Noah Walker-Crawford

THE CLIMATE TRIAL

Law and Justice on a Melting Planet

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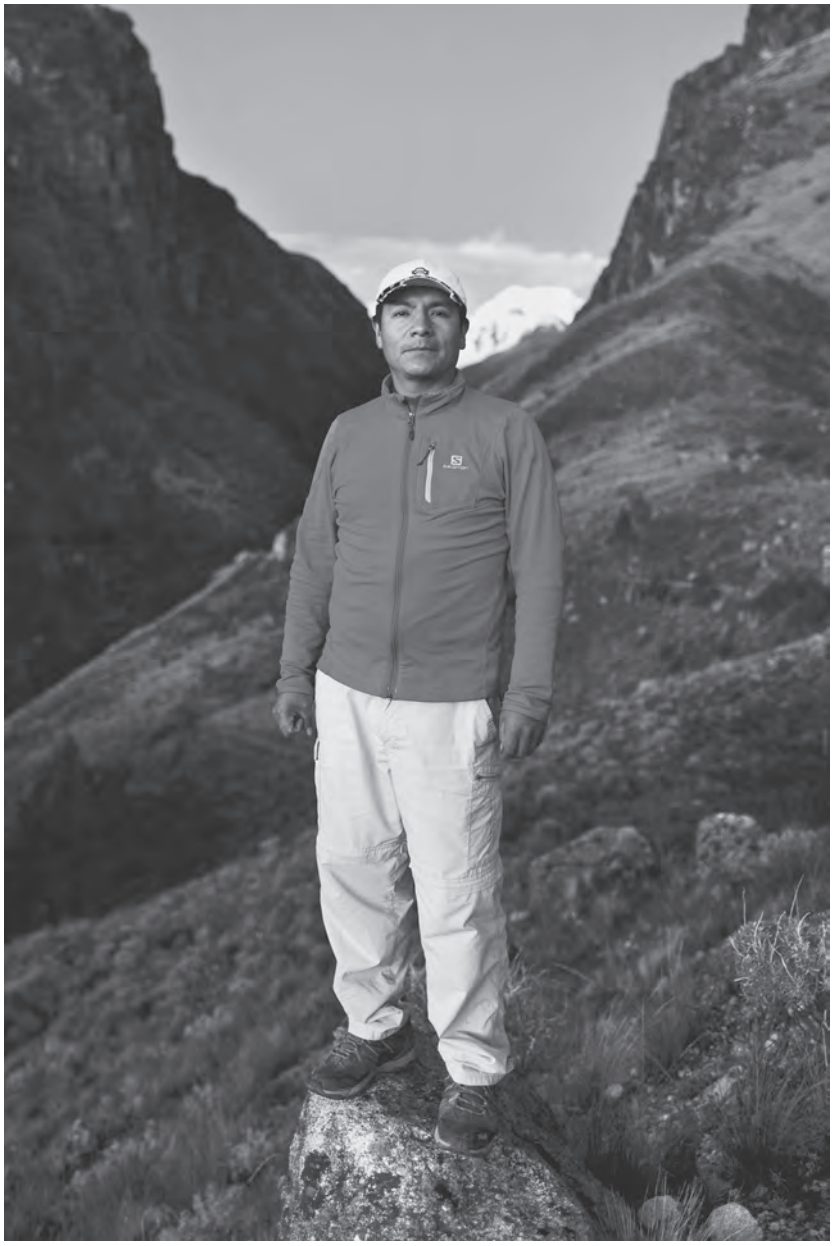

Saúl Luciano Lliuya in the Andes. (Photo: Alexander Luna)

The Climate Trial

LAW AND JUSTICE ON A MELTING PLANET

Noah Walker-Crawford

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Cover art: Eduardo Díaz addresses the mountains. Photo by Alexander Luna, 2026. Courtesy of the artist.

To Saúl, Luis Beltrán, and Will Frank—and all those who've fought to make our world more livable

Whether we win or lose, it doesn't really matter; I think we already won.
—SAÚL LUCIANO LLIUYA on suing the German energy giant RWE

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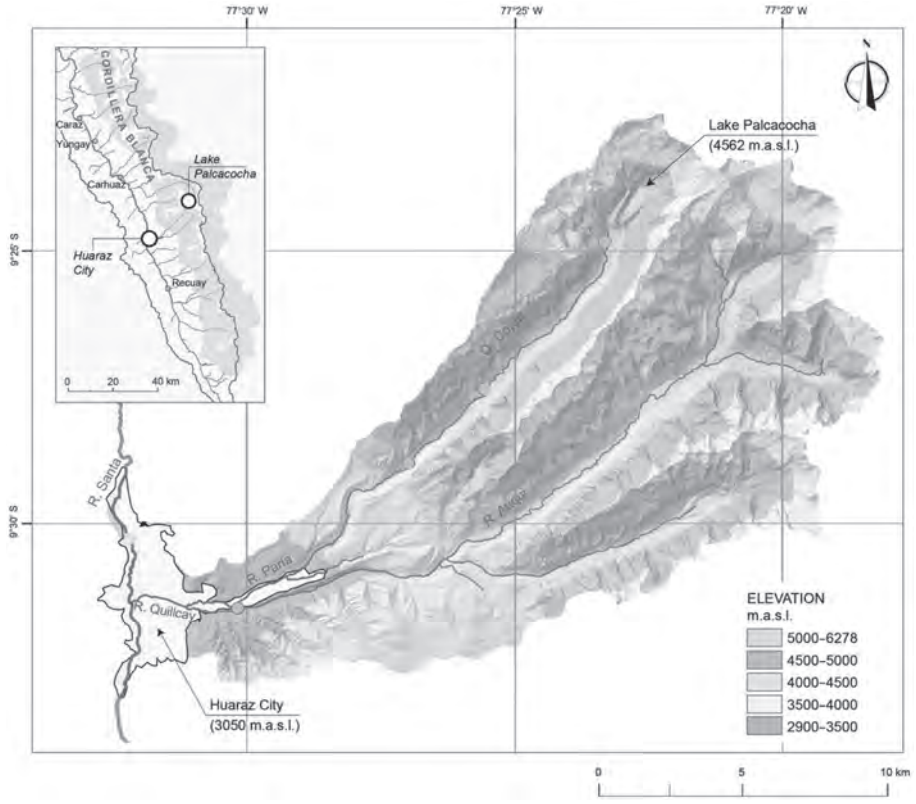

MAP 2. Huaraz and Lake Palcacocha. (Source: Wiki Commons, https://commons.wikimedia.org/wiki/File:SomosValenzuelaHESS2016-fig1-mode-en.png.

