



You recently joined the ERC-funded N-EXTLAW project as a postdoctoral researcher. What is the project about and what are you going to be studying in the next few years?

N-EXTLAW stands for “Law as a vehicle for social change: Mainstreaming non-extractive economic practices”. It is a five-year ERC funded project that started in January 2021. The project is led by Professor Marija Bartl and hosted by the Amsterdam Centre for Transformative Private Law (ACT). Aside from myself as a postdoc and Marija as a PI (Principle Investigator), Nena van der Horst (PhD Researcher) and Kinanya Pijl (Assistant Professor) are part of the project’s team. We are also currently working with five student researchers from different master programmes at the law school, who joined the project through the Academic Excellence Track (AcET).

The starting point for the N-EXTLAW project is the social and environmental devastation caused by the current economic model based on endless growth and extraction. Recognizing the role of law –and private law in particular– in the attainment of the present economic model, N-EXTLAW seeks to explore how private law can be re-imagined in order to sustain non-extractive visions of economy. As a point of departure, we are taking existing economic practices that, by way of exception, already embody the values of a non-extractive economy. By ‘non-extractive’ we mean economic practices that are generative – rather than depleting – of the very resources on which they depend, be they environmental (e.g. substances, environment) or social (e.g. labour, localities, communities of users). The aim of this project is thus to rethink private law as a vehicle of social change, answering the question: how can law support the proliferation of non-extractive economic practices – and make socio-ecological transformation a politically viable prospect?

You are taking an interdisciplinary approach. What does this mean in terms of theory and method?

Our theoretical framework rests on literature with roots in political economy and economic sociology that primarily shows and explains how law, and private law in particular, has historically constituted market economies. This theoretical grounding allows us to explore how legal infrastructures constitute and enable the current extractive socio-economic model. More importantly, understanding private law’s role in constituting markets allows us to re-imagine it in a way that it facilitates different kinds of relationships between private parties and different patterns of production and consumption overall.

Aside from the theoretical enquiry, at the core of the project is an empirical study of existing economic practices that we consider to be non-extractive, such as social cooperatives or solidary financial institutions. Non-extractive economic practices are currently marginal, struggling for survival in a world that imposes on them structures and functioning rationalities which are the opposite of their own. N-EXTLAW aspires to first identify these alternative forms of organised economic activity which operate under non-extractive economic terms, and then to understand the ways in which the current private law infrastructure prevents such practices from emerging and thriving. We apply a Participatory Action Research (PAR) approach to our study of non-extractive economic practices in order to make visible and learn from more marginalized kinds of knowledges, values and orientations toward the world.



What does Participatory Action Research (PAR) mean? Why did you choose this particular approach for the N-EXTLAW project and how exactly do you apply it to your research?

Participatory action research (PAR) is an approach to research based on bottom-up collaboration between researchers and the communities on which the research itself is focused. Taking this approach, we not only seek to produce relevant knowledge on non-extractive economic practices (Research), but simultaneously strive to use that knowledge to modify the existing legal structures that currently prevent non-extractive economic practices from emerging and prevailing into ones that will help them thrive and make them politically viable (Action).

This knowledge creation and transformative action are both achieved through active collaboration between academic researchers and the communities at which the research is focused (Participation). In our case, this means an active collaboration between the N-EXTLAW project academic research team and representatives of different non-extractive economic actors. Unlike other social science research methods that see the roles of the researchers and “the researched” as inherently separate, the participatory side of PAR allows all involved parties to directly participate in the entire process of inquiry.

PAR positions the communities affected by the research as co-researchers rather than “subjects of a study” or merely informants, and allows them to shape the questions asked and inform the research process itself through their experiences. This positioning of members of non-extractive economic actors as co-researchers in our project enables us to shape the research process in a way that it generates knowledge which directly helps to improve their existence, with a potential to instigate a structural social and ecological transformation. Due to this dimension of genuine participation and focus on the wellbeing of non-extractive economic actors as a guiding principle, we consider PAR to be a non-extractive research methodology, in line with the overall theoretical grounding of the N-EXTLAW project.

What is happening during this initial stage of the project which you are now in?

Currently we are developing the basic concepts of our theoretical framework and are planning the Participatory Action Research (PAR) study. We are working towards a theoretical understanding of the non-extractive economy and the relationships between private law and non-extractive economic practices. These relationships are complex, covering both the internal processes within the organisations we are studying as well as external institutional structures. I, in particular, work on questions of how private law currently structures work relations, looking into worker cooperatives as an alternative model of organising economic activity and work.

Regarding the empirical research, we are currently at the early stages of designing our PAR-study and building the participatory communities. There will be four participatory communities in four European jurisdictions (the Netherlands, Italy, Norway and Croatia). These communities include representatives from a variety of non-extractive economic actors covering all categories of economic activity such as manufacturing, consumer goods and services (food, retail, delivery, clothing, leisure), housing, care, energy, finance and data. At this stage, with the assistance of student researchers from the AcET programme, we are extensively mapping non-extractive economic actors across the relevant jurisdictions – many of which will be invited to join the participatory communities in the following months.

How do you expect to advance knowledge in the field of Private law through your work in the N-EXTLAW project?

Our expectations to advance knowledge in the field of Private law through our work in the N-EXTLAW project are at least threefold. First, we expect to develop a framework helpful for theorising the role of private law in the transformation of economies, both at the normative level of principles and values, and at the level of social structure. Second, we seek to develop tools that will help us articulate non-extractive economic practices in legal terms. Third, we hope that the project will open a door to private law research that will help foster non-extractive economic practices by creating a supportive private legal infrastructure. Ultimately, we hope to offer a theoretical account of law as a vehicle for socio-economic change, explaining how private law ‘performs’ economies by fostering desirable forms of voluntary action, both through affirming certain values and ways of being in the world and normalizing certain ways of acting on the world.

The other contribution that we aspire to make, aside from the theoretical one, is methodological. PAR has been rarely applied in private law socio-legal scholarship. Having several years to conduct a study based on this method, we will be documenting and analysing our methodological journey. We hope to be able to demonstrate the aptness of PAR for the study of private law’s role in processes of social and environmental transformation. Thus, on the one hand we hope to make a methodological contribution by introducing a less explored methodology in legal research, and on the other hand we seek to enrich the growing PAR scholarship by demonstrating its application to questions of legal research in a fruitful way.