UC Berkeley
Journal of Law and Political Economy

Title
Introduction—The Law and Political Economy of Extractivism in the Anthropocene

Permalink
https://escholarship.org/uc/item/20g5k8ct

Journal
Journal of Law and Political Economy, 6(2)

Authors
Dehm, Julia
Clark, Martin
Birrell, Kathleen

Publication Date
2026-10-30

DOI
10.5070/LP6.70013

Copyright Information
This work is made available under the terms of a Creative Commons Attribution-NonCommercial-ShareAlike License, available at https://creativecommons.org/licenses/by-nc-sa/4.0/

Peer reviewed

eScholarship.org Powered by the California Digital Library
University of California

Julia Dehm, La Trobe University
Martin Clark, University of Melbourne
Kathleen Birrell, La Trobe University*

Introduction—The Law and Political Economy of Extractivism in the Anthropocene

Extractivism has been described as organized, sustained theft—pillage and plunder of the natural world to expand capital (Grosfoguel 2019, 213; Dunlap et al. 2024, 440). Extraction as a process uses violence, exploitation, and depletion to turn forms of life or matter into resources for accumulation (Chagnon et al. 2022; Schwöbel-Patel 2025, 456). More broadly, we can understand extractivism as a social relation premised on practices of appropriation and as a form of economic organization that spans the globe, generating large profits for (often foreign) capital while imposing social and environmental costs on the people and areas from which material is taken (Scott 2021). Moreover, extractivism is a cultural logic or ideology that is underpinned by dominant Western distinctions: life and nonlife, use and waste, sacrifice and security (Szeman and Wenzel 2021, 506). This has become entrenched, generating the conditions and mechanics that make extraction seem inevitable and inescapable. Extractivism demands a way of being in the world—what Leanne Betasamosake Simpson calls "ontological extractivism"—that treats extraction as a necessary condition of life. Alternative, nonextractive ways of being have been displaced or suppressed through colonialism, capitalism, and assimilation (Grosfoguel 2019, 212). For scholars and activists working in the Anthropocene, a contentious geological marker that is also a discursive call to action, the frame of extractivism has provided an important means of describing existing social relations that generate and perpetuate ecological, social, and political crises, but also rethinking them. It also prompts us to consider how current energy transformation projects risk replicating, expanding, and intensifying extractivist relations, including their relegitimization as "green extractivism" (Scott 2025).

This special issue focuses on the law and political economy of extractivism as a significant and novel contribution to this larger body of work. While many scholars in cognate disciplines across the humanities, social sciences, and hard sciences have built a considerable literature on extractivism, it poses increasingly urgent research and advocacy questions for law. Drawing on legal scholarship in critical, theoretical, and political-economic modes, we approach law as a significant tool for authorizing, regulating, and entrenching the practices, logics, and relations that are needed for the functioning of a global political economy premised on extraction.

The urgency of such an examination is illuminated by recent international crises. The catastrophic US-Israeli genocidal war on Gaza, which began by blockading the necessities of life combined with relentless indiscriminate bombardment, has turned in its third year to the language of real estate

* Julia Dehm is ARC DECRA Fellow and Associate Professor at La Trobe Law School, La Trobe University, Australia. Please direct correspondence to j.dehm@latrobe.edu.au. Martin Clark is Senior Lecturer at Melbourne Law School, University of Melbourne, Australia. Please direct correspondence to martin.clark@unimelb.edu.au. Kathleen Birrell is Senior Lecturer and Director of Graduate Research at La Trobe Law School, La Trobe University, Australia. Please direct correspondence to k.birrell@latrobe.edu.au. We thank the participants of "Law and Extractivism in the Anthropocene" held at La Trobe Law School on 24 and 25 July 2023.

deals in the corporatized "Board of Peace," whose "technocratic committee" is tasked with removing and reorganizing—that is, extracting—surviving Palestinians, and arranging for lucrative "reconstruction" and gas pipeline deals. In the midst of this violence, the Israeli Ministry of Energy has awarded licenses for international companies to explore for gas in the Gaza Marine Zone (Al-Haq 2024; Qafisheh et al. 2025). The US hostile takeover of Venezuela by kidnapping its president and threats to the replacement *comprador* regime have already opened up oil and gas exploration and investment opportunities (see further AJIL 2026). The discourse surrounding the renewed US and Israel war of aggression against Iran has oscillated between assertions of genocidal military power and the language of commercial negotiation. The exchange of "memoranda of understanding" and competing numbered points of agreement rehearse a perpetually deferred deal, made and unmade, concerning the extraction of enriched uranium. At the same time, disputes over who may impose fees, tolls, or environmental protection payments reflect wider anxieties about the transnational circulation of oil, the world's most lucrative commodity. Waves of relatively cheap Iranian missiles and drones have inflicted damage estimated in the billions of dollars to the global infrastructure for oil and gas production (see further Dhankhar 2026). Flows of helium for data centers and fertilizer for global food production, already degraded by the Russian war of aggression against Ukraine, remain blocked.