Abbreviations and Glossary

AR5
Fifth Assessment Report

GLOF
glacial lake outburst flood

INAIGEM
National Research Institute for Glaciers
and Mountain Ecosystems

IPCC
Intergovernmental Panel on Climate Change
(United Nations body for climate science)

NGO
nongovernmental organization

RWE
Major German energy corporation founded in 1898;
known as Rheinisch-Westfälisches Elektrizitätswerk
(Rhenish-Westphalian Electricity Works) until 1990

UNFCCC
United Nations Framework Convention
on Climate Change

Essen State Court (Landgericht Essen)
Court of first instance for *Luciano Lliuya v.* RWE

Germanwatch
German environmental NGO backing the plaintiff in *Luciano Lliuya v.* RWE

Glacier Authority
Glacier and Lake Evaluation Area (Área de Evaluación de Glaciares y Lagunas); governmental monitoring agency in Huaraz

Upper State Court, Hamm (Oberlandesgericht Hamm)
Appeals court hearing *Luciano Lliuya v.* RWE

Key Characters

Note: The names of publicly known people have not been changed. This includes prominent characters with a role in the lawsuit between Luciano Lliuya and RWE. Other names have been changed to preserve anonymity.

Martín Amaru (name changed): Worker at the glacial lake safety project at Palcacocha

Christoph Bals: Policy director at Germanwatch

Eduardo Díaz: Foreman of the glacial lake safety project at Palcacocha

Saúl Luciano Lliuya: Plaintiff in the case of *Luciano Lliuya v. RWE*

Julio Luciano Shuan: Saúl Luciano Lliuya's father

Rolf Meyer: Head judge in the trial of *Luciano Lliuya v. RWE* at the Upper State Court in Hamm

Klaus Milke: Cofounder and former chairman of the board at Germanwatch

Pedro Vasquez (name changed): Government-employed engineer involved in glacial lake monitoring in the Cordillera Blanca

Roda Verheyen: Environmental lawyer representing the plaintiff in *Luciano Lliuya v. RWE*

Fernando Vilca (name changed): Engineer overseeing the glacial lake safety project at Palcacocha

Introduction

Climate Justice in Court

"Today, the mountains have won."[1]

Saúl Luciano Lliuya's words reverberated around the building of Upper State Court in Hamm, captivating a crowd of people and TV cameras. He had come a long way from his home in the Peruvian Andes to lead a historic legal case in Germany, and the judges had just found it admissible. It seemed outlandish: A small-scale farmer from a Quechua-speaking community took the German energy giant RWE to court over its contribution to climate change impacts in the Andes. RWE had no operations in Peru but had produced a substantial amount of emissions through operating coal-fired power plants in Europe for over a century. Luciano Lliuya's community has faced dramatic changes in the mountain environment. The plaintiff worked as a mountain-climbing guide, a job that brought him into contact with glaciers that are rapidly disappearing. In the long run, many locals were concerned about water scarcity caused by melting glaciers. In the short term, there could be too much water: Glacial retreat has caused mountain lakes to grow to unstable levels, raising the risk of flooding for downstream communities. Luciano Lliuya owns a house that lies below the lake known as Palcacocha, which scientists have identified as liable to overflow its banks. In the German courtroom, Luciano Lliuya sought to hold RWE liable for its contribution to flood risk in Peru and make the company contribute around US$20,000 to stabilize the lake.

The argument was simple: climate change makes us all neighbors on our shared planet. As neighbors, we have the responsibility to act kindly toward one another. Major fossil fuel companies like RWE made a substantial contribution to climate change, dramatically transforming Luciano Lliuya's life in Peru. RWE should be a good neighbor and help him deal with the consequences of the company's actions. Filed in 2015 with support from the German nongovernmental organization (NGO) Germanwatch, the claim sought to set a massive precedent to hold major polluters responsible for climate

change. While a lower court dismissed the case, it was now on appeal in the Upper State Court in Hamm. In a courtroom packed full of journalists and climate activists in November 2017, a panel of three German judges came to a surprising conclusion: the case was solid. They agreed that neighborhood law could be applied to climate change, meaning that the case was admissible. In principle, they saw no reason why a major polluter should not be held responsible for its contribution to global warming. The case would proceed to the evidentiary stage, and if the court found enough proof linking RWE's emissions to glacial retreat and flood risk in Peru, Luciano Lliuya would likely win.

