter Lehmann, 01.11.1934.

10 Reichsministerium für Wissenschaft, Erziehung und Volksbildung, gegr. 1934.

11 HU UA, Phil. Fak. 01/1479, Bl. 156; gez. Bachér an Dekan Bieberbach, 18.02.1935.

12 Ebd., Bl. 160; gez. Vahlen an Dekan Bieberbach, 14.03.1935. Dieser Erlass ist auch abgelegt in HU UA, PA nach 1945, Thurnwald, Bd. 1, Bl. 44.

13 HU UA, PA nach 1945, Thurnwald, Bd. 5, Bl. 1h; Fischer an Dekan Bieberbach, 09.08.1935.

> [sic] dagegen habe ich Einwendungen zu erheben, da Thurnwaldt [sic] einmal die Altersgrenze bereits überschritten hat und sich gewiss eine Reihe jüngerer Gelehrten finden liess [sic], er andererseits politisch auch nicht als Nationalsozialist zu bezeichnen ist.[14]

Das politische Urteil hatte durchaus Gewicht, zumal es von einem Juristen kam, der wie Thurnwald aus Österreich stammte. Gleispach war von 1916 bis 1933 Professor für Strafrecht an der Universität Wien, 1925 deren Dekan und von 1929 bis 1933 Rektor gewesen. Wegen seiner Unterstützung für die Nationalsozialisten und seines offenen Widerstands gegen die christlich-autoritäre Regierung wurde Gleispach Ende Oktober 1933 ohne Disziplinarverfahren in den Ruhestand versetzt. Nach seiner Flucht aus Österreich erhielt er 1934 an der FWU zu Berlin den Lehrstuhl des vertriebenen Professors James Goldschmidt. Dem Dekan waren die Hände gebunden. Thurnwald war kein Mitglied der NSDAP und seine Angaben im „Personalblatt", das dem Dekanat Ende Juni 1935 übergeben wurde, stützten die nationalsozialistische Gesinnung nicht. Unter der Rubrik „Politische Tätigkeit" hatte Thurnwald mit Schreibmaschine eingetragen: „keine offizielle, doch war meine Einstellung immer sehr national, wie einerseits aus meiner Tätigkeit in der Ges.[ellschaft] f.[ür] Rassenhygiene hervorgeht, andererseits aus meiner österreichischen Vergangenheit".[15] Dieser Eintrag wurde dann aber mit einem Rotstift gestrichen. Auf der Karteikarte, die dem RWM übergeben wurde, blieb das Feld „Politische Tätigkeit" völlig leer.[16] Thurnwald füllte zwar eine weitere Karteikarte aus, in der er unter der Rubrik „Mitgliedschaft in nationalen Verbänden" zusätzlich angab, 1919 Mitglied der „Brigade Reinhardt" [sic] in Berlin gewesen zu sein (ein Freiwilligenregiment, das den Namen des Kommandeurs und späteren SS-Obergruppenführers Wilhelm Reinhard trug) und 1921 an den „Kämpfen gegen die Kommunisten" in Halle teilgenommen zu haben. Die Karte enthält jedoch keinen amtlichen Vermerk oder Stempel, weshalb ihr offizieller Charakter fraglich ist.[17]

So begann Thurnwald im September 1935 seine einjährige Gastprofessur an der Yale University, ohne sein Karriereziel in Berlin erreicht zu haben. Der Beginn der Vorlesungen fiel mit der Einführung der Nürnberger Rassengesetze in Deutschland zusammen, deren Folgen auch an Thurnwald nicht spurlos vorübergingen. Er war mit zahlreichen jüdischen Kollegen in Deutschland befreundet. Die rassistische Diskriminierung trieb sie ins Exil, und sie wandten sich an Thurnwald in den USA, um Hilfe zu erhalten. Drei Fälle lassen sich aus dem Briefwechsel zwischen Thurnwald und Boas rekonstruieren. Ende 1935 schrieb Thurnwald aus New Haven an Boas in New York: „The first case is that of a psychiatrist who, for obvious reasons, has to leave Germany." Es handelte sich um den Psychiater Dr. Bergenau, der in seiner Not den

14 Ebd., Bl. 3; Gleispach an Rektor Krüger, 07.09.1935. Poewe (2005:642) gibt hier ein falsches Datum an, auch der Name des Dozentenführers wird nicht genannt.
15 HU UA, PA nach 1945, Thurnwald, Bd. 1, ohne Blattangabe.
16 BArch, R 4901/13278, Kartei-Nr. 9692, Richard Thurnwald.
17 HU UA, PA nach 1945, Thurnwald, Bd. 1, ohne Blattangabe.

Wunsch äußerte, sich in den USA niederzulassen. Boas wurde damals mit zahlreichen Anfragen konfrontiert, schien überfordert und antwortete: „I am absolutely unable to do anything for Bergenau."[18]

Der zweite Fall betraf Hertha Weiss, die als Germanistin beim Buch- und Kunstantiquariat Gilhofer und Ranschburg in der Wiener Innenstadt arbeitete. Sie sei die Tochter eines „alten Freundes von mir", schrieb Thurnwald nach New York. „Her father is ‚non-arian' [sic] and she is consequently faced with difficulties in her career." Sie wolle nach Amerika kommen und denke an eine Stelle in einem der Antiquariate in New York.[19] Auch hier war Boas skeptisch: „In my opinion the chances for your friend's daughter are very poor because no subject is more difficult at the present time than the Germanic Department of Universities who are all trying to make their peace with the Nazis."[20] Schließlich wandte sich Boas an das internationale Verlagshaus Westermann & Co in New York.[21] Ein paar Wochen später berichtete Thurnwald sichtlich erleichtert, dass Weiss bereits in brieflichem Kontakt mit dem Verleger Stechert in der New Yorker Niederlassung stehe: „This seems to be the most promising case."[22] Es bleibt allerdings unklar, ob dieser Auswanderungsplan dann tatsächlich aufgegangen ist.

Der dritte Fall betraf den deutschen Sprachwissenschafter Ernst Lewy, der an der FWU zu Berlin eine ähnlich prekäre Stellung innehatte wie Thurnwald. Seit 1925 war er Titularprofessor und damit ein nichtbeamteter außerordentlicher Professor. 1933 wurde er aufgrund seiner jüdischen Herkunft zunächst entlassen, wenige Monate später aber wieder eingestellt. Im Oktober 1935 wurde Lewy beurlaubt und am 31. Dezember 1935 endgültig in den Ruhestand versetzt.[23] Zehn Tage später erhielt Thurnwald von ihm aus Berlin die bedrückende Nachricht: „Meine Lage hat sich ganz automatisch geregelt: nach meiner Beurlaubung bin ich den Ruhestand versetzt worden mit etwa einem Drittel meines bisherigen Gehalts ..... Es wird allmählich dringend." Thurnwald leitete diese Briefzeilen an Boas weiter und betonte, Lewy „would take ANY job that permits his living". Wichtig sei eine Zusage, damit er eine Einwanderungserlaubnis in die Vereinigten Staaten erhalten könne.[24] Boas empfahl Thurnwald, sich in diesem Fall an Waldo G. Leland vom American Council of Learned Societies in Washington, D.C., zu wenden, da dieser mit der linguistischen Arbeit an allen Universitäten vertraut war.[25] Trotz des vielversprechenden Kontakts erreichte Thurnwald sein Ziel nicht. In seiner Ohnmacht schrieb er am 15. März 1936 an Boas: „I know Lewy for long time

18 APS, FBP, Mss.B.B61; Boas an Thurnwald, 10.02.1936.
19 Ebd.; Thurnwald (aus New Haven) an Boas, 17.12.1935.
20 Ebd.; Boas an Thurnwald, 20.12.1935.
21 Ebd.; Thurnwald (aus New Haven) an Boas, 09.01.1936.
22 Ebd.; Thurnwald (aus New Haven) an Boas, 14.02.1936.
23 https://zflprojekte.de/sprachforscher-im-exil/index.php/catalog/l/317-lewy-ernst#_edn6 (accessed September 8, 2024).
24 APS, FBP, Mss.B.B61; Thurnwald (aus New Haven) an Boas, 09.01.1936.
25 Ebd.; Boas an Thurnwald, 15.01.1936.

and must say that there are few scientists so modest and so concentrated and interested in their work like Ernst Lewy. Even the Nazi Government enabled him to continue his research work tow [sic, „two"] years until the Nürnberg Laws hit him also."[26] Doch Boas winkte ab. „I wish I knew what I can do for Prof. Lewy", antwortete er nach New Haven.[27] Alle Vermittlungsversuche Thurnwalds scheiterten letztlich. Lewy gelangte schließlich mit Hilfe des Ägyptologen Alan Gardiner nach Irland, wo er ab 1937 lebte und ab 1939 an der Royal Irish Academy und am Dubliner University College arbeitete.[28]

Diese redlichen Bemühungen, jüdischen Bekannten aus Deutschland und Österreich in den Vereinigten Staaten zu helfen, standen jedoch in Widerspruch zu Thurnwalds eigenen Karriereplänen. Sein Vorhaben, ein eigenes Institut an der FWU zu Berlin zu gründen, entsprach ausdrücklich den Zielen des NS-Staates, die ehemaligen deutschen Kolonien zurückzugewinnen. Ende Januar 1936 begann unter der Ägide des Präsidenten des Reichskolonialbundes, Heinrich Schnee, die organisatorische und ideologische Gleichschaltung aller Kolonialverbände (Hildebrand 1969:879–880, Dok. Nr. 30 und 31). Thurnwald war offensichtlich über diese Veränderungen in Deutschland informiert. Am 9. Februar 1936 wandte sich er aus New Haven mit seinem Instituts-Anliegen erneut an Eugen Fischer. „Der koloniale Gedanke", leitete er sein Schreiben ein, sei nun in Deutschland offiziell anerkannt, was seine „Situation vielleicht günstig" beeinflussen könne. Weitere Erklärungen seien überflüssig, da alles bereits im letzten Sommer „durchbesprochen" worden sei. Er begründete sein Vorhaben gegenüber Fischer mit einem Bekenntnis zum NS-Staat:

> Ich brauche nicht zu erwähnen, dass ich am liebsten in meinem Vaterlande arbeiten, und meine Kenntnisse dort, vor allem der heranwachsendenden Generation meines Volkes, zur Verfügung stellen möchte, vorausgesetzt, dass das gewünscht wird. Über meine politische Einstellung, die Sie seit Jahren kennen, brauche ich kein Wort zu verlieren.[29]

Da er keine Antwort erhielt, ergriff er einige Wochen später selbst die Initiative und reichte am 22. April 1936 bei Dekan Bieberbach ein Exposé zur Gründung eines Instituts für Völkerforschung ein.[30] In seinem zweiten Versuch ordnete Thurnwald sein Projekt ganz der ideologischen Ausrichtung des NS-Staates unter. „Ich würde mich freuen", eröffnete Thurnwald sein begründendes Begleitschreiben an den Dekan,

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26 Ebd.; Thurnwald (aus New Haven) an Boas, 15.03.1936.

27 Ebd.; Boas an Thurnwald, 18.03.1936.

28 https://zflprojekte.de/sprachforscher-im-exil/index.php/catalog/l/317-lewy-ernst#_edn6 (accessed September 8, 2024).

29 HU UA, PA nach 1945, Thurnwald, Bd. 5, Bl. 5–6; Thurnwald (aus New Haven) an Fischer, 09.02.1936.

30 Ebd., Bl. 7–12; Thurnwald (aus New Haven), Begleitbrief und Entwurf eines Planes für ein INSTITUT FÜR VÖLKERFORSCHUNG, 22.04.1936. Herv. im Orig.

„… die Erfahrungen, besonders der letzten fünf Jahre, die dem deutschen Vaterland keinen Pfennig gekostet haben, in den Dienst des nationalsozialistischen Staats zu stellen."[31] Thurnwald präsentierte sich als strammer Nationalsozialist und verwies auf seine organisatorische Tätigkeit in der Berliner Gesellschaft für Rassenhygiene im Jahr 1910, in der er bereits damals „nationalsozialistische Gedankengänge in Berlin" propagiert habe. Um seine Glaubwürdigkeit vor dem Dekan zu erhöhen, verfiel er schließlich in eine rassistische, dem Nazi-Jargon entlehnte Argumentationslinie:

> Später kämpfte ich in der ‚Zeitschrift für Völkerpsychologie und Soziologie' * SOCIOLOGUS * gegen die völlig marxistisch talmudistisch verseuchte Soziologie, wie sie von einer Gruppe besonders Frankfurter Juden in Deutschland vertreten wurde, die auch andere in ihren Bannkreis zog. Ich stellte damals die amerikanische nicht-jüdisch-beherrschte Soziologie, die auf Tatsachenforschung gerichtet ist und realistischer vorgeht, der verjudeten deutschen Soziologie gegenüber.[32]

Ein Vergleich der Briefe, die Thurnwald innerhalb weniger Tage von New Haven aus an Boas, Lowie und an hochrangige akademische NS-Vertreter schickte, zeigt zweifelsfrei, dass sie sogar mit derselben Schreibmaschine getippt wurden (Rohrbacher 2024). Thurnwald war offenbar der Auffassung, dass zwei völlig konträre ethische Einstellungen miteinander vereinbar seien. Sein Antisemitismus, der hier unverblümt zum Ausdruck kommt, war offensichtlich zielgerichtet und opportunistisch. Der Dekan Ludwig Bieberbach war einer der eifrigsten Nationalsozialisten an der FWU zu Berlin. Wegen seiner aktiven Beteiligung an der Verfolgung jüdischer Gelehrter wird er in der Berliner Universitätsgeschichte als „Großinquisitor der Universität" bezeichnet (Kinas 2012:382). Thurnwalds Kalkül ging jedoch nicht auf. Weder vom Ministerium noch vom Dekanat erhielt er eine Rückmeldung. Auch sein zweiter Versuch verlief im Sand.

