

The Anthropocene in Law and Society Research

Mariana Valverde

KREGG HETHERINGTON. *The Government of Beans: Regulating Life in the Age of Monocrops*. Durham, NC: Duke University Press, 2020. 286 pp.

Kregg Hetherington, a youngish professor at Concordia University in Montreal, has quickly established himself as an anthropologist who is widely read in theory and in international development studies and has particular skills in utilizing research questions and ideas from the burgeoning field of science and technology studies. He uses these diverse tools to analyze questions that have been traditionally addressed with the tools of international political economy: deforestation, peasant and Indigenous land dispossession, export-oriented monocrops, genetically modified organisms, and global agribusiness. These issues are now also addressed by newer work on “the anthropology of the state,” which overlaps a great deal with much law-and-society research on both nation-state and transnational issues.¹

Although Hetherington defines himself primarily as an anthropologist of what he and others call the Anthropocene (we shall reflect on that self-identity below), it may be helpful for a law-and-society readership to begin not with the obvious cross-over between his research and environmental justice² but, rather, with his significant contribution to the anthropology of the state. And, as in his previous book, documenting how a state (Paraguay) that is optimistic about its democratic future despite its authoritarian past encourages ordinary people to act as “guerrilla auditors” (Hetherington 2011), the book under review focuses on a short-lived experiment in regulation undertaken with progressive intentions.

The well-meaning, but often fruitless, efforts of progressives who came from the world of human rights non-governmental organizations (NGOs) into the state under

Mariana Valverde is professor emeritus at the Centre for Criminology and Sociological Studies, University of Toronto. Her most recent book is *Infrastructure: New Trajectories in Law* (Routledge, 2022). m.valverde@utoronto.ca

1. One of the most influential works in the anthropology of the state is Matthew Hull’s (2012) detailed ethnography of a land registry office in Pakistan, *Government of Paper*. By refusing to privilege the question driving most international development agencies—namely, the presence or absence of corruption—Hull generates a wealth of fascinating insights about the people who make the “local state” do what it does as well as the documents that constitute the effective life of that state. A similar, though less cited, work is Nayanika Mathur’s (2016) *Paper Tiger: Law, Bureaucracy and the Developmental State in Himalayan India*. Mathur’s wry description of her quest to find “the Indian state,” with people in Delhi telling her she needs to go to the villages and people in villages telling her the state is in Delhi, is of great significance for socio-legal studies since in our field we often forget that “law” is but a part of “the state.”

2. *The Government of Beans* was awarded the American Anthropology Association prize for environmental anthropology in 2021.

the administration of Fernando Lugo (a surprise electoral win in 2008) ended abruptly as Lugo, a former bishop, was impeached and replaced by conservative pro-big business actors. But the efforts made by the former NGO staffers and left-wing lawyers who used the short window of the Lugo presidency to impose environmental and other regulations on the booming soybean sector are worth studying, perhaps more than the clearly repressive and better-known actions of dictators and right-wing governments. Why the project of “the government of beans” (a project meant to appeal to Indigenous and peasant farmers who had already concluded that “soy kills” both biologically and economically) did not succeed in the end is a fascinating story on its own. But, perhaps more importantly, it constitutes a cautionary tale for urban educated progressives, in Latin America and elsewhere, who try to make “the state” work better for “the people”—in this case, by imposing regulations on monocrop soy farming. Hetherington does not himself draw explicit lessons for other countries from his study, but the highly precarious character of the left-wing governments that have in recent years won presidential elections in Ecuador, Peru, Brazil, Colombia, and elsewhere is certainly illuminated by the linked stories told in this book.³ That electing a progressive president who then tries to hire progressive staff does not suffice to bring about significant changes in routine everyday bureaucratic practice is certainly one of those lessons. The current governments of Brazil and Argentina, to name only two examples, would do well to pay attention to Hetherington’s analysis.