Leaving the monumental hearing with his lawyers, Luciano Lliuya expressed surprise and was overwhelmed by emotion. It was the furthest any case of this kind had ever gotten. Standing by his side outside the courtroom, I glanced around the crowd and saw many members of the audience close to tears. In Luciano Lliuya's mind, he pictured the mountains in Peru. The mountains had pushed him to take a stand in the German courtroom. For this cause, he had traveled the world and faced his fear of public attention. Luciano Lliuya is not a tall man. The cameras and journalists stared down at him (figure I.1). He thought about his grandparents' stories of the Andean glacial lakes. The mountains were now suffering. He was at court with RWE to fight for them: "The lakes are the tears of the mountains. Today, justice heard the mountains crying."[2]

The case began with an unlikely encounter: In 2014, following the COP20 United Nations Climate Summit in Lima, a team from the NGO Germanwatch traveled to the Cordillera Blanca region in the Peruvian Andes. The area had faced accelerated glacial retreat in recent decades, making it an international climate change hotspot. Luciano Lliuya was concerned about these changes, which threaten his community's agricultural livelihood. He became familiar with the discourses of global climate change through the media and discussions with foreign mountain-climbing tourists. He came to recognize that blame for the changes lies not with Peruvians like himself but with wealthy countries and large companies that have caused most global greenhouse gas emissions. Luciano Lliuya met the group of German climate activists through a mutual friend. They were part of international efforts to develop legal tools for addressing climate change. Political negotiations at UN Climate Summits were faltering, and they sought to place pressure on industry and governments. At that point, no lawsuit had successfully held a company or country liable for its contribution to climate change. After extended

FIGURE 1.1. Luciano Lliuya speaking to the press following his court hearing in Hamm, Germany, November 2017. To left stands his lawyer, Roda Verheyen; to the right are author, Germanwatch cofounder Klaus Milke and Germanwatch policy director Christoph Bals. (Photo: Alexander Luna)

discussions, the German activists offered Luciano Lliuya the possibility of making a claim against a major European emitter. Now he was fighting his case in court.

During the 2017 hearing, head judge Rolf Meyer explained the court's holding that the case was legally admissible. RWE's lawyers quickly rebuffed the judge's suggestion of an out-of-court settlement, arguing that this case would set a precedent. For the climate activists at Germanwatch who had collected donations to organize the lawsuit, this was a legal test case: Could nuisance law be used to hold major corporations liable for their contribution to climate change? Similar cases in other jurisdictions had failed,[3] but climate science had evolved rapidly, improving the evidentiary basis for linking emitters and impacts. This case addressed a significant injustice of climate change: While most emissions have been produced in wealthy countries of the Global North, many of the worst impacts are felt in the Global South where people and governments have fewer resources needed to respond. Bringing this moral dimension to the forefront, Judge Meyer remarked during the hearing: "But in the places in the world where money

is scarce, can we leave these people on their own even when we are causing the problem over here? *Is that just*?"[4]

The judge's questioning—*Is that just?*—was surprisingly broad given the lawsuit's limited subject matter. Formally, it concerned a relationship between Saúl Luciano Lliuya, one of around fifty thousand people living in a flood-prone area in the Peruvian Andes, and RWE, a corporate legal person based in Germany. At stake was the question whether RWE was partially responsible for glacial lake outburst flood risk affecting Luciano Lliuya's property. Drawing on a study that quantified individual companies' contributions to global warming (Heede 2014a), the lawsuit alleged that RWE caused 0.47 percent[5] of industrial greenhouse gas emissions and should cover 0.47 percent of the cost for a government project to secure Palcacocha, equating to around US$20,000. That sum was symbolic as the legal costs were much higher. The judge's moral deliberations made explicit what all those involved in the legal process already knew: This lawsuit was about much more than a private nuisance claim between Luciano Lliuya and RWE. It raised fundamental questions about who should take responsibility for climate change.

Climate change is not just transforming the Earth's physical environment; it changes how we all relate to one another. This book tells the inside story of a climate justice lawsuit that shook the world, and reflects on what it means for how we should live together on our warming planet. We will travel between the Peruvian Andes, German courts, and UN Climate Summits; we will follow legal arguments, trace the production of scientific evidence, and confront political controversy. On the fringes we encounter powerful Andean mountains that have no standing in the courtroom yet shape legal and political disputes in peculiar ways.

My involvement in the lawsuit began when I worked for Germanwatch and helped coordinate the claim in its initial stages. I went on to study the case as an ethnographic researcher and continued to support Luciano Lliuya and his legal team. I share with you a perspective from the plaintiff's side on how the case emerged, and I use the lawsuit as a starting point to explore the moral stakes of climate change. The claim connected Luciano Lliuya and RWE by defining them as neighbors. Climate activists drew on the idea of neighborliness to argue for the responsibility of major emitters to address the devastating impacts of global warming. Building on this approach, I use neighborliness as an analytical framework to study the social and moral dynamics of climate change. Following a dispute between two unlikely neighbors, this book uncovers how climate change reshapes moral relations across the planet.

Climate Change Is a Neighborly Dispute

The material processes of climate change are well understood. Climate models demonstrate how greenhouse gases become trapped in the Earth's atmosphere, leading to a warming effect on the planet's surface. This contributes to a wide variety of phenomena including sea level rise, glacial retreat, and deadly heat waves. Extensive scientific research demonstrates how climate change impacts people's lives, exacerbating existing vulnerabilities and generating unprecedented dangers. Atmospheric models illustrate the physical dynamics, but they do not say how we should deal with the consequences. To make arguments about who should take responsibility for climate change, people link scientific representations of global warming to moral conceptions regarding how people, institutions, and environments should engage with one another. One such approach is the legal argument that climate change makes us all neighbors.

Neighbors are actors with mutual moral obligations, often arising out of physical or conceptual proximity. The term *neighborliness* and the adjective *neighborly* refer to ideas about how neighbors should rightfully treat one another. Neighborliness is a familiar moral framework that resonates with people around the world. I distinguish between normative and analytical conceptions of neighborliness: In a normative sense, appeals to neighborly relations posit that people should act in a certain way toward one another. Those are the claims I study in this book. I begin with neighborliness in examining the moral dynamics of climate change from an anthropological perspective. The analytic of neighborliness is a tool for studying moral relations across local and global scales. Here I study how moral relationships are constructed between humans, corporations, and other actors. This approach highlights a fundamental ambiguity at the heart of legal climate justice claims: They appeal simultaneously to individual and collective moral responsibility.