While many of these developments are very recent, they build on many of the trajectories examined at the workshop from which this special issue emerges: Law and Extractivism in the Anthropocene, convened at La Trobe Law School in July 2023. This workshop gathered a diverse group of scholars to reflect on the role of law in extractive regimes and to consider the legal, political, and epistemic alternatives that might emerge from anti- and postextractivist thinking. Presentations offered critical accounts of how resource extraction is facilitated by laws and institutional practices; how laws are authorized by representational practices, knowledges, and assumptions; how law is enmeshed with social movements in resistance to extraction and its repair; and how transformative practices and institutions reorientate extant dynamics of appropriation and control toward sustainability and equity.

The workshop generated two special issues, demonstrating the breadth of engagement with these pressing questions. The first, entitled "Law and Extractivism in the Anthropocene" (*Law Text Culture*, Volume 28), focuses on ontologies and epistemologies underpinning historical and contemporary modes of extractive imperialism and capital accumulation. In contrast, this special issue, entitled "The Law and Political Economy of Extractivism in the Anthropocene," foregrounds material questions of political economy, and the legal and governance arrangements that constitute the unequal accumulation of extraction.

The six contributions to this special issue, authored by emerging and established scholars, straddle domestic and international law and political economy concerns. They foreground a range of different domestic contexts—including Chile, Peru, Colombia, Thailand, Japan, and Malaysia—while also illuminating the role of international law and organizations, especially the investment regime, and how transnationally organized supply chains structure the global and domestic political economy of extractivism. Some of the contributions focus on traditional extractive economies, like mining and timber logging. Others explore new extractive frontiers, including putative "energy transition minerals" such as lithium, as well as derivative extractive economies in commodities like plant genetic variety. Many of the contributions turn to history—to show the persistence of extractive forms of appropriation, but, more crucially, to comprehend the conditions that have shaped our present, and the possibilities for future contestation.

The opening contribution, "Law and Extractivism in the Anthropocene," authored by us, the three editors of this special issue, maps the growing scholarly engagement between law and political

economy and extractivism, and argues that law is a mechanism for authorizing extractivist relations. Offering a theoretical framework for interrogating this idea of "authorization" of extractivism, we explore two core mechanisms. First, the centrality of law to the complex interplay of sovereignty, geology, and property that underpins resource rights, which both constitutively enables and is enabled by extractivism. Second, the importance of law in generating the architecture that constitutes and maintains the global political economy through the ideologies and imperatives that lead to the unequal distribution of resources, harms, and benefits, all evident in the public and private laws on corporations, money, debt, and workers. Our conclusion gestures toward reimagination and repair, suggesting that the demand for nonextractive relations is also a call for different forms of law and authority.

The repressive role played by law in suppressing protest against extractivism, as well as the broader relationship between authoritarianism and democracy, are the focus of "Extractivism as Authoritarianism" by Roger Merino. Drawing on semistructured interviews with Indigenous leaders and activists, as well as analysis of all emergency decrees and their explanatory statements issued in Peru during the period 2015–2023 to protect mining, Merino powerfully shows how emergency decrees have been normalized in extractive economies to further state control and suppress dissent.

Natalia Torres Zúñiga's contribution foregrounds the constitutive role of law in entrenching extractive capitalism, especially the ideological role played by the public/private divide. Her contribution, "Forestry Extractivism and the Constitutive Role of Law: The Public/Private Divide in a Southern Chilean Case Study," examines the expansion of forestry in southern Chile since the enactment of the neoliberal Constitution of 1980. Zúñiga's analysis traces historically the role of the state in promoting extractivism and explores the contemporary mechanisms by which forestry extractivism and its negative environmental impact are constituted by state law through a case study of San José de la Mariquina.

Bridging the domestic and the international, Caitlin Murphy focuses on the supply chain as a key legal technology that shapes the ordering of global extractive relations. In "International Legal Ordering and the Lithium Supply Chain: Struggles over Extraction, Corporations, and the Developmental State," she shows how lithium extraction has been shaped by the legal practices of the supply chain form and how it configures the relationship between the nation-state and the corporation. Through a critical redescription of how the lithium supply chain is made and naturalized, Murphy raises crucial questions about the legal architectures configuring the trajectory, form, and effect of the nascent energy transition.