AN OUT-OF-THE-WAY RESEARCH SITE

The state in which Hetherington has been doing research for many years happens to be Paraguay, one of the weakest, poorest, and least studied of Latin American countries. The focus of *The Government of Beans* is on the current mad rush to clear-cut forests and dispossess both Indigenous forest dwellers and peasants to make way for industrial soybean crops. The peasantry (who in Paraguay do not seem as distinct from Indigenous groups as is the case in other Latin American countries) had been previously impelled by the former long-term dictatorship led by German-Paraguayan General Alfredo Stroessner to grow cotton for export. Hetherington does give an account of the dictatorship’s efforts (in the post-Second World War and Cold War contexts) to insert Paraguay in the global network of agribusiness through a monocrop approach to cotton growing. However, one could argue that, like many anthropological accounts, more attention to history would have been in order, especially since many of the civil servants that President Lugo had to keep paying were likely to sabotage any radical change.⁴ In any case, the cotton boom came and went, and Hetherington explains how cotton-specific pests such as the boll weevil led to a dependence on pesticides and herbicides that, as in many other countries, ended up impoverishing the peasantry

3. One issue that I am not qualified to answer but could use comparative research is whether too many Latin American countries adopted much of the US Constitution as they reached independence from the Spanish Empire, including the US provisions on impeaching presidents.

4. A curious practice that I have not seen employed elsewhere is putting civil servants who are no longer in favor in what in Paraguay is called “the freezer.” This means that they continue to draw a salary but are not expected to ever show up for work—often, they do not even have desks.

and making them increasingly dependent on transnational chemical corporations. After the fall of the dictatorship, Paraguay did not experience democratization—unlike many other Latin American countries—since Stroessner’s “Colorado” (red) party stayed in power for many years.

But, as the twentieth century gave way to the twenty-first century, successive governments abandoned cotton and promoted various legal and non-legal efforts to make Paraguay a global commodities market actor by serving the international soybean market.

GLOBAL SOYBEANS, LOCAL IDENTITIES

The soybeans planted in Paraguay (mainly, the Monsanto-created “Round-Up-ready” soybeans that were engineered to have soybeans flourish while other living things including humans are negatively affected by the widespread use of “Round-Up”) have a global identity, often ending up in China, but their production is dependent on and reinforces historic links between Paraguay and, its neighbor, Brazil. The Brazilian connection is of two kinds. First, Brazilian farmers have been in recent years blithely invading Paraguayan territory (sometimes even returning across the porous international border daily to sleep in their own homes and country). The second connection is that the state-enabled and corporate-driven shift from cotton to soybean was pioneered in eastern Paraguay by migrant communities from Brazil known locally as “Brasiguayos,” who continue to speak Portuguese and demand Portuguese schools even after several generations of living in Paraguay, a country bilingual in Guarani and Spanish.

Although the country is fully bilingual, politicians, businesspeople, and local farmers are often not fluently bilingual. Hetherington’s excellent ethnographic eyes and ears document the importance of various actors’ preferred language. Politicians who speak fluent Guarani are able to build political capital in the countryside. By contrast, the educated middle classes who live in the capital generally speak bad or no Guarani, which means that “the state,” which is identified heavily with the capital city, Asuncion, is especially distant from the rural population. Many Latin American states (Colombia, Argentina) are much more capital-centric than, say, the United States or Canada, but Paraguay (perhaps in part due to its small size) seems to be an extreme example of this centralization. Hetherington illuminates the negative consequences of the state’s capital-centrism by documenting the inefficient back-and-forth movement (in pick-up trucks) of officials sent by agricultural state agencies to rural areas.

AGRI-BIOPOLITICS

That the soy boom—like the boom in palm oil and other export-oriented monocrops that transnational agribusiness favors—has had a very negative effect on the local population, both Indigenous and “mestizo” (the two not being as distinct in Uruguay as they are in other Latin American countries), will not come as a surprise to the book’s readers. Increasingly, scholarship as well as NGO work, including law-and-society scholarship, has left to one side the humanism of the 1960s—a humanism that remains unquestioned in much US law-and-society scholarship, for example, in the “legal

consciousness” literature—in order to recognize the importance of the realms often now called “more than human.” Studies in what one might call a post-humanist vein include in their purview not only humans but also animal life, plant life, chemicals, and the earth itself. Many socio-legal scholars have carried out important work on “extractivism”—the exploitation of so-called natural resources for the benefit of distant capitalists rather than local inhabitants—and extractivism, though mainly studied in the context of mining, certainly applies to the kind of agribusiness one sees in contemporary Paraguay and elsewhere.