The lawsuit between Luciano Lliuya and RWE drew on legal norms that people usually invoke to seek relief from neighbors for damage or potential harm to their property. In their arguments, Luciano Lliuya's lawyers expanded the legal conception of neighborliness to encompass relations across the planet: As climate change has connected RWE and Luciano Lliuya, it has made them neighbors. Law codifies who counts as a neighbor and what constitutes good neighborly behavior. Strictly speaking, Luciano Lliuya's claim concerned the relationship between two legal persons. It individualized climate change by framing it as a dispute between one human and one

company. Yet, for Luciano Lliuya and his supporters, the lawsuit was also an attempt to set a precedent that would govern relations between all polluting corporations and all people affected by climate change.

Beyond the legal framework, the lawsuit provided a platform for its proponents to make broader normative arguments about who should take responsibility for climate change. This issue concerns social relations among countless people who face the devastating impacts of climate change, numerous corporations, and governments that continue to promote a fossil fuel–based economic model, as well as the Earth itself. The normative appeal to neighborliness addresses the question of how we should live together on our planet. This approach links an everyday understanding of neighborliness, as relations between people who live close to one another, to the legal definition—legal persons shouldn't interfere with each other's property—and expands the concept to a global level. Luciano Lliuya and his NGO backers broaden the moral basis of neighborliness beyond property rights, arguing that neighbors should act in a positive way toward each other and should not cause each other harm. They make the universalizing moral claim that climate change makes us all neighbors—all humans and corporations. This premise allows them to argue that fossil fuel companies, which have caused harm to others through their contribution to climate change, should take responsibility and provide redress to those harmed because they have acted as bad neighbors.

The normative conception of neighborliness deployed in and around the lawsuit against RWE involves a fundamental ambiguity: It individualizes climate change by framing it in terms of relations between specific actors, and it universalizes those relations by claiming that we should all be good neighbors. It involves claims not only about how individuals should interact with each other but also about how social relations should be governed more broadly—in the global neighborhood. The appeal to neighborliness simultaneously individualizes and collectivizes the issue of climate change. This ambiguity lends the concept strength: The idea of neighborly relations is easily understandable to anyone who has lived in a community, and it allows people to draw the imaginative link from the individual to the collective scale.

The aim of this book is not to make a moral argument. Rather, I examine how social relations are redefined in response to climate change, and how climate change reshapes moral relations across local and global scales. I use the concept of neighborliness to address these questions from an anthropological perspective. I do not argue *that* climate change makes us all neighbors;

I explore *how* a neighborliness perspective allows for a simultaneous appeal to individual and collective responsibility. I briefly outline anthropological discussions of climate change, highlighting how the neighborliness analytic offers a new perspective.

Anthropology is the study of human behavior and social life. Its principal research method is ethnography, which involves documenting people's social interactions and following how they engage with life's challenges. Anthropology offers a unique view for studying how climate change transforms social life. This connection covers several broad aspects (O'Reilly et al. 2020). First, anthropologists have traced the production and circulation of climate change knowledge, focusing in particular on science. This focus provides a critical view of how climate change debates are shaped by politics, power dynamics, and cultural values (Barnes et al. 2013). Second, ethnographic research shows how people engage with climate change impacts. Collaborating with natural scientists, anthropologists have contributed sociocultural approaches to climate change research (Crate 2011). Finally, anthropologists have examined efforts to mitigate the climate crisis, with a significant focus on the transition from fossil fuels to renewable energy (High and Smith 2019). Many of these studies involve a territorially situated examination of climate change knowledges, impacts, and mitigation strategies. Grounded in a tradition of long-term ethnographic fieldwork, anthropology is a useful tool for studying how people engage with climate change in different places around the world. Some researchers have begun to theorize from an anthropological standpoint how climate change connects people, the planet, and its atmosphere. Knox (2020) suggests that we approach climate change via its material processes in order to study the energy relations it invokes. In this way, we can trace the material and social relations through which climate change emerges and becomes contested. Following the suggestion of O'Reilly and colleagues (2020, 23) that anthropology can help us "reimagine the future of human-atmosphere relations," I study climate change ethnographically by tracing how its material relations give rise to new moral relationships.

What makes relations moral? *Morality* and *ethics* refer to normative concerns about how people should act.[6] While philosophical discussions often revolve around defining ethical principles, an ethnographic perspective can trace how normative concerns emerge through people's lived experience and how they navigate moral tensions (Fassin 2012). Moving between scales of analysis, anthropological study relates ethnographic experiences of moral issues to broader analytical and social concerns in daily life (Fassin 2011).

Such research can show how climate change arises as a moral concern in public debates and activist practice (von Storch et al. 2021). Ethical norms about how social actors should engage with one another are embedded in legal institutions. Law consists of codified rules and moral standards, shapes categories of identity, and can serve as a framework for political action (Goodale 2017, 4). While law has often been used as a tool of oppression, subaltern groups can mobilize legal tools to challenge the status quo (Eckert et al. 2012). Ethnographic study of judicial process traces how legal concepts are negotiated in practice. Exploring the analytical implications of legal debates, such research can inform broader understandings in social theory about the issues at stake (Bens and Vetters 2018).

Countless studies examine engagements between neighbors at a local level (e.g., Henig 2012; Zabiliūtė 2020) or between adjacent ethnic and national populations (e.g., Åtland 2010; Gribetz 2014). Other academics use the term *neighbor* in a metaphorical sense to discuss moral relations between people around the world. Some draw on a Christian ethics of neighborliness to promote more charitable engagement between people in a globalized world (Walker 2008). Others invoke the idea of "global neighbors" to promote ethical consumerism addressing global inequality (Haugestad 2004). The "global neighbor" idiom has a clear analytical value: it posits the centrality of moral relations. However, I define *neighborly relations* in more concrete ethnographic terms as moral relations between social actors who are able to affect each other. Appeals to neighborliness simultaneously invoke ideas about individual and collective relations. Saying that someone should be a good neighbor involves a moral claim about how that person should act toward you and about how people should treat each other in the neighborhood.