Negar Mansouri's contribution shows the complex interplay between national and international law, as well as the role of international organizations, in commodifying tropical forests and promoting the logic of industrial logging. In "Timber Capitalism: The Journey of Industrial Logging Across Tropical Forests in the Post–World War II Era," she provides a historical examination of two key actors in the global tropical timber trade, Japan and Malaysia. The analysis begins in the post–World War II era, examining the rise of corporate capitalism in the 1950s and 1960s and state developmentalism in the 1970s and 1980s, before considering the implications of the creation of the International Tropical Timber Organization (1983) and the United Nations Conference on Environment and Development (1992). Mansouri's contribution highlights the global space of extractive capitalism and the persistent need for a "spatial fix" to open up new spheres of production and exchange for tropical timber.

The role of international law in shaping and reshaping extractive dynamics within domestic economies is foregrounded in Ximena Sierra-Camargo's article, "Challenging the Constitutional

State in a Context of Transnational Mining Economies and of Global Coloniality." Through a case study of the municipality of Marmato, Caldas, in Colombia, she shows how the Colombian mining regime has been shaped by a transnational lawmaking process and disciplined by international investment norms. Sierra-Camargo approaches the current mining regime in Colombia through the notion of "coloniality" to draw attention to the continuity of colonial legacies and hierarchies to this day.

Collectively, these articles make a significant contribution to understanding the constitutive role of law—at the domestic, international, and transnational levels—in enabling and sustaining extractivism. While the various analyses foreground the historical entrenchment of extractivist logics within these legal structures, the authors also articulate possibilities for more reparative and less extractivist legal orders. The task of envisioning what laws are needed for a world beyond extractivist political economy is, we suggest, more urgent than ever.

REFERENCES

AJIL (American Journal of International Law). 2026. "Contemporary Practice of the United States Relating to International Law: The United States Attacks Venezuela and Abducts President Nicolás Maduro." 120 *American Journal of International Law* 397. https://doi.org/10.1017/ajil.2026.10164.

Al-Haq. 2024. "Israeli Gas Exploration Licenses in Palestine's Maritime Areas Are Illegal and Violate International Law." Press release, February 8. https://www.alhaq.org/advocacy/22619.html.

Chagnon, Christopher W., Francesco Durante, Barry K. Gills, et al. 2022. "From Extractivism to Global Extractivism: The Evolution of an Organizing Concept." 49 *Journal of Peasant Studies* 760. https://doi.org/10.1080/03066150.2022.2069015.

Dhankhar, Garima. 2026. "The Hormuz Effect: War, Sanctions and the Convergence of Risks in Energy Arbitration." *Opinio Juris* (blog). May 13. https://opiniojuris.org/2026/05/13/the-hormuz-effect-war-sanctions-and-the-convergence-of-risks-in-energy-arbitration/.

Dunlap, Alexander, Judith Verweijen, and Carlos Tornel. 2024. "The Political Ecologies of 'Green' Extractivism(s): An Introduction." 31 *Journal of Political Ecology* 436. https://doi.org/https://doi.org/10.2458/jpe.6131.

Grosfoguel, Ramón. 2019. "Epistemic Extractivism: A Dialogue with Alberto Acosta, Leanne Betasamosake Simpson, and Silvia Rivera Cusicanqui." In *Knowledges Born in the Struggle: Constructing the Epistemologies of the Global South*, edited by Boaventura de Sousa Santos and Maria Paula Meneses, 203. Routledge.

Qafisheh, Mutaz M., Jinan Bastaki, and Victor Kattan. 2025. "Gaza Marine: The Facts and the Law." 38 *Leiden Journal of International Law* 42. https://doi.org/10.1017/S0922156525100423.

Schwöbel-Patel, Christine. 2025. "International Law as 'Frontier Law': Rosa Luxemburg's Ecology and Climate Catastrophe." 13 *London Review of International Law* 455. https://doi.org/10.1093/lril/lrag001.

Scott, Dayna. 2021. "Extractivism: Socio-Legal Approaches to Relations with Lands and Resources." In *The Routledge Handbook of Law and Society*, edited by Mariana Valverde, Kamari M. Clarke, Eve Darian-Smith, and Prabha Kotiswaran, 124. Routledge.

Scott, Dayna. 2025. "The Power of 'Net Zero': Seductive Dispossession on the Critical Minerals Frontier." 28 *Law Text Culture* 100. https://doi.org/10.14453/ltc.1717.

Szeman, Imre, and Jennifer Wenzel. 2021. "What Do We Talk About When We Talk About Extractivism?" 35 *Textual Practice* 505.