Ein vergleichbarer Widerspruch lässt sich in Thurnwalds kolonialer Position erkennen. So war sein geplantes Institut an der FWU zu Berlin vor allem der Kolonialpolitik gewidmet, um im Hochland der ehemaligen deutschen Kolonie Ostafrika „geschlossene Siedlungsgebiete" für Weiße vorzubereiten. Um Plantagenland für die europäischen Siedler zu gewinnen, sollten Autochthone in das Tiefland umgesiedelt werden.[33] In diesem Entwurf war also eine auf „Rassentrennung" basierende Reservatspolitik, wie sie Thurnwald nach seiner Rückkehr nach Berlin weiter elaborieren sollte, bereits angelegt. Das ist deshalb bemerkenswert, weil er noch 1935 in seiner umfangreichen und sehr fundierten Studie über Ostafrika, an der auch seine Frau Hilde mitgearbeitet hatte, das Kolonialthema völlig ausgeklammert hatte (Thurnwald 1935; Linton 1936). Thurnwald reichte am 5. Mai 1936 von New Haven aus fünf Lehrveranstaltungen für das Wintersemester 1936/37 an der FWU zu Berlin ein, darunter zwei zur Kolonial-

31 Ebd., Bl. 7.
32 Ebd., Bl. 8. Vgl. Poewe 2005:642.
33 Ebd., Bl. 10. Herv. im Orig.

politik.[34] Im Begleitschreiben an Dekan Bieberbach betonte er, dass er „die Vorlesungen im Sinne" seiner Ausführungen im Institutsentwurf gestaltet habe.[35]

Nur wenige Tage später, am 8. und 9. Mai 1936, beteiligte sich Thurnwald am Symposium „The Crisis of Modern Imperialism in Africa and the Far East" des Social Sciences Department der Howard University, einer historisch für afroamerikanische Studierende eingerichteten Universität in Washington. Zu den Rednern zählten Melville J. Herskovits und der exilierte deutsche Rechtssoziologe Julius Lips, der einige Monate später dort zu lehren begann (Harms 2010:376; Kreide-Damani 2010:156–157, 2024a:74). Thurnwald hielt einen Vortrag über die Verhältnisse in Ostafrika und diskutierte mit Vertretern aus Afrika, China und Indien sowie mit „farbigen Amerikanern" über die „Krise des Imperialismus". Dabei vertrat er die Ansicht, dass die „Kolonialpolitik" reformiert werden müsse, um der neuen Generation von „Eingeborenen" Rechnung zu tragen, die von Europäern in den Schulen unterrichtet werden. Der Imperialismus sei die koloniale „Hybris", die arrogante Anmaßung der Herrschenden, die unweigerlich zu ihrem Untergang führe (Thurnwald 1936:80; Steinmetz 2010:25). Weitere Redner waren Benjamin H. Kagwa, Peter Mbiyu Koinange, Hansu Chan und Haridas T. Muzumdar,[36] die alle bereits antikoloniale Schriften veröffentlicht hatten. Thurnwald verfolgte zu diesem Zeitpunkt offenbar eine Doppelstrategie, die es ihm ermöglichte, sich seine berufliche Laufbahn sowohl in den USA als auch im nationalsozialistischen Deutschland offenzuhalten.

Praktische Kolonialpolitik unter dem Nationalsozialismus

Nachdem Thurnwald im Herbst 1936 nach Deutschland zurückgekehrt war, gab er sein altruistisches Engagement der bisherigen US-amerikanischen Kontexte vollständig auf. Auch seine Kritik am Nationalsozialismus, die er im Jahr 1933 brieflich an Boas geäußert hatte (Melk-Koch 1989:272; Steinmetz 2010:25),[37] verstummte völlig. Nach dem Krieg rühmte sich Thurnwald, dass er den „Hitler-Eid" nicht geleistet habe.[38] Das hatte ihn aber nicht daran gehindert, Adolf Hitler kurz nach der gewalt-

34 Ebd., Bl. 19; Lehrveranstaltungen, Thurnwald (aus New Haven) an Dekan Bieberbach, 05.05.1936.
35 Ebd., Bl. 18; Thurnwald (aus New Haven) an Dekan Bieberbach, 05.05.1936.
36 Howard University Archives; Program of the Second Annual „Conference on World Problems" held under the auspices of the Division of Social Sciences of Howard University, Washington D.C., 8–9 May, 1936.
37 APS, FBP, Mss.B.B61; Thurnwald an Boas, 26.03., 30.03. und (aus Sydney) 12.09.1933.
38 HU UA, PA nach 1945, Thurnwald, Bd. 6, Bl. 224; Thurnwald an Dekan Deubner, 25.07.1945. Vgl. auch ARAI, Germany 95/20/1; Thurnwald an den Präsidenten des Royal Anthropological Institute, 07.09.1945.

samen Annexion Österreichs öffentlich einen „genialen Führer“ zu nennen.[39] Von nun an richtete er seine gesamte wissenschaftliche Arbeit, die sich hauptsächlich mit der praktischen Kolonialpolitik befasste, auf den NS-Staat aus. Seine Schriften bezogen sich ausdrücklich auf die „Kolonialschuldlüge“ (Gründer 2018:165; Krause 2007), ein propagandistisches Schlagwort, das 1924 von Heinrich Schnee (1940 [1924]), dem letzten Gouverneur von Deutsch-Ostafrika, geprägt wurde. Schnees Buch avancierte zum internationalen Sprachrohr des deutschen Kolonialrevisionismus und wurde 1926 ins Englische, 1928 ins Französische und 1941 ins Italienische übersetzt. Es sollte die Behauptungen der großen Kolonialmächte Großbritannien und Frankreich widerlegen, Deutschland habe seine Kolonien schlecht verwaltet und die Einheimischen grausam behandelt. Diese propagandistische Rechtfertigung bildete unter dem NS-Regime eine wichtige Argumentationsbasis, um sich die Kolonien in Afrika militärisch anzueignen. Thurnwald, der Schnee persönlich kannte und mit ihm in Korrespondenz stand[40], griff in seinem 1937 erschienenen und prominent platzierten Aufsatz *Die Kolonialfrage* ausdrücklich auf diese Rechtfertigungskampagne zurück: „Das Brechen der sog. Koloniallüge, der Verleumdung, die im Versailler Vertrag kodifiziert wurde, daß Deutschland seine Kolonien schlecht verwaltet habe. Diese Verleumdung ist von gegnerischer Seite wiederholt als unstichhaltig erklärt worden“ (Thurnwald 1937:66). Solche Aussagen finden sich nur bei wenigen deutschen Ethnologen aus der Zeit vor Beginn des Zweiten Weltkrieges. Der letzte Satz weist Thurnwald zweifellos als einen Vertreter des Kolonialrevisionismus in der NS-Zeit aus: „Deutschland kann aber nicht umhin, seine Forderung nach Kolonien aufrechtzuerhalten, gerade unter den Verhältnissen, die ihm aufgezwungen worden sind“ (ebd.:86).

In den nächsten Jahren bis zum Kriegsausbruch entwickelte Thurnwald ein komplettes Programm für die zukünftigen Kolonien. Es umfasste die europäische Besiedelung und die Kolonialbevölkerung unter dem Gesichtspunkt der wirtschaftlichen Entwicklung. Der Anbau von Baumwolle, Kaffee, Tee, Kakao und Sisal sollte ausgeweitet werden, um Deutschland ökonomisch unabhängiger zu machen. Thurnwald empfahl eine Dreiteilung jeder Kolonie in ein weißes, ein schwarzes und ein gemischtes Siedlungsgebiet (Thurnwald 1938a:60; Linne 2008:68–69). Ersteres sollten geschlossene Siedlungsgebiete in den kühleren Hochländern sein, vorzugsweise in Ostafrika und Kamerun. Thurnwald veranschlagte eine Gesamtzahl von 10.000 europäischen Familien, wobei er 5000 für Ostafrika, 3000 für Kamerun, 1000 für Südwestafrika, 500 für Togo und 500 für das Hochland von Neuguinea berechnete (Thurnwald 1938a:57). In diesen weißen Siedlungsgebieten wäre den Einheimischen der Aufenthalt untersagt. Die Einheimischen, denen der Klimawechsel nicht so viel ausmache wie den Europäern, sollten nach dem Vorbild der Briten in Kenia vom Hochland in

39 BArch, R 1001/6267/1, Bl. 5–17, hier 5; Vortrag, Thurnwald: Europäer und Eingeborener im tropischen Afrika, 17.03.1938.

40 GStA PK, VI HA, Nachlass Schnee, H, Nr. 54, Bl. 21–22; Thurnwald an Schnee, 14.04.1930; Schnee an Thurnwald, 19.04.1930.

die Ebene aus- bzw. umgesiedelt werden. Thurnwald nahm in Kauf, dass die Durchführung einer solchen Dreiteilung „nicht ohne gewisse Gewaltmaßnahmen" geschehen werde. Umgekehrt hätten die Weißen keinen Zutritt zu den Reservaten, mit Ausnahme von Ärzten, Missionaren und Technikern (Thurnwald 2001 [1938]:617). Den Einheimischen werde es gestattet, für ihren eigenen Bedarf oder für den europäischen Markt zu produzieren. Die Reservate sollten volle Selbstverwaltung erhalten, aber unter der Oberaufsicht eines „deutschen Residenten" stehen, der in Völkerkunde ausgebildet sein müsste (Thurnwald 1937:83, 2001 [1938]:625). Thurnwald orientierte sich an der „indirekten Herrschaft", allerdings mit dem Zusatz, dass diese quasibritische Kolonialmethode in ihrer praktischen Verwaltung nationalsozialistisch sein müsse (Thurnwald 2001 [1938]:617, 1939b:15). In seinen kolonialen Schriften argumentierte Thurnwald wie ein Kolonialpolitiker und verwischte zunehmend die Grenzen zwischen Wissenschaft und Politik.

In Ostafrika betrachtete Thurnwald die indischen Kleinhändler aus Gujarat als eine „Belastung" und empfahl, nur jenen Indern den Aufenthalt zu gestatten, die vor 1914 eingewandert waren. Die anderen Inder sollten ausgewiesen und „dem britischen Imperium zur Verfügung" gestellt werden (Thurnwald 1937:85). Die rassistische Segregationspolitik in Südafrika verteidigte er, da dort dieser Grundsatz auch „dem Gefühl der Eingeborenen" entspreche. Die Segregation sei „etwas Natürliches und das Gegenteil nur durch Missionare, Schwärmer oder Verhetzer in die Afrikaner hineingebracht worden" (Thurnwald 2001 [1938]:626). Thurnwald ordnete sein kolonialpolitisches Programm dem rassenbiologischen Standpunkt unter, der die „Lehre von der Rassengleichheit" ablehnte und im Gegensatz dazu die „Besonderheit der Rassenveranlagung" hervorhob (Thurnwald 1938a:62). Von seiner 1924 geäußerten Kritik an der Übertragung von Konzepten aus der Zoologie und Biologie auf die Sozialwissenschaften (Thurnwald 1924; Amidon 2008:128–129; Stagl 2022:207) war im nationalsozialistischen Kontext kaum etwas übrig geblieben.

Sein nationalsozialistisches Kolonialprogramm stellte Thurnwald 1938 in drei Vorträgen mit nachhaltiger Wirkung vor. Am 17. März 1938 sprach er in Berlin vor dem Deutschtumverein „Vereinigung für deutsche Siedlung und Wanderung". Sonderdrucke seines Vortrages *Europäer und Eingeborener im tropischen Afrika* wurden über das Auswärtige Amt an sieben deutsche Gesandtschaften und Konsulate in Afrika verschickt.[41] Am 11. Juli 1938 legte Thurnwald der Akademie für Deutsches Recht einen vertraulichen Bericht über die Organisierung der „Eingeborenenarbeit" in Ostafrika und ihre Gestaltungsmöglichkeit auf nationalsozialistischer Grundlage vor. Vermutlich gelang es ihm damit, in die Geschäftsleitung der *Zeitschrift für vergleichende Rechtswissenschaft* aufgenommen zu werden. Schließlich nahm Thurnwald im Oktober 1938 an der „Volta-Tagung" in Rom teil. Die einwöchige Konferenz war dem Thema Afrika gewidmet und wurde von der Fondazione Alessandro Volta der italienischen Akade-

41 BArch, R 1001/6267/1, Bl. 4; Auswärtiges Amt an die deutschen Gesandtschaften und Konsulate Pretoria, Addis Abeba, Monrovia, Windhoek, Durban, Lourenço Marques und Nairobi, 10.05.1938.

mie der Wissenschaften und von führenden Afrika- und Kolonialwissenschaftern aus Politik und Wirtschaft aus 14 europäischen Ländern organisiert. Zu den Referenten gehörten ehemalige deutsche Kolonialbeamte wie Friedrich von Lindequist und Albert Hahl, die Thurnwald persönlich kannte (Buschmann 2003:241). Mit dieser Konferenz, wenige Tage nach dem Münchner Abkommen, verfolgte das faschistische Italien die Anerkennung seiner Eroberungen in Afrika sowie den Anspruch auf eine führende Rolle in der Kolonialpolitik unter den europäischen Mächten (Stoecker 2008:272). In seinem Vortrag elaborierte Thurnwald das Verhältnis zwischen Europäern und Einheimischen. Die Kolonisation bewirke bei den Einheimischen einen Umstellungsprozess, der in fünf Phasen ablaufe, beginnend mit der Ablehnung und endend mit einem Zustand des Gleichgewichts, in dem das Fremde assimiliert sei (Thurnwald 1939c:568, 1942a, 1942b). In der Abschlussdiskussion verteidigte Thurnwald seinen kolonialpolitischen Ansatz, der sich auf die Rassenbiologie stützte. Die „Trennung der Rassen", so Thurnwald, sei „ein Gebot, das Weiss und Schwarz in gleicher Weise zu Gute" komme. „Indem wir gegen Vermischung und für Trennung der Rassen eintreten, betätigen wir unsere Liebe sowohl für den Afrikaner als auch für uns, was immer für eine[r] Nation Europas wir angehören" (Thurnwald 1939d:1570). Der schwedische Tagungspräsident Gerhard Lindblom, der seine ethnologischen Feldforschungen in Britisch-Ostafrika durchgeführt hatte, bekräftigte Thurnwalds koloniales Plädoyer in seinem Schlusswort (Lindblom 1939:1571).