Neighborliness is a contested terrain. Its bounds are negotiated in legal and moral disputes about what responsibilities people and other actors should have toward one another. I distinguish neighborliness from kinship, which involves a much tighter set of relations. Picking up on long-standing debates in anthropology, Sahlins (2013) has defined kinship as the "mutuality of being": It involves a social interdependence at an existential level. Based on a review of numerous ethnographic studies from around the world, Sahlins argues that kinspeople make one another who they are because they participate in one another's lives. Neighborliness is broader in scope: It involves those who are not close enough to be kin yet are not strangers. In philosophical discussions about the ethics of coexistence, the "neighbor" has been theorized as a figure toward whom one has potential moral obligations (Thiranagama 2019). Rather than mutuality of being, neighbors are held to-

gether through mutual responsibility. This bond can be regulated through law and local custom, and the bounds of responsibility are often disputed. Neighborly relations can involve numerous types of social actors, including humans, corporations, and sentient ecosystems (de la Cadena 2015). Neighborly relations are not necessarily harmonious; they can be antagonistic and conflictual. A person who asserts that someone else is a neighbor, calls on the other to accept the ensuing legal and moral responsibility.

Our increasingly connected world gives rise to new kinds of moral relations. Issues like climate change, migration, and global trade make it clear that the actions of one individual or entity can have far-reaching consequences for others across the globe. This fact raises profound questions about how moral responsibility is distributed among individuals, corporations, states, and other actors. Some promote a universalist notion of cosmopolitanism and global citizenship, positing that all humans are members of a single global community, bound by universal moral obligations derived from a shared humanity. In this framework, all individuals are entitled to the same rights and bear the same responsibilities to one another, regardless of geographic or national boundaries (Appiah 2005; Beck 2006).

Others have critiqued this universalist vision of moral relations, particularly as it can obscure power relations. By treating all individuals or nations as equal members of a global moral community, these frameworks may overlook historical inequalities—such as those between the Global North and Global South—that continue to shape contemporary relationships (Fraser 2009; D. Harvey 2009). In addition, such frameworks have been critiqued for being too focused on humans, neglecting the broader ecological relationships and responsibilities that arise in the context of planetary crises like climate change (Latour 2018). Ideas of cosmopolitanism often disregard moral relationships with other species, ecosystems, and the planet itself.

Building on these critiques, Bruno Latour (2021) offers an alternative approach rooted in relational ethics. He argues that the challenge of global moral responsibility cannot be adequately addressed through universalist principles alone. Instead, he suggests that we should understand ourselves as Earthbound, emphasizing our deep entanglement with one another and with the planet's ecological systems. From this perspective, moral responsibility stems not from abstract principles of shared humanity but from the specific relationships and interdependencies that link humans, nonhumans, and ecosystems. For Latour, global problems like climate change demand a moral framework that recognizes these contextual and relational ties, rather than imposing a one-size-fits-all standard of moral obligation.

This book traces how moral relations are constructed across geographic and conceptual scales: from the local to the global; from the individual to the universal. The concept of neighborliness recognizes that moral claims about the nature of global relations can be both specific and contextual, as in Latour's view, and universalistic, as in the cosmopolitan vision. Neighborly obligations can arise from specific, situated interactions while also pointing to broader, universal principles of justice and responsibility. The neighborliness analytic shows who is included in claims about neighborliness, and who is left out. A focus on this ambiguity between claims of particularity and universality can account for the ways power relations shape moral engagements around climate change, and considers the role of other potential actors such as corporations and ecosystems. Applied to climate litigation, the neighborliness analytic uncovers the complexities, nuances, and contradictions of global claims about who should take responsibility for climate change. It highlights a tension between individual experiences of climate change and the collective human and planetary plight that is captured in scientific research and modeling. It points to the ambiguity at the heart of claims about who is responsible: They invoke relations between individual actors—RWE and Luciano Lliuya—and universal relations between all polluters and all those affected.

Neighborly relations are rooted in shared locality, and climate change ties localities together across the planet. This book explores how the concept of neighborliness helps us understand the social and moral stakes of climate change as reflected in claims about individual and collective responsibility. Approaching climate change in terms of neighborly relations makes it possible to study the issue ethnographically. Anthropological research can follow discussions about causal linkages and moral responsibility in scientific, legal, and political contexts. Addressing climate change as an issue of neighborly relations makes its moral dimensions methodologically and theoretically amenable. The lawsuit between Luciano Lliuya and RWE provides an empirical opportunity to study how people invoke moral bonds to make sense of climate change. Global warming is a fundamentally moral issue: It expands the scope of social relations and asks how we should live together on our planet.

The Social Life of Climate Law

Global leaders in government and business have been slow to respond to the climate crisis. Citizens around the world are increasingly taking the issue to court, as I explain in chapter 2. Luciano Lliuya's claim against RWE was one

of almost three thousand cases filed worldwide, with around two-thirds brought to court since the Paris Agreement was adopted in 2015 (Setzer and Higham 2025). Since this development, academic literature on climate litigation has flourished. A 2020 review identified almost two hundred articles (Peel and Osofsky 2020); that number likely doubled by 2026. I provide a brief overview of these discussions and highlight my contribution.

