

*Debating Climate Litigation: Between Theory and Practice*

*Workshop: Call for Submissions*

*26 – 28 January 2026*

*Erasmus School of Philosophy, Erasmus University Rotterdam*

*Deadline for submissions: 10 September 2025 (for details, please see below)*

Climate change raises foundational questions not only for political and moral philosophy, but also for the philosophy of law. The existing literature has already highlighted that climate change leads to legal disruption, meaning that it breaks in the continuity of existing legal practices and doctrinal ‘business as usual’.<sup>1</sup> This disruption arises – among others- from the complex, polycentric nature of climate change, the uncertainties surrounding its future consequences, the vulnerability of socio-political structures, and the challenges of governing an unstable physical environment.<sup>2</sup> As demands for climate justice increasingly reach the courts, this disruption also manifests in the process of legal adjudication.<sup>3</sup>

When adjudicating climate change cases, judges might face multifaceted challenges that highlight the tension between delivering justice in climate change cases and what the law and our legal institutions are and/or ought to be. The adjudication of climate change also raises important questions in political philosophy and ethics. For example, the legitimacy of legal adjudication in light of the various ways in which the law is instrumentalized to advance climate justice (or other conceptions of justice). Fairness considerations also arise regarding the extent to which judicial responses correspond to, or are proportionate with, the scale of human rights violations and the broader demands of the climate crisis. Additionally, questions of legitimacy and fairness trickle down to the normative assessment of legal mobilization and legal practice. We welcome papers and work in progress that explore from **legal theory, political philosophy, ethics and/or from legal practice** the following topics:

1. *The rule of law and the demands for climate justice.*
  - a. What is the relationship between the rule of law and the demands for climate justice via litigation?
  - b. Under what conditions can the idea of the rule of law be in harmony with advancing climate justice via litigation?
2. *Legal reasoning in climate cases.*
  - a. How to account for the evolutionary nature of law in legal reasoning in climate cases?

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<sup>1</sup> Elizabeth Fisher, Eloise Scotford & Emily Barritt, *The Legally Disruptive Nature of Climate Change*, 80 *The Modern Law Review* 173 (2017), available at <https://doi-org.ezproxy.leidenuniv.nl/10.1111/1468-2230.12251>

<sup>2</sup> *Ibid.*, 175

<sup>3</sup> *Ibid.*

- b. Under what conditions can the idea of legal imagination have space in legal reasoning in climate cases?
- c. What aspects of the nature of climate change challenge our theories and practices of legal reasoning?
3. *The adjudicative role in climate cases.*
  - a. What is the (special) value of legal adjudication in climate change cases?
  - b. Under what conditions are adjudicative bodies legitimate to decide climate cases, and what does that mean for legal mobilization ?
  - c. Are there limits to our current theories of adjudication (theories on how to decide cases) in assisting adjudicative bodies when they face climate cases?
4. *Normative perspectives on climate litigation and adjudication.*
  - a. In what ways should fairness considerations, regarding the extent to which judicial responses match the scale of human rights violations and the demands of the climate crisis, matter for litigants and legal mobilization practices?
  - b. Under what conditions should normative frameworks (e.g. climate justice, multi-species justice, multi-nature justice, indigenous approaches, intergenerational justice, etc.) inform legal adjudication? What are the opportunities of this and its limitations?

These questions aim to guide the topics of the workshop, but do not hesitate to apply even if your paper does not perfectly fit one of these questions. With interdisciplinary participation, this workshop aims at bridging the gap between legal theory, political philosophy, ethics and legal practice, fostering dialogue across disciplines and perspectives.

**Workshop days:** January 26-28, 2026.

**Submission details:**

- Abstracts of a minimum of 300 words are due by September 10, 2025.
- Email submissions to: [nietoherandez@esphil.eur.nl](mailto:nietoherandez@esphil.eur.nl)