In dem im Sommer 1939 erschienenen Buch *Koloniale Gestaltung* bereitete Thurnwald sein Kolonialprogramm für eine breitere Leserschaft auf. Das fast 500-seitige Werk basierte auf seinen Feldforschungen von 1930 in Tanganjika, das 1922 als Mandatsgebiet des Völkerbundes an Großbritannien übertragen worden war. In der Einleitung stellte Thurnwald klar, dass sich Deutschland „unter nationalsozialistischer Führung wiedergefunden" habe (Thurnwald 1939b:15). Wenige Wochen vor Kriegsbeginn erscheint seine Position zur kolonialen Rückeroberung deutlich radikalisiert: „Heute darf man sagen, die Gegner von 1914–1918 haben den Krieg gewonnen, aber den Frieden verloren. Sie werden sich auch den deutschen Kolonialforderungen gegenüber nicht auf die Dauer widerstrebend verhalten können" (ebd.:13).

Thurnwalds koloniales Hauptwerk erhielt zahlreiche lobende Besprechungen aus den verschiedensten Disziplinen. Der in Wien tätige Physiologe Robert Stigler (1940:28) etwa bezeichnete das Werk als ein „Lehrbuch für Kolonisatoren". Der britische Geograf Gerald R. Crone (1940:318–319) würdigte das Werk ebenso, weil es weitgehend auf Lord Haileys *An African Survey* (1938) basierte, einer Studie, die eine wichtige Grundlage für die Verwaltungsreformen im kolonialen britischen Afrika bildete. Deutsche Nationalökonomen wiederum betonten, dass das Buch das Interesse an deutschen Kolonialansprüchen fördere (v. Zwiedineck-Südenhorst 1940) und begrüßten Thurnwalds kolonialwirtschaftliche „Pionierarbeit" (v. Mühlenfels 1943).

Die ausführlichste Besprechung stammte von Rudolf Karlowa, einem ehemaligen Bezirksamtmann in Deutsch-Neuguinea, der Thurnwald persönlich kannte. Die Rezension erschien in der „arisierten" und politisch gleichgeschalteten *Zeitschrift für ver-*

gleichende Rechtswissenschaft, in der Thurnwald seit 1939 als Geschäftsführer tätig war. Karlowa empfahl das Buch wegen seiner nationalsozialistischen Ausrichtung. Thurnwald zeige „gegenüber den falschen Methoden und Wegen der westlichen Demokratien die Grundsätze einer kolonialen Gestaltung" auf, wie sie „beim nationalsozialistischen Aufbau von Kolonien erstrebt" werden müsse (Karlowa 1940:373). Karlowa leitete die Arbeitsgemeinschaften „Rassenrecht" und „Eingeborenenarbeits- und -sozialrecht" in der Akademie für Deutsches Recht (Schubert 2001:XVIII) und verfasste selbst zahlreiche NS-konforme Bücher zur Kolonialpolitik, die wie Thurnwald die „Eingeborenenpolitik" in den künftigen Kolonien praktisch präsentierten. In seinem im März 1939 erschienenen Buch *Deutsche Kolonialpolitik* plädierte er für das „unbedingte Verbot von Eheschließungen zwischen Personen weißer und farbiger Rassengruppen", das auch das „Verbot des außerehelichen Geschlechtsverkehrs zwischen ihnen" einschloss (Karlowa 1939:35). Karlowa bezog sich auf Thurnwald (ebd.:63), wenn er für die Siedlungspolitik eine „grundsätzliche räumliche Trennung von Schwarz und Weiß in geschlossenen und offenen Siedlungen" forderte (ebd.:35). Im März 1940 hob Thurnwald wiederum die Bedeutung des Buches von Karlowa hervor und wünschte ihm „aufmerksame Leser", weil es „im Namen der Partei allgemeine Richtlinien für eine künftige deutsche koloniale Betätigung" enthalte (Thurnwald 1940b:206). Der Inhalt, so Thurnwald, lege den Grundstein „für ein neues System der Kolonialpolitik gemäß nationalsozialistischer Lehre" (ebd.:209).

Das gegenseitige Zitieren zwischen Thurnwald und Karlowa fand schließlich auch in der Ethnologie Gehör. Im November 1940 beschlossen mehr als 25 deutsche Ethnologen auf einer Arbeitstagung in Göttingen eine Neuausrichtung der Ethnologie, um sie als Kolonialwissenschaft mit den Zielen des Nationalsozialismus in Einklang zu bringen (Plischke 1941a, Begleitwort). Hans Plischke (1941b:5) verlangte die Einstellung von Regierungsethnologen für die künftige Kolonialverwaltung, eine Forderung, die bereits von Thurnwalds funktionalistischem Schüler Günter Wagner (1940) detailliert ausgearbeitet worden war. Der Kustos des Berliner Völkerkundemuseums Alfred Schachtzabel referierte über die *Völkerkunde als praktische Kolonialwissenschaft* und forderte eine „Eingeborenenbetreuung", die „nach den Grundsätzen der nationalsozialistischen Rassentheorie" erfolgen sollte. Dazu empfahl er die „in der NS.-Bibliographie aufgeführte Broschüre von Rudolf Karlowa: Deutsche Kolonialpolitik, Breslau 1939" (Blome 1941:15).

Damit setzten die Tagungsteilnehmer 1940 im Sinne eines praktischen Maßnahmenkatalogs genau jenes kolonialpolitische Programm um, das Thurnwald seit 1936/37 gefordert hatte. Thurnwalds NS-affines Kolonialprogramm war im deutschen Fachbetrieb mehrheitsfähig geworden. Er selbst war bei diesem Arbeitstreffen in Göttingen zwar nicht anwesend; der Grund dafür ist unbekannt (Geisenhainer 2021:815). In praktischen Kolonialfragen galt Thurnwald unter Ethnologen jedoch als unangefochtener Spiritus Rector und wurde dabei von Diedrich Westermann aktiv unterstützt (Mosen 1991:57). Westermann plädierte in seinem Vortrag in Göttingen für eine „praktische Völkerkunde" im Sinne Thurnwalds (1940e), deren Hauptaufgabe darin

bestehe, den zeitgenössischen Kulturwandel und das „Schicksal der Eingeborenen im neuen Afrika“ (Westermann 1941:2) stärker zu betonen. Thurnwald und Westermann kannten einander bereits durch das Internationale Institut für afrikanische Sprachen und Kulturen in London, das Westermann von 1926 bis zum Kriegsbeginn gemeinsam mit Henri Labouret leitete (Esselborn 2018:175–176). Schon zuvor, im Jahr 1922, hatte Westermann Thurnwalds Antrag auf seine „Umhabilitierung von Halle nach Berlin“ entscheidend unterstützt.[42] Sie verfassten nicht nur gemeinsam Publikationen (Westermann and Thurnwald 1932; Poewe 2005:638), sondern gaben auch einschlägige Zeitschriften und Reihen im Sinne des Kolonialrevisionismus heraus. So wurde das *Archiv für Anthropologie* 1938 um die Bezeichnung „Völkerforschung“ erweitert und 1939 um den Zusatz „und kolonialen Kulturwandel“ ergänzt (Mischek 2002:107). Darüber hinaus führte Thurnwald (1940d) zusammen mit Westermann die Schriftenreihe *Forschungen zur Kolonial- und Völkerwissenschaft* ein, die für kolonial orientierte Dissertationen gedacht war (Hellbusch 1941; Barkmann 1942). Ab 1941 war Thurnwald neben Westermann Mitherausgeber der *Kolonialen Rundschau*, für die er zahlreiche Rezensionen und zwei wichtige Artikel zum kolonialen Kulturwandel schrieb (Thurnwald 1941a, 1942a).

Die enge Zusammenarbeit zwischen Thurnwald und Westermann (Poewe 2005:641)[43] spiegelt sich auch in den kolonialen Fachgruppen wider, die mit der Gründung der Kolonialwissenschaftlichen Abteilung des Reichsforschungsrates (RFR) im September 1940 entstanden. Diese Abteilung diente als Schnittstelle zwischen staatlichen Stellen, Kolonialinstitutionen, der NSDAP, der Wehrmacht und der Wissenschaft. Sie avancierte während des Krieges zur „Zentralstelle der deutschen Kolonialforschung“. Den Unterbau bildeten 27 wissenschaftliche Fachgruppen, die insgesamt 500 Mitarbeiter beschäftigten (Linne 2008:138). Die von Thurnwald in dieser Zeit eingereichten Forschungsanträge wurden über die Kolonialwissenschaftliche Abteilung von Westermann (Mischek 2000:76) begutachtet[44] und schließlich vom RFR genehmigt (Thurnwald 1941b).[45] Thurnwald war Mitarbeiter der von Oskar Karstedt geleiteten Fachgruppe „Koloniale Sozialfragen“, die am 17. Juni 1941 zum ersten Mal in Berlin tagte. Hauptthema der Sitzung war die „Lösung der afrikanischen Arbeiterfrage“ (Stoecker 2008:266). Gemeinsam mit Karstedt und Westermann leitete Thurnwald den Themenbereich, der sich mit Maßnahmen gegen „Stammesentwurzelung“ in den Kolonien befasste.[46] Thurnwald und Westermann beteiligten sich auch an der

42 HU UA, Phil. Fak. 01/1470, Bl. 75; Westermann, Gutachten zu Thurnwald, 05.08.1922. Westermann war auch stimmberechtigt in der Fakultätssitzung am 8. Februar 1923, in der Thurnwalds „Venia legendi für Ethnologie“ unter Verzicht auf Kolloquium und Probevortrag erteilt wurde (ebd., Bl. 71; Prodekan Schmidt an Thurnwald, 12.02.1923).

43 Allerdings stuft Poewe (2005:643) die von Westermann vertretene „Weiß-Afrika“-Theorie fälschlich als „nordisch“ ein.

44 LAHUB 01/17, Bl. 191; Gutachten, Westermann an Günter Wolff, 11.02.1941.

45 Ebd., Bl. 252; Präsident des RFR an Thurnwald, 29.04.1941.

46 BArch, R 1001/8687a, Bl. 289–294, hier 292; Oskar Karstedt und Günter Wolff vom 30.06.1941.

von Bernhard Struck geleiteten Fachgruppe „Koloniale Völkerkunde“, die am 28. Oktober 1941 mit fast 40 Teilnehmern an der Preußischen Akademie der Wissenschaften tagte. Thurnwald übernahm eine Untersuchung über den „Einfluß der Europäer auf die Stämme Afrikas“ (Stoecker 2008:267–268). Auch nach Kriegsende würde sich Thurnwald weiterhin zu seiner beruflichen und persönlichen Verbundenheit mit Westermann bekennen. In dem Fragebogen, den er für die Universitätsverwaltung auszufüllen hatte, trug er in das Feld „Wer kann Sie empfehlen“ neben Eduard Spranger auch Westermann ein, da dieser, wie er, kein Mitglied der NSDAP (Mischek 2000:79) gewesen war.[47]

Thurnwalds Position im „Fall Krickeberg“ und der Bruch mit Wilhelm E. Mühlmann

Thurnwalds Engagement für die nationalsozialistische Kolonialpolitik wirft die Frage auf, ob sich sein opportunistisches Verhalten gegenüber dem NS-Regime auch auf den Umgang mit seinen Kollegen auswirkte. Im Folgenden werden drei Fallbeispiele aus Thurnwalds engerem Kollegenkreis vorgestellt, für die diese Frage positiv beantwortet werden kann. Im Kontext des NS-Regimes eskalierte die zunehmende Konkurrenz zwischen Funktionalismus und säkularem Diffusionismus zu einem Skandal, der als „Fall Krickeberg“ in die Geschichte des Faches einging (Conte 1988:245–246; Fischer 1990:63–66; Díaz de Arce 2005; Gingrich 2005:119–120; Geisenhainer 2021:747). Bei diesem Streit, über den auch eine dokumentarische Performance produziert wurde (Alvarado 2006), ging es auch um politische Einstellungen. Beide Seiten rühmten sich ihrer eigenen nationalsozialistischen Überzeugungen und warfen einander zugleich vor, mit jüdischen Kollegen zu kollaborieren (Krickeberg 1938:122; Mühlmann 1938:298). Ein wichtiger Nebenschauplatz in dieser Kontroverse war der Zank zwischen Thurnwald und Hermann Baumann (Braun 1995:54–61; Díaz de Arce 2005:169–176; Poewe 2005:640–643).

Hermann Baumann

Anlass für diese Auseinandersetzung war eine Buchbesprechung des Amerikanisten Walter Krickeberg über das von Konrad Theodor Preuss (1937) herausgegebene *Lehrbuch der Völkerkunde*, an dem sich auch Thurnwald mit drei Beiträgen beteiligt hatte. In seiner Rezension, die in der *Zeitschrift für Ethnologie* erschien, kritisierte Krickeberg (1937) den funktionalistischen Ansatz und fand es unverständlich, dass Leon-

47 HU UA, PA nach 1945, Thurnwald, Bd. 7, ohne Blattangabe; Thurnwald an Dekan Deubner, 04.10.1945.

hard Adam als „nicht-arischer Ethnologe“ mit zwei Beiträgen in diesem Sammelband vertreten war. Mühlmann und Thurnwald veröffentlichten daraufhin Repliken. Mühlmann (1938:298) rechtfertigte sich damit, dass er Adams Beiträge vor Drucklegung des Lehrbuchs für „untragbar“ erklärt habe und deshalb keine Verantwortung übernehmen wolle. Thurnwald (1938b:300) hingegen verteidigte Adam. Herausgeber und Mitarbeiter des Lehrbuchs hätten im Einklang mit der NS-Gesetzgebung gehandelt, da der „halbjüdische Mitarbeiter“, Leonhard Adam, zum Zeitpunkt der Drucklegung Herausgeber der *Zeitschrift für vergleichende Rechtswissenschaft* war. Thurnwald (1938b:301) befeuerte nun die Kontroverse, indem er Baumann ins Spiel brachte und ihm unterstellte, wie Krickeberg ein „verbriefter Anhänger“ (ebd.:302) von Pater Wilhelm Schmidt und dessen theologischer Ausrichtung der kulturhistorischen Kulturkreislehre zu sein.