Most publications focus on legal aspects of climate litigation. A number of authors have published broad overviews on the development of climate litigation (Mitkidis and Valkanou 2020; Setzer and Higham 2025). Edited volumes have been published with comparative law perspectives (Alogna et al. 2021), on human rights and climate litigation (Rodríguez-Garavito 2022), and climate litigation in the Asia Pacific (Lin and Kysar 2020) and Africa (Bouwer et al. 2024). Legal scholars have written about various themes in and approaches to climate litigation, including human rights (Peel and Osofsky 2017; Beauregard et al. 2021; Iyengar 2023), claims against government about their climate policy ambitions (Minnerop 2022; Hellner and Epstein 2023), claims against major corporate emitters (Ganguly et al. 2018; Bouwer 2020; Verheyen and Franke 2023), and youth claims (Donger 2022; Parker et al. 2022; Wewerinke-Singh and Nay 2023). Some articles focus explicitly on legal theory development, addressing challenges such as suing corporations over climate harms (Kumar and Frank 2018) and establishing legal standing in court for plaintiffs (Kelleher 2022). Numerous articles analyze cases and legal challenges in specific jurisdictions, with a particular focus on notable cases such as *Neubauer v. Germany* (Aust 2022; Ekardt and Heyl 2022; Winter 2022) and *Urgenda Foundation v. State of the Netherlands* (Leijten 2019; Wewerinke-Singh and McCoach 2021) in which citizens successfully forced their governments to take more decisive policy action on climate change. Other work examines the challenges of climate litigation in geographic areas such as the Global South (Setzer and Benjamin 2020; Auz 2022b) and Latin America (Auz 2022a; Cavedon-Capdeville et al. 2024).

This book contributes to an emerging academic dialogue on the social dynamics of climate litigation. It speaks to the law literature by highlighting aspects of climate litigation that are not captured by doctrinal and empirical legal research. Literature on "legal mobilization" shows that litigation is part of broader activist efforts to achieve social and political change (Vanhala 2022a). Such research highlights the sociopolitical and institutional dynamics of climate litigation and points to its impacts beyond the legal sphere (Vanhala 2022b). A number of academics have examined narrative aspects of climate litigation, including how narratives of climate justice are transplanted

across borders (Paiement 2020), how litigation serves as a platform for storytelling (Rogers 2020), and how climate litigation influences discussions in the media and politics (Wonneberger 2023; Wonneberger and Vliegenthart 2021). A growing body of work examines the interplay between litigation and climate politics, particularly in discussions at the United Nations about Loss and Damage. Researchers argue that the threat of litigation boosts Global South countries' political demands for increased support and compensation from major emitters (Toussaint 2021; Wewerinke-Singh 2023).

My work (Walker-Crawford 2021, 2023, 2024) contributes an in-depth perspective on the practical dynamics of climate litigation. This book is the first ethnographic monograph on the topic. With some notable exceptions (Geiling 2019; Supran and Oreskes 2021), the overwhelming majority of literature on climate litigation focuses on the perspectives of plaintiffs demanding greater climate action from governments and corporations. To gain a more holistic understanding of climate litigation, we must also examine what defendants have to say. Part 2 of this book provides an in-depth discussion of both Luciano Lliuya's and RWE's arguments about evidence and causation. Overall, I contribute to academic discussions about why climate litigation matters. This book provides an inside view of how an emblematic climate justice claim has played out between melting glaciers, courtrooms, and the global stage of climate politics.

Activism and Engaged Anthropology

I tell this story from the viewpoint of a professional activist–turned–engaged anthropologist. My perspective is necessarily partial: I narrate Luciano Lliuya's lawsuit from within the plaintiff's legal team, drawing on my experience of accompanying him in the Peruvian mountains, German courts, and UN Climate Summits. Throughout this journey, I wear two distinct hats: As an activist, I supported the lawsuit to further the goal of climate justice. As an anthropologist, I reflect on how climate litigation reshapes the moral stakes of climate change. At times, these roles pulled me in different directions. Yet this tension is productive: My involvement in the case gives an insightful ethnographic snapshot. My analysis does not provide all the answers about how the world should deal with climate change, but it informs activist efforts by asking why climate litigation matters. As an engaged anthropologist, I use the tools of academic inquiry to argue for justice in a warming world.

I first joined Germanwatch in 2014 when I was an undergraduate anthropology student. Germanwatch is an environmental NGO with a major focus

on climate politics. The organization has been involved in the UN climate negotiations since they began in the 1990s and has lobbied the world's governments to take more effective action on climate change. After attending the 2014 UN Climate Summit in Lima, I traveled to the Andean city of Huaraz, Peru, with a small team from Germanwatch to see the effects of glacial retreat up close. Since I had lived in Peru before going to university and none of the others spoke Spanish, I acted as the group's guide. We met Luciano Lliuya through a friend of mine, an agricultural engineer who worked with farmers in the region. Luciano Lliuya shared his worries about how climate change was affecting his community and expressed frustration that faraway countries and industries are to blame. We told him about the possibility of bringing a legal claim against a major German emitter and later put him in touch with a lawyer. As these discussions began, I acted as Luciano Lliuya's interpreter and confidante.

After Luciano Lliuya decided to move forward with the suit, I worked with Germanwatch and the lawyers to gather evidence and prepare legal arguments linking RWE's activities to glacial retreat and flood risk in Peru. I acted as the contact person between the German team and the plaintiff. In countless conversations, Luciano Lliuya and I talked through legal scenarios and how the case might influence political discussions about climate change.

Working on the lawsuit raised broader questions for me: Who should take responsibility for climate change? How well does climate litigation address this question? What perspective does an Andean standpoint provide? I left my role at Germanwatch to pursue these issues through a PhD in social anthropology at the University of Manchester. I conducted ethnographic fieldwork in Peru for twenty months, studying how rural Andeans engage with climate change. I accompanied Luciano Lliuya to court hearings and UN Climate Summits. All the while, I continued to participate in strategy discussions with Luciano Lliuya's legal team. After finishing my PhD, I began conducting comparative research on the use of climate science as legal evidence and took on a greater role in the lawsuit as a consultant to Germanwatch, providing strategic advice and overseeing the lawsuit's scientific argumentation.

Throughout this journey, I have contributed to the lawsuit in four key areas: as a coordinator, translator, scientific adviser, and public spokesperson. First, I coordinated contact between the legal team in Germany and our Peruvian interlocutors: Luciano Lliuya, local lawyers, campaigners, and community organizers.