In relation to thinking in/with the “Anthropocene,” Hetherington makes a theoretical intervention, arguing that, instead of talking only about biopolitics, which in Michel Foucault’s influential account concerns the management of human populations, we may need to talk about “agri-biopolitics.” This term makes sense given the information Hetherington reveals about how the very transnationals (Monsanto, in particular) that create the problems of monocrops’ extreme vulnerability to pests, insects, and weeds then come up with chemical solutions and genetically modified seed varieties that only boost the company’s profits. Taking nonhuman actors, including chemicals and farm machinery, into account in analysis of power/knowledge is not the only lesson of Hetherington’s use of the ‘actor-network theory’ (ANT) that is increasingly in use in the social sciences (though far less in law and, perhaps for that reason, not as influential in US law and society circles as in international social science). Besides paying close attention to the role of often small material elements—from robes to paper clips in legal processes⁵—the ANT approach also encourages us to include in our analysis large-scale phenomena: flows of money and credit, flows of chemicals, patented intellectual property, and legal and other documents, all alongside living forms, including both soybeans and humans.

Indeed, a little more attention to how companies such as Monsanto manage to make money by first creating problems and then offering unique, proprietary solutions would have been appropriate, even if pursuing that question might take the author into the offices of intellectual property lawyers in the United States and away from what anthropologists to this day still call “the field” (as if there were only one per anthropologist). Hetherington’s important work on Paraguay—including his first book, *Guerrilla Auditors: The Politics of Transparency in Neoliberal Paraguay*, a brilliant analysis of the contradictions inherent in international development-industry efforts to render governments transparent to “the people” (Hetherington 2011)—is certainly of much interest not only to anyone interested in peasant studies and international development and agribusiness but also to those keen on better understanding state mechanisms ranging from raw coercive power to subtle legislative and legal maneuvers. Hence, I would be happy to include him and other anthropologists of bureaucracy, documents, and the state in the broader law-and-society community, and I would encourage law-and-society scholars—whether they care about soybeans or whether they even know where Paraguay is—to read his work.

5. The paper clips and file folders feature largely in Bruno Latour’s (2010) ethnography of the Conseil d’Etat or in a review essay by Ron Levi and Mariana Valverde (2008) on how the work of Bruno Latour and other “actor-network” scholars can be used in legal studies.

INFRASTRUCTURES OF THE ANTHROPOCENE

This brings me to a recent edited collection of Hetherington's (2019) that will also be of interest to many in the law-and-society field, the unusually coherent anthology *Infrastructure, Environment and Life in the Anthropocene*. This anthology has beautifully written studies that explore nonhuman life—from aquifers in Costa Rica, to water pipes in Mumbai and in New York City, to manicured indoor gardens in Singapore, to plain old weeds along the Panama Canal, and more. I learned a lot from this anthology, marveling at the productivity of the analytical tools in science and technology studies in spaces far removed from modern labs, and reading the collection helped shape my own recent work on infrastructure (Valverde 2022). The overall argument appears to be that what is infrastructure varies on one's perspective since, as in an Escher print, what is background can become foreground and what is figure can become ground.

However, the literary efforts of the ethnographers represented in this book—with the possible exception of Austin Zeiderman, who features political economy and racial capitalism centrally, not just as fuzzy structures glimpsed behind the realities of “the field”—end up generating the impression that infrastructure has always been with us and that it may even have achieved the status of a “concept.” That is not the case. A key point unmentioned by Hetherington is that what is now called infrastructure was not so long ago called “public works” (as in the New Deal's Public Works Administration). This point matters. A modern-day Raymond Williams would surely note the date at which public spending in public works was turned into investing in infrastructure (two processes that are not the same thing even though they occupy some of the same space) (Valverde 2022). I would ask whether “infrastructure” is best understood not by theorizing but, rather, by an easy-to-understand contrast with what came before (public works), just as Foucault's modern sexuality was well explained through contrasting it with the logic of “blood” that aristocratic-dominated precapitalist societies favored. If not situated in the context of historical shifts in cultural tropes and political norms, “infrastructure” runs the risk of becoming yet another abstract “concept.” I can well imagine someone writing a book arguing that “infrastructure” is not a thing but, rather, a method. The last thing that law-and-society scholarship needs, in my view (no doubt, unconsciously influenced across the generations by American legal pragmatism), is more concepts and/or more claims about methods.