Als frühes und überzeugtes NSDAP-Mitglied fühlte sich Baumann in seiner Ehre als Nationalsozialist verletzt und reichte am 15. September 1938 Beschwerde bei der Universitätsleitung ein.[48] Diese stellte sich in dem Streit auf Baumanns Seite, da auch sie die Replik Thurnwalds für überzogen hielt. Sie war aber auch der Meinung, dass „solche persönlichen Streitigkeiten“ dem Ansehen der deutschen Wissenschaft schaden würden.[49] Aus diesem Grund wurde das RWM verständigt, das daraufhin die Universitätsleitung per Erlass aufforderte, Thurnwald anzuweisen, „mit Professor Baumann zu einer versöhnlichen Aussprache zu kommen“.[50] Baumann war mit dieser Lösung jedoch nicht einverstanden. Er schrieb an den Rektor[51] und am 12. November 1938 sehr ausführlich auch an den Reichswissenschaftsminister, dass er sich durch eine bloße Aussprache „unmöglich rehabilitiert betrachten könne“. Erst wenn er eine sachliche Widerlegung Thurnwalds veröffentlicht habe, sei der Fall für ihn abgeschlossen.[52] Das RWM zeigte Verständnis für Baumann und hatte keine Einwände, sofern die Universitätsleitung mit dem Inhalt von Baumanns Artikel einverstanden sei.[53]

Über Westermann erfuhr Thurnwald, dass Baumann „einen neuen Angriff“ plante,[54] ein Aspekt, der in der Forschungsliteratur bisher nicht thematisiert worden ist (Poewe 2005:643). Thurnwald intervenierte am 19. Dezember 1938 bei Dekan Koch mit dem Hinweis, er habe sich an die Vereinbarung des Ministeriums zur Beilegung des Streits gehalten. Dementsprechend müsse der Verzicht auf Polemik, forderte Thurnwald, von beiden Seiten geleistet werden.[55] Dekan Koch entgegnete Thurnwald, dass er dem RWM Baumanns Artikel zugestanden habe, „eben weil der Verzicht nicht

48 HU UA, PA nach 1945, Thurnwald, Bd. 2, Bl. 45; Dekan Koch an Rektor Hoppe und an das RWM, 16.09.1938.
49 Ebd., Bl. 47.
50 Ebd., Bl. 48; RWM (gez. Dr. Heinrich) an Rektor Hoppe, 17.10.1938.
51 Ebd., Bl. 49–50; Baumann an Rektor Hoppe, 02.11.1938.
52 Ebd., Bl. 59–61; Baumann an das RWM, 12.11.1938 (Abschrift).
53 Ebd., Bl. 52; RWM (gez. Kasper) an Rektor Hoppe, 19.11.1938.
54 HU UA, PA nach 1945, Thurnwald, Bd. 5, Bl. 122; Thurnwald an Dekan Koch, 19.12.1938.
55 Ebd.

einseitig sein kann". Baumann erörtere die Thematik sachlich und von einem „Angriff" könne keine Rede sein. Der Dekan empfahl Thurnwald, die Angelegenheit ruhen zu lassen.[56] Der Streit endete folglich mit einer klaren Niederlage für Thurnwald, da Baumanns „Richtigstellung" Ende Dezember 1938 in der *Zeitschrift für Ethnologie* veröffentlicht wurde (Baumann 1938).

Eine Distanzierung von Baumann seitens Thurnwalds wäre also durch den „Fall Krickeberg" zu erwarten gewesen. Doch das Gegenteil trat ein. Ungeachtet der gegenseitigen persönlichen Beleidigungen, die auch über das RWM ausgetragen wurden, suchte Thurnwald nur wenige Monate später die Zusammenarbeit mit Baumann, der im März 1939 seine offizielle Berufung nach Wien erhielt und Ende des Jahres zum ordentlichen Professor für Völkerkunde an der Universität Wien ernannt wurde (Gohm-Lezuo and Gingrich 2021:444). In Wien reorganisierte Baumann das Institut für Völkerkunde mit dem Schwerpunkt der kolonialen Afrikaforschung (Gohm-Lezuo 2021). Im Kontext des Krieges gewann das Kolonialthema schlagartig an Bedeutung und nivellierte die Differenzen persönlicher und beruflicher Art zwischen Thurnwald und Baumann. Gemeinsam mit Westermann gaben sie 1940 das Buch *Völkerkunde von Afrika* heraus, das zu einem Standardwerk der damaligen deutschen Afrikawissenschaften avancierte (Baumann, Thurnwald, and Westermann 1940). Das umfangreiche Werk, das sich der „kolonialen Aufgabe" widmete, repräsentierte sowohl Baumanns kulturgeschichtlichen Ansatz auf „rassischer" Basis als auch Thurnwalds funktionalistischen Ansatz zum Kulturwandel (Thurnwald 1940c). Thurnwald sah auch kein Hindernis, sich Ende 1940 an dem kolonialen Buchprojekt *Handbuch der afrikanischen Stämme* zu beteiligen, bei dem Baumann neben Westermann und Bernhard Struck als Mitherausgeber fungierte. Zwar blieb das Buch unveröffentlicht, doch ist diese fortgesetzte Zusammenarbeit zwischen Thurnwald und Baumann bis zum Ende des Krieges dokumentiert (Rohrbacher 2022).

Leonhard Adam

Eine noch nicht vollständig geklärte Rolle spielte Thurnwald gegenüber seinem Kollegen Leonhard Adam, als dieser den Repressionen des NS-Regimes ausgesetzt war und ins Exil gehen musste. Wie bereits dargelegt, nahm Thurnwald Adam gegenüber Krickebergs Angriff zunächst in Schutz. Dann aber ersetzte er für die zweite Auflage des *Lehrbuchs der Völkerkunde*, die im Sommer 1939 erschien, die beiden Beiträge Adams durch seine eigenen Arbeiten. Da Preuss nicht mehr am Leben war, übernahm Thurnwald auch die Herausgeberschaft (Thurnwald 1939a). Unter seiner Mitwirkung wurden so alle Spuren des ursprünglichen Ideengebers in der NS-konformen Neuauflage getilgt. Ob es dazu mehr oder minder einvernehmliche Absprachen zwischen Thurnwald und Adam gab, ist unbekannt. Ein ähnlich problematisches Verhalten lässt

56 Ebd., Bl. 123–124; Dekan Koch an Thurnwald, 22.12.1938.

sich bei Thurnwald in Bezug auf die *Zeitschrift für vergleichende Rechtswissenschaft* beobachten. Sie wurde 1938 vollständig „arisiert" und der Akademie für Deutsches Recht übergeben. Adam, der seit 1918 als Herausgeber fungierte, wurde im Januar 1938 aus „rassischen" Gründen aus der Redaktion entfernt.

In dieser renommierten Zeitschrift veröffentlichte Thurnwald in den frühen 1920er-Jahren wichtige Arbeiten zur rechtsethnologischen Forschung. Er und Adam traten in der Weimarer Republik gemeinsam in kolonialrevisionistischen Foren auf, die dem rechtsliberalen Flügel der SPD zuzurechnen sind (Thurnwald 1929; Adam 1929). Durch diese Verbundenheit könnte angenommen werden, dass Thurnwald sich nach Adams Absetzung solidarisch von der neuen Zeitschriftenredaktion distanzierte. Das Gegenteil war der Fall. Thurnwald verfasste für die Akademie für Deutsches Recht einen umfangreichen Bericht über die Organisation der „Eingeborenenarbeit" in Ostafrika auf nationalsozialistischer Grundlage, den er im Juli 1938 dem Ausschuss für Kolonialrecht vorlegte (Thurnwald 2001 [1938]). Den Vorsitz dieses Ausschusses hatte der nationalsozialistische Völkerrechtler Axel von Freytagh-Loringhoven inne, der im selben Jahr die Hauptherausgeberschaft der *Zeitschrift für vergleichende Rechtswissenschaft* in Verbindung mit der Akademie für Deutsches Recht übernahm. In der nun NS-konformen Zeitschrift, mit dem neuen Zusatz „Kolonialrecht" in ihrem Namen, zeichnete Thurnwald ab 1939 als „geschäftsführender Herausgeber", womit er quasi Adams Position eingenommen hatte.

Thurnwald scheint Adam (nach derzeitigem Quellenbefund) in kaum einer Weise geholfen zu haben. Diese Hilfe wäre zu erwarten gewesen, da sich Thurnwald, wie bereits erläutert, zwei Jahre zuvor darum bemüht hatte, jüdische Bekannte aus Deutschland und Österreich in die Vereinigten Staaten zu bringen. Adam floh im Dezember 1938 nach Großbritannien. Nach Kriegsbeginn wurde er als „enemy alien" zunächst auf der Isle of Man interniert und später mit anderen in das Internierungslager Tatura in Australien verlegt. Bronislaw Malinowski und Robert R. Marett war es zu verdanken, dass Adam dort im Mai 1942 entlassen wurde und seine rechtsanthropologische Arbeit in Australien fortsetzen konnte (Strauch 2000:156). 1947 setzte sich Adam in einem Brief an Pater Wilhelm Schmidt mit den Hintergründen der Ereignisse auseinander, die sich ein Jahrzehnt zuvor zugetragen hatten. Rückblickend ließ er an Mühlmann und Krickeberg kein gutes Haar, Thurnwald erwähnte er nicht. Seine Schlussfolgerungen, die er im fernen Melbourne zog, lassen eine tiefe Verbitterung erkennen: „Ich glaube, dass es keinen Sinn haben würde, heute auch nur mit einem Worte auf alle diese Dinge in der Öffentlichkeit zurückzukommen. Ich persönlich wenigstens will damit nichts mehr zu tun haben."[57] Die berufliche und persönliche Beziehung zwischen ihm und Thurnwald blieb jedoch weiter bestehen. Ab dem Jahr 1953 erscheinen beide wieder als Mitarbeiter der *Zeitschrift für vergleichende Rechtswissenschaft*, und nachdem Thurnwald verstorben war, würdigte Adam ihn als seinen „treuen Freund" (Adam 1955:155).

57 AG SVD, Nachlass Schmidt, Ordner 12; Adam (Melbourne) an Schmidt (Fribourg/Schweiz), 04.07.1947.

Wilhelm E. Mühlmann

Thurnwalds langjähriges Mentorenverhältnis zu seinem Schüler Mühlmann zerbrach während des Krieges. Auslöser des Konflikts war ein Streit um die redaktionelle Leitung der Fachzeitschrift *Archiv für Anthropologie*. Georg Friederici (1942) veröffentlichte im *Archiv* eine Besprechung über Mühlmanns Buch *Krieg und Frieden* (1940). Darin wies er Mühlmanns Behauptung, die „Idee des Mutes" sei in der „primitiven Kriegsführung" durchweg abwesend, als „irrige Verallgemeinerung" zurück (Friederici 1942:175). Mühlmann, seit 1936 aktives SA-Mitglied (Michel 1992:76), hatte die Redaktionsleitung des *Archivs* für die Zeit seines Militärdienstes stellvertretend an seinen Mitherausgeber Thurnwald übertragen (ebd.:110) und bezichtigte diesen daraufhin der Intrige. Thurnwald konnte aber nachweisen, dass es Mühlmann selbst war, der Friederici als „Besprecher" vorgeschlagen hatte.[58] Mühlmann verfasste dazu eine „Entgegnung", die er ohne Rücksprache mit seinen drei Mitherausgebern an den Vieweg-Verlag schickte.[59] Diese wurde nicht veröffentlicht. Thurnwald sah darin jedoch einen Vertrauensbruch und schrieb an Westermann und Günter Wagner, dass Mühlmann sich bei ihm entschuldigen müsse,[60] was Mühlmann ablehnte.[61]

Diese Konfrontation verhärtete sich, als Thurnwald auch die fachliche Kompetenz Mühlmanns gegenüber Westermann grundsätzlich in Frage stellte. Mühlmann habe sich bisher auf kein sachliches oder geografisches Gebiet konzentriert und verstehe auch nichts von Feldarbeit. Schließlich habe er sich thematisch Osteuropa zugewandt, ohne jedoch die russische Sprache zu lernen.[62] Tatsächlich nahm Mühlmann Ende März 1942 an der vom Amt Rosenberg in Berlin organisierten „Osttagung deutscher Wissenschaftler" teil, die zum Ziel hatte, Experten für die „besetzten Ostgebiete" zu rekrutieren (Michel 1995:157; Klingemann 1996:265). Westermann trat als Vermittler im Disput auf,[63] doch alle seine „Friedensbemühungen" scheiterten.[64] Nach den Sommermonaten erhielt Thurnwald von Wilhelm Longert, dem Leiter der Hauptstelle Soziologie im Amt Rosenberg, eine Anfrage über Mühlmanns „fachwissenschaftliche Leistung und charakterliche Haltung". Thurnwalds Antwortschreiben vom 8. September 1942, das er in Kopie auch an Westermann[65] und zwei Tage später an die Universitätsleitung[66] übermittelte, ist nicht erhalten geblieben. Es ist jedoch davon auszuge-

58 LAHUB 01/22, Bd. 2, Bl. 575; Thurnwald an Westermann, 04.03.1942.
59 Ebd., Bl. 571; Thurnwald an Westermann, 14.03.1942.
60 LAHUB 01/23, Bl. 119; Thurnwald an Westermann und Wagner, 18.04.1942.
61 LAHUB 01/22, Bd. 2, Bl. 568; Thurnwald an Mühlmann, 03.05.1942.
62 Ebd., Bl. 572; Thurnwald an Westermann, 14.03.1942.
63 LAHUB 01/23, Bl. 117; Westermann an Thurnwald, 29.06.1942.
64 Ebd., Bl. 116; Thurnwald an Westermann, 01.07.1942.
65 Ebd., Bl. 108; Thurnwald (aus Berlin) an Westermann, 10.10.1942.
66 HU UA, PA nach 1945, Thurnwald, Bd. 2, Bl. 208; Thurnwald an Dekan Grapow, 12.10.1942.