Second, I acted as Luciano Lliuya's interpreter in discussions with the legal team. This required more than explaining German judicial concepts

in Spanish. It involved a conceptual translation between legal and political activist ideas and Luciano Lliuya's Andean perspective. While the primary aim for Germanwatch was to intervene in global climate politics, Luciano Lliuya's main concern was limiting global warming to stop his mountains from suffering. The two found common ground in the lawsuit with its appeal to neighborly relations. My role was to help Luciano Lliuya and the legal team understand each other's concerns and work together effectively.

My third contribution to the case was as a scientific adviser. This work involved a different type of translation: between scientific and legal frameworks. Science and law use different approaches in deciding whether facts are true and relevant. In this capacity, I conducted research, sought advice from climate change experts, and summarized scientific evidence in a way that made sense to lawyers and judges. I contributed to the plaintiff's legal briefs submitted to the court and participated in court hearings as an expert witness. Part 2 of this book provides an in-depth view of this process, showing how evidentiary discussions played out in the trial.

My final role in the case was as public spokesperson. When the case began, I usually acted as Luciano Lliuya's interpreter during media interviews. When Luciano Lliuya spoke to the crowd outside the courtroom after his hearing in 2017, I translated his words into German. As the case gained traction, it received significant attention from the global press. I increasingly gave interviews to the media myself, speaking both as an academic studying climate litigation and as an adviser to Luciano Lliuya's legal team.

My involvement in the lawsuit necessarily shapes this book's analysis. I offer a perspective on an emblematic climate lawsuit from within the plaintiff's legal team. I do not provide RWE's viewpoint in the same depth. I gain the company's perspective from its legal submissions and its lawyers' statements in court. This book interrogates legal argumentation on both sides, showing how it relates to broader concerns about who should take responsibility for climate change.

Balancing scholarly research and activism is a challenge. The two endeavors involve different types of storytelling: Where activists devise simple stories to motivate social action, academics focus on complexity. Anthropologists are notorious for arguing that everything is more complicated than people think, often leaving their readers with more questions than answers. According to Hastrup and colleagues (1990), anthropological research and activism are qualitatively different efforts: Whereas anthropology draws legitimacy from scholarship to create knowledge, advocacy relies on moral legitimacy to apply knowledge. As such, ethnographic experiences may lead

anthropologists to become activists, yet the rationale for such activism is not ethnographic. For Hastrup and her coauthors, advocacy involves an unacademic emotional rhetoric that is appropriate in some circumstances but risks jeopardizing anthropology's credibility. Similarly, Merry (2005) argues that research and activism are incommensurate in terms of epistemological principles: While human rights activists tell simple stories with clear villains, anthropologists elucidate more complex circumstances and define social injustice contextually. Academic research can thus inform activist endeavors.

How does the tension between activism and academic inquiry look in practice? After the lawsuit began, Luciano Lliuya ran into difficulties with some of his neighbors. As I discuss in chapter 2, people in his community had trouble understanding why he had filed a legal claim in Germany over glacial retreat in Peru. As Luciano Lliuya rose to fame, rumors abounded that he was making ill-gotten gains. Initially, Luciano Lliuya neglected to talk about this fact in media interviews. It did not fit the image of David versus Goliath: a symbolic representative of vulnerable Global South communities taking on the powerful corporation. I do explore Luciano Lliuya's troubles with his neighbors in my academic work; they point to a disconnect between global discourses and local experiences of climate change (Walker-Crawford 2023). Eventually, Luciano Lliuya became more open about his neighborly disputes, and tensions calmed over time.

In this book, I ask questions that may make activists feel uncomfortable. Activism is about doing things; anthropological inquiry asks why those things should be done and whether they achieve their stated aim or produce adverse impacts. Some anthropologists are open to combining academic work and advocacy. For Scheper-Hughes (1995), anthropologists should not pretend to act as rational objective observers; rather, anthropology should be morally engaged and committed to an ethic of care. In politically charged situations such as Apartheid South Africa, argues Scheper-Hughes, anthropologists have the duty to take a stand against violence and oppression. Ethnography creates a space for shared empathy and should serve as "a tool for critical reflection and for human liberation" (418). In a similar vein, Kirsch (2002) has argued that "activism is a logical extension of the commitment to reciprocity that underlies the practice of anthropology" (178). This stance led Kirsch to advocate on behalf of Indigenous groups in Papua New Guinea against a mining company that threatened local communities. In contexts marked by significant power imbalance, Kirsch argues, anthropologists should actively support subaltern groups.

My view is that asking difficult questions makes activism stronger. Politically, I am committed to working toward equitable solutions addressing climate change. At the same time, my advocacy is a productive site of ethnographic knowledge production. By participating in an international climate litigation claim, I gained unique insight into the dynamics of climate concerns as they emerged between Peru, Germany, and international discussion forums. My position gave me the opportunity to investigate the political and moral stakes of a climate litigation claim. My prolonged involvement and political commitment are indispensable to gaining this perspective. While ethnographic research has led some anthropologists to become activists, my participation in the climate justice advocacy led me to ask anthropological questions about why this cause is worthwhile. Activism involves making compromises; any strategy has its downsides. Asking difficult questions can help us understand these complexities so we can take a stronger stand in an imperfect world.

What This Book Does

This book tells the story of how Luciano Lliuya's lawsuit against RWE emerged, who it involved, and how it invoked moral relations at individual and universal scales through an appeal to neighborliness. I provide an otherwise unseen perspective on how climate change can be brought to court. This book shows why the lawsuit matters. With the very fact that it forced RWE's representatives to confront Luciano Lliuya in the courtroom and to see the melting glaciers with their own eyes during a court visit to Peru, it established a new kind of moral relationship that emerges uniquely out of anthropogenic climate change—between a major polluter and a human person who suffers the consequences.