LEGAL ETHNOGRAPHIES AND THE QUESTION OF SCALE

International development studies is a field that has not been well represented in law and society circles; neither has agronomy or, for that matter, what is still known in some quarters as “peasant studies.” Law and society has suffered from a congenital bias not only toward the United States (as has been repeatedly noted) but also by a bias toward one of two poles—one of two privileged research sites: the urban or the nation-state. Farmers and their troubles with soybeans and pesticides, or with other monocrops and other environmentally dangerous substances, have not often figured in law-and-society research projects. If acknowledging the Anthropocene is to be meaningful rather than performative, it could be that law-and-society research needs to make

up for lost time in reclaiming the “rural” (and perhaps also the suburban, but that is another story for another day). In this respect, Hetherington’s theoretically sophisticated accounts of the travails of both soybeans and farmers could play an important role if that work and others like his are taken up by law-and-society scholars.

It remains to be seen, nevertheless, how much analytical work can or might be performed by invoking the epochal term “Anthropocene.” Due in large part to the climate crisis, there is a real stampede of scholars taking up the issues raised by the increasingly obvious interrelationships linking ocean currents, ocean temperatures, dwindling fish populations, melting glaciers, dying coral reefs, crops, forests, water loss, chemicals, money, and the collective lives of human animals and human-made institutions. I am in favor of this particular bandwagon for political as well as intellectual reasons. But I remain skeptical about the epochal, often apocalyptic, thinking that sometimes accompanies the frequent use of the term “Anthropocene.” Perhaps because I overdosed on both Hegel and Karl Marx in my youth, I have come to be suspicious of any large-scale epochal distinctions that are meant to apply to the whole planet.

The usefulness of grouping diverse studies under the banner of “the Anthropocene” thus remains in question, in my view. One might well ask why we talk about “the Anthropocene” readily while terms such as “transnational capitalism” or “racial capitalism” are not as commonly used. But, certainly, Hetherington’s work thus far has made a signal contribution to our understanding of the local consequences of today’s “agri-biopolitics.” The beauty of work such as Hetherington’s is that it shows very concretely not only the local but also the more than local consequences of the “macro” structures that were the sole object of social-theory study when I was in graduate school in the late 1970s. Of course, ethnographies can be overly micro-local and overly concerned with documenting what one sees in the present to the detriment of the “big” historical forces that are not directly visible.

Under the banner of the Anthropocene or under other banners, it seems to me that law-and-society scholarship does need to make what one might call a “post-humanist” turn. It is high time for socio-legal scholars to question the traditional focus on social relations at the scale of either the urban or the national and begin to study farming, rural areas, tractors, pesticides, and crops as well as cattle, chickens, fish, and other animals, which lie largely outside Hetherington’s purview.⁶

REFERENCES

- Braverman, Irus. 2012. *Zooland: The Institution of Captivity*. Stanford, CA: Stanford University Press.
- Hetherington, Kregg. 2011. *Guerrilla Auditors: The Politics of Transparency in Neoliberal Paraguay*. Durham, NC: Duke University Press.
- , ed. 2019. *Infrastructure, Environment and Life in the Anthropocene*. Durham, NC: Duke University Press.
- Hull, Matthew. 2012. *Government of Paper: The Materiality of Bureaucracy in Urban Pakistan*. Chicago: University of Chicago Press.
- Latour, Bruno. 2010. *The Making of Law: An Ethnography of the Conseil d’Etat*. Cambridge, UK: Cambridge University Press.

6. See, among others, Braverman 2012; Mawani 2019.

- Levi, Ron, and Mariana Valverde. 2008. "Studying Law by Association: Bruno Latour Goes to the Conseil d'Etat." *Law & Social Inquiry* 33, no. 3: 805–25.
- Mathur, Nayanika. 2016. *Paper Tiger: Law, Bureaucracy and the Developmental State in Himalayan India*. New Delhi: Cambridge University Press.
- Mawani, Renisa. 2019. "Insect Wars: Bees, Bedbugs and Biopolitics." In *Routledge Handbook of Law and Social Theory*, edited by Andreas Philoppoulos-Mihailopoulos, 279–95. London: Routledge.
- Valverde, Mariana. 2022. *Infrastructure: New Trajectories in Law*. London: Routledge.