hen, dass der Inhalt ein sehr negatives Bild von Mühlmann zeichnete.[67] Im Schreiben an Westermann kündigte Thurnwald nämlich erstmals seinen Bruch mit Mühlmann an: „Eine Zusammenarbeit mit Mühlmann ist nach allem Vorgefallenen für mich unmöglich und entwürdigend."[68] Auch dem Wiener Ethnologen und Sprachhistoriker Dominik J. Wölfel teilte Thurnwald mit, dass er mit Mühlmann alle Beziehungen „endgültig" abgebrochen habe und führte an: „Die Gründe liegen in Mühlmanns Benehmen und in seinem Verhalten gegen mich."[69] Für Thurnwald war es unverständlich, wie sich ein Ethnologe ohne Felderfahrung und ohne Russischkenntnisse für Rosenbergs „Ostpolitik" einspannen lassen konnte. Bereits Ende September hatte Thurnwald aus Bad Saarow an Westermann übermittelt: „Ich halte M.[ühlmann] nach den Vorkommnissen im Falle Friederici für sachlich ungeeignet, eine wissenschaftliche Zeitschrift zu redigieren."[70] Thurnwald und Westermann kamen überein, Mühlmann durch Franz Termer zu ersetzen.[71] Der Plan ging nicht auf, denn der Verleger Friedrich Vieweg intervenierte mit der Begründung, dass der ehemalige Herausgeber des *Archivs* Georg Thilenius vor seinem Tod (28.12.1937) wiederholt den Wunsch geäußert habe, Mühlmann zu seinem Nachfolger zu ernennen.[72] Weder Mühlmann noch der Verlag waren aber bereit oder in der Lage, schriftliche Belege dieser Vereinbarung vorzulegen. Ein letzter Versuch, für die Redaktionsleitung des *Archivs* Mühlmann durch Wagner zu ersetzen, scheiterte.[73] Thurnwald, der bis dahin die Mittel für das *Archiv* bei der Deutschen Forschungsgemeinschaft und dem Außenwärtigen Amt aufgebracht hatte,[74] zog sich Ende Dezember 1942 zurück. Wegen dieser Unstimmigkeiten sah sich auch der RFR gezwungen, seine Unterstützungsgelder zurückzuhalten.[75] Die älteste Zeitschrift für Anthropologie im deutschsprachigen Raum, die über 70 Jahre lang eine herausragende Rolle bei der Institutionalisierung von Ethnografie, Anthropologie und Ethnologie gespielt hatte, wurde daher im Februar 1943 eingestellt (Mischek 2002:107–108). Nach Kriegsende legte Thurnwald den Bruch mit Mühlmann einseitig zu seinen Gunsten aus, um sein Selbstbild des Nazi-Gegners zu festigen. „Ich hatte mit Dr. habil. Mühlmann gebrochen", schrieb er im Juli 1945 an die Universitätsleitung, „als er eine scharfe nationalsozialistische Haltung herauskehrte."[76] In Anbetracht seiner eigenen kolonialen Schriften, die Thurnwald dem NS-Staat angepriesen hatte, war diese

67 Allerdings wurde Mühlmann im selben Jahr von dem Philosophen Wolfgang Erxleben im Büro Rosenberg in einem Gutachten positiv beurteilt (Klingemann 1996:250).
68 LAHUB 01/23, Bl. 108; Thurnwald (aus Berlin) an Westermann, 10.10.1942.
69 PABH; Thurnwald an Wölfel, 09.12.1942.
70 LAHUB 01/23, Bl. 111; Thurnwald (Haus Eibenhof, Saarow Mark) an Westermann, 24.09.1942.
71 Ebd., Bl. 107; Thurnwald (aus Berlin) an Westermann, 10.10.1942.
72 Ebd., Bl. 102; Vieweg an Thurnwald, 02.11.1942.
73 Ebd., Bl. 83–85; Thurnwald an Vieweg, 29.12.1942.
74 Ebd., Bl. 83.
75 Ebd., Bl. 80; Günter Wolff (RFR) an Vieweg, 19.12.1942.
76 HU UA, PA nach 1945, Thurnwald, Bd. 7, ohne Blattangabe [Bl. 3]; Thurnwald an Rektor Spranger, 09.07.1945.

Begründung eine glatte Lüge. Der Grund für diesen Bruch war ein Streit um fachliche Kompetenzen und Loyalitäten gewesen, aber keine explizite politische Meinungsverschiedenheit. Noch heute werden derartige von Thurnwald aufgeworfene Nachkriegslegenden tradiert. So heißt es in einem Enzyklopädiebeitrag aus dem Jahr 2020 unter Bezugnahme auf Thurnwalds briefliche Äußerungen aus den Jahren 1946/47, er sei „Ende 1943" von Berlin nach Holstein geflohen, weil Mühlmann ihn politisch denunziert habe (Stoll 2020:8; vgl. Rohrbacher 2024). Im nationalsozialistischen Kontext wird jedoch deutlich, dass es keinen politischen Grund für Thurnwalds Ortswechsel gab. Im Oktober 1943 meldete Thurnwald der Berliner Universitätsleitung aus Ostholstein, dass er an einer akuten Entzündung der Hüfte leide und bis Dezember 1943 an die Universität zurückkehren wolle (Rohrbacher 2022:124, 2024).

Conclusio

Thurnwalds Versuche, ein Institut für Völkerforschung an der FWU zu Berlin zu gründen, scheiterten, obwohl er vom ehemaligen Rektor Eugen Fischer unterstützt worden war. Dieses Scheitern trug wesentlich dazu bei, dass Thurnwald in der Nachkriegszeit als Nazi-Gegner eingestuft wurde. Übersehen wurde jedoch, dass die Beförderung Thurnwalds zum Honorarprofessor vom NS-Staat erwünscht war. Wie gezeigt werden konnte, beruhte sie auf einer gemeinsamen Initiative der Universität und des Reichswissenschaftsministeriums. Bisher war auch nicht bekannt, dass Thurnwald den Entwurf für dieses Institut während seiner einjährigen Gastprofessur an der Yale University in New Haven erarbeitet hatte. Das Exposé vom Mai 1936 enthielt bereits Grundelemente jener auf „Rassentrennung" beruhenden Reservatspolitik, die er nach seiner Rückkehr nach Berlin systematisch ausarbeitete. Vor der Berliner Universitätsverwaltung bediente er sich einer antisemitischen Argumentationslinie, die in seinen Schriften nicht zu finden ist. Gleichzeitig übte er im US-amerikanischen Kontext Kritik am Kolonialismus und versuchte, jüdischen Kollegen, die durch rassistische Diskriminierung des NS-Regimes ins Exil getrieben wurden, zu helfen, in die Vereinigten Staaten zu gelangen. Diese unterschiedlichen Kontexte, die in dieser Arbeit erstmals detailliert herausgearbeitet wurden, machen Thurnwalds widersprüchliche politische Haltungen nachvollziehbar. Er passte sie wie ein Chamäleon an die Machtverhältnisse des jeweiligen politischen Systems an.

Thurnwald war ein früher Vertreter des kolonialen Revisionismus. Während der NS-Zeit argumentierte er in seinen Schriften 1937–1945 wie ein Kolonialpolitiker und verwischte die Grenzen zwischen Wissenschaft und Politik. Bis zum Kriegsausbruch hatte er ein komplettes kolonialethnologisches Programm für die zukünftigen Kolonien entwickelt. Dieses Programm, das Thurnwald dem rassenbiologischen Standpunkt des Nationalsozialismus unterordnete, prägte auch die kolonial ausgerichtete Völkerkunde. Es konnte zum ersten Mal gezeigt werden, dass Thurnwalds kolonial-

ethnologischer Ansatz von den Völkerkundlern auf der Göttinger Tagung im November 1940, bei der er persönlich nicht anwesend war, übernommen wurde. Mit seinen kolonialethnologischen Arbeiten kollaborierte Thurnwald somit nicht nur mit dem Nationalsozialismus, er war selbst ein Träger dieses Unrechtssystems. Somit bestätigt die Studie im Wesentlichen die Forschungsergebnisse von Timm (1977) und weist die von Melk-Koch (1989:276–280) sehr einseitig vorgelegten biografischen Abschnitte, die sich mit Thurnwalds NS-Zeit befassen, entschieden zurück.

Thurnwalds chamäleonartiges Verhalten in Bezug auf politische Systeme prägte auch seinen Umgang mit Kollegen. Bemühungen, jüdischen Freunden und Kollegen zu helfen, wie Thurnwald es noch 1936 im US-amerikanischen Kontext tat, lassen sich 1938 bei seinem Freund Leonhard Adam nicht nachweisen. Um sich politisch an das NS-Regime anzupassen, strich er Adams Beiträge aus dem *Lehrbuch der Völkerkunde*, ersetzte sie durch seine eigenen und übernahm 1939 die Herausgeberschaft. Dieses opportunistische Verhalten zeigte er auch gegenüber der *Zeitschrift für vergleichende Rechtswissenschaft*. Nachdem Adam Anfang 1938 aus „rassischen" Gründen aus der Redaktion entfernt worden war, beteiligte sich Thurnwald an der kolonialen Ausrichtung des seit 1878 bestehenden Fachorgans. Darüber hinaus übernahm er 1939 einen Teil der Geschäftsführung. Thurnwalds Verhältnis zu Hermann Baumann war 1938 von einem heftigen Streit im Zusammenhang mit dem „Fall Krickeberg" geprägt. Hierzu konnte nachgewiesen werden, dass Thurnwald als Verlierer aus diesem Streit hervorging. Diese in der Forschungsliteratur noch nicht erwähnte Niederlage hinderte ihn jedoch nicht daran, an kolonialen Buchprojekten mitzuarbeiten, bei denen Baumann von 1939 bis zum Kriegsende leitende Funktionen innehatte. Zwischen Thurnwald und Mühlmann kam es im Oktober 1942 zu einem Zerwürfnis, das jede weitere Zusammenarbeit verhinderte. Nach Kriegsende nutzte Thurnwald diese Trennung zu seinen Gunsten, um die Behauptung zu untermauern, er sei, im Gegensatz zu Mühlmann, ein Gegner des Nationalsozialismus gewesen. Seine Anpassung an die deutsche Nachkriegsordnung ging so weit, dass er behauptete, er sei während des NS-Regimes nicht kolonialpolitisch tätig gewesen (Thurnwald 1948:3; Steinmetz 2010:29). Tatsächlich hat sich Thurnwald erst nach 1945 nicht mehr mit kolonialen Themen beschäftigt.

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Buchbesprechungen/Reviews

Von Oswald, Margareta: Working Through Colonial Collections: An Ethnography of the Ethnological Museum in Berlin.
320 pp. Leuven: Leuven University Press, 2022. ISBN 978-94-6166-424-2.

Margareta von Oswald's *Working Through Colonial Collections: An Ethnography of the Ethnological Museum in Berlin* provides an extensive and critical analysis of the colonial histories and subsequent challenges faced by ethnological museums in Germany. Von Oswald provides insight into the complex interrelationships between the colonial past, museum practices and the necessity for decolonization through an ethnographic study of the Ethnological Museum in Berlin. She analyses the ways in which colonial histories and power relations have shaped the collections and representations of cultures in the museum and how they continue to structure and organize museums today. The author's objective is to examine the potential for ethnological museums to evolve their practices to create more equitable and inclusive spaces for the representation of world cultures, given the changing nature of the field. She asks, 'if museums are no longer "ethnological" or "anthropological", which role do they choose to adopt?' (p. 49).

As a point of departure for her research, von Oswald situates ethnological museums as a colonial legacy, thereby establishing a framework that emphasizes the entanglements and colonial continuities with contemporary museum and exhibition practice and its impact on structures, orders, and logics in museums. In line with the existing literature, she conceptualizes museums 'as a dynamic and relational entity, made up of a variety of associations between people and things in a constant state of transition' (p. 50). Although this understanding of museums seems self-evident and contemporary, contrary to her expectations, von Oswald observed that this dynamic was not noticeable in the museum she researched. She links this observation to the persistence of colonial logics and highlights the influence of the colonial past of ethnographic collections and museums on the internal structures, processes and procedures of museum and exhibition practice in the 21st century. Von Oswald thus analyses the complexity of the dimensions and interrelationships between (colonial) histories and presents, material and immaterial heritage, and museum actors that characterize the transformation processes of ethnological museums in dealing with colonial collections. She asks to what extent museums can change under these conditions and what role they could play in the future.

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Von Oswald's museum ethnography is divided into eight chapters that provide a systematic examination of the various aspects of colonial collections and their impact on museum work. The author opens with a historical classification of the emergence of ethnographic collections, situating them within the context of Germany's colonial histories and culture of remembrance. The following section introduces the field and presents the author's field research, with a particular focus on the organizational histories of the Ethnological Museum in Berlin and its collections. Von Oswald outlines the connection between colonial logics and museum knowledge systems and infrastructures and develops a framework for in-depth analysis of various museum areas, including object-based research, knowledge production, collections, and exhibition production processes, as well as curatorial practice in general. The author conducted ethnographic research by practising participatory observation, conducting interviews, and carrying out archive research with the objective of gaining insights into the emergence of these collections, their representation, and their significance for various agents and societies today. The ethnographic approach that von Oswald pursues suggests actively working together with museum staff, understanding their everyday life in the museum, and adapting the research to the dynamics of museum work. Therefore, she analyses how the collections reproduce or challenge colonial narratives, drawing on extensive field research, as well as on her own curatorial practice as co-curator in the Africa Department at the Ethnological Museum in Berlin. Once her position changed from that of a 'participant observer to [an] observant participant' (p. 68), she began to examine the curatorial work not only for errors, but also to identify the complexities and contradictions of an insider. Von Oswald emphasizes how this shift in her position has changed her relation to the field. In the second chapter drawing on Jeanne Favret-Saada (1977), she elaborates how being '"affected" by the field' (p. 67) as an observant participant enables her to look critically beneath the surface. Her critical reflections on the research ethics that emerge from her specific position as a coworker and researcher show the in-depth discussion that von Oswald has undertaken to her research. The combination of ethnographic and historical analyses enables von Oswald to conduct a comprehensive examination of the continuation and manifestation of colonial structures of power and the museum.

The question of processes of decolonization and the transformation of museums constitutes a central aspect of the book. Based on her research, von Oswald concludes that, unless the foundational structures of museums undergo substantial transformation, efforts to bring about change within these institutions will continue to be difficult. In the final discussion, she revisits the central themes of the book, offering further insights into the issues of change and transformation within ethnological museums, and thus diving into the complexity, ambivalence, dissonance, and areas of tension that are evident in the negotiation of transformation processes in ethnological museums. By employing the strategy of 'working through', a reference to Wayne Modest's framing of the museum as a 'space for the process of working through' (p. 64) to her analysis, von Oswald examines how museums currently engage with and approach their historical

collections to address the legacy of colonialism and the ongoing influence of colonial power structures on contemporary museum and exhibition practice. The methodological and analytical framework of 'working through' points to the complex field of colonial collections and the effort of working through this complexity. Von Oswald demonstrates considerable skill in employing this strategy to justify her approach in a reflective manner, thereby establishing a well-founded, comprehensive, and reflective methodology, which is one of the book's most notable strengths.