In May 2025, as this book was going into production, the Upper State Court in Hamm issued its final verdict. While the case was dismissed on the grounds that the flood risk to the plaintiff's property was not sufficiently high to justify liability, the court affirmed a landmark principle: Major corporate emitters can, in principle, be held legally responsible for climate-related harms. This marked the first time a court anywhere in the world recognized the possibility of establishing a legal and moral link between large-scale polluters and those suffering the impacts of climate change. By affirming the principle of corporate climate liability, the ruling set a powerful legal precedent—one that will likely influence climate litigation worldwide and open new avenues for claims by affected communities.

This book offers a detailed ethnographic account of the case up to 2021. The latter stages (2022–2025) are discussed more briefly. While I remained involved to the end as both researcher and participant, an in-depth discussion of later developments—including the court's site visit to Peru in 2022 and final hearings in 2025—lies beyond the scope of this book. As an anthropological study, my approach is unusual in that it follows one person's legal claim around the world. I offer glimpses of how Peruvian communities and authorities dealt with glacial retreat, but this is not a community study of climate change in the Andes. Others have written extensively on that topic (Rasmussen 2015; Stensrud 2016a; Paerregaard 2020). Instead, I study the moral links that climate change creates across the planet, connecting people, corporations, and mountain beings. I do not answer the normative question of who should take responsibility for climate change, but show how climate activists, lawyers, and judges grapple with the issue.

It is common practice among anthropologists to change the names of our ethnographic interlocutors to protect their identity. That is not a viable option for the major characters in this story such as Luciano Lliuya and his lawyers, whose names have appeared in countless media reports. They deliberately acted as public figures advocating for climate justice. I changed the names of lesser-known people in this story, such as the glacial lake workers encountered in part 3, unless they specifically requested otherwise.

The book is divided into three parts. Part 1 shows how the claim emerged and outlines the legal questions at stake. The lawsuit used neighborhood law to link Luciano Lliuya with RWE, arguing that climate change makes us all potential neighbors. I examine the implications of this approach in relation to legal scholarship on climate change. Building on academic discussions about legal personhood and the rights of nature, I examine how the legal process brought together the plaintiff and defendant as legal persons but formally excluded Andean mountain beings, even though they played an important role for Luciano Lliuya.

Part 2 dives into the lawsuit's scientific and evidentiary arguments. Luciano Lliuya's legal team drew on climate change research to create a causal chain linking RWE to climate change impacts in Peru, turning the plaintiff and defendant into neighbors. I relate this causal argument to discussions in legal scholarship and in science and technology studies about the production of knowledge within the judicial framework. I unpack the arguments on both sides at each step in the chain: from RWE's coal-fired power plants to global warming, from global warming to glacial retreat, and from glacial retreat to flood risk affecting Luciano Lliuya's house in the Andes. I trace

the production of facts from measurements taken at an Andean glacial lake to written evidence submitted to the court. I show how both the plaintiff's and defendant's scientific arguments are linked to broader ideas about who should take responsibility for climate change.

We go back to the Andes in part 3. The mountains may not count as neighbors in the German courtroom, but they play a central role in the local politics of glacial retreat. Many Andeans, including Luciano Lliuya, engage with mountains and lakes as living beings. They inhabit a sentient landscape that is undergoing rapid transformation. This involves numerous changes, such as glacial mass loss and flood risk, that can be measured with scientific tools. But, more than that, climate change has the potential to transform people's cosmological engagement with the landscape in ways that are difficult to ascertain. In their efforts to address flood risk and water scarcity caused by glacial retreat, Andeans employ both scientific engineering practices and appeals to powerful mountain beings. Sentient ecosystems are formally excluded from political processes, yet they pop up in unexpected places.

In the conclusion, I return to the main issue at stake in this book: Climate change expands moral relations around the planet. It makes everyone a potential neighbor—people, companies, sentient mountains, and countless others. I offer a methodological approach to studying cross-planetary moral relations. I discuss the limits of legal claim making in the contemporary context of climate politics and strategic litigation. Finally, I offer reflections on the role of anthropologists and other academics in addressing climate change, which ultimately threatens all our livelihoods around the world.

Notes

INTRODUCTION: CLIMATE JUSTICE IN COURT

1. All quotations from Peruvians are translated from Spanish by the author, unless otherwise noted.

2. "Las lagunas son las lágrimas de las montañas. Hoy, la justicia escuchó las montañas llorando."

3. Most notably, *Native Village of Kivalina v. ExxonMobil Corporation, et al.*, a case brought by an Alaska community against US energy companies concerning the rising sea level, was dismissed in 2009 (Belleville and Kennedy 2012).

4. Courtroom dialogue is translated from German by the author.

5. At the time of filing, the claim stated that RWE was responsible for 0.47 percent of industrial greenhouse gas emissions. This figure was amended to 0.38 percent in March 2025 based on updated historical emissions data. The revised figure was used in the final stages of the lawsuit.

6. While some distinguish between morality and ethics, I use the terms interchangeably. See Mattingly and Throop 2018.

1. GLACIERS MELT INTO THE COURTROOM

1. The word Palcacocha is Quechua. *Cocha* means lake and *palca* means bifurcation, referring to the shape of the mountain above the lake.

2. The Fifth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) highlights glacial retreat in the Cordillera Blanca as a significant climate change impact (IPCC 2014, 1519). Environmental research points to the link between climate change, glacial retreat, and glacial lake outburst flood risk in the area (Emmer and Cochachin 2013).

3. On the role of subnational litigation for regulating greenhouse gas emissions, see Osofsky 2007b; on the relation between climate change and tort law, see Kysar 2011; and on the potential for raising public awareness through litigation, see Rogers 2013.

4. In the natural scientific literature on flooding, authors typically differentiate between hazard and risk: while *hazard* denotes the physical threat of an event such as an avalanche or outburst flood, *risk* arises when a hazard threatens particular values such as human life or property. In this sense, risk is a combination of physical hazard, values at stake, and the likelihood for harm to occur (Kron 2005).