Von Oswald's ethnographic and historical approach enables her to conduct an extensive analysis of the institutional structures and practices that shape the museum, and to highlight the often contradictory dynamics that exist within this cultural institution, for example, by creating asymmetries between the Global North and the Global South, even though the aim is to reduce them. Her analysis of the limitations of decolonization is particularly noteworthy. Von Oswald demonstrates the pervasive influence of colonial structures within institutional frameworks and the inherent challenges associated with their dismantling. It is important to note that the book provides a detailed account of the challenges and complexities associated with the decolonization of museums. To give one example, von Oswald observes that 'working through colonial collections always includes the risk of reproducing the mechanisms and logic one attempts to dismiss, erase, oppose, or counter' (p. 67). Dealing with the processes of how exhibitions are and were produced and the analysis of the curatorial cultures of the museum, the reproduction of existing (colonial) narratives and representations easily creeps in, and it takes a lot of self-reflective power to decolonize museums and exhibition-making. Therefore, it is acknowledged that von Oswald provides a thorough analysis of the complex processes and interwoven power relations that are inherent in colonial collections, as well as including critical reflections to highlight the ambivalences and dissonances evolving in changing museums and curatorial cultures. Her capacity to integrate theoretical concepts with practical examples makes the book an invaluable resource for anthropologists, museum professionals and cultural policymakers alike. The detailed case study on the topic of the logic of the database, depot situation and structure, the paradox of provenance research on colonial collections, or the practice of musealisation, as well as the inclusion of voices from the affected communities, provide the book with distinctive depth and authenticity.

While the publication therefore demonstrates considerable strengths, it also exhibits certain weaknesses. The text may prove challenging for readers lacking a comprehensive understanding of postcolonial theories, while museum experts and anthropologists can gain a well-developed theoretical framework for their museum and exhibition practice. Furthermore, a more pronounced emphasis on concrete recommendations for action and the illustrative examples of successful decolonization and transformation processes could have made the book an even more practical resource. It would be beneficial to grant greater prominence to the perspectives of the so-called communities of origin and their demands for restitution and repatriation, particularly regarding postcolonial theories and the practices of decolonization. *Working Through Colonial*

Collections nonetheless represents a significant contribution to the ongoing discourse surrounding the decolonization and transformation of museums. Its insights are not only relevant to anthropology, they also extend to the fields of cultural studies, museology, and postcolonial studies. It facilitates interdisciplinary discourse and enhances comprehension of the multifaceted processes of decolonization. Despite some minor shortcomings, the book is a valuable resource for anyone engaged with the re-evaluation of colonial histories and the future of ethnological museums and its collections. The book provokes thought and encourages readers to become actively engaged with the significant changes that are required to create museums that are more equitable and inclusive. In conclusion, the book provides an exhaustive examination of the challenges and prospects that are inherent in the decolonization of ethnographic collections, offering invaluable insights into the role, responsibilities, and transformation of museums in the context of a postcolonial present.

Sophie Eckhardt and Katharina Nowak
Eberhard Karls Universität Tübingen

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Henrich, Joseph: The Weirdest People in the World: How the West Became Psychologically Peculiar and Particularly Prosperous.
680 pp. London etc.: Penguin Books, 2021. ISBN 978-0-141-97621-1

Joseph Henrich is a scholar of many trades: anthropologist, behavioral economist, and evolutionary and social psychologist. Currently at Harvard University, he has so far come to the attention of a wider public mainly for his 2016 book, *The Secret of Our Success*, on human cultural evolution. His latest work, *The Weirdest People in the World*, is something of an extension to *The Secret of Our Success*, as it zooms in on the special path the 'West' has taken over the last two millennia.

In his new book, Henrich calls himself and all other Westerners 'weird'. He claims that most studies in modern experimental psychology and behavioral economics suffer from a fundamental bias: they have mostly been carried out among young, educated,

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relatively wealthy Western university students representing an urbanized elite. These study samples therefore lack adequate cross-cultural representation. Therefore, Henrich argues, while the majority of such studies claim to yield results about human psychology in general, they are, in fact, investigations of only a very limited segment of the world population. In other words, they are blind to the huge range of cross-cultural variation in psychological traits. Furthermore, when performed with representative global cross-cultural samples, many psychological tests and behavioral experiments, Henrich argues, show results in which Western populations end up on the extreme end of the statistical distribution. This makes the West psychologically 'weird', an adjective which he also uses as an acronym (W.E.I.R.D.) to denote **W**estern, **E**ducated, **I**ndustrialized, **R**ich and **D**emocratic.

Starting from this observation, Henrich embarks on a journey across cultures and through time to investigate whether there are any causal connections between the observed psychological peculiarities of modern Western populations and the economic, political and military success of the West in, essentially, dominating large swathes of the globe over the last five hundred years or so. Unsurprisingly, Henrich's answer to this question is a clear 'yes'. What comes as a bigger surprise, though, is the time and place at which Henrich locates the root causes of why 'the West became psychologically peculiar and particularly prosperous': Henrich identifies them as developing in western Europe from about the 4th to 5th centuries AD onwards, i.e., commencing just around the transition from Late Antiquity to the Early Middle Ages. At that time and place, so the book's 'forensic' line of argument goes, the Western Church brought about what Henrich refers to as its Marriage and Family Program (MFP), a set of continuously evolving new regulations and edicts pertaining mainly to marriage and family planning. These directions included, among others, marriage regulations (especially strict prohibitions on cousin marriage), incest taboos, rules on inheritance, the dissolution of different types of large family (i.e. kin-based) organizations, a preference on neolocal post-marriage residence, relatively free selection of spouses as opposed to arranged marriages, and an evolving emphasis on monogamous nuclear families.

According to Henrich, these fundamental changes in the Western Church's dogmas on family and social structures catalyzed a set of intertwined transformations in the psychological traits of early medieval West European populations. These encompassed, among other things, stronger individualism (more emphasis on individual achievement and meritocratic values), elevated impersonal trust (as exercised, e.g., in big markets), stronger analytical thinking, a tendency towards social conformity, a predominance of feelings of guilt over feelings of shame, and a higher degree of moral judgement. This mix of psychological traits, Henrich argues, are the essential characteristics that make Western populations psychologically 'weird' when compared cross-culturally.

Through cascading effects, and enhanced by later transformations such as the Reformation and Enlightenment, these key ingredients of (early) medieval Western European psychologies led, Henrich explains, to the transition from traditional kinship-based social structures to pre-modern, 'proto-WEIRD' states. Among the most

important steps in this impact chain, Henrich lists accelerated urbanization, the proliferation of impersonal markets, the rise of voluntary associations (e.g., guilds and universities) and the inception of representative government and the rule of law. According to Henrich's analyses, all of these processes fundamentally shaped the WEIRD mindsets of Western populations so as to result ultimately in the accelerated economic growth, technological advance, scientific progress and global expansion of the West.

Henrich's central claim – tracing the West's success back to ecclesiastical family planning and social reforms during Carolingian times – is admittedly bold. At the same time, the evidence he presents to substantiate his postulate is likewise extensive: ethnographic case studies from all continents and a wealth of historiographical works are analytically integrated with an array of psychological and behavioral studies. The main tool Henrich employs for these analyses stems from the field of biocultural coevolutionary processes, namely the theory of cumulative cultural evolution as developed by Peter J. Richerson and Robert Boyd. This approach proves useful for Henrich's endeavor to demonstrate how a group's culture impacts on the group members' individual psychological traits, as well as on their collective 'coevolved social psychologies'. Here, it would have been helpful for the reader to be given an explanatory excursion on how precisely, in the context of neural plasticity, a group's cultural traits are translated into individual and collective psychologies by being inscribed in people's neural circuits, especially as Henrich himself – employing an analogy from physics – states: 'The cultural evolution of psychology is the dark matter that flows behind the scenes throughout history' (p. 470).

Undoubtedly, Henrich's work constitutes an important contribution to cultural anthropology, Big History, comparative cross-cultural psychology, economic history, behavioral economics and other disciplines. Nevertheless, a few points around which the book may be challenged should be discussed briefly. The author himself issues multiple disclaimers to state that he does not intended to construct a 'West versus the rest' dichotomy. Nevertheless, given the overall approach of his study and the results reported, ending up with such a bipolarity appears to be an outcome he just cannot escape. Thus, critics will probably be quick in accusing him of some form of 'Occidentalism'.

Moreover, Henrich's usage of the terms 'the West' and 'WEIRD' does not seem entirely unproblematic. Of course, he plays with the double meaning of 'weird' as both an adjective and as an acronym. Sometimes, however, he uses WEIRD for historical populations predating the age of industrialized, rich democracies. Furthermore, in some passages, he uses 'Western' and 'WEIRD' interchangeably, which they clearly are not. How the 'Western world', 'Westerners' etc. ought to be defined remains rather vague. In this context, it should also be noted that the term 'the West' has been used historically in a broad range of meanings (see, e.g., Winkler 2009). Some commentators even go so far as to suggest that 'the West' is a political and cultural idea(l), rather than any fathomable entity existing in the real world.

A few historical periods do not receive sufficient attention in Henrich's broad sweep through history. For instance, the role the Renaissance – along with humanism – may

have played in the rise of the West remains unexplained. In a related matter, the deeper causes for why the Iberian powers Spain and Portugal initiated the West's global expansion, while England and other northwestern European powers were to follow with significant time lags, deserve further scrutiny.

Henrich argues his case with confidence – perhaps slightly too much. Notwithstanding the issue of what actually constitutes the 'West', its fuzzy nature and fleeting boundaries, the reasons for the West's global success have, of course, puzzled thinkers for a long time. Even the question of whether particular psychological characteristics and cultural values may have been a key driver for it is by no means new. It goes back at least to the work of Max Weber (1904–1905/1934). What is new about Henrich's contribution is the idea that the Western Church's implementation of new dogmas on marriage and the family in early medieval, Carolingian-era Western Europe fundamentally altered people's psychologies, thereby setting in motion a cataclysmic chain of effects that transformed European societies from traditional kin-based populations to pre-modern states – another problematic dichotomy.… This claim is as innovative as it is radical and is certainly worth considering. Nevertheless, given the complexities and intricacies of the centuries-long socio-cultural dynamics involved in the rise of the West, it appears unlikely that a set of social reforms initiated by the Western Church in early medieval times constitutes its sole cause. In all likelihood, structural preconditions, in conjunction with highly dynamic processes of cultural evolution and change prior to as well as following what Henrich claims to have been the key 'switch' in European history, will have been major factors too.

Fortunately, a range of other potential factors – whether they actually constituted root causes, co-drivers or contributing factors remains for future research to determine – have already been investigated by other scholars such as Jared M. Diamond (1997) and David S. Landes (1998). These two seminal books aptly frame Henrich's contribution in both time and space, with Diamond outlining the structures and preconditions of the natural environment that ultimately gave Europe the edge over other parts of the world, and Landes providing a global economic history that emphasizes how, in the long term, different cultures, ideologies and policy decisions determine a society's economic success. From studying Henrich in conjunction with Diamond and Landes, a comprehensive and complex picture of the West's ascent emerges. Of course, these three authors do not form an exclusive 'Holy Trinity': other studies ought to supplement and extend them. In addition to Max Weber's classic treatise and Heinrich August Winkler's four-volume *History of the West*, cited above, these should certainly include Wolfgang Reinhard's (2016) monumental history of European expansion, as well as Barry Cunliffe's (2015) Deep History narrative of Eurasia, leading up to the time where Henrich picks up the story.

While perhaps lying beyond the scope of the present book, some further reflections on the past trajectories, current state and potential future pathways of WEIRD psychologies would have been useful, for instance: Might the particular pathway the West took to rise to its late twentieth-century level of economic prosperity, techno-scientific

progress and military might be the only possible one? Put differently: Could the West have ascended to the peak of its global dominance without becoming psychologically WEIRD? Are WEIRD psychologies still an exclusive trait of Western populations? If not, when have they ceased to be so, and what are the processes involved in the ongoing mutual adaptation and hybridization of WEIRD and non-WEIRD psychologies? How can the resurgence of China and other non-Western powers be explained in respect to culturally evolved social psychologies? Is the half millennium-long global dominance of the West slowly coming to an end? Has its WEIRDness usurped the entire world?

Anthropologists, psychologists, historians and economists will be among those benefitting from Henrich's book, as will anyone wondering why, for some five hundred years, societies from the northwesternmost tip of the Eurasian landmass have come to exercise dominance over much of the globe. The inhabitants of Asia's 'appendix', together with their many far-flung overseas descendants have, weirdly enough, settled to call themselves 'the West'. Disputed though this term may be, Henrich offers us some fresh and challenging stimuli for contemplating the question 'Why the West?'. However, for more comprehensive and balanced insights into solving this riddle of cultural history, it seems indispensable to delve more deeply also into the contributions of other scholars such as those referred to above. Thus, Henrich's book forms just one piece in the highly complex and non-trivial puzzle of explaining the temporary (?) civilizational success of the West – nevertheless, it is a significant piece of the puzzle.

Julius Riese
Independent researcher

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Foblets, Marie-Claire, Mark Goodale, Maria Sapignoli, and Olaf Zenker: The Oxford Handbook of Law and Anthropology.
992 pp. Oxford: Oxford University Press, 2022. ISBN 978-0-19-884053-4

The *Oxford Handbook of Law and Anthropology* is a collection of essays written jointly by anthropologists and legal scholars. The almost fifty chapters in the book explore diverse themes at the intersection of anthropological and legal theory and practice, ranging from the entanglements of law, culture, and politics on a global scale to questions of legal space, power, and technology.

The *Oxford Handbook of Law and Anthropology* is one of the few academic texts published in recent years that could be described as a *magnum opus* in both in its scope and its intellectual aims. The book represents an ongoing interdisciplinary and transdisciplinary conversation and collaboration between legal scholars and anthropologists, rather than merely a finished product, and sets out priorities for the future of legal and anthropological research. In their introduction to the volume, the editors outline how the handbook came to be. To further the production of critical scholarship in law and anthropology, they adopted what they call an experimental, 'fourfold' approach (p. 2). They began by selecting approximately equal numbers of legal scholars and anthropologists, who were encouraged to co-author chapters where possible. Contributors then reviewed each other's chapter drafts. Finally, the editors organized a conference during which all authors were given the opportunity to present and discuss their chapters in an interdisciplinary setting.

The complex discussions, reflections and (dis-) agreements fostered throughout this process are reflected in the structure and content of the volume, which successfully highlights the vast range of evolving themes, questions, and theories at the intersection of legal and anthropological research, while also offering an alternative, cross-disciplinary reading of law and anthropology as a global arena of systematic research. Inspired by the interdisciplinary research programme of the Max Planck Institute in Halle, Germany, the book systematically demonstrates that '"law" and "anthropology" are often articulated in different historical and cultural contexts in different ways' (p. 5).

The book is structured into five thematic parts. The first part of the volume, which contains fourteen chapters, introduces the history and scope of interdisciplinary work in law and anthropology. However, the editors explicitly point out that these chapters do not aim to offer a historical reconstruction of law and anthropology scholarship in a genealogical sense but mean to 'present a collective overview of the field that is thoroughly decentred and heterodox' (p. 4). The initial chapters therefore marry discussions about the cultural and historical variety of legal practice with reflections on the law's complicity in processes of empire creation and the production of global structural inequalities. One example is Sindso Mnisi Weeks's chapter concerning the political and social pitfalls of transformative constitutionalism in South Africa (Chapter 3). Drawing on anthropological theories of legal culture, Weeks argues that the goal of the South African constitution to transform a deeply unequal society is partially undermined

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by legal culture in practice, by judicial acts that engender continuity with the past (p. 57). Weeks's chapter shows how ingrained, everyday cultural practices can counteract legal agendas in invisible ways and may unintentionally reproduce historical systems of inequality. Thus, the chapter highlights the importance of studying legal and cultural processes in tandem and of analysing their impact in the context of local, historical processes. Other chapters in this section examine topics like the relationship between law and indigeneity in Latin America (Gil, Chapter 8) and legal uses of anthropology in twentieth-century France (Audren and Guerlain, Chapter 12)

Part II of the book builds on these insights by identifying recurring themes in legal and anthropological research. The editors define 'recurring themes' as topics that have both been formative in the field and are likely to endure as analytical guideposts in the future. The ten chapters in this section of the volume comprise themes such as the role of language in law (Mertz, Chapter 15), legal relations of space and time (Griffiths, Chapter 16), and rights and social inclusion (Goodale, Chapter 23). The editors also draw attention to the analytical overlaps between the various themes. For example, they point out that at the heart of recurring themes in law and anthropology lies the insight that legal forms 'impose limits to the ways in which the law can be mobilized for the social good' (p. 5). According to one contributor, Thomas Duve, one of the most analytically potent aspects of the chapters in this section lies in their ability to showcase how different legal cultures and traditions 'are used to construct and express individual and social identities' (p. 352).

The third, central part of the book, which comprises six chapters, then turns a critical lens on to the disciplinary relationship between law and anthropology itself by interrogating the role anthropologists can practically play in legal settings. The authors in this section explore the possibilities and limits of using ethnographic data in support of legal arguments in the courtroom and beyond, and consider the role anthropological experts can and should play in legal settings. Many of the chapters in this section focus on the role of anthropologists in different court settings, ranging from international hearings (Jakubowski, Chapter 26; Wilson, Chapter 28) to domestic court disputes (Hanschel and Steyn, Chapter 30). These chapters explore if and how anthropological knowledge can challenge legal world-views and to what effect judicial actors hear and accept arguments involving culturally specific motivations in court proceedings (Renteln, Chapter 25). Other chapters focus on the role of anthropologists in Alternative Dispute Resolution (ADR). Drawing on anthropological studies of ADR processes in a variety of cultural settings, Faris Elias Nasrallah (Chapter 27) suggests that there may be 'shared tendencies among states, societies, organizations, and individuals alike to seek to resolve disputes on their own terms and in forums that derive their authority from shared normative understandings' (p. 494) that are not necessarily derived from legal codes. This tendency, Nasrallah argues, forces us to seriously rethink the boundaries between law and anthropology, and between the institutional and the cultural.

The nine chapters in the fourth and penultimate part of the book then explore what the editors consider to be one of the main insights of the volume, namely that

'law broadly defined has its limits as a mechanism for social change, economic redistribution, and the provision of justice' (p. 9). However, the realization that the law has limits should not lead to a condemnation of legal engagements writ large, but rather be a starting point for improved understanding of when, and under what conditions, law can deliver justice, and what types of law apply to what contexts. In her discussion of law and humanitarian intervention, Erica Bornstein explains that humanitarian intervention raises complex controversies about legal scale and jurisdiction on the transnational and local levels (Chapter 34). However, she also argues that sometimes local interventions can pave the way to national and translational legal reform down the line. Bornstein concludes that these complexities highlight the need to further investigate anthropologically how the limits of law can be pushed and transformed by local voices. These insights also resonate with other chapters in the section. While Rachel Sieder examines how Mayan indigenous rights activists in Guatemala have rejected mainstream legal interpretations and infused legal practice with their own world views and values to mobilize law to their advantage (Chapter 38), Sarah Levin describes how Chinese human-rights defenders have formulated innovative forms of rights-based advocacy (Chapter 39).

While the first four parts of the Handbook focused on the evolution and ongoing complexities of legal and anthropological research, the final ten chapters of the volume look firmly towards the future by foreshadowing some of the most pertinent questions and theoretical pathways in the field of law and anthropology. Here some authors analyse, as Dann and Eckert state in Chapter 44, the 'increasing deterritorialization' of law (p. 808). They propose that scholars explore how social norms may be created in a world that is moving increasingly beyond established models of national sovereignty and corresponding state laws. Meanwhile, others charter new ways of understanding legal processes through the lens of embodied and affective interactions (Klarke, Chapter 48). What ties the final ten chapters together is a common concern with a decline of the Westphalian nation-state model and an acute awareness that future research in law and anthropology must pay close attention to how technological advances shape social and normative orders.

The book concludes with a nuanced reflection on the role of socio-legal researchers themselves. The editors encourage the reader to think about law as a form of 'differentially embodied presence [that is] positioned in particular moments and long durées' (p. 12). This presence is a prism through which new perspectives on the interaction between society, culture and anthropology can be gained, but also one which itself transforms the social and legal space.

In many ways, the *Oxford Handbook of Law and Anthropology* is an intellectual gift that keeps on giving. For researchers in law and anthropology, and sociolegal studies more widely, it can act as a reference volume, a thematic guide to current research, and/or a theoretical sounding board. The vast scope of the volume turns it into a sort of inspirational treasure chest, which researchers can rummage through to find analytical touchstones for their own analyses.

While the range and multiplicity of contributions in the volume create a unique opportunity for the nuanced and multi-perspectival analysis of current issues in the field of anthropology and law, the sheer quantity of chapters can sometimes feel a little overwhelming for a reader. Moreover, despite the great amount of theoretical and methodological material covered in the volume, some pressing issues in law and anthropological scholarship could have been explored more comprehensively. For example, a more extensive analysis of the relationship between legal evidence and evolving digital technologies and digital capitalism could have strengthened the volume even further. Some chapters in the volume discuss how new techno-scientific regimes have shaped legal truth production (Turner and Wiber, Chapter 41). However, what remains underexplored is how algorithms and social media platforms have introduced new private legal players into transnational legal processes that pose new challenges for regulation (Udupa 2021), while also giving rise to new modes of vernacular justice (Cearns and Fuchs forthcoming).

Nonetheless, there is no doubt that, as an intellectual project, as well as a collaborative effort across disciplines, *The Oxford Handbook of Law and Anthropology* represents a rare feat that has already become part of the canon of foundational scholarship in law and anthropology.

Sandhya Fuchs
Vrije Universiteit Amsterdam

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Fuchs, Sandhya: Fragile Hope: Seeking Justice for Hate Crimes in India.
358 pp. Stanford: Stanford University Press, 2024. ISBN 978-1-50-363834-1

"The dehumanization resulting from an unjust order is not a cause for despair but for hope..."
Paulo Freire, 2005:91.

The term 'hate crime' refers to acts of violence committed against historically oppressed groups that are intended to reinforce their subordination. One such group is India's Dalits (formerly untouchables or outcastes), which historically have been

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marginalized due to the enduring caste system. The Indian Constitution introduced the term 'Scheduled Castes' to legally categorize these castes, leading to protective measures like the *Prevention of Atrocities Act* (PoAA). This act aims to protect Dalits from caste-based violence, which often arises in response to their upward social mobility. According to the 2022 National Crime Record, violence against Dalits is increasing, with Uttar Pradesh and Rajasthan leading the trend. According to the Home Ministry, 53,886 cases were registered under the SC-ST (PoAA) Act in 2020.

There has been a dearth of studies so far in the areas of caste and law. However, more recently some publications have addressed the relationship between them. For instance, Annapurna Waughray (2024) captures the history and persistence of caste in India and its global implications. Norwegian political scientist Dag Erik Berg (2020) underscores the oppressive caste structure and its rejection by Dalit socio-political movements in the post-colonial era based on his research in the south Indian state of Andhra Pradesh. Maharashtra and Tamil Nadu have also seen robust Dalit movements challenging upper-caste dominance. On the other hand, Rajasthan, a northern Indian state, produced a 'fractured movement for Dalit assertion', claims Sandhya Fuchs, a social anthropologist, in her book, *Fragile Hope: Seeking Justice for Hate Crimes in India*. The author's unique biography is important to understand her ethnographic journey. Her lived experience of India is remarkable: she grew up with social-scientist parents in India from the age of 5 and speaks Hindi, which is largely understood in the north of India. Her research with various Dalit organizations adds more to her profound understanding of the caste system and its nuances. The book claims that the success of hate-crime law is socially situated and individually experiential (pp. 22–28). The author raises a critical question in her book: What does the PoAA really mean in the lives of survivors? How does it impact them?

The volume critically examines the implementation of the PoAA in Rajasthan, focusing on how its goals, substantive rules, and evidentiary procedures are interpreted, shaped by gender, and contested by Dalit communities. The author's ethnography spans Jhunjhunu, Udaipur, Karauli, and Nagaur. In Rajasthan, where Dalits make up 17.2% of the population, Meghwals constitute half of this group and are divided into four sub-castes: Salvis, Bunkers, Balais, and Meghwanshis. Caste-based aggression is fueled by deep power imbalances and patriarchal norms. Rajasthan's historically feudal and patriarchal past not only reflects its caste-related violence but also systemic violence cascading from the top of the social hierarchy to the bottom (p. 53). Simple actions, such as sitting on a chair or eating in front of the upper castes, or having mustaches like them, owning a car or a horse, riding a horse at a wedding, or touching an upper caste's water source, can trigger violence. The PoAA was amended in 2015 to include additional categories of atrocities, such as the imposition of social and economic boycotts. The first chapter of the book explores the transformative vision that inspired the PoAA. The author interviewed senior bureaucrats who expressed their intent to 'criminalize all casteist actions that make massacres possible' (p. 62). The PoAA aims to

uproot casteism by addressing culturally normalized acts of violence, such as everyday practices of untouchability.

Dalit women are the most vulnerable, enduring compounded violence rooted in the feudal patriarchal structure. Chapter two, *Who Owns the Land*, discusses the rape of a Dalit girl, Pinky, from the Meghwal community, which went to court and saw the active involvement of various civil-society organizations, activists and community groups. This case is emblematic of the exhausting nature of such atrocities, where often nothing seems to work (p. 99). In cases like these, winning an atrocity case can lead to 'public honor', but in this instance the case ended in a compromise, with the victim's family receiving (R.150,000) from the perpetrators' family. The situation took an unexpected turn when the victim denied the rape had taken place in court. The author describes this as a 'psychological trauma', which involves a loss of faith in the social world, accompanied by an inability to articulate experiences coherently (p. 88). This case highlights the intersection of individual violence and collective suffering (p. 100).

Chapters 3 and 4, *The Case that Could Not Be* and *Rewriting Law's Allegiance?* demonstrate how Dalit vulnerabilities are rooted in Dalits' dependence on upper-caste landowners. The chapters discuss in detail a 2012 case in Libasha village, Udaipur district, where an individual faced a 'social boycott' – being barred from the village temple and denied medical treatment – after constructing a house with a balcony (p. 111). Eventually, the entire Meghwal community was ostracized from village life, underscoring deep-seated notions of caste superiority. In such cases of caste violence, the police often side with the landowning castes and undermine PoAA complaints by refusing to acknowledge marginalized experiences. The author notes two key processes: first, the police demand specific language, 'the right words' and 'the right type of proof', as well as particular bodily performances. This allows officers to mask corrupt practices or personal caste biases as a mere lack of evidence (p. 117). This illustrates a harmful institutional cycle where laws designed to protect hate crime victims are paradoxically manipulated by those responsible for upholding them (p. 159).

The constitutional promise of equality inherent in the PoAA also offers a new public sphere of negotiation and compromise. Chapter five, *You Must Not Compromise*, points out that in the majority of the cases the perpetrators and victims end up compromising, which reveals a symbiotic relationship between formal law and the alternative route of dispute resolution. The chapter also explores the background to these compromises, which is 'threat and coercion' by the police and powerful interest groups to intimidate Dalits into dropping cases and compromising (p. 163). This exposes the corruption of the police system, which starts with a weak FIR ('first information report') so the police can use it in favor of the criminal. The chapter offers an interesting discussion on what should be prioritized when seeking justice through hate-crime laws.

Chapter six, *Field of Massacre: A 'Hollow' Law?* illustrates how, when Dalits encroach upon spaces in ways that higher caste groups reluctantly concede, the latter often respond with violence. Violence serves as a boundary marker, sending a message to Dalits: 'We have given you this much; do not take more' (p. 208). Cases of caste

atrocities consistently show that, in most instances, the upper or landowning castes take 'justice into their own hands' (p. 203). The chapter describes one of the most brutal caste atrocities, which occurred in May 2015 in Dangawas village, Nagaur district, when five Meghwal men were killed by a mob of around 250 Jats who stormed a disputed plot with motorcycles, weapons, and tractors. The author shows how land had become a caste-marked space even before the massacre. In this case, the PoAA failed to provide the Meghwals with the sense of safety they needed, yet it still holds out a measure of hope.

Hope is an essential aspect of social life, as anthropologists have often emphasized. The capacity to hope and aspire is shaped by circumstances and experiences of oppression (p. 218). Chapter 7, *Habits of Hopefulness: Legal Labors for a Better Future*, compares two journeys of hope. It argues that the Act has become a crucial pillar of aspirational engagement in Rajasthan. The act offers a bureaucratically grounded reference point for hope (p. 221). The PoAA became an arena that allowed for the creation of new communities that made a more equal society appear within reach (p. 220). However, the chapter also stresses that urban Dalits have few of the financial resources that allow them to build new, meaningful social networks (p. 223). The PoAA has thus become the site of a *meliorist hope complex,* according to the author (p. 218). The PoAA offers a bureaucratically grounded reference point for hope which allows many survivors to cultivate new habits of resistance, not despite its character as a formal law, but because of it. Research indicates that those who commit caste-based atrocities rarely express guilt, which is a noteworthy finding that warrants further analysis.

The author highlights the symbolic importance of the PoAA as a source of hope within the Hindu context of Rajasthan, in contrast to regions influenced by Ambedkarism and Buddhism (pp. 227–28). Despite widespread caste violence, the PoAA has become a tool for the Meghwals to build political and cultural capital and challenge the feudal caste hierarchy, reflecting a shift from caste to class, driven by urbanization and education. The volume proposes that a systematic examination of hate crime laws in other postcolonial or newly independent nations can provide scholars with deeper insights into how constitutional principles and foundational legal frameworks influence the development of hate crime legislation and anti-discrimination policies.

The volume's strength is its captivating and insightful ethnographic field narratives. It also highlights the paucity of research on truth and reconciliation in cases of caste-based atrocities. With its compelling narratives, *Fragile Hope* underscores the need for strategies beyond legal mechanisms to combat caste-based violence. The volume is methodologically significant for anthropologists and ethnographers and is essential reading for scholars, activists, and policymakers engaged with restorative justice practices, human rights, caste, law, and gender issues.

Gaurav J. Pathania
Assistant Professor of Sociology and Peacebuilding
Eastern Mennonite University, Virginia

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Buschmann, Rainer F.: Hoarding New Guinea: Writing Colonial Ethnographic Collection Histories for Postcolonial Futures.
284 pp. Lincoln: University Nebraska Press, 2023. ISBN 978-1-4962-3464-3

In his book *Hoarding New Guinea: Writing Colonial Ethnographic Collection Histories for Postcolonial Futures*, Rainer F. Buschmann offers a comprehensive analysis of the emergence and development of ethnographic collections from Papua New Guinea in the context of colonialism. During the colonial annexation period before the First World War, over a period of three decades (1885-1914), self-proclaimed collectors extracted most of the material collections that are kept in German Museums today. The author begins with an introduction to the history of collections created in a colonial context, with the help of a quotation from Hans Blum, a former planter's assistant and expedition member of the New Guinea Company. The quote sheds light on the colonial logic of the mass accumulation of material culture. Reasons for the collecting hype included the salvage paradigm[1] of preserving cultures, but also the desire for prestige, on the one hand on the part of the museums and on the other hand on the part of the acquirers, by awarding them medals of the German Empire. And of course, there were also economic factors. In the four chapters, Buschmann explores the values of cultural property in terms of exchange, trade, prestige, or propaganda. He uses the concept of fluidity to explain that values are created in a reciprocal process between Europeans and the local population. Case studies offer insights into colonial 'collecting practices' and their effects on indigenous communities. As an introduction to his detailed analysis of the intertwined histories of Papua New Guinea and Germany, the author uses the historical source criticism of publications. The source-critical analysis of correspondence from the colonial period between members of the New Guinea Company and German museums, as well as the correspondence between various actors in

1 This refers to the idea, widespread around 1900, that the material culture of non-European societies had to be saved because the people who produced them were doomed to extinction.

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the colonies and Felix von Luschan on behalf of the Royal Museum of Ethnology (now the Ethnological Museum) in Berlin, offer various motives for the enormous appropriation. Other methodological approaches include archival research to reconstruct the histories of the collections and interviews. He calls the Europeans' insatiable pursuit of the material culture of the Pacific and its systematic appropriation or accumulation 'Hoarding' (p. 9).

By integrating various disciplines such as history, anthropology and cultural studies, Buschmann aims to draw a comprehensive picture of colonial networks. The theoretical framing is taken from a post-colonial theoretical framework, which he also uses to analyze the dynamics of power and representation. Ethnographic collections are presented as an expression of colonial power and control over indigenous cultures. The author also tries to work out the effects of these practices on the local people through their agency by recognizing the active exchange and trade with Europeans. Finally, he discusses current decolonization efforts and offers future-oriented strategies. The detailed appendix indicates the quantitative dimension of the hoarded collections in Europe.

The book's greatest strength is its careful balance between historical depth and contemporary relevance. From an anthropological perspective, the methodological approaches used by Buschmann did not fully consider the complexity and multi-layered nature of the knowledge systems of the Indigenous communities. Through his structured approach, however, Buschmann succeeds in illuminating the complex interrelationships between colonial history, ethnographic collections and current decolonization efforts, and in formulating well-founded proposals for future developments. He thus makes a contribution to current (specialist) debates on provenance research and restitution in museum anthropology. Unfortunately, there is no reflection on the author's own positioning. From a museum studies perspective, strategies are needed to come to terms with the past as mentioned, but also to enable future, fairer relations between former colonial powers and indigenous communities. The involvement of Indigenous communities in the reappraisal and restitution of cultural assets is essential. *Hoarding New Guinea* significantly contributes to the discussion about colonial collections and their future. It challenges museum experts and scholars to critically reflect on their role in dealing with the colonial past and to contribute actively to a more just future. This is an indispensable work for all those concerned with post-colonialism, anthropology and museum practice.

Katharina Nowak
Eberhard Karls Universität Tübingen

Lancy, David F.: Learning Without Lessons: Pedagogy in Indigenous Communities. 280 pp. New York: Oxford University Press, 2024. ISBN 978-0-19-764559-8

David F. Lancy's *Learning without Lessons* is an important book for those interested in childhood, socialization, child development, and education. By contrasting Western formal school education with informal education in Indigenous villages, the author identifies two corresponding modes of learning: while in the first caregivers act as agents, in the second it is the children who enjoy autonomy of action. The directionality of the learning process has consequences for cognitive learning because in Western, Educated, Industrialized, Rich, and Democratic (WEIRD) contexts (Henrich et al. 2010) interactions with parents and teachers are structured by eye contact and verbal messages, while Indigenous children mainly learn through careful observation, eavesdropping on conversations, and imitating others. In WEIRD societies, children compete against each other for individual achievement; in Indigenous communities, the educational goal for children is to become helpful community members.

Lancy's insights are based on focused, ethnographic research, not only from social and cultural anthropology, but also from cultural psychology, developmental psychology, archaeology, and historical sciences. His intention is not to give advice on how to reform Western schools but to analyze the sociocultural forces that shape contemporary pedagogies. By providing a multitude of case studies from all regions across the globe to illustrate his theoretical assumptions (the reference list comprises fifty pages), it becomes clear to the reader that Indigenous pedagogy is following a systematic pattern with similar principles and practices, one that is decidedly different from Western modes of learning.

Learning without Lessons is organized into an introduction (Chapter one) and six further chapters. In Chapter two, Lancy explores the 'gulf between WEIRD and Indigenous pedagogy', which is nowhere 'farther apart than in the treatment of infants' (p. 13). He states that Western parents are anxious to optimize their children's development by using training materials designed for age-appropriate lessons. This is in large contrast to Indigenous caretakers who are mainly 'concerned with their baby's survival, [taking] great pains to keep the infant in a womb-like environment with reduced stimulation and disturbance' (p. 13). Unlike their WEIRD counterparts, Indigenous mothers do not often play with their babies. When they make use of speech, this is usually to give orders, not to produce psychic-emotional intimacy, as is the case among members of the Western middle-classes.

In Chapter three, the child's innate tendencies for self-learning are discussed. Indigenous children usually do not play with toys but learn through a hands-on use of real tools. Young children are eager to 'pitch in' (p. 65) and are highly motivated to join everyday activities such as foraging. However, they are not forced to participate but choose to do so voluntarily. There is usually no praise for children's achievements. Instead, children are rewarded when adults accept their contribution to a task. According to Lancy, in Indigenous societies it is generally the case that people are not told what

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they should do. Parents accept that the practice of children learning through trial and error carries with it the risk of self-injury.

Unlike WEIRD societies, children in traditional Indigenous communities do not attend indoor classrooms, where they are supposed to focus on the teacher's (verbal) messages while ignoring all other environmental stimuli. Instead, they play in the village center, which serves as an 'everyday classroom' (p. 82) with rich opportunities for learning (Chapter four). From an early age, they spend the bulk of their time together with their peers roaming about the village and its vicinity without much adult interference. Another opportunity for children's learning is the everyday activities within the 'family circle' (pp. 88 ff.), for example, when children accompany adult caregivers to their fields.

In Indigenous settings, children are assigned specific tasks according to their age and abilities (Chapter five). They assist in caring for infants, gardening, herding, and foraging. In many Indigenous societies, there is no developmental timetable. Instead, '[p]rogress is marked by the mastery of skills … [which] … are not acquired at any particular age or stage but when the child decides to pursue them' (p. 125). From this it follows that a person's functional value is directly linked to individual performance, generating a strong motivation to 'travel up the learning curve' (p. 18).

In Chapter six, by reflecting on pedagogies in the Victorian era and Ancient Egypt, Lancy describes how modern schooling came into existence and stresses that instances of structured learning (e.g., initiation rites or craft apprenticeship) can be found among Indigenous peoples, 'particularly where sedentism and social hierarchy are well-established' (p. 20). He goes on to discuss the village schools that nowadays exist in many communities. The level of schooling is often low in these institutions, and drop-out rates are high. Furthermore, there is direct competition between school attendance and work.

The last chapter, entitled *Global WEIRDing*, is meant to suggest that Western pedagogical ideas, just like WEIRD culture in general, are spreading rapidly around the world. The self-initiated Indigenous mode of learning is increasingly viewed as inferior to the WEIRD model of good parenting and educating by local authorities and transnational organizations alike (Scheidecker et al. 2023). Not only in Western settings, but also in remote Indigenous villages, we are currently witnessing an economization and academization of education leading to a loss of skills and to the emergence of a 'schooled mind' which is characterized by the ability to '[place] … objects in an analytical framework' (p. 181). Prosocial behaviors such as sharing and helping are becoming attenuated, and children's learning processes are increasingly based on speech and printed material. It is through Western style schooling that Indigenous children become alienated from their sociocultural and natural environments and lose their multi-focused attentiveness.

My main critique of *Learning without Lessons* is the binary opposition between WEIRD society (used in the singular!) and Indigenous communities that persists throughout the book. Lancy fails to define the two groups at all clearly and neglects

their internal differentiation. Furthermore, he introduces 'village(rs)' as a shorthand for 'Indigenous' (p. 13) and thus implies that the urban-rural distinction is a correlate of his group classification. By lumping all Indigenous peoples together into one category, Lancy steps into a Western-centric trap. (Admittedly, the 'West-against-the Rest' problem also appears in the work of other scholars – Heidi Keller (2007), for example, distinguishes between 'Western urban middle-class families' and 'traditional rural families'.)

By looking primarily at the commonalities between Indigenous groups, important differences may be overlooked, and the danger arises that one inadvertently finds what one is searching for. Universal claims about human learning (or any other subject) are only justified if WEIRD people cease to be the overall point of reference. For this aim, I consider it necessary to distinguish between at least three (better four or five) groups to overcome the binary opposition between Indigenous and non-Indigenous peoples and to build up a novel framework which is not entirely based on WEIRD concepts and lifestyles. In my view, the 'Indigenous' mode of learning could be further differentiated by analytically separating egalitarian small-scale communities from farming societies, or by comparing pedagogies across different regions. In addition, it must be questioned why the 'non-Indigenous' mode of learning is reduced to WEIRD populations. In today's multipolar world, local pedagogies are influenced not only by Westernization, but increasingly also by Sinification and Russification, to name just two examples.

Unlike what Lancy seems to imply, I do not believe that Indigenous peoples entirely give up their traditional beliefs and practices to adopt a WEIRD lifestyle. Their cultures do not disappear but are transformed into something new which is neither 'Western' nor 'traditional'. Accordingly, the task of future researchers is not simply 'to assess the degree of acculturation' (Gallois et al. 2015, cited on p. 209), but to investigate which aspects of Indigenous pedagogies are more resistant to change than others, how the mixing of sociocultural features leads to new practices, and how these are endowed with culturally specific meanings.

Throughout his book, Lancy takes a cognitivist approach towards learning which does not sufficiently explain why Indigenous children have a strong desire to 'fit in' (p. 18) and to acquire knowledge and skills (p. 122). What is missing from Lancy's analysis is a socioemotional developmental perspective. Although he points out that '…nowhere in the ethnographic record had I run across any mention of parents … attempting to increase [children's] "self-esteem"' (p. 125), and that (for example) the Central African 'BaYaka utilize a pedagogy based on mockery, play, and public speaking (p. 95)', he does not reach the conclusion that pedagogies in WEIRD and Indigenous settings are accompanied by different socializing emotions ('pride' in WEIRD settings; 'shame', 'fear', and 'anxiety' in Indigenous settings; Miller and Cho 2018; Röttger-Rössler et al. 2015).

While these are serious shortcomings, I must admit that Lancy's oversimplification also has its benefits. His reduction of reality could be viewed as a trick that helps us to

see the wood for the trees. His great contribution to the interdisciplinary study of childhood lies in the provision and systematic arrangement of a multitude of ethnographic examples which illustrate the geographical, cultural, and historical limits of WEIRD educational ideology. To be sure, others before him drafted similar theoretical frameworks (e.g., Keller 2007; LeVine et al. 1994; Rogoff 2003), but they only referred to a limited number of case studies, which made it easier for experts from other academic disciplines (e.g., Early Childhood Development; Global Health) to brush them aside as 'exotic' examples. It is decidedly more difficult to ignore Lancy's empirically rich book, and this makes me hope that it can help to bridge disciplinary gaps.

Leberecht Funk
Social and Cultural Anthropology
Independent Scholar

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